

has now agreed that a common Governor may be appointed for Punjab and Haryana States; and

(b) the reaction of Government thereto?

The Minister of Home Affairs (Shri Y. B. Chavan): (a) and (b). In my statement in the Rajya Sabha on the 8th December, 1966, I had stated that if either of the two State Governments recommended the appointment of separate Governors for Punjab and Haryana, action would be taken accordingly. A request for appointment of separate Governors for the two States has been received from the Chief Minister of Punjab. The Chief Minister of Haryana has expressed his preference for a common Governor until the question as to the future of Chandigarh is finally settled, but has stated that as the Punjab Government have proposed a separate Governor for that State, a separate Governor for Haryana would in any case become necessary. In view of this, action is being taken to appoint separate Governors for the two States.

Reply to Questions in Delhi Metropolitan Council on Reserved Subjects

3220. Shri Kanwar Lal Gupta: Will the Minister of Home Affairs be pleased to state:

(a) whether Government have directed the Executive Councillors of Delhi not to reply to the questions on reserved subjects in the Metropolitan Council meetings;

(b) whether it is a fact that the Lt.-Governor assured the Council that replies regarding the reserved subjects would also be given in the session of the Council, and

(c) if so, the reasons for the change?

The Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukla): (a) to (c). The Central Government has not issued any direction to the Executive Councillors of Delhi that they should not reply in

the Metropolitan Council to questions on reserved subjects. In his address on the 30th March, 1967 to the Metropolitan Council, the Lt.-Governor, Delhi had *inter alia* stated that there would be no objection to enlightening the Metropolitan Council about the working of the reserved departments unless to do so would be against public interest. There has been no change from the position.

12.17 hrs.

MOTION OF PRIVILEGE AGAINST SHRI ARJUN ARORA

Mr. Speaker: We will now take up the next item; there is the motion of privilege to be moved by Shri Yadav and others. Shri Yadav is not here. Yes, Shri P. Ramamurti.

Shri P. Ramamurti (Madurai): Mr. Speaker, Sir I beg to move the following motion. I will speak on that motion after moving it. I move:

"That in view of the statement made by the Prime Minister in this House yesterday that the allegations made by Shri Arjun Arora, a Member of Rajya Sabha, against Shri Satya Narain Sinha and Shri K. C. Pant, Minister and Members of this House, had not been substantiated, the question of privilege against Shri Arjun Arora for making these baseless allegations be referred to the Chairman, Rajya Sabha for action in accordance with the procedure laid down by the Committee of Privileges of Rajya Sabha and Lok Sabha in their Report of joint sitting in 1954 and adopted by the two Houses."

Mr. Speaker, Sir, the facts are very clear. According to the statement made by our Prime Minister yesterday on the floor of this House, Mr. Arjun Arora, a Member of the Rajya Sabha, had made a statement that two

Members of this House, Mr. Satya Narayan Sinha and Mr. K. C. Pant, are in the pay of the Birlas. She also stated that she had gone into the question; she had referred this question to three Ministers, her colleagues, and on the basis of their report, and on her own understanding she has come to the conclusion that these allegations are baseless. Whatever it be, I am not concerned with that aspect of the question now. The straight and simple question is—maybe the Prime Minister might have come to the conclusion that as far as these two Ministers are concerned, there is no blame attached to them, which may be all right—here is a person who has made allegations against two Members of this House. These are not ordinary statements; they are statements which say that both of them are in the pay of the Birlas, which mean they are not fit to be Members of this House, which mean that they are not discharging their duties in accordance with the oath under the Constitution, which they took when they entered upon their duties, but on the other hand, they are today functioning not as elected Members of those people who sent them but they are serving the interests of Birlas. This is what it means. Therefore, this statement means that these people are unfit to be even Members of Parliament, let alone their being Ministers. This is a very serious allegation. A person says that a member of this House is not discharging his duties as a member of this House and he is here deliberately with an ulterior purpose in order to serve not the interests of the country and the people but the interests of a private person in this country. Such an allegation cannot go unchallenged. It means that that person is today bringing this House into contempt. For anybody to say that there are persons in this House as members who do not discharge their duties as members, but who are here only to serve the interests of a big businessman in this country is not an ordinary state-

ment. It brings the entire House into disrepute and contempt. Therefore, the person who has made that statement must be brought before the bar of the House. Left to myself, I would have asked that this matter be referred to the Privileges Committee of this House. Or, if this House today accepts the statement made by our Prime Minister, certainly the simple proposition before us would be to bring him before the bar of the House and give him the punishment that is due to him, I do want to give that gentleman an opportunity. The Prime Minister cannot be substituted for the Privileges Committee of this House. This House has got a certain procedure to deal with such matters. That person has to be given an opportunity to defend himself. Therefore, left to myself, I would have requested that this matter be referred to the Privileges Committee of this House. But I am told that there is already an agreement between this House and the other House that in cases where the person making the allegation belongs to one of the Houses, it is that House that should deal with the question and not the other House. As a matter of fact, since that allegations has not been made on the floor of the other House but outside, this House has got a right to go into that question, but I bow to the ruling of the Chair. I understand from your office that you have come to the conclusion that this House should not deal with it and the agreement entered into between the two Houses in accordance with the joint report of the two privileges committees must be respected. Therefore, I have moved this motion.

This is not an ordinary matter. It is a very serious matter. No person should be allowed to make all sorts of allegations against members of this House and go scot-free. As a matter of fact, we have been the sufferers. After shutting us in jail, a gentleman who sits there made all sorts of allegations. I do not want to go into that.

Mr. Speaker: Do not go into the old story.

Shri P. Ramamurti: I want to put an end to this state of affairs. At no time should anybody be allowed to make allegations against hon. Members of this House and to go scot-free, unless he is able to substantiate it. It is a question of the dignity and honour of this House. Therefore, I would request you to refer this matter to the Chairman of the Rajya Sabha, so that it can be dealt with according to the procedure laid down.

Some hon. Members rose—

Mr. Speaker: Let me make it very clear that there is no question of any discussion over this. Yesterday we have discussed it. This is a matter in which the House can take any decision it wants. I am not going to force any decision on it. I will hear the Law Minister now.

Shri K. N. Tiwary (Bettiah): On a point of order, Sir.

श्री मधु लिमये (मुंगेर) : व्यवस्था के प्रश्न के बाद जवाब आयेगा तो ज्यादा फायदा होगा। मेरा प्वाइंट ऑफ आर्डर है।

Mr. Speaker: That means discussion starts.

श्री मधु लिमये : मेरा प्वाइंट ऑफ आर्डर है।

Shri K. N. Tiwary: I rose on a point of order first.

श्री क० ना० तिवारी : अध्यक्ष महोदय श्री राममूर्ति जब बोल रहे थे तो ऐसा लग रहा था कि "डेविल कोटिंग स्क्रिपचर्स"। उन्होंने पहली मर्तबा इस तरह की अपील की है कि कोई किसी के ऊपर ऐलिंगेशन न लगाये।

Shri Hem Barua (Mangaldai): Sir, I rise on a point of order. He has referred to Shri Ramamurthi as "devil quoting the scripture". There can be a privilege motion against him.

Mr. Speaker: Shri Ramamurti has no objection, just because he is sitting by your side you are raising this.

श्री क० ना० तिवारी : अब तक अपील-जीशन का हमेशा यह काम रहा है कि ट्रेंजरी बेंच को हमेशा बदनाम करे, मलाइन करे यह कह कर कि यह बिड़ला के दलाल हैं अमरीका के दलाल हैं, डालरमियाके दलाल हैं यही बात हमेशा उन के मुंह से निकलती रही है, लेकिन हम ने कभी इस का कोई नोटिस नहीं लिया। उन पर इस तरह के चार्ज लगाये गये कि कोई चीन से रुपया लेता है, कोई अमरीका से रुपया लेता है कोई रशिया से लेता है, लेकिन इस की कोई एन्क्वायरी नहीं की गई। श्री अर्जुन अरोड़ा ने जो चार्ज लगाया, या जो उन्होंने कहा वह एक पार्टी मेटर था।

Mr. Speaker: Why are you raising all that? Why are you saying it is a party matter and all that? All that is over and yesterday the Prime Minister has given the Government's view. You are raising old history. Now it is only a privilege motion that is before the House. If you want to raise a point of order on the privilege motion you may do so.

श्री क० ना० तिवारी : अभी तक जब जब इस तरह के सवाल आये तो प्राइम मिनिस्टर ने उन की एन्क्वायरी की और जो भी उन के स्टेटमेंट होते थे उनको फाइनल समझा गया। उस पर किसी तरह का कोई प्रिविलेज मोशन या किसी तरह की बहस को हाउस में भलाक नहीं किया गया। यह प्रिसिडेंट इस हाउस का रहा है। इस लिये मेरा खयाल है कि जिस तरह का प्रिसिडेंट इस हाउस का रहा है वही रहना चाहिये और प्राइम मिनिस्टर के स्टेटमेंट के बाद मेटर क्लोज हो जाना चाहिये।

Shri J. B. Kripalani (Guna): May I know what he means by "Opposition

Members"? Some of the Opposition Members behave much better than the Congress people.

Shrimati Lakshminkathamma (Khammam): Sir, before proceeding with the discussion on the privilege motion I would like to know the legal position of the privilege motion. I think we should first allow the Law Minister to tell us what the legal position about this is.

श्री मधु लिमये : अध्यक्ष महोदय, अब एक प्रस्ताव आ गया है, उस पर इस सदन को कार्रवाई करनी है। इस लिये मैं तीन मुद्दों पर आप का फ़ैसला चाहता हूँ। अभी माननीय सदस्य ने कहा कि चूँकि इसमें राज्य सभा के विशेषाधिकारों का मामला भी आ जाता है, जैसे कि वाणी स्वातन्त्र्य आदि, इस लिये जो पुरानी प्रक्रिया है उस के आधार पर चलना चाहिये उन्होंने ऐसा कहा मुझे पता नहीं आप ने क्या फ़ैसला किया है। लेकिन मैं निवेदन करना चाहता हूँ कि संविधान की 105 धारा में कहा गया है कि पार्लियामेंट के सदस्यों के क्या विशेषाधिकार हैं। पार्लियामेंट के सदस्य के नाते जो काम होता है उस के सम्बन्ध में यह विशेषाधिकार होते हैं। अगर मैं किसी आम सभा में कोई बात कहूँ तो यह विशेषाधिकार में नहीं आता है।

एक माननीय सदस्य : यह पार्टी मेटर था।

श्री मधु लिमये : मैं उस पर भी आ रहा हूँ। उस में यह मामला नहीं आता है। अगर पार्टी मीटिंग में कोई कुछ कहे तो असल में उस का पता नहीं चलना चाहिये किसी को, लेकिन चल जाता है। पर बात इतनी ही नहीं है जब प्रधान मंत्री कहती है कि ऐसा कहा गया है, तब यह सदन के सामने आया बर्ना नहीं आता श्री भर्जुन भरोड़ा द्वारा जो आरोप लगाये गये हैं वह विशेषाधिकारों से धारणित नहीं हैं, और उन के बारे में हम ज़रूर कार्रवाई कर सकते हैं इस में राज्य

सभा बिलकुल नहीं आती उन से हम लोग विनम्रता से कह सकते हैं श्री भर्जुन भरोड़ा ने राज्य सभा में जो बातें कहीं उनको लेकर हम यह नहीं कर रहे हैं, उन्होंने जो बातें बाहर कही हैं उन के सम्बन्ध में हम कार्रवाई कर रहे हैं। इसलिए राज्य सभा के विशेषाधिकार के मामले को कृपया आप न उठाइये, हमें भ्रम से कार्रवाई करने दीजिये।

