

LOK SABHA DEBATES

LOK SABHA

Thursday September 5, 1974/Bhadra
14, 1896 (Saka)

The Lok Sabha met at eleven of the
Clock

[MR. SPEAKER in the Chair]

RE. ADJOURNMENT MOTIONS

SOME HON. MEMBERS rose—

MR. SPEAKER: I have not called any one.

SHRI C. M. STEPHEN (Muvattupuzha): On a point of order.

MR. SPEAKER: What is your point of order?

SHRI C. M. STEPHEN: My point of order is under rule 379. Rule 379 says:

“The Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sitting and shall, as soon as practicable, publish it....”

So, with regard to the preparation of the record, it is the proceeding of the House which can be recorded and nothing else. What exactly are the proceedings of the House? We get it under rule 31 which says:

“A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member.

“Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting without the permission of the Speaker.”

The business to be transacted for the day has been included in the list of business, and the list is before us. Any other subject can, of course, be raised provided you give the permission. If anything is said in the House without your permission, that will not become part of the proceedings of the House. Only that which is, in law, transactable under the Rules of Procedure of the House or which can be permitted by you under authority given under the Rules of Procedure of the House, that alone can become part of the proceedings of the House. Therefore, any statement or submission made on the floor of the House except in accordance with the Rules of Procedure and except in accordance with the list of business should not be under rule 378, permitted to go on record. So, everything that is stated except with your permission must be put off the record.

MR. SPEAKER: The rules are very clear about it.

श्री मधु लिसये (बांका) : नियमों का मैं आप से भाष्य चाहता हूँ। यह पहले देखा जाना चाहिए कि आर्डर पेपर कैसे बनाया जाता है। स्टीफन साहब को शायद पता नहीं है कि काम रोको प्रस्ताव या नया प्रिवेलेज मोशन कभी आर्डर पेपर पर नहीं आता है और स्वीकार करने के बारे में हम लोगों को अपनी बात कहने का अधिकार है और उसके बाद अगर स्पीकर साहब की राय हो जाए कि फलां फलां प्रस्ताव, स्थगन प्रस्ताव इन इन कारणों को लेकर एडमिसिबल नहीं है तो उनके निर्णय को हम लोग मानते हैं। दामों के बारे में हो या रेलवे विफिटमाइजेशन के बारे में हो या दिल्ली वाला हो, हमारे जो एडजर्नमेंट मोशन है एडमिसिबल कैसे हैं यह प्रर्ज करने की आप से हम लोग अनुमति चाहते हैं। इसलिये इनके प्वाइंट आफ आर्डर में कुछ दम नहीं है।

SHRI S. M. BANERJEE (Kanpur): My point of order is this. If you see the order paper of today, you will find that there is no Question Hour and the business starts with further consideration of the motion regarding the question of privilege. I have been a member of this House since 1957 and I am supposed to know certain rules as Mr. Stephen is supposed to know. The question is very simple. The Adjournment Motion does not come on the agenda paper until the discussion on it starts. No adjournment Motion is admitted in advance. We have to argue and convince you, Mr. Speaker, and you in your wisdom can give the consent. Then the member concerned asks for leave to move it, and when you find that the number of members who have risen is not less than fifty, you intimate that the leave is granted. Yesterday when an Adjournment Motion was raised by Shri Bhogendra Jha, you said that it was a continuing matter.

If you say that it is a continuing matter, I want to know whether death is a continuing matter, whether starvation deaths are a continuing matter and whether starvation is a continuing matter and whether it should be allowed to continue in this country. If we are wrong in our adjournment motion, then, I wanted to know what should be the adjournment motion. I have moved immediately another motion to discuss the unprecedented rise in the prices of sugar, wheat, rice, vanaspati and other essential commodities after the anti-inflationary measures taken by the Government from July 24 and the Government's complete failure to check the prices. The Government assured us that the prices would be checked when they promulgated the three ordinances....

MR. SPEAKER: I am not allowing any debate.

SHRI C. M. STEPHEN: What is all this? We wanted to know whether

the adjournment motion has been admitted. Under Rule 60 only when the adjournment motion is admitted, a Member is entitled to speak, not otherwise.

SHRI S. M. BANERJEE: I have not completed. I know you are the Speaker, not Mr. Stephen.

This is not a continuing matter. The only continuing matter is this blessed government which has failed to check the prices. I want you to give your consent to this adjournment motion because people are starving and I would submit that it fulfils all the conditions and you should allow this adjournment motion.

श्री अटल बिहारी वाजपेयी (ग्वालियर) :
अध्यक्ष जी, मि० स्टीफन ने रूल 379 के अन्तर्गत व्यवस्था का प्रश्न उठाया है। इन्होंने जो उद्घृत किया है उसको फिर से पढ़ ले—

"The Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sittings and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct."

क्या इस रूल का मतलब यह है कि कार्यवाही शुरू होने के समय संसद सदस्य काम रोकौ-प्रस्ताव नहीं उठा सकते, क्या 377 के अन्तर्गत मामले नहीं लाये जा सकते? सैंक्रेटरी जो रिपोर्ट तैयार करेंगे वह तो पूरे दिन की कार्यवाही की रिपोर्ट तैयार करेंगे जो शाम को तैयार होगी और दूसरे दिन सदस्यों को मिलेगी, मगर इस रूल का हवाला दे कर एडजानमेंट मोशन को कैसे रोका जा सकता है।

अध्यक्ष महोदय, मेरा निवेदन है कि एडजानमेंट मोशनज इस लिये भी आ रहे हैं, क्योंकि बिजनेस एडवाइजरी कमेटी ने और ठंण से सारे मामले घाने के रास्ते बन्द कर दिये हैं। काल-एटेंशन नहीं आ सकता, 377 के मामले नहीं उठा सकते—

