

- (79) Order No. LND/NA/WS/1211 dt. the 8th August, 1974 in the case of Agro Alloys Manufacturing Co., Mehsana.
- (80) Order No. LND/NA/2410 dt. the 20th August, 1974 in the case of Manilal Nathalal Patel and others, Unjha Taluka, Siddhpur.
- (81) Order No. LND/NA/WS 2372 dt. 21st August, 1974 in the case of Saraswati Sahakar Corporation.
- (82) Order No. LND/NA/WS/2940 dt. the 6th September 1974 in the case of Mehsana Taluka Coop. Cotton Sales Ginning and Pressing Soc. Mehsana.
- (83) Order No. LND/NA/1153 dt. 6th September, 1974 in the case of Gajanan Engineering Works & Gajanan Tubewell Co. Unza, Taluka Siddhpur.
- (84) Order No. LND/NA/WS-2666 dt. the 17th September, 1974 in the case of Shri Mohanbhai Raychandbhai & others.
- (85) Order No. LND/NA/WS/2985 dt. the 28th September, 1974 in the case of Shri Tribhovandas Duwarkadas & others.

(ii) A statement (Hindi and English versions) showing (i) reasons for delay in laying the above Orders and (ii) for not laying the Hindi versions thereof.

[Placed in Library. See No. LT 8671/74].

14.37 hrs.

PERSONAL EXPLANATION BY MINISTER

THE MINISTER WITHOUT PORTFOLIO (SHRI UMA SHANKAR DIKSHIT): Sir,...

श्री मधु लिमाये (बांका) : यह क्या हो रहा है ? क्या प्लॉट प्राफ एंटर है ।

प्रमाण नही है, दीक्षित जी व्यक्तिगत स्पर्डीकरण के लिए सदन के सामने बहुत दिनों के बाद आए हैं। लेकिन यह स्पर्डीकरण जिस नियम के तहत कर रहे हैं उस नियम में लिखा हुआ है कि वह केवल उन के ऊपर जो प्रभियोग लगाया हुआ है उसी के ऊपर स्पर्डीकरण दे सकते हैं। मैंने कोई व्यक्तिगत प्रभियोग नहीं लगाया था। मैंने यह नहीं कहा था कि वह पैसा उन्होंने लिया। मैंने कहा था कि कांग्रेस पार्टी के लिए लिया। दीक्षित जी बुरा न मानें। मैंने उन के लिए नहीं कहा। इसलिए उसी के बारे में वह व्यक्तिगत स्पर्डीकरण दें। मैं आप का ध्यान नियम की ओर खींचना चाहता हूँ क्या कि मुझे वह बयान दिखाया नहीं गया है।

THE MINISTER WITHOUT PORTFOLIO (SHRI UMA SHANKAR DIKSHIT): Mr. Deputy Speaker, Sir, with your permission I wish to explain the correct position regarding allegations made against me in this House by Shri Madhu Limaye on 2nd December, 1974. The allegations are baseless and incorrect. Shri Madhu Limaye alleged that I had demanded a sum of money from the Chairman of British India Corporation, that I made an approach to Smt. Bajoria, that a sum of Rs. 10 lakhs in black was handed over by Shri P. C. Jain of DIC to "the Congress Leader" and that some money had also been sent for the Congress Party in response to a call made by me. Shri Madhu Limaye also insinuated that as a consideration for such payments I influenced the Government of India's attitude to the question of extension of tenure of certain officers of the British India Corporation.

Sir, it is totally untrue that I had contacted the Chairman of the BIC or Smt. Bajoria at any time for any donation in any capacity or that any sum of money had been paid in response to a call from me. Nor have I at any stage sought to influence the

Government's policy regarding the tenure of any of the officers of the BIC. The allegations are I repeat, totally incorrect and baseless.

श्री मधु लिमये :*

MR. DEPUTY-SPEAKER: I have not been able to follow what is going on.