भर्जुन भरोड़ा साहब सम्बन्धी इनका जो विशेषाधिकार का प्रस्ताव है उस पर निर्णय करने के लिए यह आवश्यक है कि कुछ ज़रूरी जानकारी सदन को मिले, वरना सदन कैसे फ़ैसला करेगा? इसलिए मेरी विनती है कि श्री भर्जुन भरोड़ा के द्वारा जो आरोप पत्र दिया गया है और आरोप पत्र के बारे में इन मंत्रियों ने जो स्पष्टीकरण दिया है वह स्पष्टीकरण और तीन मंत्रियों के द्वारा जो निष्कर्ष निकाले गए हैं और जिन को प्रधान मंत्री ने स्वीकार किया है, ये सारे जो दस्तावेज हैं ये सदन के सामने आये, इनको लोगों को पढ़ने का मौका दिया जाए— आप अगर बहस करवाना चाहते हैं तो मुझे कुछ नहीं कहना है, इसका फ़ैसला आप करिये लेकिन पढ़ने का आप मौका दीजिये, ताकि लोग अपना दिमाग बनायें और फिर इस पर बे अपने विचार रखें।

तीसरी बात यह है कि यही एक मामला नहीं आया है कि जिस में लोक सभा के सदस्य और राज्य सभा के सदस्य का सम्बन्ध है। दूसरा भी अभी अभी एक मामला हुआ है। मैं उसकी तफ़सील में नहीं जाऊंगा यह मामला श्री शील भद्र याजी और डाक्टर लोहिया का है। इसलिए आप मुझे इजाजत दीजिये कि इन्होंने जो प्रस्ताव रखा है उसकी जगह पर एक स्थानापन्न प्रस्ताव मैं रखूँ यह एक ही जमले का है। अगर आप मुझे इसको पढ़ने देंगे तो यह सारा जो मामला है या यह सारी जो दिक्कत है वह हल हो जायेगी।

अध्यक्ष महोदय : वह सैंपरेट है ।

श्री मधु लिमये : इसी के साथ आ सकता है । मैं रास्ता बता रहा हूँ । यह इस प्रकार है :

"This House resolves that in view of the delicate situation which has arisen as a result of the breach of privilege of members of this House and in view of the privileges of members of the other House, the hon. Speaker be authorised to take up the matter with the Chairman of Rajya Sabha and evolve an agreed procedure for dealing with matters involving the privileges of both Houses of Parliament."

इसके बारे में आप मुझ को इजाजत देंगे तो मैं दो चार मिनट में इस प्रस्ताव के हक में बोलना चाहूंगा ।

Shri Sant Bux Singh (Fatehpur): Sir, I rise on a point of order. The point of order that I wish to raise follows very much from what Shri Madhu Limaye has been saying. From the notice of the breach of privilege that has been given it appears that nobody is quite clear as to what exactly Shri Arjun Arora has said. Therefore, as provided in rule 223 of the Rules of Procedure of this House, we should have the documents or the statement presented to you whereby Shri Arjun Arora committed a breach of privilege.

Mr. Speaker: That is exactly what Shri Madhu Limaye has also been saying. He was referring to part of the records.

Shri Sant Bux Singh: No, Sir. If I may be allowed to explain, what I am trying to put to you is this. A breach of privilege has in no case been committed by the Prime Minister. That is not the charge . . . (Interruptions). Please listen.

श्री मधु लिमये : आप लोग बहुत ज्यादा स्वामी भक्ति दिखाते हैं, इसलिए कभी कभी गड़बड़ हो जाती है इतनी स्वामी भक्ति न दिखाया करो ।

Shri Sant Bux Singh: The point that I am making is this. This notice of breach of privilege is based on some remarks supposed to have been made by Shri Arjun Arora, who is a member of the Rajya Sabha. Now, the remarks that were made by Shri Arjun Arora, they might be numerous; they might refer to the remarks made by him at the party meeting, they might refer to the remarks made by him elsewhere. As such, we are not in a position to know exactly which part of Shri Arjun Arora's statement is defamatory to the House, and we cannot go into the matter merely on the basis of what the Prime Minister has stated.

I would also put this to you that from what follows from what the Prime Minister has said, namely, that the thing has been gone into and the whole thing is clear, no breach of privilege arises. What the hon. Members of the Opposition are not doing is making out a case. Let them first present the case and this clarification should be obtained by you.

Mr. Speaker: All that you want to say is that unless the papers are seen Members cannot decide.

Shri Sant Bux Singh: Shri Arjun Arora's statement should come to you. It should not be discussed in this House and then you should refer it to the Chairman, Rajya Sabha.

Shri Hem Barua: May I cite a precedent in favour of my argument? One precedent is this. When on a previous occasion allegations of corruption were made in this House against a certain Minister, the Prime Minister, Shri Nehru referred this matter to a Judge of the Supreme Court. The Supreme Court Judge called for evidence and on the basis of evidence formulated certain opinion which he

despatched to the Prime Minister at that time. I may cite another precedent. When Shri T. T. Krishnamachari was involved,...

Mr. Speaker: You should talk only of the privilege motion. You are going into the procedure of inquiry.

Shri Hem Barua: My submission is that there can be no privilege motion against Shri Arjun Arora because of the fact that the Prime Minister, instead of referring the matter to a Judge of the Supreme Court or of the High Court, although there was a precedent laid down by her father and also by Shri Shastri, because in the case of Shri T. T. Krishnamachari when Shri Shastri wanted to refer the matter to a Supreme Court Judge that hon. Minister wanted that matter to be inquired into by the Prime Minister himself and the Prime Minister refused even in the face of a threat of resignation by that Minister—there were these two precedents but in this particular case Shri Arjun Arora was not given an opportunity to substantiate his charges by evidence—the Prime Minister has come to a conclusion based not on evidence but on opinion given to her by three good samaritans of her Cabinet. Therefore, I say that there can be no motion of privilege against Shri Arora because he was not given an opportunity to substantiate his charges.

Shri D. C. Sharma (Gurdaspur): When I was listening to Shri Ramamurti I felt like saying that here is a gentleman who exemplifies wisdom after the event. If he had wanted to raise a point of privilege, he should have done it yesterday. But after the whole thing was over yesterday, wisdom dawned upon him in the morning that he should move a privilege motion here for which there is no case.

Shri Umanath (Pudukkottai): Because of the cold night.

Mr. Speaker: Your point of order is against the late wisdom!

Shri D. C. Sharma: The point of order is that the privilege motion of this gentleman is out of order; it does not arise out of the case. Moreover, I want to bring to your kind notice that similar statements were made on the floor of this House, I think, during the course of the Budget discussion by certain Members—thank God, I forget their names—against Shri K. C. Pant and Shri Satya Narayan Sinha and so far as I know the Ministers came here, made statements and nobody took exception at that time. There was no question. Therefore there is no point in considering the privilege motion that he has brought forward.

Shri Kanwar Lal Gupta (Delhi Sadar): I have a point of order.

Mr. Speaker: There should be some end to it.

Shri Kanwar Lal Gupta: Yes, I am going to be brief.

माननीय सदस्य, श्री राममूर्ति, ने जो प्रिविलेज मोगन दिया है, उनका आधार यह है कि उन्होंने यह प्रिज्यूम कर लिया है कि श्री अर्जुन अरोड़ा ने जो एलियेक्शन लगावे हैं, वे गलत हैं और इसलिए इस हाउस के जिन दो सदस्यों—या मिनिस्टरों—के खिलाफ वे एलियेक्शन लगाए गए हैं, उन के प्रिविलेज का भंग हुआ है। सवाल यह है कि श्री अर्जुन अरोड़ा ने इस सदन के बाहर जो एलियेक्शन लगाए, क्या यह एस्टाब्लिश हो गया है कि वे एलियेक्शन गलत हैं। मेरा कहना यह है कि यह एस्टाब्लिश नहीं हुआ है। यह सदन इस बात की कामिनेंस तभी ले सकता है, जब उसने कहा हो कि जो एलियेक्शन लगाए गए हैं, प्राइम मिनिस्टर उनकी एम्बेसरी करें, उस एम्बेसरी की टर्मिनेशन के लिए और प्रोसीजर यह होना, तबान डिटेन्ड तय करने के बाद सदन ने यह मामला प्राइम मिनिस्टर को डॉप दिया हो, उस के बाद प्राइम मिनिस्टर इस सदन को रिपोर्ट करें कि जो एलियेक्शन लगाए गए हैं,

[श्री कंवरलाल गुप्त]

बे गलत हैं। यह सब कार्यवाही होने पर ही यहाँ पर प्रिविलेज मोगन आ सकती है। लेकिन ऐसा कुछ नहीं हुआ। ये एलिंगेशन्ज सदन के बाहर लगाए गए। प्राइम मिनिस्टर ने सरसरी तौर पर उनको देख लिया और मामला खत्म कर दिया गया। इस अवस्था में यह सदन इसका कागिजेंस नहीं ले सकता है। अगर दोनों मिनिस्टरों को इस बारे में कुछ शिकायतें हैं, तो चूँकि ये एलिंगेशन्ज सदन से बाहर लगाए गए हैं, इस लिए वे कोर्ट में डीफेमेशन का दावा कर सकते हैं और वहाँ पर भागे कार्यवाही हो सकती है। जैसा कि मैंने अभी कहा है, इस सदन ने प्राइम मिनिस्टर को या किसी और को कोई डाई-रेक्शन नहीं दी कि वह इस बारे में एन्वयरी करे और उसने कोई टर्मज आफ़ रेफरेंस या प्रोसीजर तय नहीं किया। इसलिए मेरा कहना है कि यह एस्टाब्लिश नहीं हुआ है कि श्री अर्जुन अरोड़ा ने जो कुछ कहा है, वह गलत है।

Mr. Speaker: There is no point of order. I have heard Members, some supporting and some not supporting the privilege motion. Let me now hear the Law Minister on the points raised by Members.

The Minister of Law (Shri Govinda Menon): Mr. Speaker, Sir, these discussions which have been going on during the last few days regarding this matter have revealed a very extraordinary situation and that appears to have weighed upon every Member who spoke today on this matter. For example, Mr. Ramamurti himself who moved the motion had in mind the elements which are there in the situation. What are these elements? First'y, this is with respect to a matter of a statement which was not made on the floor of the Lok Sabha. The author, Mr. Arjun Arora is a Member of the other House. The statement itself was not made in public; it was made in a party meet-

ing and made to the leader of the party.

Shri Kanwar Lal Gupta: Not to the party leader but before the party.

Shri Govinda Menon: The statement was made in the party meeting and the subsequent statement was made to the leader of the party by a person who is a member of the party and, therefore, subject to the discipline of the leader of the party, the Prime Minister.

I do not think that during the last several years, after our Constitution came into existence, a situation like this ever arose and that is why Mr. Ramamurti himself in his motion said that it should be referred to the Chairman of the Rajya Sabha. That is not usually the way in which a motion of this type is worded. Then, he was followed by Mr. Madhu Limaye who also appears to have been weighed by the special considerations in the situation and said that a procedure should be evolved in a discussion between you, Sir, and the Chairman of the Rajya Sabha. Mr. Hem Barua followed to say that there is no breach of privilege involved for certain other reasons.

Sir, my case would be that there is no breach of privilege disclosed by the facts of this case and if you are pleased to hear me, before admitting the motion, on the question whether a breach of privilege is involved in this matter, I shall be glad to dilate upon that point. But, in the meanwhile, I should think that regard being had to the fact that the other member of the House, who spoke before me, does not want a debate today on this matter. . .

श्री मधु लिमये : नहीं, ऐसा नहीं कहा।

Mr. Speaker: I said.

Shri Govinda Menon: . . . does not want a debate today on the privilege motion because the Mover himself said that it be referred to the Chairman. Mr. Limaye said that before it is discussed, the procedure regarding this matter should be discussed; that was the substitute motion. All these go to show that all the members who spoke before me are very much weighed down by the fact that there are extraordinary elements in the situation. I want to make a preliminary request to you that these extraordinary elements should be taken into consideration, and if you think that there should be a debate later, I may be permitted to say that really no breach of privilege is involved in this matter. This is a very extraordinary matter. After all, the person who is charged with having committed an offence of breach of privilege, Mr. Arjun Arora, himself is a Member of Parliament and that is a very important consideration. This is the Lok Sabha, one of the wings of Parliament, and he is a Member of the Rajya Sabha another wing of Parliament. We speak Sir, of the privileges of Members of Parliament. Therefore, I would submit that, if you should be pleased to decide that before proceeding further you should hold a discussion with the Chairman and get a statement from Mr. Arjun Arora himself, that would be what will be suitable to the very difficult situation which has been revealed by the various discussions which have taken place here.