श्री वजु लिये : वे आ सकते हैं ।

श्री अटल बिहारी वाजपेयी : प्राधा घटे की चर्चा नहीं कर सकते, शार्ट नोटिस क्वेश्चन नहीं आ सकते, क्वेश्चन आकर पहले ही बन्द ह । आप कृपा कर बिजनेस एडवाइजरी कमेटी की मिटिंग बुलाइये और अगले दो दिनों में सदस्यों को सार्वजनिक हिन के मामले उठाने की पूरी छूट दे दीजिये । जिनका समय हम इस तरह से नाट कर रहे हैं, अगर कायदे से मामले उठाने की इजाजत दे देते तो जनता के प्रश्न भी इस सदन में फोर्स कर सकते थे और इस हो-हल्ले में बच सकते थे ।

जहाँ तक मि० स्टीफन का व्वाइट आफ आर्डर है, वह व्वाइट आफ आर्डर है ही नहीं पता नहीं किस मूझ में इसे उठाया गया है, आप इसके बिल्कुल रद्द कर दीजिये ।

MR SPEAKER: There should be no debate on this

SHRI H. N. MUKERJEE (Calcutta-North-East) I want to make submission While I concede procedurally that it is not desirable and it is almost reprehensible for any member just to go on speaking at length and very loudly in regard to the subject matter of whatever motion he has, while conceding that, I am sure you will agree that we have to function and the Parliament has to function and I would imagine that you would give an opportunity to a Member who has given previous notice of an adjournment motion, after he learns from you your view of the matter and whether you have accepted it or not, to secure from you further elucidation and also to try and convince the House and you that his motion is admissible. Therefore, what I suggest is this. While Mr. Bosu's loud utterances may not particularly call for action we are entitled to discuss the Adjournment Motion, I am told, it is about the suffering of the people, starvation etc.—and the House is entitled to hear from

you whatever reasons might have persuaded you to take a view of the matter and Sir, we have a right to understand the position. Mr. Vajpayee said we are in a serious situation and a serious matter can be taken up only by resorting to an emergent remedy like the adjournment motion. No treatment in a cavalier fashion as suggested by Mr Stephen can be permitted

SHRI C M STEPHEN: Objection is raised and I may be permitted to reply Anything that is permitted in accordance with rules of procedure may be allowed to go on record. Adjournment Motion is not plunged into the House suddenly It is governed by rules You have rule 56, you have rule 57 Rule 56 says:

Subject to the provisions of these rules a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker

The next rule says

Notice of an adjournment motion shall be given before the commencement of the sitting

Rule 60 says:

The Speaker if he gives consent under rule 56 and holds that the matter proposed to be discussed is in order shall, after the questions and before the list of business is entered upon call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House

Provided that where the Speaker has refused his consent under rule 56 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as being not in order.

The point is, notice was not given. But, if, on the other hand, notice has been given, then you will have to take

[Shri C. M. Stephen]

a decision as to whether this is in order or not. If it is in order then you call the Member to move the adjournment motion. You have two alternatives, either not permit it at all, or kindly spell out the reasons. Nobody has a right to come out with a series of arguments and start a debate all of a sudden. If there is no permission from you, nothing should go on record under Rule 379. That is my submission.

SHRI MADHU LIMAYE: He is not familiar with the proceedings of the House.

क्या एक एक प्वाइंट आफ आर्डर का फमला होगा हमेशा एडजर्नमेंट मोशन के बारे में हमारे। बातें सुनने के बाद आपने माना है, ऐसा हमेशा ही होता है, लेकिन ये कुछ जानने ही नहीं है।

SHRI C. M. STEPHEN: We will amend the rules in that case. Everybody cannot carry the rules on his fingers.

PROF. MADHU DANDAVATE (Rajapur): May I make a submission?

SHRI SHYAMNANDAN MISHRA (Begusarai): I seek your guidance. It was a completely absurd suggestion to make.

SHRI C. M. STEPHEN: If you have given permission then it can go on record. If you have not given permission it cannot go on record. Nothing that he said here shall form part of record.

SHRI SHYAMNANDAN MISHRA: My submission is, it is absurd to suggest that Rule 379 is attracted regarding moving of Adjournment Motion here.

Sir, I repeat it is absurd to suggest that the Secretary should be asked not to include what is said on the adjournment motion in the report of the proceedings. It is a preposterous suggestion. The Rule 379 is not attracted.

Now, he is making a submission on the basis of another rule. I would say

that it has always been the practice or convention here to go according to the rules. And all that is provided for (*Interruptions*).

MR. SPEAKER: I shall call you later on. Mr. Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, Mr. Stephen has taken this attitude. But he does not know how many notices have been tabled. We shower on you everyday so many notices. He is not aware of this. Let him only take some trouble of reading a little more of what we have more or less recorded since 1967. Sir, Rule 60, paragraph (2) says:

"Provided that where the Speaker has refused his consent under rule 56 or is opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as being not in order."

You know that the list of business is finalised the previous night when, perhaps, Mr. Speaker might have retired and gone to bed. He is a busy man; adjournment motions are supposed to come here before 10 'O' clock in the morning. So, is the case with regard to the privilege motion. I would submit that, in your wisdom, if you reject this motion, then we have a right—the inherent right—to dispute that and to make submissions.

MR. SPEAKER: It has never happened.

SHRI ATAL BIHARI VAJPAYEE: You admitted the adjournment motion on the Bihar situation. (*Interruptions*)

MR. SPEAKER: Order please.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, आप एडजर्नमेंट मोशन बना कर देते हैं, फिर हम उस को यहां उठाते हैं, आप से अपील करते हैं कि आप पुनर्विचार करें और आप पुनर्विचार कर के इजाजत दे देते हैं।

.. (बयबचान) ..

MR. SPEAKER: Will you please sit down? I shall hear you.

SHRI VASANT SATHE (Akola): Sir, first of all, he must satisfy you in your room before doing this. Let us follow the rules. Otherwise, we won't be able to conduct our business in the House.

श्री वसु लिमये : अध्यक्ष महोदय, हम जो सवान उठाते हैं, मार्गदर्शक मद्द्वय के उमम इाको एम्बरेमेट हॉना है, इमालए ये रूना मचाने है ।... (अवधान)...

MR. SPEAKER: I shall hear you.