श्री मधु लिमये :*

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South):

MR. DEPUTY SPEAKER: Order please. According to rules, no debate will arise after a personal explanation. And therefore, anything that is said soon after this personal explanation will not go on record.

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): Sir, I want your guidance in the matter. We have seen in this House often that allegations are thrown against Members or Ministers. But as you are in Chair. I think, you are here to protect the interests of the Members as also the Ministers who are also Members. Obviously, when an allegation is thrown, a certain mud is thrown. And even if a Member subsequently denies it an impression is gathered around this country that he has committed something. Undoubtedly, the Member has got a right to make an allegation provided he stands on a very strong footing.

MR. DEPUTY-SPEAKER: Now, you are raising a debate on this and I said that nothing would go on record.

SHRI MADHU LIMAYE :*

SHRI DINESH CHANDRA GO-SWAMI : *

MR. DEPUTY-SPEAKER: All this is not going on record.

MR. P. K. DEO (Kashmiri) :*

MR. DEPUTY-SPEAKER: Order please. I am seized of one point of order. I cannot be seized of all the points of order. All of you kindly sit down.

MR. DEPUTY-SPEAKER: I will refer to what.....

SHRI P. K. DEO :*

MR. DEPUTY-SPEAKER: Nothing is going on record because I do not know what is going on. If you all want to talk, I cannot prevent you; you can all talk. But if you want me to guide the proceedings of the House you must also listen to what I say, if you do not want to listen how can I do anything?

I have pointed out that according to the rules and directions, a copy of the personal explanation should be submitted to the Speaker in advance. A personal explanation has to be made in the House only in accordance with the text which is approved by the Speaker. This is done in order to obviate any debate arising out of a personal explanation. This is well laid down in the rules. I was going to the next item when this storm broke out and therefore I had ruled that everything that is said on this, following the personal explanation will not go on record. It has not gone on record.

Now, Mr. D. C. Goswami wanted my guidance.... (*Interruptions*) It is really difficult. Now, let us go to the next item.

Shri N. C. Parashar.

SHRI R. N. GOENKA (Vidisha): I wanted to make a personal explanation under rule 357.

MR. DEPUTY-SPEAKER: I wanted to attend to him but Members just wanted...

SHRI K. P. UNNIKRISHNAN (Badagara): Has he submitted it to you?

MR. DEPUTY-SPEAKER: Why don't you allow me? I really do not understand. Let me deal with the point raised by Mr. Goenka because his name featured yesterday. I see that he has written to the Speaker requesting for his right to make a personal explanation. I am told that the whole thing is being considered by the Speaker. After he has considered it he will convey his decision to him. Only after that the question of personal explanation will come, not now.

श्री मधु लिमये : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। जिस तरह से आप ने अभी सारे रिमार्क्स को एक्सपंज कराया है, कल भी स्वीकर साहब न यही कृपि दी थी कि सब एक्सपंज किया जाय, फिर भी अखबारों में और वास कर माल इंडिया रेडियो पर वह सब आया। मैं व्यवस्था चाहता हूँ या तो सब आये या जो एक्सपंज किया गया है, वह बिल्कुल न आये ?

MR. DEPUTY-SPEAKER: I am not expunging anything. Let me understand what you are saying.

SHRI MADHU LIMAYE: Yesterday, when certain allegations were made by my friend Shri Priyaranjan Das Munsi...

SHRI PRIYA RANJAN DAS MUNSI: It was the Patriot.

SHRI MADHU LIMAYE: You repeated it. When I similarly raised the Question of the allegation made by Saroja, you raised hell. So, you raised the matter here.

प्रियरंजन दास मुंशी—मेरी सलाह मानते कलिए, मुझ से मत झगड़ियेगा।

Briefly, my submission is this. Yesterday the remarks made by my hon. friend, Shri Priya Ranjan Das Munsi

about Shri R. N. Goenka and the subsequent debate were expunged... (interruptions) Yesterday, certain statements or questions were expunged. Nevertheless, the All India Radio gave publicity to them. Today you have expunged something. Am I free to publicise that?