Regarding the question whether a breach of privilege itself is there, if you are inclined to agree with me in the matter, I will be very happy. . .

Mr. Speaker: No, no. He is going to the merits of it.

Shri Govinda Menon: Whether there is a breach of privilege. . .

Mr. Speaker: If you go into the merits of it, my friends will say that

you will have to put all the papers and all that before the House.

Shri Sant Bux Singh: Not all the papers, but that part which is relevant.

Shri Govinda Menon: I would put it on other broad grounds. If you are inclined to agree with me that before proceeding further, you would discuss the matter further with the Chairman of the Rajya Sabha and with Mr. Arjun Arora himself, the other question need not be referred to by me, need not be dilated upon by me. On that matter you may be pleased to say something

श्री गवु लिये : बानून मंत्री को सुनने से अधिक उलझन पैदा हो जाती है ।

Shri Govinda Menon: . . . whether, without discussing the question today in this House, regard being had to the various attendant circumstances of the matter, you would have a discussion as has been suggested. After all, the motion is that it should be referred to the Chairman. That is Mr. Ramamurti's motion. The motion had to be put that way on account of the various facts which I have referred to. That is my request before we proceed further. If you think that we should proceed further, I may be permitted to address you and the House on the question whether legally, as a matter of fact, upon the facts which are now in our possession, there is a breach of privilege in this case.

Shri P. Ramamurti: May I say something on that?

Mr. Speaker: Mr. Ramamurti's motion is before the House. What does he want to say now?

श्री गवु लिये : चर्चा तो होनी चाहिए ।

Shri P. Ramamurti: I would like to answer some of the points if you would permit me. May I make one submission?

Shri Sant Bux Singh: On a point of order. The hon. Member has spoken already....

Mr. Speaker: I have permitted him to clarify the procedure, for my information.

Shri P. Ramamurti: The Law Minister Shri Govinda Menon has stated that certain extraordinary elements are there in this. I do not know if he is aware of the fact that the Privileges Committees of the Rajya Sabha and the Lok Sabha at a joint meeting in 1954 came to an agreement on this matter, just to cover this particular extraordinary situation where a Member happens to be a Member of the other House but he defames somebody in this House; to cover such cases, they came to an agreement; it was a unanimous decision, and that decision was ratified by both Houses.

Mr. Speaker: Unanimous decision by whom?

Shri P. Ramamurti: By the Privilege Committees of the two Houses at a joint meeting.

Mr. Speaker: That means a decision by the committees of both the Houses.

Shri P. Ramamurti: There was an agreement and that agreement was ratified by both the Houses. It was just to cover cases of this type that that particular procedure was laid down. The procedure agreed upon is this. We take cognizance of it but we do not deal with it; we just remit it to the Chairman of the Rajya Sabha who immediately would refer it to the Privileges Committee of that House and they would deal with it as if it is a breach of privilege of that House. This is what has been decided upon. Therefore, this extraordinary situation is covered by that decision.

The other point that the Law Minister has made is that Shri Arjun Arora had made the statement not in public but in his party, and he is also subject

to the discipline of the party. I do not know how the discipline of a particular political party can give a person immunity against a breach of privilege of the House. As a matter of fact, that cannot give him any immunity. The problem would have been different if the matter had been confined only to the party and it had not come out at all. But here we have got a position where this question has come out and what he had stated has been given out, and the Prime Minister had categorically stated on the floor of the House that that gentleman had stated that two Members of the Cabinet were in the pay of the Birlas, that is a clear and categorical statement. We do not want anything else; whether it is true or not is for the Privileges Committee to find out; we are not concerned with that. On the face of it, such a statement, if not true, is a malicious statement. It will amount to the grossest contempt of this House. Therefore, there is no question of....

Shrimati Tarkeshwari Sinha (Barh): May I interrupt the hon. Member for a minute? The Prime Minister first time did not take any names and she did not say that he had mentioned two names.

Shri P. Ramamurti: Yesterday, she had said it. I shall read that out, if the hon. Member wants. That is why I have brought this up today. Otherwise, I would have brought it up on that day itself.

Mr. Speaker: This cross-talk will not help. We have been going on smoothly so far.

श्री मधु लिवये : मैं उन की मदद कर रहा हूँ। सब से पहले प्रधान मंत्री ने यहाँ पर मामला उठाया।

Shri P. Ramamurti: If I am interrupted, I can take care of it myself.

Mr. Speaker: I am sure that Shri P. Ramamurti is capable of replying to it himself.

Shri P. Ramamurti: Therefore, the argument that it was made inside the party does not arise after the Prime Minister had stated this that he had made the statement, and that statement has not been denied by that Member and it stands. Therefore, it is a public statement, and a public statement has been made maligning two Members of this House. So, this House has got every right to go into this question. Therefore, all this argument of Shri Govinda Menon does not at all wash the breach of privilege. Therefore, this privilege motion stands, and according to procedure, this must be done.

Shri J. B. Kripalani: He has not washed dirty linen.

Shri Kartik Oraon (Lohardaga): May I make one submission . . . ?

Mr. Speaker: The Law Minister has already spoken and he has already replied to the points. I do not think that the hon. Member need speak now

Shri Kartik Oraon: I want to throw some light on one point . . .

Mr. Speaker: Enough light is already there. If hon. Members try to explain it more, then more darkness will set in.

Shri Kartik Oraon: I would not take much time. I am not a legal expert, but I would like to bring to the notice of the House certain features in regard to the legality of it.

The point is that allegations were not brought forward in either of the two Houses, but they were brought up at a party meeting. Therefore, that is a subject wholly for the party, and the onus of proving that on the part of Shri Arjun Arora lies only before the party and the party leader. Had these allegations been made outside in the street, then they would have become subject-matter for a cause of action in a court of law.

I think what happened outside in a private meeting cannot form the

subject-matter of discussion in this House and I feel we are wasting the valuable time of the House.

Mr. Speaker: Now I think everybody has understood the whole case.

Shri Govinda Menon: One word. I made a preliminary submission and if it has not gone home, I would like to speak on the matter.

Mr. Speaker: This matter would not have come to this House if we had not taken notice of it here. But then it was raised and this procedure was followed for three or four days and the Prime Minister inquired into the matter and made a statement yesterday mentioning names also. Therefore, unfortunately, the question of privilege comes in. If the who's matter had been treated as a party matter in the beginning itself and the matter closed as private talks between two people, it would not have come to this stage. But now it has come. We have followed a certain procedure in dealing with it and it is too late to go back saying that it is a party affair.

Now a privilege motion is here against a person who is a member of the other House. Shri Ramamurti referred to a procedure which had been accepted by both Houses, not now but long ago, to deal with such matters, that there should be a joint effort by the Speaker and Chairman and then only something should be done.

श्री मधु लिवये : वह क्या हेसीजन है ?
जो हेसीजन हुआ है उस को जरा रखा जाय ।

Mr. Speaker: It is there as a public document. The position is this:

"When a question of breach of privilege is raised in any House in which a member, officer or servant of the other House is involved, the presiding officer shall refer the case to the presiding officer of the other House, unless

[Mr. Speaker]

on hearing the member who raises the question or perusing all documents where the complaint is based on documents, he is satisfied that no breach of privilege has been committed or the matter is too trivial to be taken notice of in which case he may disallow the motion for breach of privilege".

I do not think I can take a decision under this clause and throw it away saying that there is no breach of privilege. I do not want to take shelter under that clause. After all, when the Speaker is in doubt about something, the best thing is to leave it to the judgment of the whole House. I would not want to give my opinion on this issue of the privilege motion before the House. I would request the House to take a decision on it. I would like to put it to the House for its own decision.

Shri H. N. Mukerjee (Calcutta North East): When you are convinced of the motion being in order, you could refer it to the other House....

Mr. Speaker: I began by saying that I am in doubt about some points raised. I had better leave it to the judgment of the whole House.

Some hon. Members rose—

Mr. Speaker: I am on my legs still.

Shri S. Kandappan (Mettur): This is not a question of majority and minority.

Mr. Speaker: As a member of the other House is involved, I would like the House to take a decision.

Shri H. N. Mukerjee: The Law Minister made preliminary observations and he wanted to make further observations. We also reserve to ourselves to make our own observations. The Law Minister wanted only to stall the proceeding. He was pointing out to you the ex-

traordinary elements in the situation and so on and he wanted to make further observations later. You could very well ask for his further observations because you are yourself in doubt.

Mr. Speaker: Please. No question about it.

Shri H. N. Mukerjee: You are in doubt I do concede this is a matter which we have to consider very carefully. Government obviously does not appear inclined to accept this reference. This matter agitates us we are concerned with the allegations made against the Ministers. (*Interruptions*). It is quite clear from the stand taken by the Law Minister that Government do not want to proceed with this. In that case, the House should get to discuss this position because the Law Minister himself has indicated that he would make further observations. We say you should not put it to vote at once, because at the moment Government tries to shelter itself behind its present majority, and might very well vote against the idea of referring this to the committee. The whole House is concerned with it.

13 hrs.

Shri M. R. Masani (Rajkot): I would appeal to you, Sir, to consider another alternative. You, as the Speaker, have the right to refer this matter to the Committee of Privileges, which, in this case, will be a joint committee, without any further debate here, and I would appeal to you to refer resort to that right of taking steps to refer it to the joint committee without further debate.

Mr. Speaker: It is not a joint committee. I am only referring it to the other House. I cannot refer it to the joint committee myself. I can refer it to the Chairman. It goes to the other House:

"The case being so referred, the Presiding Officer of the other

House shall deal with the matter in the same way as if it were a case of breach of privilege of that House or a member thereof, and the Presiding Officer shall, thereafter, communicate to the Presiding Officer of the House where the question of privilege was originally raised, a report about the enquiry, if any, and the action taken under reference."

Therefore, it is a question of reference only. And then it is a question of referring to the other House. I wish it was unanimous, it would have been a very good thing. If there is no difference of opinion, I could have referred it, but when there is a strong difference of opinion....

Shri Ranga (Srikakulam): Let me urge one point. Supposing it is only a matter of privilege with regard to this House, and a motion is made that it should be sent to the Privileges Committee, is it not open to the Speaker at this stage to refer it to the Privileges Committee, so that it can study it and it can come back here with its report, and then it would be open to the whole House either to accept or not to accept. That is one alternative. The other is, if the Speaker is satisfied that that the minimum requisite number of members here are demanding that it should be committed to the Privileges Committee, then the Speaker can refer it to the Privileges Committee, it need not be put to the whole House.

Mr. Speaker: I myself remember that on two or three occasions we had put it to the whole House.

Shri Ranga: It need not be put to the vote of the whole House, it can be discussed by the whole House. Kindly consult your own rules.

श्री मधु लिमये : मैं, अध्यक्ष महोदय, यह कहना चाहता हूँ कि इसमें जो प्रक्रिया दी गई है, उसके अनुसार फैसला हो। आपने फैसला दे दिया कि लोक सभा की

विशेषाधिकार समिति के पास मामला नहीं जा सकता है, राज्य सभा के पास जायगा और राज्य सभा उस पर उसी तरह कायवाही करेगी, जिस तरह से हम लोग करते हैं—यह मामला तय हो गया है। अब इस नियमों की किताब में जो प्रक्रिया है वह इस तरह से है —

"If objection to leave being granted is taken, the Speaker shall request those members. . ."