SHRI JYOTIRMOY BOSU: How can I speak if the hon. Member goes on interrupting? I would submit to you that as I read out the appropriate rule—Rule 60, paragraph (2)—tell me as to why you want to debar us to make submissions when you have doubts in your mind with regard to the admissibility of the motion. What did we do when Shri Vajpayee gave his adjournment motion on the Youth Congress Rally? You were good enough to summon the Minister concerned and he was allowed to make a speech. And then Mr. Vajpayee had to refute it. You heard both sides. You did it in your wisdom.

SHRI VASANT SATHE: My submission is we should follow the rules (Interruptions) He has already read out the rule.

MR. SPEAKER: Kindly sit down. I shall be calling you all in a minute's time.

SHRI VASANT SATHE: Everyday he is getting up and he goes on making some submissions.

SHRI JYOTIRMOY BOSU: Sir, the other day, you accepted this procedure in your wisdom that when an adjournment motion was there you wanted to be satisfied. The Minister was then asked to make a statement.

MR. SPEAKER: This is no point of order.

SHRI K. P. UNNIKRISHNAN (Badagara): May I respectfully make a submission and put a question to the Chair. What I want to know is—for the last 25 minutes we have wasted the precious time of the House on an unnecessary question. (Interruptions)

The basic question is whether an adjournment motion has been moved and, if so, whether you have given your consent under Rule 56. The House is entitled to know from you if you have given permission. If you have not, then there is no question of any procedural discussion.

MR. SPEAKER: Hardly I sit down when this starts going. I was expecting that some peace might prevail. This is now a daily phenomenon and I am used to it. You know the plight of procedures in this House and the distortion of procedures that takes place in this House and how I feel helpless and sad over it.

So far as the List of Business prepared by the Secretary is concerned, that is all right. But there are some other motions which come after this agenda is printed. We have fixed a time-limit for that. So, they come within that time and they are scrutinised by the Speaker. It is all in the name of the Speaker but it comes through various Sections and with the noting of the Secretary-General. Then the Speaker sits over to decide which are admissible and which are not admissible. It does take place very often when they come to the Speaker there should be no names mentioned so that the Speaker may not get biased but the Members come to the Speaker in spite of that. In the same way in the case of adjournment motions Members come in his Chamber and explain the position and the Speaker also tells them what is the flaw, whether it is acceptable, or not acceptable. If there is any objection he asks the Member how he meets it. Then if he holds an adjournment motion in order or the privilege motion in order

[Mr. Speaker]

he gives consent to it and the Secretary-General puts a slip on the Speaker's agenda which is before me. This is also one of the motions for which the Speaker has given the consent and the Speaker calls that Member either for Privilege or for the adjournment motion or for anything else as the case may be. It has also been a practice in the past that where the Speaker thinks that the adjournment motion should not be allowed, he may read it. This practice is coming from my predecessors. To avoid these adjournment motions, the innovation of calling Attention was introduced. Besides this, another innovation came into being. Members were given opportunity to raise matters under Rule 377. This is of course not mandatory. Speaker gives chances to Members to raise matters of importance. All this was done to avoid this practice of giving adjournment motions and that had a great effect of reducing the number and the practice of giving adjournment motions, which have now started coming in larger number in spite of those innovations and departures from past practice. If I hold it not in order and if the Member wants to be heard, as a matter of right, I have always said 'No' to it. And, if I think that the Member may have some pressing matter, I allow him as well as the Minister if I think that he should also make his submission. This has occurred in this House, though it is not strictly according to the letter and the spirit of the rule. This, I do only sometimes. But, it will be very difficult for me to do it every day, not in one case, but in a number of cases. I quite agree with the leader of the Jan Sangh party, Shri Atal Bihari Vajpayee, being the end of the Session, they had no other opportunity. But, I may tell you, the Session was to have concluded on 30th August. But, some official business was left unfinished and we thought that by having another three days of sitting, we will be able to complete the official business. But, in spite of our best intentions, may be on both sides, we could not complete the official busi-

ness. You may have many matters arising every day. You may have many differences of opinion arising every day but, I would just appeal to you, very humbly, as my dear colleagues, friends and hon. Members of this House that the differences howsoever unacceptable they may be, should not come in the way of business being taken up and then we go on shouting, counter shouting and the Speaker also intervening. We must not do it. But, I am not averse to the opinion expressed by hon. Member, Mr. Vajpayee, that instead of going through all other motions and all other complicated subterfuges from this side or that side for discussion, I may allow on one day, one or two hours to Members to raise all sorts of matters and thus save the House of the loss of time, instead of doing it every day. Please sit down. I am very sorry, you refuse to understand things. In spite of my request, you deliberately refuse to accept my suggestions

SHRI JYOTIRMOY BOSU: 50,000 people in one district alone are facing starvation.

MR. SPEAKER: In the session you have been provided with an opportunity to discuss all sorts of things. The rules do not permit their discussion again in the same session. How can you do it?

SHRI C. M. STEPHEN: Sir, I suggest that anything which is raised here without permission should not go on record.

MR. SPEAKER: I will go ahead with the business. I will refer to whatever motions are before me.

Before I take up the motions, let me state that Shri S. M. Banerjee has written to me that one of our distinguished colleagues, Dr. Karni Singh, has got for us the first silver medal in trap shooting. It is a great honour to the country. That news is so well received and so relieving when we are losing on other sides. I am particularly very happy that he comes from the National Rifle Association of India of which I happen to be the President.

So, you can congratulate me also that at least my Association has produced a man who has got a silver medal for India.

श्री अटल बिहारी वाजपेयी : सिल्वर मंडल के लिये तो हमन बढायो दे दी लेकिन अभी तक एक भी गोल्ड मंडल नहीं मिल सका, इसका अफसोस कौन जाहिर करेगा ?

अध्यक्ष महोदय : वह भी मिलेगा ?

