[Shri Sukhdev Prasad]

(ii) Annual Report of the Mysore Iron and Steel Limited, Bhadravati, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See* No. LT-9685/75].

(2) A copy each of the following papers under sub-section (1) of section 619A of the Companies Act, 1956, read with clause (c) (iii) of the Proclamation dated the 9th February, 1974 issued by the President in relation to the State of Gujarat:—

(i) Review (Hindi and English versions) by the Government on the working of the Gujarat Mineral Development Corporation Limited, Ahmedabad, for the year 1973-74.

(ii) Annual Report of the Gujarat Mineral Development Corporation Limited, Ahmedabad, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See* No. LT-9686/75].

(3) (i) A copy of the Report of the Wheel and Axle Plant Committee of Durgapur Steel Plant.

(ii) A statement indicating the progress on the implementation of the recommendations made by the Wheel and Axle Plant Committee of Durgapur Steel Plant for the period ending November, 1974. [*Placed in Library. See* No. LT-9687/75].

12.27 hrs.

QUESTION OF PRIVILEGE *re*: A LETTER ALLEGED TO HAVE BEEN WRITTEN BY EMPLOYEES OF HINALCO TO THE PRESIDENT OF HINDALCO—*contd.*

(*Interruptions*).

MR. SPEAKER: I have very clearly told you that after the Minister's statement and production of his letter dated 11th November, there is no privvilege left but there can be other ways of bringing it, but not in the form of a privilege motion.

SHRI SHYAMNANDAN MISHRA (Begusarai): Let the House hear.... (*Interruptions*).

PROF. MADHU DANDAVATE (Rajapur): Shri Madhu Limaye and Shri Janeshwar Misra have already given you proper notices before 10 O'clock. I will make a request to you that both of them should be heard in connection with the privilege notice that they have given ... (*Interruptions*). Due notices have been given under the procedure. I will request you to allow Shri Madhu Limaye and Shri Janeshwar Misra.. (*Interruptions*).

श्री जनेश्वर मिश्र (इलाहाबाद) : मेरा प्वाइंट आफ आर्डर है । इस तरह से नहीं चल सकता है । इंदिरा गांधी के दबाव में आकर आप रूलिंग देंगे तो हम चलने नहीं देंगे किसी भी हालत में । आप इंदिरा गांधी की सरकार को चलाना चाहते हैं, सदन को नहीं चलाना चाहते ।

PROF. MADHU DANDAVATE: I wish to tell you that I am demanding something based on procedure, and I would never be cowed down by their voice. If they want to cow me down by voice, my voice will have higher intensity than the intensity of the voices of all of them.... (*Interruptions*).

श्री श्याम नन्दन मिश्र : क्लीयर केस प्रिवलेज का है । आप क्यों इजाजत नहीं देते हैं ।

श्री जनेश्वर मिश्र: ओरिजिनल लैटर मेरे पास है । आप क्यों इतनी जल्दी रूलिंग दे देते हैं ।

श्री मधु लिमये (बांका) : जिन्होंने नोटिस दिया है उनको आप सुन लें ।

MR. SPEAKER: You raised a question privilege. After that I heard the Minister. I heard all of you on that in the first round.

I tell you, if you behave like that, I do not approve of it.

SHRI SHYAMNANDAN MISHRA: I lay this charge squarely against you that you are protecting the Prime Minister.

MR. SPEAKER: Do not tell that.

I was asked yesterday to give my ruling on it. I said, I would give the ruling today. I saw the whole file, I saw Mr. Subramaniam's statement and I saw others. Mr. Madhu Limaye, when you came to me, I put it to you also.

SHRI SHYAMNANDAN MISHRA: You have not told the House.

MR. SPEAKER: Kindly do not interrupt me.

यह जो आप मुझे कह रहे हैं कि नहीं चलने देंगे सब कुछ, नहीं चलने देंगे, यह तो कोई नई बात नहीं है मेरे लिये ।

श्री श्याम नन्दन मिश्र : हम इसको नहीं चलने देंगे ।

अध्यक्ष महोदय : ठीक है, न चलने दें क्या हो जायेगा ?