पहले आप उनसे पूछ लीजिये, उन्होंने गोलमोल बातें कही हैं, जिससे पता नहीं चलता है कि वे इसके हक में हैं या विरोध करते हैं अगर उनको ऐतराज है तो सबन से इजाजत लीजिये, हमलोग खड़े हो जायेंगे।

Shri P. Ramamurti rose—

Mr. Speaker: What is there, Mr. Ramamurti, against? Twice I have given you a chance. I think the Law Minister made it clear that it need not be sent to the Rajya Sabha. What is his opinion? Let us have it clearly.

Shri Govinda Menon: My opinion is that there is no breach of privilege in this.

श्री मधु लिमये : कोई विरोध नहीं कर रहा है। इस पर चर्चा होनी चाहिये।

Shri Govinda Menon: I have said that.

Some hon. Members rose—

Mr. Speaker: Will all of you please sit down. When your own Law Minister is on his legs, you do not allow him also.

Shri P. Ramamurti: I formally move the motion.

Mr. Speaker: You have moved it already.

Shri P. Ramamurti: My point is this, if the normal procedure of referring this matter to our Privileges Committee is there, then no debate at this time is necessary, but if you

[Mr. Speaker]

are not treating it in that way, but want the whole House to take a decision on this, then obviously there must be a debate on that question by the House.

Mr. Speaker: What else was it till now?

Shri P. Ramamurti: It was only on the point of order. People must have their say. I will have my say and finally let them oppose it.

Mr. Speaker: Any way, we shall adjourn for lunch and meet at 2 P.M.

13.06 hrs.

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

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

[MR. SPEAKER in the Chair.]

QUESTION OF PRIVILEGE—Contd.

Mr. Speaker: Some of you wanted to say something on this matter. I will again call the Law Minister and then we shall take a decision.

Shri Tenneti Viswanatham (Visakhapatnam): Some of us would also like to say a few words.

Mr. Speaker: Let us see.

Shri Ranga: What is the point? Do you want us now to deal with it?

Mr. Speaker: Before sending it to the Rajya Sabha, we must decide. It is not a question of this House alone; two Houses are involved in it. We must consider whether this motion is to be sent there and all that. The motion is before the House.

Shri Ranga: Are we to understand that the Government is opposing this?

Mr. Speaker: I do not know. I have not asked them.

Shri Ranga: If there is no opposition, why discuss?

श्री मधु लिमये : हम लोग इस पर चर्चा चाहते हैं। हर एक को 10-10 या 12-12 मिनट बोलने की इजाजत दी जाय।

Shri Govinda Menon: I submit that according to us, there is no breach of privilege revealed by the facts disclosed.

Shri Ranga: Mr. Speaker, Sir, from what you were good enough to read out from the earlier convention that was reached, is for the other House the Chairman and their Privileges Committee, to decide whether there is a breach of privilege, and then make a report to that House in regard to that gentleman to whom so many statements have been attributed. So far as we are concerned, the preliminary point is whether there is sufficient ground for us to remit it to the other House. On that limited point, I am just wondering why the Government is not able to make up its mind. From their own point of view, it would be good. If I were in their position, I would certainly consider it a useful thing indeed, for the reputation of my government, and my colleagues in the Ministry and my colleagues in the party also, to remit it to that Committee of Privileges in order to assure the country that I have nothing to hide, my Ministers' conduct is absolutely above board, and my colleagues, as far as their parliamentary activities are concerned, are completely honest, and I have nothing to hide, nothing to be afraid of. But then that does not seem to be the attitude of the Government; they seem to be keen on taking umbrage under various pretexts.

I need not go into all those details. Therefore, what I need have to mention now, and I am sure my colleagues in the Opposition would be able to add their own points of view, is this: here were certain charges made, and the fact of its having been made, has been brought to the notice of the House. My hon. friend Shri Hem Barua had already reminded the House as to how

in the past the two previous Prime Ministers had acted in regard to such charges. Either willingly or unwillingly, anyhow, this reference was made, once to a retired Chief Justice of the Supreme Court, and at another time, to a Chief Justice, and a third time, an attempt was sought to be made to make a reference, but then, instead of following that procedure, another procedure was followed, which is outmoded and which is discredited, discredited because of what all had happened in regard to the CBI report. There was also a similar sub-committee of the Cabinet. The CBI report was referred to it.

Mr. Speaker: You are going into the merits of the case.

Shri Ranga: The merits of this basic question, whether this should be sent to the Privileges Committee or not. That is why I am confining my remarks directly to this restricted ambit of the discussion. A reference was made; then it came to the notice of this House. The House expressed its extreme dissatisfaction. So much had happened in regard to that matter with the result that the country as a whole came to the conclusion that it would not be proper to leave these things to the discretion of the Prime Minister and to any sub-committee of the Cabinet that may be appointed by the Prime Minister. In that particular sub-Committee, the Prime Minister also happened to be a member.

In the light of all these things, it would be the height of folly from the political point of view for any Government to expect the general public to repose confidence in the statement of the Prime Minister based upon whatever enquiry they had made by their own sub-committee. Therefore, I would urge upon the Government and the members of this House to agree to this motion and to send it to the Chairman of the other House. Let their privileges committee go into it, thrash out all the details, study whatever facts were placed before the Cabinet

sub-committee and any additional facts that may come to light in the course of their own discussion. Thereafter, let them submit a report. Only then it would be possible to protect the privileges of the members of this House as well as that House and prevent slanderous attacks and character assassination indulged in from any side against any other side of the House.

श्री अटल बिहारी वाजपेयी (बलरामपुर) : कानून मंत्री ने कहा है कि यह मामला कांग्रेस पार्टी में उठाया गया था और इसलिए यह विशेषाधिकार के प्रश्न के अन्तर्गत नहीं आता। मेरा निवेदन है कि प्रधान मंत्री के लिए यह रस्ता खुला था और जब यहां ध्यानाकर्षण प्रस्ताव दिये गये तो प्रधान मंत्री महोदया यह कह सकती थीं कि यह मामला कांग्रेस पार्टी का मामला है और मैं हाउस में किसी प्रकार का वक्तव्य देने के लिए तैयार नहीं हूँ। आपने भी यह बात कही थी लेकिन प्रधान मंत्री ने वक्तव्य देना स्वीकार कर लिया। उसी वक्तव्य के दौरान इस सदन में दो मंत्रियों के नाम लिये गये। वे नाम एक अन्य सदस्य द्वारा लिये गये थे। मैंने उनके विरुद्ध भी विशेषाधिकार का प्रस्ताव दिया है। अब प्रश्न यह है कि श्री अर्जुन अरोड़ा ने जो आरोप लगाए थे यदि प्रधान मंत्री की जांच के बाद वे आरोप गलत साबित हो गये तो फिर एक ही तरीका यह है कि श्री अर्जुन अरोड़ा से कहा जाये कि वह अपने आरोप वापिस लें। जो आरोप उन्होंने गलत ढंग से लगाये उन आरोपों के लिये वह क्षमा मांगें। मगर मुझे आश्चर्य है कि सरकारी पार्टी बहुमत वाला दल इस सुझाव को मानने के लिये तैयार नहीं है कि सारा मामला विशेषाधिकार समिति को सौंप दिया जाय।

अध्यक्ष महोदय, मेरा प्रस्ताव अभी आप के सामने नहीं है लेकिन अगर श्री अर्जुन अरोड़ा इस सदन के सदस्य होते तो क्या इस सदन को अधिकार नहीं था कि सारा मामला विशेषाधिकार समिति को सौंप देता ?

[श्री अटल बिहारी वाजपेयी]

यह राज्य सभा के सदस्य हैं इसलिए वह इस सदन के दो सदस्यों पर आरोप लगा कर इस तरीके से सस्ते बच नहीं सकते। या तो उन्हें अपना आरोप प्रमाणित करना होगा या उनको अपने आरोप वापिस लेने होंगे। मैं समझता हूँ कि एक ही रास्ता खुला है इस सदन के सामने कि सारा मामला राज्य सभा के अध्यक्ष को भेज दिया जाय जिसके ऊपर वह अपनी विशेषाधिकार समिति में निर्णय कर सकें।

एक और मामला है, अध्यक्ष महोदय, मैं जानना चाहूँगा कि श्री एस० एम० बनर्जी के विरुद्ध जो मैं ने विशेषाधिकार प्रस्ताव दिया है उस को क्या आप कल लेंगे ?

Mr. Speaker: It cannot come under this. We are now on the motion moved by Mr. Ramamurti.

Shri A. B. Vajpayee: I would like to know whether my motion will be taken up or not.

Mr. Speaker: That would be considered separately. Only one privilege motion can be taken up per day. Now we have taken up Mr. Ramamurti's motion.

Shri Bal Raj Madhok (South Delhi): Both are connected issues.

श्री मधु लिमये : इस वक्त हम किसकी चर्चा कर रहे हैं ?

अध्यक्ष महोदय : श्री राममूर्ति के मोशन पर चर्चा कर रहे हैं।

श्री मधु लिमये : प्रस्ताव पर चर्चा कहाँ हो रही है ?

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मेरा निवेदन यह है कि यद्यपि मेरा मोशन अलग है लेकिन दोनों चीजें जुड़ी हुई हैं

Mr. Speaker: No. That will be considered separately.

श्री अटल बिहारी वाजपेयी : यह सदन अगर यह प्रस्ताव नामंजूर कर देगा कि श्री अर्जुन अरोड़ा के विरुद्ध विशेषाधिकार का मामला राज्य सभा को भेज दिया जाये तो फिर मेरा मोशन भी खटाई में पड़ता है।

Mr. Speaker: That is about a Member of this House. He is a Member of the other House. I think it is a different thing. Anyway, I am considering it; I am not giving any ruling on that now.

Shri Krishna Kumar Chatterji (Howrah): Sir, I rise to a point of order. Although our hon. Law Minister has pointed out that it need not go to the other House because the privileges of each House are guarded by Parliament, it is part of the common law of parliament. They say that equal right is there for the House of Commons and the House of Lords but no new privileges can be created. Here it is said:

"Although, as stated above, either House may expound the law of Parliament, and vindicate its own privileges, it is agreed that no new privilege can be created. In 1704, the Lords communicated a resolution to the Commons at a conference, "That neither House of Parliament have power, by any vote or declaration, to create to themselves new privileges, not warranted by the known laws and customs of Parliament."

Here in a party meeting. . . .

Mr. Speaker: This morning I read out to the House the decision taken by both the Houses.

Shri Krishna Kumar Chatterji: I draw your attention to this, that no new privilege can be created, and want your directive on that.

श्री मधु लिमये : एक बात का खुलासा मैं चाहता हूँ। इस वक्त जो बहस हो रही है, यह प्मेरी समझ में नहीं आ रहा है।

Mr. Speaker: We are discussing the privilege motion by Shri Ramamurti.

श्री मधु लिमये : जैसा मैंने पहले आपका ध्यान खींचा, पहले हमको यह जानना चाहिये कि इस सदन की इजाजत है या नहीं। इसका क्या यह लोग विरोध कर रहे हैं ?

Mr. Speaker: That is what he said.

श्री मधु लिमये : 25 लोग खड़े हो जायेंगे तभी बहस हो सकती है। यह नियम में लिखा हुआ है। आप देखिये 225(2)

"If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the Speaker shall declare that leave is granted.

इसके बाद श्री राममूर्ति जी प्रस्ताव रखेंगे और उस पर बाकायदा बहस होगी। हम लोग एक एक कदम आगे बढ़ने की कोशिश करें।

Shri Govinda Menon: That is with respect to a motion for reference to the Privileges Committee of the Lok Sabha, but here Shri Ramamurti relied upon a certain convention or agreement between the two Houses and that is the motion before the House.

