

2200 hrs.

**MEETING UNDER RULE 377 RE-
DEFERRED OF ADJOURNMENT
MOTION BY THE DEPUTY SPEA-
KER ON 24-5-87**

Mr. Speaker: Mr. Kunte has given notice of a motion on the incidents that occurred on 24th May. Would he like to say a few words?

Shri Dattatraya Kunte: On the evening of the 24th I left this House under the impression that the House adjourned to the next day without any voting taking place on the adjournment motion.

Shri M. B. Krishna (Peddapalli): You were quick in leaving the House.

Shri Dattatraya Kunte: If he was glued to his seat, he was free to do so.

I left this House under that impression because of the decision of the Chair saying that the House do stand adjourned and we meet tomorrow at 1 O' Clock, but after some time in Rashtrapati Bhavan I was given to understand by some friends who met there in a casual talk that some further proceedings also took place. Then this information of mine was confirmed by the next day's papers which said that the meeting ended in almost confusion. Later on I got the synopsis of the debate from Parliament House which also simply said—in one place it says further report will be sent, that was not sent yesterday, and in another place it said that the motion was negatived, and therefore in order that the proceedings of this House and its record be straightened, have taken this opportunity to come before the House under rule 377.

Today I find that it is very clear that the presiding officer adjourn the House saying that the voting would take place the next day, and therefore according to me, once the House was adjourned, there was no sitting of the House going on, and therefore any proceedings that are there recorded

either by the tape recorder or those who are taking down these records, must not form part of the records of the House, because they are not part of the records of the House.

Hon. Member, Mr. Krishna, said that Kunte was in a hurry to leave. Kunte left because the Chair had said that the House was adjourned. Those who were pleased to sit here, they might as well have sat here, but then it was not the House, it was not a meeting, but it was a crowd. I am using a technical word, I do not want to say anything about their manner or way of sitting here, but a meeting means a meeting called for a purpose, and therefore this House is constituted only when it is called for that purpose and we meet together. Therefore, between a meeting and a crowd there is a difference.

It might have happened that a number of persons to my left might have sat down, but then it does not mean that the House was in session.

Shri J. B. Kripalani (Guna): They are lazy!

Shri Dattatraya Kunte: Under the circumstances, if all these things go in the record of the proceedings of the House, one really does not know when one ought to leave and when one ought not to leave. If those who sat down had any secret previous information at their disposal, I would have liked to have that information for myself also but even though that information was disclosed to me, I would have gone away because I would have liked to abide by the decision of the Chair which is binding on this House. Whether the decision is right or wrong, that can be gone into later on.

In this particular matter I have given notice of a motion, and I think it should be read out, because I do not find it on the Order Paper.

Mr. Speaker: I have included it later on.

Shri Dattatraya Kunte: I would not have taken the time of the House in reading this out if this item was indicated on the Order Paper. The Order Paper that I received this morning did not contain it. I am really sorry. I really do not understand whether it was.....

Mr. Speaker: Anyhow, you are allowed to read it now. Go ahead.

Shri Dattatraya Kunte: A member has a right to express his mind.

Mr. Speaker: I know, Please read it. I am giving you permission to read it.

Shri Dattatraya Kunte: Before reading it, I must express my disagreement for not entering this matter on the Order Paper of the day.

Mr. Speaker: Later on it was included, that is what I am saying.

Shri Dattatraya Kunte: Since I do not find the item on the Order Paper, I have a right to say, as a matter of fact....

Mr. Speaker: You do not accept even when I say it was included later on. You are wasting time. We have accepted, I am telling you it is included.

Shri Dattatraya Kunte: This is the letter that I wrote to the Secretary, Lok Sabha:

"I want to bring to the notice of the House the following matter under Rule 377 and do hereby give notice of the same:

Matter to be brought to the notice of the House under Rule 377.

It is hereby brought to the notice of the House that (1) The reply of the mover of the original motion namely Dr. Ram Manohar Lohia concluded the debate on the Adjournment Motion before the House on 24th May; and that

(2) Thereupon the Presiding Officer did put the question to the House under Rule 367(1) and the decision of the question being challenged he ordered the Lobby to be cleared; and that

(3) As he wanted to put the question again after the lapse of two minutes he found that the division bell could not ring and therefore he suggested that Party Whips call in their party members; and that

(4) When his suggestion was objected to as irregular he accepted the suggestion of hon. Member Shri Madhu Limaye (I find from the record that it was the suggestion of hon. Mr. Ranga) to postpone the vote to the next day and adjourn the House and actually adjourn the House with the words, The House now stands adjourned; and that

(5) As the Speaker had not otherwise directed under Rule 14 the sitting of the House automatically concluded after the action taken by the Presiding Officer as stated above and therefore any business transacted thereafter cannot form part of the proceedings of the House for the day".

In addition to having adjourned the House, I find from the copy of the record that I have here that the Deputy-Speaker, after interruptions, himself *suo motu*, without any one suggesting to him:

"Now voting will take place. Those who are interested will wait."

I could not understand this "Those who are interested". Later on, an hon. Member raised the point:

"You have adjourned the House; now you cannot do it." Then Mr. Madhu Limays says: "सदन एकत्रित कर दिवा बान, सदन एकत्रित कर दीजिये। सदन एकत्रित करे।"

Having adjourned the House, it does not lie within the power of the Presiding Officer to say that the House was reconstituted. But then, he called Mr. Sezhyan to say something about the report that was being discussed. As a matter of fact, when the vote was taken at 12.30, after that no other business could have been taken up. If the voting was not taken and the House adjourned and the Presiding Officer agreed that the voting be taken the next day, at that stage the proceedings ought to end and the record of the Lok Sabha ought to be accordingly corrected.