श्री मधु लिमये : अध्यक्ष महोदय, मेरी एक प्रार्थना है। अभी आपने फर्माया कि मैं एडजर्नमेंट मोशनस पढ़कर सुनाता हूँ और कारण बताता हूँ तो तीन चार एडजर्नमेंट मोशन आप पढ़िये और कारण बताइये जिससे हमको संतोष हो जाये।

MR. SPEAKER: I must say that today I had to go to Colombo in Sri Lanka to participate in the inaugural ceremony of CPA conference tomorrow by the President of Sri Lanka. The financial business had not yet been completed by the House and it has to go under the signature of the Speaker. I could not go until that is over. So, through your kindness, I have cancelled my visit. I thank you very much for detaining me here.

I will now come to the adjournment motions. There is one by Shri Atal Bihar Vajpayee and Shri Jagannatharao Joshi which says:

“Situation arising out of the resignation of Mr. M. M Seervai, Advocate General of Maharashtra on the ground that the Minister of Law in the State was undermining the position and authority of the Advocate General under the constitution.”

This is their State matter. How are we concerned with it

There is another one by Shri S. M. Banerjee which reads:

“Immediate need to discuss unprecedented rise in the prices of sugar, wheat, rice, vanaspathi and

other essential commodities after anti inflationary measures taken by the Government from July 1974 and Government's complete failure to check the prices.”

I have already disallowed it yesterday and asked the Minister to make a statement as early as possible, before we adjourn.

There is one by Shri Atal Bihari Vajpayee about the Delhi University.

SHRI ATAL BIHARI VAJPAYEE: It is about the teachers of the Delhi University. It is a Central University.

MR. SPEAKER: It reads:

“Government's failure to provide statutory security to Delhi University Teachers leading to intense discontent among the teachers, mass protests and courting of arrests by many of them.”

I have always held, and followed the precedent from the past, that in such cases where these are autonomous bodies except for broad policy matters we do not discuss their internal matters. Once I do it then the Legislatures in the States will start quoting me in the case of their Universities, and that will lead us to further complications. When I face the Speakers of the States in the Presiding Officers' Conference I have to quote the ruling which I cannot, if they are wrong. You cannot deny the fact that all the universities are autonomous.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, हम यह नहीं चाहते कोई हस्तक्षेप करे यूनिवर्सिटी के मामले में। लेकिन पार्लियामेंट ने कानून बनाया है और शिक्षा मंत्री को उस कानून में मंशोधन करना है। वह आश्वासन भी दे रहे हैं कि संशोधन किया जायगा। वह सदन में आ कर आश्वासन दे सकते हैं। अभी दिल्ली यूनिवर्सिटी का एक डेपूटेशन प्रधान मंत्री से मिला था और उन्होंने कहा था कि विचार हो रहा है। तो आप शिक्षा मंत्री को कह सकते हैं कि एक स्टेटमेंट करे।

MR. SPEAKER: The next one is by Shri Madhu Limaye, which reads:

"The total failure of the Government to fulfil its assurances given from time to time that there shall be no victimisation against the railway workers as also its failure to declare immediately that it will abide by the decision given by the Calcutta High Court cancelling the orders of removal/suspension from service and not involve thousands of poor workers in costly and time-consuming litigation and appeals to the Supreme Court."

I am reading this because it is the fag end of the session. So, this should not be taken as a precedent. So far as this subject is concerned, it has been discussed in this House already a number of times.

श्री मधु लिमये : यह हाई कोर्ट का जजमेंट परमां आया है। इसके ऊपर अगर आप चर्चा नहीं करते हैं तो प्रधान मंत्री या रेलवे मंत्री बयान दे इसके बारे में।

MR. SPEAKER: If there are any points which have not been discussed earlier, then I will look into them.

PROF. MADHU DANAVATE: Yesterday the Deputy-Speaker has said that the Government should make a statement.

MR. SPEAKER: The next one is by Shri Samar Guha, which reads.

"Failure of the Government to agree to a discussion on the motion admitted by the hon'ble Speaker for setting up a Parliamentary Committee to probe into the matter of giving licence to some traders on the basis of a joint recommendation by 21 Members of Parliament, a matter which involves a basic issue of confidence of the people in the institution of Indian Parliament and which relates, further, to the question of dignity, honour and integrity

of the representatives elected by them."

This was already before the House and this comes up every day. Why have an adjournment motion?

SHRI SAMAR GUHA (Contd.): I have given notice of the motion on a technical ground. You have admitted the motion. I have before me four papers which have written the most devastating editorials.

MR. SPEAKER: Then the motion given by Shri Bhogendra Jha reads:

"Large-scale arrests in Delhi and other states and Union territories of volunteers demanding end of hoarding, black-marketing and abnormal price-rise."

If some arrests have taken place, you can ask for information. It is not a matter for adjournment motion.

SHRI H. N. MUKERJEE (Calcutta-North-East): Dehoarding operations were undertaken by the people because they were called upon by the Government to assist them in the operations. Now they are arrested.

SHRI BHOGENDRAS JHA (Jainagar): The Prime Minister made that appeal to the people. But the Home Ministry acts the other way. Is it one Government or two Governments?

MR. SPEAKER: Then, the motion given by Shri Jyotirmoy Bcsu says:

"Government's failure to present the report on the business for the week due to continued complete dead-lock created by them in the Business Advisory Committee..."

He has given another motion also, which says:

"Government's failure to supply rice and wheat to West Bengal; as a result the rationing system is about to collapse."

I do not understand how the same member can give so many adjournment motions on the same day. Probably he thinks, if this is not accepted, that may be accepted. Don't make a fun of it. About this also, we should have some rule as to how many motions a member can give. Then he says, "Hundreds of Starvation deaths all over the country."

इस पर तो अभी उस दिन अलाऊ किया
डिक्शन ।

Now, about the first item, Mr Piloo Mody's privilege motion is already pending before the House. Mr D. C. Goshwami was on his legs.

SHRI SAMAR GUHA My adjournment motion concerns a motion that you have admitted.

MR SPEAKER No, please. I have called Mr Goswami.

SHRI SAMAR GUHA On a point of order, Sir.

MR SPEAKER Is it connected with the business before us?