PROF. MADHU DANDAVATE: Will you kindly resume your seat for a few seconds?

SHRI SHYAMNANDAN MISHRA: The Speaker is not the master of the House. He is the servant of the House.

स्पीकर को डिक्टेटर नहीं बनने देंगे ?

अध्यक्ष महोदय : न मैंने बनने की कोशिश की है और न मैं हूं । मैं अपने जमीर से कह सकता हूं कि जो मैंने रूलिंग दी है वह स्टडी कर के दी है ।

PROF. MADHU DANDAVATE: If you take the proceedings of the House, you will see that you have gone on record.

You told Shri Madhu Limaye. 'If you have got some more points, you can submit them to me.' Shri Madhu Limaye has already written a letter to you that he stands by all that he has written.... (*Interruptions*).

अध्यक्ष महोदय : श्री मधु लिमये मेरे चेम्बर में आये थे, किसी और मसले के बारे में आये थे इस बारे में नहीं । मैंने उनसे कहा कि मैंने मेज पार्लियामेंटरी प्रैक्टिस भी देखी है, इससे प्रिविलेज बनता नहीं है । और कोई शक्ल निकलती हो तो मुझे बताइये ।

श्री मधु लिमये : आपने मुझे कहा कि आप कोई और बात अगर हो तो बताइये । मैं वह बात बताकर प्रैसिडेंट आपके सामने रखकर बैठने वाला हूं । मैं आपके निर्णय को चेलेंज नहीं कर रहा हूं ।

SHRI DINESH CHANDRA GOSWAMI (Ganhato): You have already given your ruling. How are you allowing them to speak again?

SHRI MADHU LIMAYE: Only by way of elucidation.

SHRI DINESH CHANDRA GOSWAMI: Even after a ruling is given?

अध्यक्ष महोदय : आपने मुझे कल कहा कि मैं आज रूलिंग दूं, आपने मुझे कल यह नहीं कहा कि मैं और बहस जारी कराऊं । आपने मुझे कहा कि मैं रूलिंग दूं, मैंने वह दे दिया है ।

SHRI SHYAMNANDAN MISHRA: It is not on the order paper. We have not been told that you would be pleased to give your ruling to-day. We had sent you a letter yesterday bringing out certain facts. This is not inscribed on the agenda to day that you would be pleased to give your ruling. So, the matter is open.

अध्यक्ष महोदय : आज ही रूलिंग देना था ।

SHRI SHYAMNANDAN MISHRA: You have never told us that you would be giving your ruling to-day.

SHRI C. M. STEPHEN (Muvattupuzha): We want to know what is happening here. Are you going to allow them?

SHRI DINESH CHANDRA GOSWAMI: I am on a point of order. My point of order is that a notice of a privilege was given to you and, before you gave your decision to give or not to give consent, to find out whether there was a *prima facie* case, you asked the Member to make submission—we raised objection on the ground that such a hearing was not tenable, but, you overruled our objection and heard the Member. Now, after hearing the Members, you have given a ruling that there is no privilege. May I know now under what rule you would be now permitting Members to make submissions against your ruling and asking for revision of it? Is there any provision in the Rules of Procedure which permits the member to speak even after a ruling is given? You will be setting an extremely dangerous precedent in the House if you permit members to question rulings of the Chair because there are many rulings in which either this side or that side is not satisfied and I think that once a ruling is given, it is the bounden duty of all of us to respect the ruling Now, when you have given the ruling firmly and finally, that there is no question of privilege, it is not open to any member to make any further submission If they are not satisfied, they have other measures open to them.

MR. SPEAKER: Now, Mishraji, you have yourself said in this, 'I am giving the ruling' At the same time, you say that such and such situation has arisen end that some opportunity should be given to you to raise this. Now knowing—you know I am giving the ruling to-day..,

SHRI SHYAMNANDAN MISHRA: I do not know.

MR. SPEAKER: You have yourself written it—'Yesterday' it was raised in the House and we thought you were going to give a ruling and you will shortly be giving, possibly tomorrow itself....

SHRI SHYAMNANDAN MISHRA: That was two days' back. That 'tomorrow' has passed now.