Shri S. M. Banerjee (Kanpur): I fully support the contention of my hon. friend Mr. Kunte. What happened on that day is a sad commentary on parliamentary democracy; I refer to the conduct of the Deputy Speaker for whom I have great regard as a progressive Congressman. I am really sorry for the manner in which he behaved that day. What happened? I shall refer to page 1026 of the cyclostyled proceedings; Shri Ranga says: "Let the division take place tomorrow; we do not want to take that responsibility", when the Deputy Speaker said "Due to electricity failure the bell is not ringing; so I would request all Members, their party whips, to find out their Members who are standing outside or in the Central Hall. I will wait for a couple of minutes more." He wanted all the Members to go out and find out the other Members who are in the central hall or anywhere else. Then he said: "Voting on this will take place tomorrow but now we will continue the debate." What debate? It is an adjournment motion and when Dr. Lohia was asked whether he wished the House to adjourn, he in his wisdom said: yes; the House should adjourn. Nothing could be transacted after that. Then the Deputy Speaker said: all right, the House is adjourned; we will meet tomorrow at eleven. Some of us were leaving and then I found that there was some commotion in the Treasury Chamber and that the hon. Prime

Minister, the Deputy Prime Minister and her colleagues were there. They knew the serious implications. It was not a normal adjournment or adjournment under rule 375. The rule says that in the case of grave disorder arising in the House, the Speaker may if he thinks it necessary adjourn the House or suspend any sitting to a time and date to be named by him. But here, the adjournment of the House was on a definite motion of Dr. Lohia as a result of his adjournment motion. Had this Government any sense of shame left in them, they would have resigned that day. She is not the Prime Minister and he is not the Deputy Prime Minister now; a wrong person presented the Budget yesterday. The Deputy Speaker forgot for a moment that he was the custodian of our rights and he should uphold parliamentary democracy in your absence. He became a narrow congressman and acted at their instance, saying: now the voting will take place, those who are interested will wait. Mr. Sezhyan and I sat here till the last moment. We wanted to tell them: you are killing the very spirit of parliamentary democracy. Parliamentary democracy might be raped outside; they are doing it every day; let it not be raped here. I sat till the last moment and I put him a straight question: why do you want to change your decision after you said that the House stood adjourned? The records are quite clear. Now, the Government should gracefully and peacefully resign.

Shri Shri Chand Goel (Chandigarh): Mr. Speaker, it was a strange phenomenon for me to observe what happened that day. I wonder how a Deputy-Speaker could behave in such a partisan manner. After the announcement that the House would vote on the motion the next day, the House was adjourned. After the adjournment, the Members were entitled to leave the House and most of the Members of the Opposition actually left the House. But when the Chair realised that it was a

[Shri Shri Chand Gowl]

blunder which had been committed, that the adjournment of the House would mean an adjournment in acceptance of the motion moved by Dr. Lohia, he said later on that we would discuss the Public Service Commission's report. The House would remember that the President of India had invited all the Members to an "At Home" that day at 6-30 P.M. and hence the House was adjourned to enable the members to take part in that function. The Deputy-Speaker was perfectly clear in his mind that he had accepted the motion of the Opposition. But when he looked towards the Treasury Benches which were frowning at him; he realized his mistake and said that the report of the Public Service Commission would be discussed in the House. This kind of thing never happened in democracy. After being elected to this Chair, the Speaker or his Deputy has to behave in a most impartial and objective manner; he is not to take sides with any party. He has tried to rescue the Congress Government from collapsing. After adjourning the House, he had absolutely no authority to reconstitute the House. The Members of the Opposition, we feel, were in a majority and if a vote had taken place at that time, we would have scored our point. But realizing the weakness of the Treasury Benches, he wanted to give them an opportunity and Members of the Opposition had been deprived of an opportunity to get the adjournment motion passed.

Mr. Speaker: Is Mr. Sezhyan here?

Shri Tummel Vekwantham (Visakhapatnam): I will speak on his behalf.

Mr. Speaker: He can speak on his own behalf, but not now.

श्री लक्ष्मी लिंगम (गुंटूर) : सम्भव महोदय, श्री लोका के वादविवाद की प्रतिपादन की शेर के रक्त निकली है उस में से ही ज्ञान मिलता है वह कर बुझाना नहीं चाहता है,

वर्षी एक ही वाक्य महोदय का नहीं थी उपाध्यक्ष महोदय ने उस वाक्य पर कहा था।

"All right. The House is adjourned, stands adjourned, We will meet tomorrow at eleven."

उस समय महोदय, हमारे जो नियम बने हुए हैं उन में से मैं आप का ज्ञान नियम 15 और 62 की शेर चीचना चाहता हूँ। जो 62 नियम है वह इस प्रकार है :

"The Speaker may, if he is satisfied that there has been adequate debate, put the question at 18.30 hours or at such other hour not being less than two hours and thirty minutes from the time of commencement of the debate."

किर 367 में मत विभाजन के बारे में प्रक्रिया दी गई है। अगर उपाध्यक्ष महोदय ने इन नियमों का ज्ञान किया होता तो उनके लिये कोई झंझट पैदा न होता, क्योंकि अब यह विषयी बात मतदान नहीं चल सकता है जो हमारे नियमों में सारी में जाकर मतदान करने की प्रक्रिया है। उस प्रक्रिया के अनुसार वह उस दिन चल सकते थे। लेकिन उन्होंने ऐसा नहीं किया और सदन को स्थगित कर दिया। ऐसा करने को उनको अधिकार था। आप नियम 15 देख लीजिये। वह इस प्रकार है :

"The Speaker shall determine the time when a sitting of the House shall be adjourned sine die or to a particular day, or to an hour or part of the same day:

Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned sine die."