Interruptions

श्री शंकर ब्याल सिंह (चतरा) : मैंने 177 के अन्तर्गत नोटिस दिया है कि काठमांडू में भारतीय दूतावास के सामने प्रदर्शन हो रहे हैं और अशोभनीय नारे लगाये जा रहे हैं और तरह तरह की चीजें हो रही हैं तो उस बहम का मौका दिया जाए। आप इन लोगों की बात तो सुन लते हैं लेकिन हमारी बात पता नहीं क्यों नहीं सुनी जाती है।

(व्यवधान)

MR SPEAKER It is no point of order. I have already gone to the next item.

आप रोज इसी तरह से करते हैं। थोड़ा सा रहम तो करे। आप लोग क्या करते हैं।

SHRI SAMAR GUHA I do not know whether the skin of the Members of Parliament has become so thick as that of the rhinoceros to-day. Almost all the dailies of Calcutta—hardly one can imagine—have written such devastating editorials about this licence scandal. They have accused us, they have called us suspects. For that reason a motion was brought before the Parliament to clarify the position and at least to see that the image of the members was cleared. You have admitted that motion but that motion was blocked by the Minister of Parliamentary Affairs.

MR SPEAKER I gave a ruling yesterday that the motion is blocked. How does an adjournment motion come out of it?

SHRI SAMAR GUHA No resolution is admitted by you in the name of consultation with the Leader of the House. This imperial prerogative cannot go on. But for that, my adjournment motion is perfectly in order. You should give reasons for disallowing it. Every day every paper is writing about us. What kind of editorials do they write—have you gone through them? The *Times of India*, the *Hindustan Times*, the *Statesman* and the *Indian Express*—have you gone through their editorials? It is stinking. If we go out, people will lynch us. They will lynch the Members of Parliament. Unless our image is cleared, people will lynch us. Will you, Mr Speaker, give us protection? Our honour is at stake.

Interruptions

MR SPEAKER May I request you to please allow the House to go on with its business?

श्री जयू लिनये : "अध्यक्ष महोदय, श्री समर गुहाने अभी कहा है और वे जो इतना

[श्री मन्त्री लिखते]

उत्तेजित हो गये उसका कारण यह था कि इस सदन की प्रक्रिया के विपरीत काम हो रहा है। आप मेज पार्लियामटरी प्रेक्टिस, मेज 238 पर देखिये।

अध्यक्ष महोदय : वह तो डिस्कस हो चुका है। यह तो कई दफा आ चुका है।

श्री श्यामनन्दन मिश्र : इनकी खिदमत करे, अपने मोशन को यहाँ पर न लाय आर चर जा कर छुट्टी करें, आप की क्या मर्जी है।

श्री मधु लिमये : आप मेरी बात सुन लेते तो रास्ता निकल आता है।

अध्यक्ष महोदय : आप को क्यों छुट्टी करनी है। मैं ही छुट्टी ले लूँ, तो जो दूसरा आयेगा, वह इस काम को करेगा। आप छुट्टी क्यों ले ?

SHRI SHYAMNANDAN MISHRA: We are exercising our authority that our motion must be brought up and discussed in the House. You are belittling, but hon. Members will never belittle, the authority of the House.

श्री अटल बिहारी वाजपेयी : आप सरकार से क्यों नहीं कहते कि इस पर बहस कर ली जाए। (ध्यक्षधान) आप ने रूलिंग नहीं दी कि कंसलटेशन का क्या मतलब है ? क्या "कंसलटेशन" का मतलब "कंसैट" है ?

MR. SPEAKER: It has been the past practice—the Business Advisory Committee meets and Government puts its point of view there.

श्री मधु लिमये : मेरा प्वाइंट आफ़ ऑर्डर है। अध्यक्ष महोदय, अगर आप मेरा प्वाइंट आफ़ ऑर्डर सुन लेते तो रास्ता निकल आता। . . . (ध्यक्षधान) . . .

हमेशा के लिये यह मामला खत्म हो जाएगा, आप मेरी बात तो सुन लीजिये।

श्री हुकूमत खान कछवाय (मुरेना) : आप इस पर चर्चा क्यों नहीं करवाते हैं। अगर आप इस पर चर्चा नहीं करावेंगे तो यह मामला रोज उठेगा।

(Interruption)

MR. SPEAKER: All of you may please sit down.

SHRI P. G. MAVALANKAR (An-medabad) : Mr. Speaker, Sir, while I can quote more than one rule from the rules of procedure, I have no wish to do that. What I see for the last 3 or 4 days is this. I don't want to go into any technicalities. But from what has been happening I have been feeling very much concerned and disturbed. The role of the opposition is to oppose vigorously and sharply and continuously, but not to obstruct. If its role is to oppose and not to obstruct, then in the same way, the role of the Government is to govern and not to dictate. They can settle their scores outside the House, but let not the procedure of the House, the conventions of the House be wrongly used. I have been watching that the rules are being perverted, by both sides of the House, and you have become almost helpless and this sort of debate is continuing. You yourself said that a certain matter is a State matter. You said also that these are more or less subjects falling within the State jurisdiction. Now, the point is, what is the remedy in the hands of the opposition. Because, Sir, they legitimately want to ventilate certain grievances. For the past some days there is no provision for submission under rule 377, there is no half an hour discussion, there is no Calling Attention. There is no other means of ventilating public grievances and demands, Sir.

12 hrs.

Therefore, intelligently and ingenuously, and much against your advice the Members are coming over here

again and again by trying to use wrongly the rules laid down in the Rule of Procedure. Therefore, I request in all sincerity that in the last two days available you may please see that you call the meeting of the Business Advisory Committee as early as possible. Sir, I am feeling disturbed at what is happening here these days, and so you will kindly call the meeting of the Business Advisory Committee immediately, and let it go into the whole matter. And, for the remaining two days you will please see to it that we are permitted and enabled to raise matters under some rules which will make it possible for us to express the public grievances here rightly and legitimately.

Now I am sorry to say that you want us to speak on anything irrespective of rules. It is good that you will give us one or two hours every day in this regard. But we should speak under the rules. To find a way out of the present difficulties, do not want to change the rules and conventions followed by this Parliament. For the last twentyseven years, this House has been carrying on a democratic experiment which is an envy of the developing as well as the developed world. Let it not be twisted.