श्री मधु लिमये : अध्यक्ष महोदय, मेरा प्वाइंट आफ आर्डर सुनेंगे, तो सारी बात साफ हो जायेगी ।

कल मैं किसी दूसरे मामले को लेकर आपसे मिलने आया था । आपने उस समय यह हिन्दालको का सवाल उठाया और कहा कि मैंने इसको देख लिया है, मुझे तो नहीं लगता है कि इसमें प्रिविलेज का सवाल बनता है । उसके बाद मैंने कहा कि मैं इस मसले को और गहराई में जाकर देखूगा और आपको बताउगा ।

अगर मुझे मालूम होता कि आप आज इस पर रूलिंग देने जा रहे हैं, अगर यह आर्डर-पेपर पर मामला होता तो मैं आज सवेरे ही दे देता ।

यह श्री शकधर और श्री काल की किताब है, मैं इसमें से एक पसेज पढ़ूगा और आपसे कहूगा कि इसका मद्देनजर रखते हुये जो रूलिंग आपको देना हो दीजिये ।

अध्यक्ष महोदय . जो उन्होंने लिखा है, मैं पढ़ देता हूं ।

(व्यवधान)

MR. SPEAKER: I have given the ruling. You can bring anything further. I will consider that also but not now after the ruling. If there are any facts you bring to my notice, you write to me, I will see to them.

I am not allowing it.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I want to seek procedural clarification. You maintain your ruling. We maintain that you have made certain observations: I would like to ask you most humbly what is the procedure which was adopted to arrive at this conclusion, because Mr. Subramaniam has made an allegation against Mr. Janeshwar Misra that he has produced a forged document? (*Interruptions*).

Now, you are asking the Prime Minister who is unfortunately.... (*Interruptions*).

MR. SPEAKER: I have not heard anything from the Prime Minister (*Interruptions*).

SHRI C. M. STEPHEN: Are we discussing it again?

श्री मधु लिमये : आपने किस चीज पर रूलिंग दिया है ?

MR. SPEAKER: The privilege issue came because Shri Raj Narain denied that he had received any intimation for further investigation. Mr. Subramaniam produced that letter and there was no question of privilege left after that.

श्री मधु लिमये : आप इश्यू ही नही समझे । मेरा वह इश्यू नही है । मैं दो मिनट से अधिक समय नहीं लूंगा ।

PROF. MADHU DANDAVATE: You try to understand the issues. Mr. Limaye is seeking your ruling.

MR. SPEAKER: Whatever it be, have given the ruling.
(*Interruptions*)

SHRI C. M. STEPHEN: Why are you coming in, Mr. Dandavate, to plead his case?

PROF. MADHU DANDAVATE: I do not function on the basis of your support.

MR. SPEAKER: Whatever it be, I have given the ruling.

श्री मधु लिमये : अध्यक्ष महोदय, आपने किस सवाल पर रूलिंग दिया है ? मेरा सवाल यह है कि श्री सुब्रह्मण्यम ने कहा है कि यह फोर्ज्ड लेटर है और श्री जनेश्वर मिश्र का मामला प्रिविलेज कमेटी में भेजना चाहिए, जबकि श्री जनेश्वर मिश्र ने कहा है कि जो श्रीमती इंदिरा गांधी का लेटर है, वह फोर्ज्ड लेटर है । इस बारे में कौल एंड शकधर की किताब के पेज 237 पर कहा गया है :

It is a breach of privilege and contempt of the House to present false, forged or fabricaterd documents to either House or to a committee thereof with a view to deceive them.

इसका मतलब यह है कि या तो श्री जनेश्वर मिश्र डिसीव कर रहे है और या प्रधान मंत्री और श्री सुब्रह्मण्यम डिसीव कर रहे हैं । (व्यवधान)

अध्यक्ष महोदय : इस बारे में नियम यह है कि जो मामला डिस्पूटिड होता है उस पर प्रिविलेज नही बनता है ।

श्री मधु लिमये : मुझे पढ़ने दीजिये :

The necessity of preventing the production before the House of false or fabricated documents was emphasised by Speaker Mavalankar in the Sinha case.