यहाँ पर स्पीकर का मतलब है कि जो इस मुद्दे पर बहस है वह तो जो विधीयमान की प्रक्रिया की उस पर उन्होंने अधिकार नहीं

किया। मतदान नहीं हुआ। उन्होंने नियम 15 के तहत जो उनको अधिकार होता है कि वह सदन को अनिश्चित काम तक के लिये स्थगित कर सकते हैं या किसी समय तक स्थगित कर सकते हैं, उस के अनुसार दूसरे दिन 11 बजे तक के लिये स्थगित किया।

उस के बाद की जो कार्रवाई निजी नहीं है, वह कार्रवाई नहीं है। निर्धारित समय के पहिले सदन को बुलाने के लिये नोटिस जकरी है धाप को इस कार्रवाई को प्रकाशित करने के बारे में पूरा अधिकार है। यह भी धापको पकड़कर नहीं सुनाना चाहता हूँ। मेरी धाप से दरकनास्त है कि उपाध्यक्ष महोदय के इस वाक्य के बाद जितनी सारी बातें छपी हैं वह इस कार्रवाई में से निकाल दी जाय और सदन स्थगित हुआ वह माना जाये। इस को मानने के बाद क्या संवैधानिक स्थिति उत्पन्न होती है इस पर बहल होगी चाहिये। मेरी राय में स्वयं प्रस्ताव पर या काम रोकने प्रस्ताव पर जब उपाध्यक्ष द्वारा सदन स्थगित किया जाता है तो उसका ताक मतलब होता है कि इस सदन ने और उपाध्यक्ष ने वर्तमान सरकार के ऊपर अधिकृत प्रकट किया है, उस की धामोचना की है। इस लिये कार्रवाई से इस हिस्से को निकालने के पश्चात् धाप सदन को अनिश्चित काम तक के लिये स्थगित कीजिये क्योंकि वह सदन चम नहीं सकता है बिना सरकार के उसके बाद वह सरकार राष्ट्रपति के पास जा कर अपना हस्तिका दे दे और नई सरकार बने। पहले मौका विरोधी बलों को दिया जाये उसके बाद अगर हम बहुमत वाली सरकार बनाने में सक्षम रह जाते हैं—

श्रीमती सारकेन्द्री सिन्हा हुंलती क्यों हैं, ताक उनके बाद बहुहारा सांच या जयिनी—अगर हम बहुमत वाली सरकार का संच करने में सक्षम हो जाते हैं तो फिर हम भीनों को भीक दिया जाये।

श्रीमती सारकेन्द्री सिन्हा (बम्ब) : श्री मधु सिन्हा ने मेरी तरफ इशारा किया है। क्या उनको कुछ खबर निजी है कि अगर से कुछ गोन उबर जा रहे हैं ?

श्री मधु सिन्हा : हां, हां।

श्रीमती सारकेन्द्री सिन्हा : क्या उनके नाम बतला दें।

श्री मधु सिन्हा : पहले हम धापको यह खबर देते देते ?

श्री सारकेन्द्री सिन्हा (अधीन) : क्या मता प्रधान मंत्री श्री सुद इबर या जाये ?

श्री सारकेन्द्री सिन्हा (बतरक-पुर) : अध्यक्ष महोदय, इस बात से इन्कार नहीं किया जा सकता कि उस दिन उपाध्यक्ष महोदय ने सदन को स्थगित कर दिया। लेकिन मैं इससे सहमत नहीं हूँ कि जिस इंस के सदन स्थगित किया गया उस से यह नतीजा निकाला जाये कि स्वयं प्रस्ताव स्वीकृत हो गया।

मैं एक दूसरी बात कहना चाहता हूँ। जब सदन में स्वयं प्रस्ताव पर विचार हो रहा हो तो क्या अध्यक्ष को या उपाध्यक्ष को या और जो सदन की कुर्सी पर बैठे हों उन्हें बिना मतदान के सदन को स्थगित करने का अधिकार है ? मेरा निवेदन है कि यह अधिकार उनको नहीं है क्योंकि वह अधिकार इस तरह से काम में लाया जा सकता है कि उसके द्वारा सरकारी पत्र की रक्षा की जाये।

अध्यक्ष महोदय, मान लीजिये स्वयं प्रस्ताव पर बहल हो रही है और मतदान के समय अध्यक्ष या उपाध्यक्ष या सभापति यह देखते हैं कि कांग्रेस दल के सदस्यों की या सत्ताक दल के सदस्यों की संख्या कम

[श्री अटन विहादी वाक्येची]

है, धीरे यह संघ की जाती है कि मतदान स्वयं कर दिया जाये, मतदान दूसरे दिन किया जाय, तो क्या अध्यक्ष को प्रतिष्ठित अधिकार होगा कि बिना मतदान के यह सदन को स्वयं कर दे ? मैं इसको मानने के लिये तयार नहीं हूँ। यह प्रश्न केवल उस दिन का नहीं है, भागे भी यह स्थिति पैदा हो सकती है। इसलिये मैं चाहता हूँ कि यह बात निश्चित होनी चाहिये कि जब स्वयं प्रस्ताव पर मतदान नहीं हो जाता तब तक सदन स्वयं न किया जाये। अगर बिजली कौन गई है तो मतदान के दूसरे तरीके खपनाये जायें। फिर भी यह सत्य है कि उपाध्यक्ष महोदय ने सदन स्वयं किया। उन्होंने गलती की, धीरे इस बलती के लिये उन्हें सदन से क्षमा मांगनी चाहिये, धीरे मैं समझता हूँ कि सदन उनकी क्षमा प्रार्थना पर विचार करने के लिये तैयार होगा। अगर कांग्रेस को हुराना है, इस मसिबदल को निकालना है, तो मैं सीधा तरीका खपनाया पसन्द करूँगा। उपाध्यक्ष की गलती का बहुत से कर यह सरका हटाई जाये इन संघ से मैं सहमत नहीं हूँ।

Shri Nath Pai (Rajapur): Mr. Speaker, Sir, I am a little constrained because I have to offer these comments regarding a very distinguished colleague with whom we have had the honour of sitting in this House for 10 years. I have known Shri Khadilkar much longer and my first reaction is that of respect towards him; nonetheless, my loyalty to this House and its procedure is higher and therefore, I am undertaking this task.