श्री मधु लिमये : विषय वही है।

श्री अम्बुल गनी बार (गुडगांव) : अध्यक्ष महोदय, मेरा प्वाइंट ऑफ आर्डर है। श्री अर्जुन भरोड़ा ने जिन मिनिसटरों के खिलाफ इल्जाम लगाए हैं वह हमारे हाउस के मेम्बर हैं। हमें चिन्ता है कि उनकी सफाई होनी चाहिये। यह हमारे हाउस की दायिरी

है। इसलिये मैं आपका आर्डर चाहता हूँ। वह हमारे मिनिसटर हैं, हम उनकी डिफेंड करना चाहते हैं श्री अर्जुन भरोड़ा से कि वह हमारे मिनिसटरों के ऊपर इल्जाम लगायें।

[شری عبدالغلی ڈار : ادھیکیس مہودے - مہرا پوائنٹ آف آرڈر ہے - شری ارجن اورڈا نے جن منسٹروں کے خلاف الزام لگائے ہیں وہ ہمارے ہاؤس کے ممبر ہیں - ہمیں چلنا ہے کہ ان کی صفائی ہونی چاہئے - یہ ہمارے ہاؤس کی توہین ہے - اس لئے میں آپ سے آرڈر چاہتا ہوں - وہ ہمارے منسٹر ہیں - ہم ان کی حفاظت کرنا چاہتے ہیں شری ارجن اورڈا سے کہ وہ ہمارے منسٹروں کے اوپر الزام لگائیں -]

Mr. Speaker: Shri Ramamurti's motion is before the House. Shri Limaye says that leave of the House must be taken to introduce it.

Shri Ranga: It was given.

Mr. Speaker: I thought so. They are opposing the main motion and not the introduction. So let us proceed.

Shri Sezhiyan (Kumbakonam): Sir, I understand that we are considering the motion under rule 228 which says:

"If leave under rule 225 is granted, the House may consider the question and come to a decision...."

I understand we are at this stage. It presupposes that leave has already been granted.

Then, Sir, before we discuss the motion before the House I want to get some particulars about the merits of the motion. In this motion Shri Ramamurti refers to a statement made by the Prime Minister yesterday in

[Shri Sezhiyan]

this House. Under rule 370 it is laid down:

"If in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advise, or a summary thereof on the Table."

Before we go into the merits of the question, I want to know whether all those documents will be placed on the Table of the House. For instance, yesterday the Prime Minister referred to the advice given by her three Cabinet colleagues. There were also other records available to the committee of three Ministers. Therefore, before we consider the merits of the motion, which pertains to the statement of the Prime Minister, I want to know whether all the concerned documents would be placed on the Table of the House. I want a ruling on this point. Without the basic material, on which a decision has been taken by the Cabinet colleagues, on which the Prime Minister has taken a decision, without that it is rather difficult for the Members of the House to come to a just and right conclusion.

Mr. Speaker: The motion has been moved by Shri Ramamurti. Naturally, he will have available to him all the materials he wanted. This is not a Government motion. The hon. Member is making a mistake. If the Government move a motion, naturally they will have to place before the House whatever they refer to. Now it is the responsibility of Shri Ramamurti to place before the House whatever material he has with him. Now, if the hon. Member wants to make a speech on the motion, he may do so within five minutes.

Shri Sezhiyan: Shri Ramamurti's motion is based on that statement. Without the basic material, it is diffi-

cult for us to proceed. Apart from this, it is for the benefit of the Ministers themselves, against whom charges were made, that they place all the documents before the House so that we can deal with the matter in a methodical and judicial way. Unless we get all the materials and documents, we will not be in a position to come to a right conclusion. Therefore, a clear-cut procedure should be evolved to cover those cases where hon. Members of either this House or the other House make specific charges which are given publicity in the press. All such cases should be gone into clearly and not in a hush-hush manner. So, I support the motion moved by Shri Ramamurti and suggest that the Speaker of the House may, in consultation with the Chairman of the Rajya Sabha, evolve a satisfactory procedure to deal with such cases.

Shri H. N. Mukerjee: Mr. Speaker, whenever a matter pertaining to privilege comes before us, we try to the best of our powers to put ourselves, as far as possible, in a judicial frame of mind. It is significant that the motion for reference to the Committee of Privileges has come from the opposition, and when Shri Ramamurti spoke he made it very clear that when reflections are made on the dignity and the character of this House, even if they are attacks on members of the Treasury Benches, we ought to take note of it and make sure that the honour of this House is safeguarded. Therefore, I hope the members on the other side would not take a captious view of the matter. They may not believe us, but I have said it repeatedly in this House, not only in this Parliament but also in its predecessors, that we are deeply concerned to find out the truth of the matter when there are allegations publicly and earnestly made against Ministers of Government, and we should be only too happy to discover finally and positively that the Ministers, with whom in this House, outside the House, in the lobby and elsewhere we have cordial personal rela-

tions, are persons of probity and integrity.

Mr. Speaker: This motion is not against any Minister. It is against Shri Arjun Arora, a member of the other House.

Shri H. N. Mukerjee: That may be so, but that member has made observations, which were reported in the press and reported back to the House by the Prime Minister herself, to which, Sir, you yourself made a reference. Therefore, we take it that the honour of certain Ministers of Government, and therefore the honour of the House, has been impugned, and that is why we want the whole matter to be thrashed out. Here I come to a point which is very disquieting. I notice a disposition on the part of the Government to shield certain things and to prevent a thorough-going investigation which alone can satisfy the public mind. We discuss corruption and so many other things. I am not going into the details of it, but when against people holding the highest positions in the country some allegations are made, it is absolutely important that the truth of the matter is found out. I personally may be very much inclined to believe in the innocence of the Ministers concerned, but the line-clear must be given in a manner which convinces everybody.

Now, what has happened in this case is that only the Prime Minister came up before this House and referred to a report given to her by three of her colleagues, and on the basis of that the whole matter appears to be hushed up.

We do not want that kind of thing to happen. I shall refer to your predecessor, Sardar Hukam Singh, who once behaved in a most exemplary manner. On that occasion certain things were said about him on the basis of certain report which had appeared in a section even of the disreputable press. We in this House,

representing every Party, got up to tell the Speaker that we took no note of that kind of allegation against the Speaker because it was too frivolous and too trivial, that we just did not believe it. The Speaker called us to his Chamber and showed us certain documents and we even declined to see those documents because we did not want to sit in judgment over the Speaker on a matter which was obviously a falsity. However, he came before the House and referred the matter to the Committee of Privileges because he felt that even if allegations were made very frivolously by disreputable people against somebody in high authority in this country, those allegations should be looked into in the parliamentary method. I have repeatedly asked for that kind of thing. I have asked for ministers to take recourse to parliamentary methods of vindication and also to send out a challenge to those who attack them and say that they should repeat those things outside and they would take special measures. On one occasion a former Minister, Shri S. K. Patil, responded to my suggestion, went outside and did take recourse to judicial methods of redress. Our intention is to see to it that the honour of Members of this House who include Ministers, which means the honour of the whole House is safeguarded and, therefore, reference to the Committee of Privileges, whichever way it can be technically feasible in this particularly complicated case, should be done.

Therefore I support the idea that you get in touch with the Chairman of the other House so that you can find the *modus vivendi* for operation in regard to this matter and this whole matter should be thrashed out by the Committee of Privileges. The ministers themselves should be the first persons to come forward in order to ask for the clearance of their names.

श्री जयू लिवये : सब से पहले मुझे एक बात पर यहाँ ऐतराफ प्रकट करना है ।

[श्री मधु लिमये]

आपने ऐसे मामलों की जांच करने के लिए यहां पर जो प्रक्रिया निश्चित की थी उसकी अवहेलना प्रधान मंत्री जी ने, सदन-नेता की हँसियत से की है। आपने सदन नेता को यह कहा था कि जो दस्तावेज उनके पास आएगा, आरोप पत्र आदि, स्पष्टीकरण आदि मंत्रियों का, उन सब की वह खुद जांच करें, क्रिटिकली सिपट दी एवीडेंस। लेकिन उन्होंने

Mr. Speaker: You are raising that separately.

श्री मधु लिमये : मैं भाषण दे रहा हूँ, व्यवस्था का प्रश्न नहीं उठा रहा हूँ। मैं ऐतराज प्रकट कर रहा हूँ कि इन्होंने यह काम जो खुद करना चाहिये था वह नहीं किया। तीन मंत्रियों से उन्होंने यह काम करवाया और बाद में कहा कि मैं सहमत हूँ। कल को यह भी नौबत आ जायेगी कि वह कहेगी अपने निजी सचिव से या चपड़ासी से कि ऐसे मामलों की जांच करो और जब वे कर चुकेंगे तो वह कहेंगी कि मैं उन से सहमत हूँ (इंटरप्यंक्श) फिर हम को उसको कबूल करना पड़ेगा। यह मैं अध्यक्षीय निर्णय के आधार पर ऐतराज प्रकट कर रहा हूँ।

जहां तक राममूर्ति जी के प्रस्ताव का सम्बन्ध है मैं उसकी ताईद करता हूँ। मैं उम्मीद करता हूँ कि न केवल समूचा सदन— क्योंकि विशेषाधिकार का मामला कभी कांग्रेस और विरोधी दल का मामला नहीं होता है, तमाम सदन का मामला होता है— बल्कि स्वयं मंत्री लोग भी मांग करेंगे कि अर्जुन अरोड़ा जी के द्वारा जो उनके खिलाफ आरोप किए गए हैं, इनकी जांच विशेषाधिकार समिति करे। ये आरोप बिल्कुल गलत और बेबुनियाद हैं और ऐसा प्रधान मंत्री जी का कहना है। इनकी जांच जरूर होनी चाहिये और अर्जुन अरोड़ाजी को सज्त से सज्त सजा होनी चाहिये

अर्जुन अरोड़ा जी ने प्रधान मंत्री के पास आरोप पत्र भेज कर स्पष्टीकरण भी दिया था। क्या वजह है कि यह सदन के सामने नहीं आ रहा है। यह जो आरोप पत्र है उससे तो अर्जुन अरोड़ा जी का अपराध और साबित हो जाता है। मैं दो ही जुमले पड़ कर सुनाता हूँ। ये भ्राम्यी कहां तक पहुंच गए हैं इसका आपको पता चल जाएगा। आपको जरूर इनको कड़ी सजा देनी चाहिये। यह कह रहे हैं :

"In his statement to the Lok Sabha on 30th May, 1967, Pant admitted that he was Chairman and Managing Director of a Birla company. This is exactly what I had in mind when I mentioned his name to you. Mr. Pant says he resigned before taking up his new responsibility as a Minister"... (Interruption).

An hon. Member: From where have you got it?

श्री मधु लिमये : जो सरकारी लोग हैं उनको चाहिये था कि वे दस्तावेज रखते। यह आया है प्रधान मंत्री के सामने। उनका कर्तव्य था कि वह यहां रखतीं। मैं रख रहा हूँ तो किसी को ऐतराज नहीं होना चाहिये। जिस दस्तावेज के आधार पर बहस चल रही है उनको मैं रख रहा हूँ अपनी ओर से। अगर वे नहीं रखना चाहते हैं तो मैं रख रहा हूँ।

"This means he was a Birla employee, as a Member of Parliament and as the Secretary of the Congress Party in Parliament. This I think, is a bad enough confession...."

"With no technical qualifications, he boasted...."

मतलब पंत जी।

"of his technical profession, Mr. Pant having admitted his close tie with the Birlas...."

Mr. Speaker: We are now discussing the privilege motion of Mr. Ramamurti. But you are now going into the charges against Ministers.

श्री मधु लिमये : मैं वही कह रहा हूँ कि ये भ्रादमी इतने गैर जिम्मेदार हैं कि हमारे मंत्रियों को खामखाह बदनाम कर रहे हैं। मैं नियम के अनुसार बोल रहा हूँ, आपको हंसी आ रही है। इसलिये मुझे भी खुशी है।

Mr. Speaker: You should speak on the privilege motion.