SHRI H. K. L. BHAGAT (East Delhi): It is a very important point which Shri Madhu Limaye has raised. Here what happens in this House is that Members speak even when the Chair does not permit them and yet that goes on record. I totally agree with the suggestion that when a member speaks without the permission of the Chair, when a member speaks evens when he is not permitted by the Chair, his observations should not go on record. Shri Limaye is raising a question about what happened yesterday. But I say that in future also when a member speaks without the permission of the Chair, it should not go on record.

SHRI PILOO MODY (Godhra): May I say a word on this?

MR. DEPUTY-SPEAKER: Let me make some observations that will help in regulating the proceedings of the House. It is not that I am not allowing anybody to make submissions on this. As I understand it, Shri Madhu Limaye says that certain things were said yesterday with reference to Shri Goenka which, he says, have been expunged. That is what he says. I do not know whether they have been expunged or not... (interruptions) You say that certain things were said, which were expunged but which, nevertheless, were reported in the All India Radio. I do not know whether they have been expunged or not. If they have been expunged and, despite the expunction, if they are reported, then I think that is a clear case of breach of privilege.

SHRI S. M. BANERJEE (Kanpur): How can people know that? After all, newspapers are not Gods.

MR. DEPUTY-SPEAKER: Today I have expunged everything that has been said by the members after Shri Uma Shankar Dikshit has made his personal explanation, in accordance with the rules. So, nothing relating to this goes on record.

SHRI R. N. GOENKA: Sir, may I make a submission?

MR. DEPUTY-SPEAKER: You please wait till the Speaker takes a decision..

SHRI R. N. GOENKA: I shall wait, as you want me to do. But let me make a small submission for your kind consideration. Yesterday

MR. DEPUTY-SPEAKER: Do not refer to what happened yesterday. If you make a reference to that today, then you have no more right for personal explanation. Therefore, if you want your request to be considered, please restrain yourself from making any observation now.

SHRI R. N. GOENKA: I bow to your decision. But, assuming for the moment that

MR. DEPUTY-SPEAKER: You are again entering into an argument.

SHRI R. N. GOENKA: I beg of you to give me a minute. You are giving hours and hours to others. Can't you give me a minute? (interruptions) You have given your ruling that if the remarks were expunged by the Speaker and if they were published it will create a case of breach of privilege against those who have published it. I am happy about it. (interruptions)

SHRI PILOO MODY: Sir, now that you have disposed of that point, I will have to raise another point. We just heard you and other members say that things have been expunged from the proceedings.

MR. DEPUTY-SPEAKER: I did not say "expunged"; I said "if they have been expunged".

SHRI PILOO MODY: Other members say that things have been expunged from the proceedings of the House.

SHRI R. N. GOENKA: May I tell you that the Speaker has told me... (interruptions)

SHRI PILOO MODY: Members have stated here that certain things were expunged yesterday. In the past also (interruptions)

MR. DEPUTY-SPEAKER: If the House is not interested in hearing Shri Piloo Mody, then I will call Shri Parashar

15 hrs

SHRI PILOO MODY: I have yet to make a submission; I do not want to shout

MR. DEPUTY-SPEAKER: Kindly be brief

SHRI PILOO MODY: Sir, we have heard Members constantly referring to something that was expunged yesterday. This expunction has been going on for a long time. Today also, I heard you say to the record keepers that nothing will go on record. I think, this is the most dangerous practice that we have started. Sometimes it is said here, sometimes, it is removed in chamber. I think, the debates are being regularly edited by somebody.

MR. DEPUTY-SPEAKER: Not in the Chamber. It was by a clear order here.

SHRI PILOO MODY: I find that the debates have been actually edited by responsible people, edited by those who are interested. I think, this procedure of trying to expunge something from the record is wholly unparliamentary. Only those specific words which are unparliamentary can ever be expunged. Anything else that goes on record must be there for his-

[Shri Piloo Mody—contd.]

tory to judge. There is no reason why we should sit on judgment, whether the Member should or should not have said something. Let history judge that. If Members have said things that are nasty and undignified let it be judged by history. Why should the Chair protect them by expunging the remarks?