Mr. Speaker, Mr. Madhu Limaye has cited the relevant rule. What the House has to make up its mind is about two points. The mechanism to which we resort with regard to our voting had failed. What was the duty of the Speaker in the circum-

stances? I think the Deputy-Speaker had failed in discharging that duty. The duty is well laid down. It will be desirable, therefore—

Mr. Speaker: Everybody knows it. Be brief.

Shri Nath Pai: I will be extremely precise. The Deputy-Speaker suggested that the Whips go and call in their colleagues. I beg to submit that under the rules of procedure, there is no such provision. We respect, and we do respect, Shri Khadilkar, who has a brilliant mind, a very alert mind. When one goes and sits in the Chair—and this applies to all—the Chair has to familiarize with the rules of procedure, particularly the basic rules. There is no provision for this kind of ad hoc provision for the occupant of the Chair to say,

“जाओ, बुलाओ, चन्द्र नाथो”

If the mechanism fails, the rules are very clear. I will read rule 367B(1), which says:

“Where the Speaker directs under clause (c) of sub-rule (3) of rule 367 that the votes shall be recorded by the members going into the Lobbies, he shall direct the ‘Ayes’ to go into the Right Lobby and the ‘Noes’ into the Left Lobby. In the ‘Ayes’ or ‘Noes’ Lobby, as the case may be, each member shall state his Division Number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member.”

So, the procedure in case the mechanism does not work should be known to us and if temporarily, because of pressure of work, the Deputy-Speaker or the Speaker does not happen to recall it and thus gives room for such a temporary lapse, (Interruption)—I will continue only when I have the undivided attention because I do not propose to repeat it—then, if the mechanism fails, he ought to know

been advised by the Secretary if he fails to recall his duty. That is the first point. This is a very serious lapse, I am afraid.

The second thing is very, very clear. What are we discussing then? I am afraid Shri Madhu Limaye's reference to rule 15 does not cover the point. The whole procedure regarding Adjournment Motion, discussion and voting on it comes under a special chapter and when there are two rules, the general rule and a rule laid down for a specific thing, a specific provision, under the canons of law, the specific rule shall apply, and for the Adjournment Motion the specific rule is very clearly laid down. It says:

"The Speaker may, if he is satisfied that there has been adequate debate, put the question at 18.30 hours or at such other hour not being less than two hours and thirty minutes from the time of commencement of the debate."

He has put it to the House and he has given a very clear ruling. There is no scope for any kind of misreading of it. That has already been read, out but for the benefit of those who have not bothered to look into the proceedings, particularly that massive rally of supporters of the Prime Minister I will read it once again:

"All right, the House is adjourned, stands adjourned. We will meet tomorrow at eleven."

So there is no scope for any misreading. There have been three departures in the space of two minutes on the part of the Deputy-Speaker. I hope he will not misunderstand me. In spite of the record, my regard for the Deputy Speaker has not diminished (interruption). Only my regret is there, my unhappiness is there. I am tempted to agree with Shri Limaye, but I am inclined to agree with Shri Vajpayee and we would like to defeat the Government on a clearly brought motion which has been debated. We want to defeat the Government on a substan-

tial motion. We do not want to push them out of the window, we want to throw them out through the main door, and not on an adjournment motion when the time comes and it will come. Nonetheless, Sir, you are now called upon to give your ruling. I do not know what amends Shri Khadilkar would like to make. I do not suggest any course. I depend on his fair play to see that there has been a lapse, and his sportsman spirit and his responsibility should guide his hands in making such amends as he thinks fit. But, Sir, you are called upon to declare that all that happened after this announcement by the Deputy Speaker adjourning the House is null and void and not a part of the record of this House.

Shri Umaasath (Pudukkottai): Sir, I do not want to deal with the question as to what should be the voting system and all those things. I am only concerned about the fact that if you in your wisdom do not agree to decide on the course of expunction of the rest of the proceedings on that day after the declaration or announcement of adjournment of the House was made by the Deputy Speaker, that will create very serious and complicating precedents which will actually obstruct the proceedings of the House and all sorts of difficulties will arise.

Sir, if you examine the nature of the announcement of adjournment on that day you will see that it was not a slip of the tongue. I can understand, Sir you are the Speaker, but you are also a human being and a slip of the tongue may happen. But it was not a slip of the tongue, nor does the record show that the Deputy Speaker claims that it was a slip of the tongue. It was a considered and conclusive decision, because just before he announced adjournment of the House, his announcement was that the debate may be resumed. Then there were interruptions and then somebody asked—the record shows—"How can you do that", and then he said: "All right, the House is adjourned, stands adjourned. We will meet tomorrow." It means the objection raised from a section of

[Shri Umanath]

the House was accepted by the Deputy Speaker and then he gave his considered decision that the House stands adjourned to meet again the next day. So it was a deliberate and considered decision for the moment.

The next point that arises is, once the House is adjourned as a result of a deliberate and considered decision, even if the Deputy Speaker felt that it was a wrong decision, could he, subsequently, immediately re-convene the House and continue the proceeding? No. Even if he felt that he had committed a mistake there is no course open to him. Neither he nor you, Sir, have any right to continue the deliberations of the House under the rules. Shri Limaye has quoted a rule. I do not want the Government side to quote some portion of the rule where it says:

"Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned . . ."