I want to conclude by my submission on a point of order. Please bring out something which will enable the Members of Parliament be longing to all sides of the House—Congress Opposition, Independent etc.—to raise the matters which are legitimately within their rights. All this trouble has come because of the Government's dogmatic, rigid and inflexible insistence on not having a Parliamentary Probe in the matter of alleged 21 signatures of M.Ps. I should have thought that this matter is so important that you, Mr. Speaker, in your good faith and fair sense, *suo motu* come forward for the Parliamentary probe. You are our friend, philosopher and guide sitting in this August Chair and it is my duty to

tell you that you, Mr. Speaker, should come *suo motu* in this House and propose immediately a Parliamentary probe.

MR. SPEAKER: If you were the Speaker given this *suo motu* power under the rules, I am sure, you will be the first person to object to it.

SHRI P. G. MAVALANKAR: You are the protector of the dignity of the entire House. So, you can do it even if the majority says 'no'. You, as Speaker, must do this taking into account the dignity of the House. That is my submission.

श्री मधु लिमये : आपन कहा है कि 190 के तहत सरकार और विरोध पक्ष की रजामन्दी में होती है। अगर मान लीजिये रजामन्दी नहीं हुई तो क्या रास्ता है। मैं अपाजिशन के राइट्स के बारे में एक कोटेशन आप को देना चाहता हूँ।

"Since the strength of modern party discipline makes a ministry largely invulnerable to direct attack in the House of Commons, the criticism of the Opposition is primarily directed towards the electorate, with a view to the next election, or with the aim of influencing government policy through the pressure of public opinion. The floor of the House of Commons provides the Opposition with their main instrument for this purpose. Accordingly, the Opposition by usage has acquired the right to exercise the initiative in selecting the subject of debate on such occasion as the debate on the Address in reply to the Queen's Speech, on motions of censure and supply days."

यह प्रावधान इसलिये है कि हम लोगों को अविलम्बनीय लोक महत्त्व के विषय पर चर्चा करने का मौका मिले। इस वक्त और कौन सा मौका है इस पर चर्चा करने का। इस लिये या तो 190 के तहत लीडर आफ दी हाउस से सलाह करके हमारा प्रस्ताव ले ले

[श्री प्रभु लिमये]

या फिर अगर कमलटेशन का मामला ही खत्म करना चाहते हैं तो आप एडजर्नमेंट मोशन ले लीजिये जिसके ऊपर आप को सदन नेता या प्रधान मंत्री से कसट करने की कोई आवश्यकता नहीं है। यह मामला बार बार उठता रहेगा। इसलिये आप हमारे अधिकारों की रक्षा करने का काम करें।

MR. SPEAKER: I gave my ruling yesterday. In such motion where you do not come to an agreement in the Business Advisory Committee the Speaker does not come in and that cannot be circumvented by another procedure because it will be setting up a bad convention.

(Interruptions)

श्री अटल बिहारी वाजपेयी: यहाँ बहम न होने की बजह से आज यह सारा सदन, सारी पार्लिमेंट जनता की नजरों में अप्रतिष्ठा का विषय बन गई है। अब आप ही बताइये कि क्या रास्ता है ?

अध्यक्ष महोदय मेरे पास कोई रास्ता नहीं है।

श्री अटल बिहारी वाजपेयी: क्या आप यह चाहते हैं कि अपोजीशन यह तय करे कि जब तक इस पर बहम नहीं होगी हम और कोई काम नहीं चलने देंगे? क्या आप चाहते हैं कि हम इस हालत तक चले जाय? आप ने एडमिट किया है।

अध्यक्ष महोदय: अगर आप लोग जो प्रोत्तोजर में चीज दी हुई है जिसके बारे में आपको कुछ अख्तियार है और उनका भी है और आप आपस में किसी बात पर एग्री नहीं करते हैं तो उसका मतलब यह नहीं है कि सारे हाउस को रोक दिया जाए—

श्री अटल बिहारी वाजपेयी: यह मामूली बात नहीं है।

अध्यक्ष महोदय: इस तरह ज़िद करने लगे तो कहां पहुंचेगी बात।

श्री अटल बिहारी वाजपेयी: रेमेडी बताइये हम क्या करें ?

अध्यक्ष महोदय: मेरे पास कोई नहीं है। एक ही है और मैंने उसका इस्तेमाल करके बिजनेस एडवाइजरी कमेटी का मीटिंग आज बुला दी है। वहाँ उन से बात कर लीजिये। मेरे पास अगर कोई और रेमेडी हो तो मैं एक मिनट में उसको इस्तेमाल में ले आऊँ।

SHRI SHYAMNANDAN MISHRA:

Sir, I rise on a point of order. We are really in a situation in which the Chair should extend some sympathy to us. We are in the midst of an anarchy so far as the proceedings of the House are concerned.

MR. SPEAKER: My full sympathies are with you but I am not in a position to find the rule under which I can allow you.

SHRI SHYAMNANDAN MISHRA:

You have been pleased to say that since the Business Advisory Committee has not come to any agreed conclusions, there is no remedy open to us. Then how to get our subjects, on which we feel strongly discussed in the House. May I ask, you, since you happen to be the Chairman of the Business Advisory Committee, why have you chosen it to be necessary to abdicate your functions.

The BAC is an instrument which the House has created for settling the agenda of the House and for allotting time for each item of the agenda of the House.

But, this instrument has fallen into disuse. This instrument is being assisted to a peaceful demise by no less a person than the hon. Speaker. Now, may I ask you, therefore, if you have

allowed this institution to go into disuse, what is the way in which this House will function? This House has no other way of functioning. But, we do not implore you to get a meeting of the Business Advisory Committee called because I read sinister looks in the faces of some hon'ble Members. They think that we are trying to implore you for a meeting of the Business Advisory Committee. We certainly do not ask you to call a meeting of the Business Advisory Committee, if you don't feel like calling it. But, here is your function—of necessity we have created an institution like this—to get a meeting called. If you are not trying to do that, then, Sir, we, as representatives of the people have certain duties by the people and we will see to it that those duties are served by us, in spite of the Chair not taking upon itself the functions which we had assigned to it, in the spite of the fact that the Government remains obdurate on many of the public issues and they are very insensitive and impervious to the public criticism.