SHRI SAMAR GUHA (Contd.) Sir I want to make a submission to you. I do not feel concerned about Mr R N Goanka, as an industrialist.

MR DEPUTY-SPEAKER Why go into that?

SHRI SAMAR GUHA But certainly, I am concerned with Mr R N Goanka inside as a Member of the House. I want to make a submission to you.

MR DEPUTY-SPEAKER If you disturb the hornets' nest and the hornets are angry, there is no question of any submission.

SHRI SAMAR GUHA Yesterday I myself heard twice on the All India Radio in Hindi and in English, "Today in Parliament about the episode that happened in the House."

MR DEPUTY-SPEAKER I have given my ruling on that.

SHRI SAMAR GUHA You have not said categorically, whether those remarks were expunged or not.

MR DEPUTY-SPEAKER I have to go by the record.

SHRI SAMAR GUHA As the matter still remains open and you have not given your conclusive directive, in continuation of yesterday's news in the papers as well as over the All India Radio it may continue again. What is the protection for a Member of the House? Therefore, I want to know whether you are giving any clear directive that until and unless you come to any conclusion, whether

it was expunged or not, nothing regarding the matter that was raised here yesterday can come either in the newspapers or over the All India Radio.

SHRI S M BANERJEE (Kanpur) Sir I accept your ruling, whatever you have given. But I was surprised when it came on the All India Radio. I put a very simple question in the House, whether the name which appeared in the *Patriot* is the name of the same person who is a Member of this House, who is involved in the forgery.

I know him to be a gentleman. I only asked, "Is he involved in the forgery?" That only I asked. I never asked anything else. That was not expunged. That is only what I asked.

MR DEPUTY-SPEAKER I do not think there is anything that calls for my ruling now.

SHRI SAMAR GUHA I wanted to know whether there is any bar on the All India Radio or any newspaper to carry the news about proceedings which have been expunged.

MR DEPUTY-SPEAKER I have been a Presiding Officer for the last four years now. I have discovered only three methods of running this House. One is to allow the Members to say anything that they want and I sit here and enjoy everything. That is one way. Another way is that when Members raise a point of order

SHRI PILOO MODY The third is to dissolve the House.

MR DEPUTY-SPEAKER I will dispose that point of order and the third is when Members raise all kinds of points of order, I note them down and dispose of them together.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) There is the fourth method. That is you follow the procedure.

MR DEPUTY-SPEAKER That is time-old method

SHRI PILOO MODY, Expunge his remarks

MR DEPUTY-SPEAKER Since these points have been raised and Members will not be satisfied unless I make some observations, then I will make some observations. After that, kindly let us go on with the regular business

In the first place, Mr Mody objects strongly to the residuary powers of the Speaker to expunge. You raised that objection. I agree that the power of expunction has to be used very sparingly and only when it is inescapable, it has to be used. Just now I have expunged everything that was said because it became a debate. I expunged.

SHRI S M BANERJEE Not expunged, only it was not taken down

MR DEPUTY-SPEAKER Some might have been taken down and some might not have been. (Interruptions) I said that strictly according to the rules because the rule about personal explanation is that no debatable matter should be raised and soon after Mr Uma Shankar Dixit sat down, certain things were said. I was myself caught by surprise. Things were thrown against each other which became not only debatable but acrimoniously debatable and that is why, according to the rule I have expunged all that and I ruled that nothing would go on record.

Now, about your point, I had only made a hypothetical statement because I do not know what happened yesterday. I do not know whether these remarks have been expunged or not. It is a matter of record. If the Speaker has said that this should not go on record and they did not go on record, then, in spite of that, if a newspaper or All India Radio or the television network or any other mass media

reports it then, I think it constitutes a breach of privilege. But, whether it has been expunged or not, I do not know.