It is clear that even if the Speaker thinks fit he has to call a sitting of the House, and calling a sitting means giving due notice and all that process laid down under the rules. That has not been done. I can understand, Sir, if it is a small party committee meeting I know we have our own party meetings—after we have finished if somebody raises a point the Chairman immediately asks other members to sit down and the discussion goes on. But this is not a party meeting. Here it is the House governed by certain rules. Therefore, all proceedings after the adjournment of the House must be expunged. The record shows that, even by explanation, he has not reconvened the House. He declared it as adjourned and then he said: "Let us take votes". That means it is clearly illegal. What actually happened subsequent to the adjournment of the House—I would not say it was a crowd as my hon. friend would like to call them, but I would give them some

respect—it was a Congress Parliamentary Party general body meeting presided over by Shri Khadilkar and the voting that took place was voting in the general body meeting of the Congress Party.

I will tell you about the bad precedent that this will create. So far the procedure has been, and it has been my experience during the Half-an-hour Discussion when the House used to adjourn at 6.30 in the evening even when we are on our legs raising some points once the Speaker stands up and declares the House adjourned, he ignores all interruptions, and the reporters also do not record anything. Now, Sir, if you accept the present position and do not expunge the rest of the proceedings after the House was declared adjourned, what will happen is, in future, even after the House is adjourned by you or the Deputy Speaker or anybody in the Chair, you will have the right to carry on with the proceedings and I will have the right to raise any point after you have adjourned the House, which you will have to hear and I also will have the right to insist on the reporters recording my points. This is a very serious precedent which should not be allowed and the whole proceedings after adjournment of the House should be expunged.

Shri S. M. Emarjee: It was a 'mock parliament'.

Shri J. B. Kripalani: I think, Sir, Dr. Lohia deliberately confused the Deputy-Speaker and we should take some action against Dr. Lohia.

Shri Tanneti Viswanatham: Sir, I also was present here when the ruling was given. It was a very clear ruling and immediately we went out. Only there was a possibility of giving a particular interpretation to the ruling. Some could say it was a ruling on the adjournment motion while others could say it was in response to the suggestion that the voting could take place next day. The rules do not per-

mit adjournment in the middle of voting; neither the rules nor common-sense will allow that. But he adjourned the House and what he said has been quoted already. Therefore, he cannot now say that there was a possibility of double interpretation. But we are not insisting upon that. As Shri Kunte and other hon. friends have said, we are only saying, please expunge the proceedings subsequent to the ruling. This is by way of a compromise, if I may say so. Otherwise, we can move a motion and argue both ways and perhaps we may not be able to come to a conclusion.

Shri Khadilkar (Khed) rose—

Mr. Speaker: Do you want to say something?

Shri Teemaji Viswanatham: I do not think Shri Khadilkar should say anything. I will rise to a point of order, because we go only by the record. I have nothing personal against him. He also can speak only on the record and he cannot explain away anything.

डा० राम मनोहर लोहिया : अध्यक्ष महोदय . . .

Mr. Speaker: I thought Shri Limaye spoke on behalf of his party.

श्री मधु लिमये : व्यक्तिगत स्पष्टीकरण ।

डा० राम मनोहर लोहिया : व्यक्तिगत स्पष्टीकरण नहीं है ।

Mr. Speaker: I will allow him because Shri Kripalani wants action to be taken against him and on that point he can say something.

डा० राम मनोहर लोहिया : मुझे बड़ी खुशी होगी अगर आप मेरे खिलाफ कोई कार्रवाई करें ताकि देश में सचमुच कानून का राज्य कायम हो। इस पर मुझको बड़ी खुशी होगी और यह कार्रवाई जानी

एक ही हो सकती है कि कृपालनी जी को पकड़ कर वहाँ बिटा दें और उन लोगों को दबड़ से धावें ।

सवाल यह है कि कि किसने गलती की। मैं देख रहा हूँ कि उपाध्यक्ष महोदय को बेकार इसका भिकार बनाया जा रहा है। गलती उन्होंने नहीं की। बेकार में खुद हजारी तरफ के लोग उनके ऊपर गलती बोध रहे हैं और उनसे माफी की बात कर रहे हैं। असल में कमजोरी सरकार की की थी।

इस बारे में दिमाघ बिल्कुल साफ करना चाहिये कि क्या सरकार निकम्बी, असफल और नालायक थी जो अपने सदस्यों को इकट्ठा नहीं कर पाई और बूँकि उसके सदस्य ज्यादा नहीं थे इसलिए इस प्रस्ताव पर फेल हो जाती या क्या उपाध्यक्ष महोदय कोई गलती कर बैठ और सरकार बड़े मजे की स्थिति में थी।

यह बात बिल्कुल साफ है कि उपाध्यक्ष महोदय की कोई गलती नहीं थी। वह बड़े अच्छे धादमी हैं। उन्होंने बड़ा श्रद्धा काम किया—उन्होंने सरकार को बांध दिया। जहाँ तक श्री नाथ पाई का सम्बन्ध है एक उमाने में मेरा और उनका दोस्ताना के घलावा और भी रिश्ता था। हम सरकार को खुले दरवाजे के बाहर फेंकने, खिड़की से नहीं फेंकेंगे वह वह मोह छोड़ दें। वह इस सरकार को खिड़की से, दरवाजे से, दरार से धारे जहाँ से फेंकने की कोशिश करे।

मैं संविधान की तरफ लेना चाहता हूँ। बूँकि सब बातें उन्होंने यूरोप से सीखी हैं इस लिए अगर अब यह सरकार एक मिनट भी कायम रहती है तो यह संविधान के प्रतिफल होगा यह बहुत समर्थ होगा और प्रजातंत्र का हनन होगा।

संवाद-कार्य और संवाद मंत्री (डा० राम लुभन सिंह) : मंत्री डा० लोहिया ने कहा

[डा० राम मनोहर लोहिया]