(Interruptions)

SHRI H. N. MUKERJEE: Sir, you admitted notice of a motion under Rule 189 and no date has been fixed for the discussion of such a motion. But, it was, notified according to the rules under the heading 'No-Day-Yet-Named Motion'. Sir, Rule 190 is very specific:

"The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion."

meaning the motion on which the notice has been admitted by you. You may choose not to do so. You may tell us that you are choosing not to do so. But, that is a different matter. The Business Advisory Committee is not coming into the picture. As far as I can understand, the Business Advisory Committee is bound by Government's specifications of cer-

tain business they allot time for it. The Business Advisory Committee as such arrogates to itself some extraordinary functions and I am suspicious—I am beginning to be suspicious—I am beginning to be suspicious—of the confabulations which go on there to the detriment of the House in general and to the benefit of individual Members. I am sorry to have said that. But, that apart, you are invested with the power that you can do so. You have admitted the notice. You have publicised it. It is your admission which has attracted publicity all over the country. It is a different matter if that kind of accusation is made against whoever it is, a Minister or a Member of the House, and it is not thrashed out. But, publicity was given in all the Indian newspapers. Your bulletin carried the news of your admission of the notice of the motion. Having done so, you are under a moral obligation, as far as I can see the morality of it to exercise your power under Rule 190. The Business Advisory Committee may be blown. Speaker can himself do so under Rule 190.

SHRI S. M. BANERJEE (Kanpur): Sir, as I said yesterday, my point of order is on Rules 189 and 190. Sir, kindly hear me.

MR. SPEAKER: You are repeating.

SHRI S. M. BANERJEE: Sir, kindly hear me for two minutes. Sir, when notice was given under Rules 193, 184 and 186, I thought that that will be confined to the Business Advisory Committee and sweet will of the Business Advisory Committee. That is why, I sought to give a notice under Rule 189, with the help of other Opposition Members including Mr. Shyamnandan Mishra, Mr. Vavalankar Mr. K. C. Halder, Prof Madhu Dandavate, Mr. Bade, Mr. Hukum Chand Kachwai, Mr. P. K. Deo and Mr. S. P. Yadav. We moved a motion under Rule 189 which has been very correctly quoted by my hon. and respected friend, Prof. Mukerjee. He quoted Rule 189. It says.

[Shri S. M. Banerjee]

"If the Speaker admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Bulletin with the heading 'No-Day-Yet-Named Motion'.

I am quoting the Lok Sabha Bulletin dated 31st August, 1974:

"The Speaker has admitted the following motion under rule 189:

That this House resolves to constitute a Committee of the House consisting of 15 Members to be nominated by the Speaker to undertake an enquiry to identify the persons, circumstances and factors that have tended to lower the dignity of the House as a whole as a result of the alleged association of the names of some Members of the House with the letter of recommendation for the grant of licence to the parties referred to in the reply to Starred Question No. 730 in the Rajya Sabha on the 27th August, 1974."

This motion does not mention the name of this or that minister nor does it mention the names of those 21 members. If a calling attention notice is allowed, I would have done that. But it is not being allowed. This paper says:

क्या प्रतेपत्र क समद-सदस्य लोक, सभा व गज्य सभा में पूजीपतियों व मंत्रियों के दलान नहीं है ;

I would request you to allow a discussion and uphold the parliamentary democracy, so that we are able to prove that we are not as corrupt as the people think.

SHRI JYOTIRMOY BOSU: Sir, rule 190 says:

"The Speaker may, after considering the state of business in the House, and in consultation with the Leader of the House, allot a day..." etc.

It is not "shall". You may or may not consult the Leader of the House; it is not obligatory on you to consult.

MR. SPEAKER: I have explained the position a number of times. I have nothing to add to what I said yesterday that there has not been a single occasion in the recent history of this Parliament when the Speaker *suo motu* fixed the time without putting it before the Business Advisory Committee. If I depart from it today and accept one, tomorrow again they will come for that; day after tomorrow, again they will come and I will be opening something which I will not be able to stop. So, I am not going to do it. I have no power. It has never happened in the history of this Parliament.

SHRI MADHU LIMAYE: I will give you a precedent.

MR. SPEAKER: Everything is discussed in the BAC, the report of the BAC is brought before the House and adopted by the whole House, as a recommendation of the whole House.

SHRI SHYAMNANDAN MISHRA: What is the rule?

MR. SPEAKER: I am telling you the practice. The recommendations of the BAC are accepted by the whole House. Now you say that the Speaker can do it. Tomorrow the Speaker will do something which will not be liked by the other side. We will also be setting up a bad precedent. You are not doing any service to the House by suggesting such things. As suggested by some members, in the BAC I will provide an opportunity for both sides to meet again. So far as the other suggestion is concerned, I will never accept it.

AN HON. MEMBER: Why not accept the adjournment motion?

MR. SPEAKER: No, I cannot accept it as an adjournment motion. I do not want to establish any such conventions. I am not going to bring as an adjournment motion what is not agreed upon by the BAC. We will meet in the BAC and I will try to mediate. Beyond that, I cannot do anything. So

far as this is concerned, it is over.
Now, Shri Shankar Dayal Singh.

SHRI SAMAR GUHA: Sir, on a point of order.

MR. SPEAKER: Kindly, done not obstruct the proceedings.