SHRI SAMAR GUHA I did not raise that issue. I am not speaking about what is expunged today and if it comes in the newspapers and on the radio tomorrow. (Interruptions)

SHRI PILOO MODY What is this? Did you hear what he says? He says *

MR DEPUTY-SPEAKER This will not go on record.

SHRI P K DEO (Kalahandi) It is most regrettable that a government mass media like All India Radio should have carried this news. (Interruptions)

SHRI SAMAR GUHA I want to draw your attention that the Minister of Parliamentary Affairs should have some control over his Members. Will there be no end to this kind of vulgar remarks?

SHRI K RAGHU RAMAIAH He just retorts to what you said. How do I come into the picture?

SHRI SAMAR GUHA I want to make a submission. You were sitting in the Chair and certain observations had been made. Are we to continue in this fashion? Otherwise there is no end to it. We can understand strong language strong words but not abusive words. We can understand strong criticisms but not vulgar words and abusive words. You have to expunge it. Otherwise there is no end to it.

श्री ननु विनये उपाध्यक्ष महोदय,
जो शब्द कहे गए हैं प्रायः उन्हे रिपोर्ट
से हटा दीजिए ।

MR DEPUTY-SPEAKER; I was going to deal with the points raised by Mr Guha and in between some-

[Mr Deputy-Speaker]

body else said certain things to somebody else there and strong objection was taken, I did not hear it but Mr Mody raised his voice and said that a particular expression was used which should not have been used against each other. It is most unfortunate that should not go on record. That will not go on record.

SHRI R N GOENKA Can you call a Member like that? I take strong objection to it.

MR DEPUTY-SPEAKER It will be wise, Mr Goenka if you at this stage contain yourself and be patient until the Speaker gives you a chance to make a personal explanation. If you lose your balance now and get excited then you only provoke other members.

SHRI PILOO MODY I would like to know why there is no decision on this today.

MR DEPUTY-SPEAKER I don't know anything. Order please.

श्री रामावतार झास्त्री (पटना)
हम भी यह जानना चाहते हैं कि उन के विरुद्ध किस संकल्पन में मुद्दा चला रहा है ?

MR DEPUTY-SPEAKER Shri Parashar

15 15 hrs

STATUTORY RESOLUTION RE DIS-
APPROVAL OF MAINTENANCE OF
INTERNAL SECURITY (AMEND-
MENT) ORDINANCE

and

MOTION RE DISAPPROVAL OF
PRESIDENTIAL ORDER SUSPEND-
ING CITIZENS' RIGHT TO MOVE
A COURT AGAINST DETENTION
ORDERS UNDER MISA

CONSERVATION OF FOREIGN EX-
CHANGE AND PREVENTION OF
SMUGGLING ACTIVITIES BILL—
Contd.

PROF NARAIN CHAND PARA
SHAR (Hamirpur) Sir, yesterday, I was referring to the enormous dimensions that the problem of smuggling has assumed. According to the Kaul Committee report there was consumption of illegal foreign exchange to the order of Rs 160 to Rs 170 crores per year and, Sir, it is very disturbing to discover that a parallel Reserve Bank has been set-up by the smugglers in Kalba Devi at Bombay which has a capital of Rs 1,500 crores. The problem is concerning so many points.

First of all this has the fiscal angle which should get the attention of this House. So much of foreign exchange is lost. We are given to understand that seizures to the order of as much as Rs 17 lakhs per day are taking place. Then there is a social angle. We must understand that even such a august body as the Law Commission was forced to comment that it may be brought under the purview of preventive detention. The Law Commission in its 47th report observed that item No 9 in List I of the Seventh Schedule may be amended and in addition to defence, foreign affairs, another thing should also be added, namely effective realisation of duties—customs, and excise—and conservation of foreign exchange. This is something coming from an important judicial body and, therefore, this problem calls for our attention. Similarly the most important body of this House, the Public Accounts Committee, also in its report observed that smuggling had adopted larger dimensions. In view of this background and a large number of people who have been involved in it mostly of anti-social type who do not belong either to the weaker section or the honest professions—if it has become essential for the Government of India and for the Finance