कि सरकार ने सारी बातें यूरोप से सीधी हैं। मैं कहना चाहता हूँ कि उनको यह हिम्मत इसलिए बढ़ रही है कि उन्होंने भी अपनी जिम्मा और बात कर उच्च शिक्षा यूरोप में ही प्राप्त की। उन्होंने यह कहने की हिम्मत की है कि हम सरकार को खिड़की से बाहर फेंकेगे, दरार से बाहर फेंकेगे और दरवाजे से बाहर फेंकेगे। अगर किसी में सरकार को बाहर फेंकने की हिम्मत होनी तो उसी दिन हिम्मत की आज्ञादाहम कर लेते। उस दिन जब डिप्टी स्पीकर महोदय ने कहा "आई थिंक दि "नोट" हैब इट दि "नोट" हैब इट" उस वक्त हम सदन में खी कुटे, श्री बनर्जी, श्री उमानाथ, श्री नाथ पाई, डा० लोहिया और श्री मधु निमये सब मौजूद थे पर सबकी भावने की प्रवृत्ति थी।

श्री मधु निमये: कहा? मंत्री जी बिल्कुल झूठ और गलत बोल रहे हैं। हम ने मन-दान की चुनौती दी थी।

Shri S. M. Banerjee: I rise on a point of order.... (Interruptions).

Mr. Speaker: You must hear what he has to say.

Shri Dattatraya Kunte: I rise on a point of order.

Mr. Speaker: You may kindly sit down. They heard with patience what all you said and you do not want to hear him. You may not agree with him.... (Interruptions).

Shri S. M. Banerjee: Kindly hear my point of order.

Mr. Speaker: They heard you with great patience. You should hear him.

श्री मधु निमये: लेकिन आप उन को यह किताब दे दीजिए जिम में मतदान की चुनौती दी गई थी।

Mr. Speaker: You do not want to hear him. It is not proper that they

must be very patient to hear whatever you say, that you want to throw them out through window or ventilator or whatever it is, and if they say something, you begin to shout. You may not agree with him but you should hear him.... (Interruptions). I am still on my legs. You may not agree with him. I would request you to kindly hear him and allow him to say what he has to say.

Shri S. M. Banerjee: Kindly hear me.

Shri Dattatraya Kunte: I rise on a point of order.

Mr. Speaker: I wish the other side had done that. When you were speaking, the other side could have raised a point of order. A point of order can be raised by anybody. It is so simple.

Shri Dattatraya Kunte: I am prepared to be ruled out but I should be given a hearing.

Shri Ranga (Srikakulam): When he rises on a point of order, you have got to listen to him.

Shri Mannabhai Patel (Dabhoi): Before his point of order is heard, I may be allowed to raise a point of order.... (Interruptions).

Mr. Speaker: Order, order.

Shri Mannabhai Patel: Sir, the time for discussion is over.... (Interruptions).

Mr. Speaker: I thought we should keep the discussion at a higher level but you are bringing it down. So many hon. Members are shouting at the same time. That is not proper. I wanted everybody to have his say. They patiently heard you what all you said and there was not even one interruption. Now, points of order are being raised. You do not want to hear the Minister; you do not want to hear the Law Minister.

Shri S. M. Banerjee: Kindly hear me for half a minute.

Mr. Speaker: When you were speaking, the others could have raised a point of order. Let me hear Mr. Kunte's point of order.

Shri Dattatraya Kunte: Sir, I agree with you completely that the discussion should be carried on at a higher level and, I think, you will agree that I have cooperated with you on this point for all the time. Therefore, when I stand up on a point of order and you say that, as you are dissatisfied with the proceedings of the House, you would not allow a point of order to be raised, I have my difficulty about it.

Coming to the point of order, I heard the hon. Minister for Parliamentary Affairs to say that Members of this House, like Kunte, etc. have the habit of *bhagne*. . . . (Interruption). Understanding that word as I do, if he means that I am in the habit of running away, I think, that is not the proper language for the Minister of Parliamentary Affairs or any Member to use in the House. That is my point of order.

An hon. Member: You were in a hurry to leave the House. . . . (Interruptions).

Shri Dattatraya Kunte: If the hon. Minister does not mean 'running away' I can understand but if he means 'running away', I have objection to that word. . . . (Interruptions).

Mr. Speaker: Do you think this is more unparliamentary than saying, "We will throw them out of window" and all that? (Interruptions).

श्री मधु लिमये : अध्यक्ष महोदय माफ कीजिए। हम किसी भी व्यक्ति या मंत्री को नहीं फेंकना चाहते हैं। हम तो सरकार को फेंकना चाहते हैं।

डा० राम मनोहर लोहिया : डा० राम मुनग सिंह को बिड़की से कौन फेंक सकता है ?

395(A) LSD—9.

श्री मधु लिमये : वह निकल ही नहीं पायेगे।

Shri S. M. Banerjee: My point of order is this.

The hon. Minister for Parliamentary Affairs used the expression "*bhag gaye*". I only say he is trying to mislead the House, rather the country, in the matter of the proceedings of the House.

उन्होंने प्रश्नो हिन्दी में कहा है कि जब बोटिंग का समय आया और डिप्युटी स्पीकर साहब ने मत लिया तो उन्होंने "नो" कहा लेकिन श्री मधु लिमये और तयाम सदस्य भाग गए और उन की हिम्मत नहीं हुई।

शिक्षा मंत्रालय में राज्यमंत्री (जी भागवत झा छात्राव): यह नहीं कहा।

श्री स० मो० बनर्जी : यह गवर्नमेंट हार चकी है। इस को रिज्वाइन करना पड़ेगा।

This attitude is not going to help the country or their party.

What he said was this:

"Mr. Deputy-Speaker: The question is:

"That the House do now adjourn."

Those in favour will kindly say 'Aye'.

Some hon. Members: Aye."

My point of order is that the hon. Minister while replying has tried to mislead the House. He has not replied to the point.

Mr. Speaker: He is making a speech?

Shri S. M. Banerjee: "Mr. Deputy-Speaker: Those against will say 'No'."

Several hon. Members: No.

Mr. Deputy-Speaker: I think the 'Noes' have it....