श्री मधु लिमये : यह वह कह रहे हैं। लेकिन असल में उन में इतनी गुणवत्ता नहीं है। गलत ढंग से कह रहे हैं कि मैं इतना काबिल हूँ इसलिए मुझे नौकरी मिल गई थी। इस तरह से झूठे आरोप मंत्रियों के खिलाफ इन्होंने लगाए हैं। प्रधान मंत्री कह रही हैं कि ये आरोप झूठे हैं, बेबुनियाद हैं

श्री अब्दुल गनी वार : प्रधान मंत्री पहले भी कहते थे कि गलत है लेकिन सुप्रीम कोर्ट ने अपने फैसले में कहा था कि वे सही हैं।

[شری عبدالغنی قار : پردھان
ملتری پہلے بھی کہتے تھے کہ غلط
ہیں لیکن سپریم کورٹ نے اچھے فیصلے
میں کہا تھا کہ صحیح ہیں -]

श्री मधु लिमये : सत्य नारायण जी के बारे में इसी तरह गलत सलत आरोप हैं। आरोपों को मैं पढ़ रहा हूँ। मंत्रियों के खिलाफ कैसे गलत प्रचार चल रहा है, यह मैं बता रहा हूँ।

"I am told that as the Minister of Communications, he gave Birlas certain privileges which put them at par with the Prime Minister and Chief Ministers. I am informed that seven of the eight Birlas have been awarded the privilege of highest priority trunk calls in the same manner

as the Prime Minister and Chief Ministers are. Another Birla gem, Mr. Mandelia has also been given the same status. . . ."

Mr. Speaker: Don't go into all these charges now.

Shri Sant Bux Singh: I rise on a point of order. I am sorry to tax your patience. What we are discussing now is the privilege motion and not the charges.

Mr. Speaker: I said that myself.

श्री मधु लिमये : क्या इस का सम्बन्ध नहीं है विशेषाधिकार से ? असल में जो दस्तावेज आप को रखने चाहिये थे और आप नहीं रख रहे हैं उन को मैं रख रहा हूँ। उलटा आप मुझ को ही कह रहे हैं।

मैं तफसील में नहीं गया हूँ। इस में पचासों बातें हैं। मैं केवल दो बातें मिसाल के तौर पर रख रहा हूँ। आप देखें कि सत्य नारायण सिंह जी डाक तार मंत्री के नाते नियमों के अनुसार कानून के अनुसार अपने कर्तव्यों को निभा रहे थे लेकिन अर्जुन घोरोड़ा जो भी विचित्र भ्रादमी हैं, कहते हैं कि बिड़ला उनको यह दे रहे हैं वह दे रहे हैं। उनकी बहुत व्यक्तिगत और निजी दोस्ती बिड़ला साहब के साथ है और बिड़ला साहब तो कई लोगों की मदद करते हैं। प्रधान मंत्री को भी जिताने में उन्होंने ने उनकी मदद की। 'न्यूयार्क टाइम्स' का आप को मालूम है कि उन्होंने 'न्यू यार्क टाइम्स' का एक विशेष अंक छपवाया था। बिड़ला जी इतने त्यागी हैं कि लाखों रुपया खर्च कर के उन्होंने ने केवल हिन्दुस्तान के प्रधान मंत्री की प्रतिमा को अमरीका में भ्रष्टी तरह रखने के लिये स्वार्थ त्याग कर पैसा लगाया। अर्जुन घोरोड़ा साहब बहुत गलत आरोप कर रहे हैं। इसलिए इस सदन का फर्ज हो जाता है कि इस सदन के जो सदस्य हैं या सदस्य-मंत्री हैं उन की प्रतिष्ठा को उन की इज्जत को बिल्कुल धम्मा न लगने

[श्री मधु लिमये]

दें । हमारी जिम्मेदारी इस मामले में और भी बढ़ जाती है ।

आपने 1954 की बात की है । मेरी राय है कि 1954 बहुत पुरानी चीज हो गई है । अब तो आप नये सिरे से चेयरमैन के साथ बातें कर के संयुक्त कमेटी ऐसे मामलों में बनाया करिये जो फैसला किया करे और वह दोनों सदनों के सामने आ जाया करे ।

Mr. Speaker: Mr. Ramamurti has already spoken.

Shri P. Ramamurti: Now that a substantive motion is there, I have a right to reply.

Mr. Speaker: Mr. Tenneti Viswanatham wants to speak?

Shri Tenneti Viswanatham: Yes.

This motion should really have come from the other side ...

Shri S. Kandappan: The document to which Mr. Limaye referred should be authenticated and placed on the Table of the House.

श्री मधु लिमये : अध्यक्ष महोदय, मैं इस पत्र को सदन-पटल पर रखने के लिए तैयार हूँ । नियम 369 के मातहत माननीय सदस्य को यह मांग करने का अधिकार है ।

Shri S. Kandappan: Let him place it on the Table of the House.

श्री मधु लिमये : अध्यक्ष महोदय, मैं इस पत्र को प्रमाणित कर के रख रहा हूँ अन्यथा मुझ पर कलंक लगेगा कि मैं न जाने कहाँ से पढ़ रहा हूँ ।

[Placed in Library. See No. LT-779/67].

Mr. Speaker: I have called Mr. Viswanatham.

Shri Tenneti Viswanatham: I am very happy that this motion has been moved, but actually it should have

come from the other side. Certain allegations were made, certain inquiry was made and then the Prime Minister said that as a result of the inquiry, the allegations were proved to be incorrect. Therefore, what should have been done by the other side was to move a motion of privilege because two members of this House were maligned by another member. Therefore, I support Mr. Ramamurti's motion.

So far as the procedure is concerned, nothing is complicated because we have also got the precedent of 1954. You can pass it on to the Chairman of the other House.

On whether there is a breach of privilege or not, you were about to say that you leave it to the House. On that point I want to say this. Under rule 227, you have got the absolute power either to leave it to the House or to commit it to the Committee of Privileges. In this case, instead of leaving it to ... (Interruptions).

The Minister of State in Departments of Parliamentary Affairs and Communications (Shri I. K. Gujral): I rise on a point of order. The hon. Member said that he wanted to place the document on the Table of the House. I am objecting to it. The rules do not provide for that.

श्री मधु लिमये : अध्यक्ष महोदय यह बीच में क्यों आक्षेप करने लगे हैं ? मैं ने इस पत्र को प्रमाणित करके दिया है । अर्जुन अरोड़ा को जरूर सजा होनी चाहिए ।

Mr. Speaker: Mr. Viswanatham is on his legs. When he is called to do it, then you can raise this. Mr. Viswanatham is on his legs and he was making a different speech. When he was on his legs, you kept quiet, but when Mr. Viswanatham speaks, you rise on a point of order!

Shri Tenneti Viswanatham: You have the power, under rule 227, to commit it to the Committee of Privileges. You need not have left it to the House or you need not leave it to the House. The Committee of Privileges is generally in a more judicial frame of mind than the House where party factions are rising very high as you have seen even now.

Shri J. B. Kripalani: It has got more time.

Shri Tenneti Viswanatham: They will have more time to look into it from all aspects more calmly, very dispassionately and with a judicial frame of mind. Therefore, I submit that, instead of leaving it to the House for a vote, you should exercise your power under rule 227—there, of course, you may add the 1954 convention also—and then refer it to the Chairman of the Rajya Sabha.

Mr. Speaker: Mr. Gujral.

Shri I. K. Gujral: My contention is that it is not within the power of any member ...

Shri P. K. Deo (Kalahandi): He is not a member of this House.

Some hon. Members: He is a Minister.

Mr. Speaker: He is a Minister of the Government.

Shri P. K. Deo: Can he participate in the proceedings of this House? (Interruptions).

Mr. Speaker: For everything, all the members go on shouting. The proceedings will be much easier if all the members do not speak simultaneously.

श्री प्रकाशबीर शास्त्री (हापुड) :
अध्यक्ष महोदय मंत्री महोदय किंकि राज्य
सभा के सदस्य हैं इस लिए उनको यहां पर
केवल अपने विषय पर ही बोलने का अधिकार
है ।

Mr. Speaker: Order, order. There should not be cross-talks. This will be going on the wrong lines.

Mr. Gujral is not a member of this House. He cannot, therefore, vote, but as a Minister he has a right to talk here. He cannot vote. That is all.

Shri Abdul Ghani Dar: He is a member of the Supreme Command.

Shri Dattatraya Kunte (Kolaba): I want to seek a clarification from you. It is conceded that he is a member of the Rajya Sabha and as a Minister, even though he is a member of the Rajya Sabha, he can speak in this House, but on an occasion where his department is concerned.

Some hon. Members: No, no.

Mr. Speaker: I think the matter hardly needs any clarification. It is so clear.

Shri I. K. Gujral: The objection that I have raised is this. It is not within the privilege of the hon. Member to get up, quote from a paper and use that occasion to lay it on the Table of the House and thus use this forum for purposes other than those for which it is meant.

My submission to you is that the Member is not within his right to lay any such document on the Table of the House.

Some hon. Members rose—

Mr. Speaker: I want to cut short the discussion on this. The position is very clear. Direction 118(2) of the Directions by the Speaker reads thus:

"If in the course of his speech, a member wishes to lay a paper or document on the Table without previously supplying a copy thereof to the Speaker, he may hand it over at the Table but it will not be deemed to have been laid on the Table unless the Speaker, after examination, accords the necessary permission."

[Mr. Speaker]

So, the hon. Member has handed it over at the Table. The Speaker will look into it and later on give a decision as to whether he should accord the necessary permission.

Shri Govinda Menon: I oppose Shri P. Ramamurti's motion, and if Shri Madhu Limaye's motion has been admitted, I oppose that motion also.

Shri Sezhiyan: That stage is over now.

Shri Govinda Menon: There have been very eloquent speeches made on this matter in support of the motions...

Shri Tennesi Viswanatham: He is adding another.

Shri Govinda Menon: In spite of those speeches, I oppose those motions and I do so without any hesitation. I do so because I do not see where any breach of privilege of this House is involved.

Shri J. B. Kripalani: Why not?

Shri Govinda Menon: A breach of privilege of the House means a contempt of the House, when either a Member of the House or a stranger seeks to defame a Member of this House or casts aspersions against a Member of the House; and the reported statement of Shri Arjun Arora, made in the Congress Parliamentary party is..

An hon. Member: It is only a praise.

Shri Govinda Menon: I.. is an aspersion and it attributes corruption to two Members of this House who are Ministers and is defamatory, if true. One of the rules regarding defamation is that whatever is stated will not amount to defamation if it is stated before a person who has got disciplinary or other control over the matter. Who is Shri Arjun Arora? He is a Member of the Congress

Party. In the Congress Party forum, before the leader of the Congress Party, he made a statement regarding two Members of this House. The stock argument that has been advanced here is that it has become public property. What is it that has become public property? What has become public property is the fact that a statement was made. I am not aware of any statement made by Shri Arjun Arora either to the press or in his House regarding this matter

Mr. Speaker: By the term 'in his House' the hon. Minister means the Raja Sabha?

Shri Govinda Menon: Yes. That is extremely significant. It is extremely significant, because defamation, causing contempt of a Member of the House etc. are all malicious acts and are done with a motive or an object to vilify a certain person. If that was the object of Shri Arjun Arora, we would have seen him rushing to the press with this statement . . .

श्री मधु लिमये : क्या जरूरत है उस की ?

Shri Govinda Menon: I had listened so much to the hon. Member. Now, if he does not have the patience to listen to me, what can I do?

श्री मधु लिमये : उस की इतनी प्रसिद्धि हो गई है कि उन को प्रेस में जाने की क्या जरूरत है ?

Mr. Speaker: The hon. Minister has a right to be heard.

Shri Govinda Menon: The importance of this lies in whether there is any defamation. That is what I would like to submit. It cannot go to a court of law because it is with respect to, and touches, the privilege of members of this House. The test to be applied is whether there is defamation. Please permit me to read

Exception eight to the definition of defamation in the IPC (Interruption). Please listen. If he does not understand, let him at least please listen.

"It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation".