श्री शंकर दयाल सिंह : अध्यक्ष महोदय, वास्तव में जो कुछ इस सदन में आज कल हो रहा है, सदन से अधिक बाहर इसकी चर्चा और चिन्ता है। मावलंकर जी ने भरे गले से जो कहा है—वे जब बोल रहे थे तो उनकी आवाज उनकी आत्मा, उनकी जुवान में उनके स्वर्गीय पिता जी का स्वर गुंज रहा था। मैं यही चाहता हूँ कि आप जिन को बुलायें, वे ही बोलें, दूसरे शान्ति से मुने तब ही समझ में आ सकेगा कि कौन क्या बोल रहा है, सुननेवाले भी समझेंगे कि क्या कहा जा रहा है। हम लोगों को लाचारी से उठकर क्यों इन्टरप्ट करना पड़ता है—इसलिये कि आप जिन को नहीं पुकारते हैं, वे अपनी बात कह देते हैं और हम लोग आप के आदेश को मान कर चलते हैं इस लिये मारे जाते हैं। इस लिये, मान्यवर, मैं आप का ध्यान रूँ...

अध्यक्ष महोदय : मैं जिस को बुलाता हूँ उसी की बात रिकार्ड होती है। जिस को स्पीकर नहीं बुलाता है और वह शोर करता है, बोलता है, तो उसके कोई मायने नहीं हैं।

श्री शंकर दयाल सिंह : मैं भी मान्यवर, आप से वहीं निवेदन कर रहा था कि हम लोग भी कुछ तत्व की बात कहना चाहते हैं, लेकिन इस शोर में सारी बातें हास्यास्पद हो जाती हैं। आप समझते हैं कि ये लोग शायद ऐसे ही चिल्ला रहे हैं। अच्छी बात भी कहना चाहते हैं तो चिल्लाहट और शोर शराबे में हमारी बात दब जाती है। मैं आप का ध्यान रूँ 56 की ओर ले जाना चाहता हूँ...

अध्यक्ष महोदय : मैं इस मामले को खत्म कर चुका हूँ—आप फिर क्यों उठा रहे हैं ?

श्री शंकर दयाल सिंह : मैं इतना ही निवेदन करना चाहता हूँ कि आप 377 को जरूर एलाउ करें। इस लिये एलाउ करें कि अगर कोई जरूरी बात हो तो सदस्य 377 के अन्तर्गत उस को रख सके। जैसे काठमांडू में भारतीय दूतावास के सामने जो प्रदर्शन हो रहे हैं, उसके संबंध में विदेश मंत्री जी का बयान सदन के सामने आना चाहिये।

MR. SPEAKER: Mr. D. C. Goswami.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Speaker. Sir, on the last occasion in the inconclusive debate....

SHRI SAMAR GUHA: Sir, on a point of order.

SHRI DINESH CHANDRA GOSWAMI: The Speaker has called me.

MR. SPEAKER: I have called Mr. D. C. Goswami to continue his speech. We are on item 1 of the Business.

SHRI SAMAR GUHA: Sir, I am on a point of order.

MR. SPEAKER: On what?

SHRI SAMAR GUHA: You have permitted another member....

MR. SPEAKER: I did not permit him to say anything under rule 377.

SHRI SAMAR GUHA: You tolerated him.

MR. SPEAKER: He wanted to raise a matter under rule 377. I said, 'No'. Now I have called Mr. Goswami for the first item on the order paper.

SHRI SAMAR GUHA: On my Adjournment Motion....

MR. SPEAKER: No question of Adjournment Motion now. I am not allowing. I have already given my ruling. I have now called Mr. Ge...

[Mr. Speaker]

swami for the first item on the order paper.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, मैं प्रो० समर गुहा से अपील करता हूँ कि वे इस मामले को आगे न बढ़ाये। आप ने कहा है कि दिजनेस एडवाइजरी कमेटी शाम को बैठेगी, आप उसमें कोई रास्ता निकालने की कोशिश करेंगे। हम उसके लिये भौका देना चाहते हैं। रास्ता नहीं निकला तो हम क्या करेंगे उस को बाद में तय करेंगे। आज इस मामले को तूल नहीं देना चाहते हैं।

MR. SPEAKER: Mr. Samar Guha, please sit down. I have gone to the next item.

SHRI SAMAR GUHA: I want to draw your attention to one thing. This matter is not confined to the four corners of the Parliament only. It has gone outside. The dignity and honour is threatened. . .

MR SPEAKER: Please do not interrupt. I have gone to the next item.

Shri Dinesh Chandra Goswami.

SHRI SAMAR GUHA: It is more necessary that you should take a very careful consideration. Otherwise, a number of M.Ps. may be slaughtered outside, they may be lynched. I want to draw your attention that any time they will lynch us. That is the reason why I have given the adjournment motion.

12.30 hrs.

QUESTION OF PRIVILEGE—contd.

CERTAIN NEWS REPORT PUBLISHED IN 'PRATIPAKSHA' A HINDU WEEKLY.

SHRI DINESH CHANDRA GOSWAMI (Gouhati): On the last

day in this inconclusive debate, when I was on my legs, I condemned in no uncertain manner Mr. Fernandes in whose paper this filthy news item was published. Of course, I am not surprised because I cannot expect anything better from him because character assassination is the only and last political weapon left in his hands. I also pity him because I know that this news item is the result of a deep-rooted frustration in his mind and I do not want to go into the causes of frustration because if I go into it, I will be only throwing a stone into the harnet's nest and already we have enough trouble in this House. Therefore, I would not like to enter into another controversy.

My only submission is that by this filthy item Mr Fernandes has not denigrated this House, he has not denigrated any one of our Party members but has denigrated himself and those of his colleagues who have inspired him to make this statement. They have denigrated themselves. There is a saying in my language that when you spit upwards, it falls on your face, and exactly that has happened.

The Opposition may ask that if I feel so strongly about this filthy news item, why is it that I am not in a straight manner accepting the motion of Shri Pilo Mody? I have deeply pondered about the whole thing. I would like to place certain submissions before the House. What is the purpose and task of the Privileges Committee. The Privileges Committee's function is to guard against the violation and for restoration of the privileges. The Privileges Committee does not sit as a court. We want to utilise the Privileges Committee in order to safeguard the dignity and honour of this House. I pose the question before the House. Whose duty primarily is it to maintain the dignity and honour of this House? The primary duty of maintaining the honour and dignity of this House rests with us, because, if the entire country ever