Some hon. Members: The 'Ayes' have it."

This, he has not quoted. He said, "Ayes have it". (Interruption).

I never expected this behaviour from the Minister of Parliamentary Affairs. If they have committed a mistake, let them admit it before us; we may forgive them.

डा० राम लुभग सिंह: अध्यक्ष महोदय...

डा० राम बनोहर लोहिया: घरे जरा प्रकल के साथ बोलो।

डा० राम लुभग सिंह: अभी माननीय लोहिया जी ने कहा कि जरा प्रकल के साथ बोलना चाहिए। मैं कोशिश जरूर करूंगा कि प्रकल से कुछ भंग मारो प्रकल की... ठेकेदारी बुनिया की लोहिया जी को नहीं है। दो धारणियों ने..... (व्यवधान)दो माननीय सदस्यों ने कहा कि मवर्नमेंट को रिजाइन करना चाहिए माननीय उमानाथ शर्मा श्री बेनर्जी साहब, शोर उस के लिए उन लोगों ने तर्क किया कि इसलिए रिजाइन करना चाहिए कि श्री बेनर्जी ने कहा कि

"Government had no shame; they should have resigned then and there". I concede that, had there been any adverse voting against the Congress, the Government of Shrimati Indira Gandhi would not have stayed even for a single moment in its seat, but it is obvious from the record of the House that there were 60 Members of the Opposition present in the House on that day and the number of Members of the Congress Party was above

this, it was 125. (Interruptions). He can go and consult the Register.

डा० राम बनोहर लोहिया: यह क्या यहां सी० बी० आई० रहता है या क्या रहता है? कैसे पता चला? जानूरी कर रहा है, यह क्या है?

Mr. Speaker: You may not agree, but let him have his say.

Dr. Ram Subhag Singh: I was saying that when the Deputy-Speaker said that 'Noes have it', that also indicated that the Government was in majority. Mr. Umanath pointed out that the Deputy-Speaker said, "All right, the House is adjourned, stands adjourned. We will meet tomorrow at Eleven"; but the other Members say this, for instance, Shri Madhu Limaye who was supported by Mr. Kunte. Mr. Kunte claims to be one of the experts, and I concede that. He is a respected Member of the House. He said that those who remained constituted a crowd and the objective of the meeting, he said, was that we called a meeting for a specific purpose, but he forgot to say at that time that the specific purpose on that day was to have that adjournment motion either accepted or rejected after full discussion; and when the discussion was over, the Deputy-Speaker put the motion to the vote of the House and said, "Noes have it". Mr. Kunte, while supporting his argument, said that Mr. Madhu Limaye had said,

"मदन स्वमित कर दिया जाय। हाउस एडजर्न कर बीजिये, कल मतदान करिए।"..... (व्यवधान)श्री मधु लियये को भी इन बात का मुहता था कि क्या डिप्टी स्पीकर का निर्णय है क्योंकि इन्होंने कहा कि सभन स्वमित कर बीजिये।

श्री मधु लियये: यह कतरन में हुआ।

Dr. Ram Subhag Singh: After the Deputy-Speaker, according to Mr. Umanath, ruled that the House should be adjourned, Shri Limaye did not understand that he had said that the House should be adjourned. So, that is a very weak argument which Mr. Kunte advances. Mr. Kunte, of course, claims and I concede—he can go on claiming—that he is one of the best experts in the House, but he has failed to convince me from another point of view. It was the property of the House to say 'Yes' or 'No'. The Deputy-Speaker was not competent to adjourn the House. After the debate started, the Deputy-Speaker had no power to adjourn the House. It was the property of the House to say 'Yes' or 'No'. This was an adjournment motion. The House should have either accepted it or...

श्री राम मनोहर लोहिया : प्राप इसके लिये हमको निकाय देने प्रगर हम इनकाम्पोटेंट कहने ।

Dr. Ram Subhag Singh: ...rejected it. The House in the initial stage or in the opinion of the Deputy-Speaker rejected it and when he wanted to put it to vote, then he found that the power had failed. Then Mr. Ranga said, "Let the Division take place tomorrow. We do not want to take that responsibility". Had Mr. Ranga or Mr. Limaye been sure of the majority, Mr. Ranga or Mr. Limaye or the entire crowd of Mr. Kunte which had walked out, could have stayed on and seen that the motion was accepted. But it was rejected straightaway. Even today if Mr. Banerjee wants to be gracious—he referred to grace—if he has got any grace, he should press the House—all of them—and we are going to abide by the decision of the House. If Mr. Banerjee wants to have that motion or any motion accepted, even today we will see that he, along with his colleagues, is thrown out.

Shri P. Ramamurti (Madurai): I rise on a point of order. He was

referring to a Member, Thimayya. I want to know who is that Member?

Mr. Speaker: Mr. Madhu Limaye, he said.

Shri Randhir Singh (Rohtak): On a point of order. जब तक कि स्पीकर बेयर में है या स्पीकर की जगह डिप्टी स्पीकर बेयर में है.....

Mr. Speaker: There is no point of order. He is also arguing.

There is no point of order. He is explaining the case. If there is any point of order, he may tell me.

श्री रवबीर सिंह : मैं सारी बहस का एक ही बात में जवाब देना चाहता हूँ। एक मिनट प्राप मुन नें। मेरे फाजिल दोस्तों की तरफ से कहा गया कि काउड था।

"It was not a crowd; it was a duly constituted House."

जब तक कि स्पीकर या डिप्टी स्पीकर बेयर में हैं उम वकन तक ड्यूटी कांस्टीट्यूटेड हाउस होगा। डिप्टी स्पीकर बाखिर तक बेयर में बैठ रहे तो

"It was a duly constituted House."

Mr. Speaker: Now, the whole case is very clear....