Here Shri Arjun Arora, a Congress member, interested in the purity of functioning of the Congress Party, made an accusation in the forum of the Congress Parliamentary Party before the leader of the Congress Party, and this exception aptly applies; on all fours it applies.

Now, it is said that it has become public property. Did Shri Arora publish it? Did the Prime Minister publish it? (Interruptions). I will meet every one of the arguments. If it has been made public, it has been made public by those who wanted to steal this information, and that is not a matter which is relevant for this purpose. Suppose I make a complaint about a colleague of mine to the Prime Minister. Suppose the matter becomes public, not due to me, but due to some extraneous reason—it leaks out, as many things leak out. Am I responsible? Would I be treated culpable? That is the position.

On this matter, Sir, the Prime Minister did make a statement. Is it her fault that having made . . . (Interruptions). Why do they make this noise? That won't deter matters coming out from me. The matter came to the House, when some Member said that Shri Arora has made this statement—there was a calling attention notice on that—what do you say to that? Shri Arora is reported to have made a statement to you and that is defamatory of two members of this House. What do you say to that? Later on, the Prime Minister comes and in fairness to the House, in fairness to the members concerned, says, 'It was made in the Congress Parli-

mentary Party. As leader, I looked into it. I requisitioned the services of two or three senior members of my Cabinet. I would now like to inform the House that there was nothing in it.'

This is what has happened, and members here want to catch at it, as if at a piece of straw, to show that the Prime Minister herself publicised this matter. That is not so.

I oppose this motion because if this is a motion of breach of privilege, then the functioning of political parties will become impossible.

Shri Ranga: Oh!

Shri Govinda Menon: He says 'Oh!'. Tomorrow it may be the Swatantra Party's turn. Discussions may take place in the party and they may leak out.

Shri Ranga: We know.

Shri Govinda Menon: In the party proceedings, some statement may be made about one member or other who is an MP. Would it be a breach of privilege if it leaks out?

श्री मधु लिनये : एक बात का जवाब दीजिए । प्रधान मंत्री से किसने कहा था सदन में बोलने के लिए ? इस का तो जवाब नहीं दे रहे हैं ।

Shri Govinda Menon: I am not yielding. Without meaning any disrespect, without wanting to cast any aspersion, I want to ask Prof. Mukerjee and Shri Ramamurti a question. During the days of the Third Lok Sabha, I read reports in the press that some members of the Communist Party made accusations against Shri Dange. Accusations were made which were not very complimentary to Mr. Dange. He was not a member of the Lok Sabha at that time. Suppose he was a member of the Lok Sabha at that time, would it amount to a breach of privilege? If so, party functioning here will become difficult.

[Shri Govinda Menon]

Therefore, for two reasons, because this is an internal matter of the Congress Party, and secondly because if these are treated as breaches of privilege party functioning will become impossible in this country, without the least hesitation I oppose the motion of breach of privilege.

Shri P. Ramamurti: I have heard with respect the opposition to this motion by the Law Minister. I was wondering whether he was speaking in this House, or whether he was arguing in a district court or a High Court.

Shri Govinda Menon: In the High Court of Parliament.

Mr. Speaker: In the highest court here.

Shri P. Ramamurti: We are not now governed . . . (Interruptions).

Now, they must keep quiet. I am not in the habit of interrupting anybody, and I do not want interruptions.

After all, this House is not governed by the law of defamation, this House is not governed by the Indian Penal Code, this House is not governed by the Criminal Procedure Code; there is a question of privilege, and this House is governed by the law of privileges laid down by this House itself and by nobody else. Therefore, his argument that there are so many saving clauses with regard to the law of defamation—I know all that—does not apply to this case at all in any way.

You have already disposed of this morning the objection that he raised that this was a matter which was raised in their parliamentary party.

He also said that some members of our party had made certain allegations against Mr. Dange who was then not a member of Parliament; had he been a Member of Parliament, what would have happened? I would only tell him this, I was one of those peo-

ple who made that accusation, an I would have welcomed at that time, had he been a Member of Parliament, my being hauled up before the Privileges Committee. Therefore, I would not have opposed this motion in any way whatsoever, and I am also certain that other people also would have done the same thing. Therefore, this analogy does not in any way hold.

Therefore, the question is simply this. As you yourself had stated this morning, the facts are that unfortunately these things were not confined to that parliamentary party, and it is not a case of stealing. As a matter of fact, it is a well known practice that every time this parliamentary Congress party meeting takes place, there is a briefing of the proceedings to the press. Therefore, when Mr. Arora made that statement in the parliamentary party, he knew that there would be briefing, and therefore this matter would become a public matter. Therefore, they cannot take shelter under that.

Whatever might have happened, the fact is that the matter has come to public knowledge, and therefore this House is seized of it, whatever might have been the intention of those persons. Therefore, they should have taken care to see that the matter did not leak out. On the other hand, the Prime Minister herself made a voluntary statement that this was the specific allegation made against those two members of this House. We are now very much concerned with the reputation of those people, and the reputation of the House. Therefore, I want to make it very clear that as far as I am concerned, I have never in my life made any allegation against any person unless I had facts before me. I am not in the habit of making, and I do not want anybody to make, any such allegation. Can you cite one instance when I was a member of the Assembly in Madras, or as member of the Rajya Sabha, or as member of

the Lok Sabha, when I had made any such personal allegation against any one? Absolutely not. I am not in the habit, I do not want that to be repeated in this House. I have not made any such allegations. Therefore, when such allegations are being repeated again and again from whichever quarter it be, it is absolutely essential that the House should clear this, and this House should not become the butt of ridicule of the entire people. Parliament's dignity will have to be maintained. I do not understand why the Congress Party should oppose this motion. After all, there was the earlier case when the late Prime Minister Pandit Jawaharlal Nehru came to the conclusion that the allegations made against the Chief Minister of Punjab were without foundation. But later on when they were referred to a judicial tribunal, they were found to be correct. Therefore, when those things are there, when these allegations are made and when the Congress Party refuses to allow them to be investigated by the privileges committee, I warn them: you will be under a cloud, not only those two ministers but the entire ministry, including the Prime Minister; all will be under a cloud.

Mr. Speaker: Come to the privilege motion.

Shri P. Ramamurti: Therefore I appeal to them: in your own interest, if you want to free yourself from this cloud of suspicion that will hang around you in the entire country, it is essential that you should accept it. If you do not accept it, if you oppose it on the basis of your brute majority . . . (*Interruptions.*) not brute majority, if you are going to defeat this motion, it is going to be your own funeral because your reputation in this country will go down. You may

defeat me in this, but you cannot shut the mouth of the people or shut the understanding of the people. Therefore, think deep before deciding to oppose this resolution.

Mr. Speaker: I shall put the motion to vote now.

Shri Jyotirmoy Basu (Diamond Harbour): Sir, I am a new member to this House and I want your guidance. If on the floor of this House, I am beaten up by a Congress Member because we are in a minority and they are in a majority, can this be allowed to go? . . . (*Interruptions.*)

Mr. Speaker: I am not interested in party matters. Every party has got its own problems. I am here to conduct the business of the House. Therefore I am now putting the motion to the vote of the House.

The question is:

"That in view of the statement made by the Prime Minister in this House yesterday that the allegations made by Shri Arjun Arora, a Member of Rajya Sabha, against Shri Satya Narayan Sinha and Shri K. C. Pant, Ministers and Members of this House, had not been substantiated; the question of privilege against Shri Arjun Arora for making these baseless allegations be referred to the Chairman, Rajya Sabha for action in accordance with the procedure laid down by the Committee of Privileges of Rajya Sabha and Lok Sabha in their Report of joint sitting in 1954 and adopted by the two Houses."

The Lok Sabha divided:

Division No. 7]

Abraham, Shri K. M.
Adichan, Shri P. C.
Ahmed, Shri J.

AYES

Amin, Shri R. K.
Amin, Shri Ramchandra
J.

[14.59 hrs

Anbazhagan, Shri
Anbuezhian, Shri
Ayarwal, Shri Ram
Singh

Bansh Narain Singh, Shri	Kabir, Shri Humayun Kachwai, Shri Hukam Chand	Ram Charan, Shri Ram Gopal, Shri Ramamoorthy, Shri P. Ramamurti, Shri P. Ranga, Shri Roy, Shri Chittaranjan Sait, Shri Ebrahim Sulai- man
Barua, Shri Hem	Kalita, Shri Dhireswar Kameshwar Singh, Shri Kandappan, Shri S.	Samanta, Shri S. C. Sambandhan, Shri S. K. Satya Narain Singh, Shri Sen, Dr. Ranen Sequeira, Shri Sezhian, Shri
Behera, Shri Baidhar Bharat Singh, Shri Bharti, Shri Maharaj Singh	Khan, Shri H. Ajmal Khan, Shri Ghayoor Ali Khan, Shri Latafat Ali Khan, Shri Zulfiqar Ali Kisku, Shri A. K. Kothari, Shri S. S.	Sharma, Shri Ram Avtar Sharma, Shri Yajna Datt Sharma, Shri Yogendra Shastri, Shri Prakash Vir Shastri, Shri Ramavatar Shastri, Shri Raghuvir Singh Shastri, Shri Shiv Kumar
Birua, Shri Kolai	Koushik, Shri K. M. Kripalani, Shri J. B.	Sivasankaran, Shri Somasundaram, Shri S. D.
Brij Bhushan Lal, Shri Chandra Shekhar Singh, Shri	Krishnamoorthi, Shri V. Kunte, Shri Dattatraya Kushwah, Shri Y. S. Lakkappa, Shri K. Limaye, Shri Madhu Lobo Prabhu, Shri Madhok, Shri Bal Raj Mahato, Shri Bhajahari Maiti, Shri S. N. Majhi, Shri M.	Sondhi, Shri M. L. Sreedharan, Shri A. Sriraj Meghrajji, Shri Sundar Lal, Shri J. Suraj Bhan, Shri Tapuriah, Shri S. K. Thakur, Shri P. R. Tyagi, Shri O. P. Umanath, Shri Vajpayee, Shri A. B. Viswanatham, Shri Tenneti Yajnuk, Shri
Chatterjee, Shri N. C. Chaudhuri, Shri Tridib Kumar	Mangalathumadom, Shri Mayavan, Shri Meetha Lal, Shri Meghachandra, Shri M. Menon, Shri Vishwa- natha	
Dar, Shri Abdul Ghani Daschowdhury, Shri B. K.	Mohammed Imam, Shri Molahu Prasad, Shri Mukerjee, Shri H. N. Nair, Shri Vasudevan Nayanar, Shri E. K. Nayar, Shri K. K. Nihal Singh, Shri Pandey, Shri Sarjoo Paokai Haokip, Shri Paswan, Shri Kedar Patil, Shri N. R.	
Deo, Shri P. K. Desai, Shri C. C. Devgun, Shri Hardayal Digvijai Nath, Shri Mahant		
Dipa, Shri A. Durairasu, Shri Esthose, Shri P. P. Fernandes, Shri George Goel, Shri Shri Chand Gopalan, Shri A. K. Gopalan, Shri P. Gopalan, Shrimati Suseela		
Gounder, Shri Muthu Gowd, Shri Gadilingana Gupta, Shri Indrajit Haldar, Shri K. Heerji Bhai, Shri Janardhanan, Shri C. Jena, Shri D. D. Jha, Shri Shiva Chandra Joshi, Shri S. M.		