श्री एस० एम० जोशी (पूना) : अध्यक्ष महोदय, यह सदन के उपाध्यक्ष की बेइज्जती का सबाल है—जो यह कहा गया कि उपाध्यक्ष कांफिटेन्ट नहीं थे, यह मतलब चीज है।

Mr. Speaker: I have already allowed Shri Madhu Limaye and Dr. Ram Manohar Lohia. If every Member

[Mr. Speaker]

wants to speak from the same party, then it would become impossible.

श्री एल० एच० जी० : मंत्री महोदय ऐसा नहीं कह सकते हैं, कोई भी सदस्य यह नहीं कह सकता है।

Shri Randhir Singh: Kindly allow me one minute. I would like to quote rule 15....

श्री कंबर साहब मुप्ता (दिल्ली सदर) : मैं आपसे यह प्रार्थना करना चाहता हूँ कि इस बारे में हम लोग प्राइम मिनिस्टर को सुनना चाहते हैं, वे इसके बारे में क्या कहना चाहती है ?

Mr. Speaker: Now, the position is very clear. There is no legal aspect here. There was a little confusion; there is no doubt about it, and all of us will have to accept it. And the Deputy-Speaker also does not deny that. Of course, I had a discussion with him, and he is not contradicting any fact or anything else. He only wants to explain the circumstances. Now, Shri Khadilkar....

Shri Tenneti Viswanatham: On a point of order....

Mr. Speaker: I have called Shri Khadilkar now. Shri Tenneti Viswanatham may kindly sit down.

Shri Tenneti Viswanatham: On a point of order....

Mr. Speaker: I have allowed Shri Khadilkar to speak and he will explain the circumstances....

Shri Tenneti Viswanatham: I would submit to you that we must go by the record and not by what he explains here. Anyhow, I leave it to you.

Mr. Speaker: If it was only a question of record, then there would have been no need to allow expression of views now. So, he should be allowed.

Shri Thirumala Rao (Kakinada): He is also a Member of the House and he has every right to speak.

Shri Khadilkar (Khed): On the 24th after a voice vote was taken on the motion for adjournment of the House and it was declared lost, the decision was challenged and I asked the Lobbies to be cleared. Due to electricity failure, the bell could not be rung, and I requested the Party Whips to invite their Members. Then, in the interruptions and confusion that followed, first I said on Shri Ranga's suggestion that division would take place the next day and asked Shri Sezhiyan to continue his speech on the UPSC's report. Then, on a request being made by a Member, I said that the House stood adjourned. I think it was a lapse on my part and I had committed a mistake, for which I am sorry; I should have taken the vote a second time immediately, because according to my view, the Chair has the inherent power to correct its own mistake...

An hon. Member: Let him not talk of power now.

Shri Khadilkar: I, therefore, realised immediately that I could not postpone the voting on the motion to the next day, and accordingly, I did take vote a second time, and I declared the motion lost. But from the procedural point of view, it was a lapse for which I am sorry.

डा० राम मनोहर लोहिया : सरकार को बचाने के लिये बेनादे ने अपने ऊपर सारी ज़ाफ़त ले ली। (स्वबचान)

Mr. Speaker: Now, I would only say this that the adjournment motion has been disposed of and there is nothing more to be worried about. Let us go for lunch now and meet again at 2.30 p.m.

श्री कंबर साहब मुप्ता : अब डा० राम मुभाय सिंह इन का जवाब दें।

Mr. Speaker: He has expressed regret and there it ends.

12.24 hrs.

The Lok Sabha then adjourned for Lunch till Half Past Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at half past fourteen of the clock.

[MR. DEPUTY-SPEAKER in the Chair]

RAILWAY BUDGET—GENERAL DISCUSSION

Mr. Deputy-Speaker: We shall now take up general discussion of the Railway Budget for 1967-68.

Shri Mohamed Imam (Chitradurga): Mr. Deputy-Speaker, it is significant that on the day the Railway Budget was presented by the Minister in charge, there was a major calamity which overtook the Island Express from Bangalore to Cochin near Kuppam. More than 70 lives were lost and hundreds were either injured seriously or maimed. No doubt, the Minister has sent his sympathies to the members of the bereaved families and possibly shed tears too. But I must say that they are cruel tears. It is evident that this disaster occurred as a result of human failure, for which the Minister and the railway administration have to be held responsible.

We are hearing of late of too many disasters by way of railway accidents. In the course of last year, there have been many major accidents involving loss of many lives. A few months back, there was an accident at Bombay in which hundreds of lives were lost. There have been accidents between Belgaum and Poona in which scores of lives were lost. Still the railway authorities seem to be very complacent. They are un-concerned with human lives and this tragedy, I must say, is the culmination of the mis-

management of the railways for which they deserve nothing but censure.

Shri Poonacha comes from the same State as I do. I have great respect for him.

Shri Vasudevan Nair (Peermade): He has come at a bad time.

Shri M. R. Krishna (Peddapalli): He is a very good man.

Shri Mohamed Imam: He is a very good man, and a sincere man. In fact, when he assumed this august office, I felt glad that a person from Mysore has taken over this big responsibility.

An hon. Member: That is parochialism.

Shri Mohamed Imam: But I find that he is helpless, and I am disillusioned. He has inherited the legacies of the mismanagement of his predecessors who have done untold damage to railway finance. At present, his main mission seems to be three-fold, to present a deficit budget, to enhance the freights and fares and reservation charges and thirdly, to dismantle the existing railway lines and introduce bullock cart and bullock age in their place.

Shri M. R. Krishna: He wants it to be done during his time.

Shri Mohamed Imam: That seems to be his mission.

Still the railways have a great part to play in national life. The Indian railways constitute the biggest national undertaking and more than Rs. 3,000 crores have been invested in them. They play a vital role in our national economy, in economic and industrial growth, and a wise and efficient management is required. If that is lacking, the growth of industry is hampered.

At the same time, it must be remembered that the railways are a commercial concern. They must be