NOES

Ahmed, Shri F. A. Anjanappa, Shri B. Azad, Shri Bhagwat Jha Babunath Singh, Shri Bajaj, Shri Kamalnayan Barua, Shri R. Bhagat, Shri B. R. Bhandare, Shri R. D. Bhanu Prakash Singh, Shri Bhargava, Shri B. N. Bhattacharyya, Shri C. K. Bhola Nath, Shri Chanda, Shri Anil K.	Chanda, Shrimati Jyotsna Chandrika Prasad, Shri Chatterji, Shri Krishna Kumar Chaturvedi, Shri R. L. Chaudhary, Shri Nitiraj Singh Chavan, Shri Y. B. Choudhary, Shri Valmiki Choudhury, Shri J. K. Dalbir Singh, Shri Dasappa, Shri Tulsidas Dass, Shri C. Desai, Shri Morarji	Deshmukh, Shri K. G. Deshmukh, Shri Shivaji- rao S. Dhillon, Shri G. S. Dinesh Singh, Shri Dixit, Shri G. C. Ering, Shri D. Gajraj Singh Rao, Shri Gandhi, Shrimati Indira Ganesh, Shri K. R. Ganpat Sahai, Shri Ghosh, Shri P. K. Ghosh, Shri Parimal Girja Kumari, Shrimati
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Gupta, Shri Ram Kishan	Nageshwar, Shri	Sapre, Shrimati Tara
Hari Krishna, Shri	Naghnoor, Shri M. N.	Sarma, Shri A. T.
Hem Raj, Shri	Nahata, Shri Amrit	Savitri Shyam, Shrimati
Jadhav, Shri V. N.	Naidu, Shri Chengalraya	Sen, Shri Dwaipayan
Jagjiwan Ram, Shri	Nayar, Dr. Sushila	Sen, Shri P. G.
Kamala Kumari, Shri-	Oraon, Shri Kartik	Sethi, Shri P. C.
mati	Pahadia, Shri	Sethuramae, Shri N.
Katham, Shri B. N.	Pandey, Shri K. N.	Shah, Shrimati Jayaben
Kesri, Shri Sitaram	Parmar, Shri Bhaljibhai	Shah, Shri Manabendra
Khadilkar, Shri	Partap Singh, Shri	Shambhu Nath, Shri
Khan, Shri M. A.	Parthasarathy, Shri	Shankaranand, Shri B.
Kinder Lal, Shri	Patel, Shri Manibhai J.	Sharma, Shri D. C.
Kotoki, Shri Liladhar	Patel, Shri Manubhai	Sharma, Shri M. R.
Krishna, Shri M. R.	Patil, Shri A. V.	Shash Ranjan, Shri
Lakshmikanthamma,	Patil, Shri Deorao	Sheo Narain, Shri
Shrimati	Poonacha, Shri C. M.	Sheth, Shri T. M.
Laskar, Shri N. R.	Pramanik, Shri J. N.	Shinde, Shri Annasahib
Mahadeva Prasad, Dr.	Qureshi, Shri Shafi	Shinkre, Shri
Maharaj Singh, Shri	Raj Deo Singh, Shri	Shiv Chandika Prasad,
Mahida, Shri Narendra	Rajasekharan, Shri	Shri
Singh	Raju, Shri D. B.	Shukla, Shri Vidya
Mahishi, Dr. Sarojini	Ram, Shri T.	Charan
Malimariyappa, Shri	Ram Dhan, Shri	Siddeshwar Prasad, Shri
Mandal, Dr. P.	Ram Kishan, Shri	Singh, Shri D. N.
Mandal, Shri Yamuna	Ram Subhag Singh, Dr.	Sinha, Shri Satya
Prasad	Ram Swarup, Shri	Narayan
Mane, Shri Shankarrao	Rana, Shri M. B.	Sinha, Shrimati
Masuria Din, Shri	Randhir Singh, Shri	Tarakeshwari
Mehta, Shri Asoka	Rane, Shri	Snatak, Shri Nar Deo
Mehta, Shri P. M.	Rao, Shri Jaganath	Solanki, Shri S. M.
Menon, Shri Govinda	Rao, Dr. K. L.	Supakar, Shri Sradhakar
Minimata, Shrimati	Rao, Shri K. Narayana	Sursingh, Shri
Agam Das Guru	Rao, Shri Muthyal	Swaran Singh, Shri
Mishra, Shri Bibhuti	Rao, Shri J. Ramapathi	Tiwary, Shri D. N.
Sharda	Rao, Shri Rameshwar	Tiwary, Shri K. N.
Mishra, Shri G. S.	Rao, Shri Thirumala	Tripathi, Shri K. D.
Mohammad Yusuf, Shri	Rao, Dr. V. K. R. V.	Tula Ram, Shri
Mudrika Singh, Shri	Rohatgi, Shrimati	Uikey, Shri M. G.
Mukerjee, Shrimati	Sushila	Verma, Shri Balgovind
Sharda	Sadhu Ram, Shri	Yadav, Shri Chandra
Murthy, Shri B. S.	Saleem, Shri M. Y.	Jeet
Murti, Shri M. S.	Sant Bux Singh, Shri	

Mr. Speaker: The result of the division is as follows:

Ayes 114*; Noes 152†

The motion was negatived.

श्री जाजं करनेन्डीज : अध्यक्ष महोदय,
मैस एक व्यवस्था का प्रश्न सुनिये। जो
ढरीका घाप ने इस मसले के ऊपर इस्तेमाल

किया वह पूरा गलत है यह मेरी घाप से घर्ज
है।

15 hrs.

Mr. Speaker: Mr. Limaye has show-
ed it to me. I know it is about the
words "the privilege motion shall be
referred". But you have to read

*Ayes : Name of one Member could not be recorded.

†Noes: Name of one Member could not be recorded.

[Mr. Speaker]

lower down also. You should read the whole paragraph, not one sentence.

श्री जार्ज फरनेन्बीज : जी हां, उस को पूरा पढ़ लिया जाय। यह जो सन् 1954 में ज्वाइंट कमेटी हुई थी उसमें यह तय हुआ था :

"When a question of breach of privilege is raised in any House in which a member, officer or servant of the other House is involved, the Presiding Officer shall refer the case to the Presiding Officer of the other House, unless on hearing the member who raises the question or perusing the document where the complaint is based on a document, he is satisfied that no breach of privilege has been committed or the matter is too trivial to be taken notice of, in which case he may disallow the motion of breach of privilege."

श्रव अध्यक्ष महोदय, आप ने ऐसा निर्णय नहीं किया है। आपके ऊपर निर्भरता है लेकिन आप ने ऐसा निर्णय नहीं किया कि इस में कोई ब्रीच आफ प्रीविलेज नहीं है। आप का 31 तारीख का श्री मधु लिमये के नोटिस के ऊपर जो फैसला है उस फैसले में आप ने यह बतलाया था कि यहां पर ब्रीच आफ प्रीविलेज हो चका है। मैं आप को आप के ही निर्णय को पढ़ कर सुनाना चाहता हूँ। यह है आपका फैसला :

"Anyone who has reasonable belief that a member of Parliament has acted in a manner which, in his opinion, is inconsistent with the dignity of the House or the standard expected of a Member of Parliament, may inform the Leader of the House (Prime Minister) or the Speaker about it. The person making such an allegation should first make sure of his facts and base them on such authentic evi-

dence, documentary or circumstantial, as he may have. He should be careful in shifting and arranging facts because, if the allegations are proved to be frivolous, worthless or based on personal jealousy or animosity, directly or indirectly, he will himself be liable to a charge of the breach of privilege of the House.

Therefore it is of the utmost importance that allegations are based on solid, tested and checked facts."

यह आपका कहना है अध्यक्ष महोदय। प्रागे जा कर आपने यह भी कहा :

"However, if in the course of preliminary investigation it is found that the person making the allegation has supplied incorrect facts or tried to bring discredit to the name of the Member wilfully or through carelessness he shall be deemed to be guilty of a breach of privilege of the House."

अध्यक्ष महोदय, मैं बड़े श्रद्धा के साथ कहना चाहता हूँ कि यह आपका बयान है यह आप का ऐलान है, आपका फैसला है जो 31 तारीख को इस सदन में श्री मधु लिमये के मोशन के ऊपर आप ने दिया। श्रव जब आप ने खुद एक ऐलान 31 तारीख को किया कि ब्रीच आफ प्रीविलेज वाला मामला ऐसी हालत में हो सकता है तो मेरी श्रद्धा है कि जो भी इस सदन में श्रमी कार्यवाही हुई वह पूरी कार्यवाही गलत है और उसको सदन की जो रपट है उसमें से उसे हटा देना चाहिए। इस मसले के ऊपर पुनः इस सदन में विचार होना चाहिए।

चूँकि यह फैसला ज्वाइंट प्रीविलेज कमेटीज की मीटिंग में सन् 1954 में हुआ है इसलिए मैं आपसे बहुत ही विनम्रता से कहना चाहता हूँ कि आप उसे नजरअन्दाज कर के नियमों को तोड़ने जा रहे हैं। अध्यक्ष महोदय

यह राज्य सभा की प्रोसीडिग्स है, 25 अगस्त 1954 की प्रोसीडिग्स उसके ऊपर से मैं इस मामले को आपके सामने पेश कर रहा हूँ और मेरी आपके सामने अर्ज है कि मेहरबानी करके यह पूरी जितनी आज तक की कार्यवाही है उसको हटा दिया जाय और इस मामले पर पुनर्विचार किया जाय। यह आपके अधिकार में है। जो अधिकार आपको दिया गया है उस अधिकार के मातहत इस मामले को राज्य सभा के चेअरमैन के पास आप को तरफ से पेश किया जाय। यह मेरा आप से इस समय निवेदन है।

Shri P. K. Deo: Mr. Speaker, Sir, you are the custodian of the privileges of this House and also the dignity of the House. Up till now we have established the convention that once a *prima facie* case of privilege is maintained by the Speaker the motion is put to the House. The only alternative left is to ask those members in favour to stand up and once 25 members stand up the matter is sent to the Privileges Committee for a fuller investigation and submitting its report back to the House. That is the procedure we have been following for all these 15 years. In this particular case we find that you have adopted a different course. Firstly, when a *prima facie* case has been established by you . . .

Mr. Speaker: I do not know anything. Not a scrap of paper was with me. I had nothing except the motion of Shri Ramamurti.

श्री अशु लिमये : यही तो मेरा कहना है कि इन लोगों ने आपको बिल्कुल अंधेरे में रक्खा है। यही तो हम कल से कह रहे थे।

Shri P. K. Deo: On'y when a *prima facie* case has been established the matter comes to the House. Then the only alternative left is to ask the members in favour to stand up and if 25 members stand up, declare that leave is granted to refer it to the Privileges Committee. This is a wrong procedure that has been adopted.

Mr. Speaker: Let us proceed now.

15.03 hrs.

PAPERS LAID ON THE TABLE

CERTIFIED ACCOUNTS OF INDIAN INSTITUTE OF TECHNOLOGY, NEW DELHI

The Minister of State in the Ministry of Education (Shri Bhagwat Jha Azad): On behalf of Dr. Triguna Sen,

I beg to lay on the Table a copy of the Certified Accounts of the Indian Institute of Technology, New Delhi, for the year 1965-66, along with the Audit Report thereon, under sub-section (4) of section 23 of the Institutes of Technology Act, 1961. [Placed in Library. See No. LT-718/67].

INDIAN WIRELESS TELEGRAPHY (AMATEUR SERVICES) AMENDMENT RULES

The Minister of Parliamentary Affairs and Communications (Dr. Ram Subhag Singh): Sir, on behalf of Shri I. K. Gujral,

I beg to lay on the Table a copy of the Indian Wireless Telegraphy (Amateur Service) Amendment Rules, 1967, published in Notification No. G.S.R. 883 in Gazette of India dated the 10th June, 1967, under sub-section (5) of section 7 of the Indian Telegraphy Act, 1885. [Placed in Library. See No. LT-719/67].

INDUSTRIAL DISPUTES (CENTRAL AMENDMENT RULES, ETC.

The Minister of State in the Ministry of Labour, Employment and Rehabilitation (Shri L. N. Mishra):

I beg to lay on the Table—

- (1) A copy of the Industrial Disputes (Central) Amendment Rules, 1967, published in Notification No. G.S.R. 908 in Gazette of India dated the 10th June, 1967, under sub-section (5) of section 38 of the Industrial Disputes Act, 1947. [Placed in Library. See No. LT-720/67].