श्री शशि भूषण (दक्षिण दिल्ली) : शकधर साहब अपनी किताब वापिस ले लें ।

श्री मधु लिमये : उनकी किताब को जला दिया जाये, उसकी होली कर दी जाय, क्योंकि उससे सरकार को बहुत तकलीफ होती है ।

SHRI C. M. STEPHEN: Sir, I rise on a point of order. I want to know this. You have given two rulings One is

[Shri C. M. Stephen]

the main ruling. The second ruling you gave was, there should be no further discussion on the ruling you have given. And, if he has anything, he must bring it to your notice by writing to you. So, that chapter is closed. If it is closed, then, on what basis Mr. Madhu Limaye is speaking, I would like to know. I would like to know under what provision, under what basis, he is speaking. We are not prepared to hear him.

MR. SPEAKER: Whatever proceedings were before me, I gave my rulings on them. So far as this privilege issue which was pending before me is concerned, it is not based on forged document of Mr. Raj Narain, the Government said that the Department had suggested that if he could produce further evidence or produce that, even that could be investigated into. And, Mr. Raj Narain said that he did not receive any letter. Whatever was there in the first notice, I gave my ruling on that.

श्री मधु लिमये : मैं फर्स्ट नोटिस पढ़ कर सुनाता हूं ।

अध्यक्ष महोदय मैंने रूलिंग दे दिया है ।

SHRI C. M. STEPHEN: What further discussion is there now? What is the motion we are discussing?

SHRI MADHU LIMAYE: You can raise your point of order later.

अध्यक्ष महोदय : मैंने कहा है कि मैंने अपना रूलिंग दे दिया है ।

If there are any fresh things, you can bring them.

SHRI MADHU LIMAYE: This is what I said in my notice:

'In view of this, I do feel that the allegation of Shri Subramaniam be referred to the Privileges Committee and Shri Janeshwar Mishra should be allowed to clear himself before the Committee. In case he is proved to have placed a forged document before the House, he should be proceeded against. Anyway; this matter cannot be lightly brushed aside.'

अगर श्री सुब्रह्मण्यम झुठ बोल रहे हैं और माननीय सदस्य ठीक कह रहे हैं, तो इस सदन की गरिमा इसी में है, कि श्री सुब्रह्मण्यम के खिलाफ कार्यवाही की जाये ।

It is a fair proposition.

MR. SPEAKER: May I tell you, there are clear rules, that the privilege must be specific and not disputed.

इसको किसी और शक्ल में ले आइये ।

When the facts are not specific how can the question of privilege come in?

श्री मधु लिमये : अगर माननीय सदस्य ने फोर्ज्ड लटर रखा है, तो उन को मेम्बरशिप से निकाल दिया जाये ।

श्री शशि भूषण : श्री अटल बिहारी वाजपेयी ने लेफ्टिनेंट गवर्नर को लिखा डा० जगजीत सिंह का फोर्ज्ड लेटर रखा था ।

श्री मधु लिमये : माननीय सदस्य इसके लिये नोटिस दें ।

MR. SPEAKER: I am sorry I do not allow any further discussion. But, if there is any fresh thing, you can bring that to my notice. On the matter that is pending before me, I have given my ruling. If you want any matter to be brought to my notice based on other things, I can consider them.

SHRI SHYAMNANDAN MISHRA: I rise on a point of order. You have permitted two hon. Members on the other side to raise points of orders. It would be a discriminatory treatment if you do not allow the Members of Opposition to raise their points of orders.

MR. SPEAKER: You cannot raise a point of order as far as the ruling is concerned. On that you cannot.

SHRI SHYAMNANDAN MISHRA: I am on a point of order.

MR. SPEAKER: I say not on the ruling.

SHRI SHYAMNANDAN MISHRA: Firstly the statement made is not correct. The statement that a day was fixed by the Chair for giving a ruling today is not correct.

MR. SPEAKER: That is correct.

SHRI SHYAMNANDAN MISHRA: If that is so, it should have been included in the Agenda. That is not so.

MR. SPEAKER: It is not the practice to give that on the agenda.

श्री मधु लिमये : मेरी शुरू से राय है कि कलिंग को आडर आफ पेपर में देना चाहिए और वह लिखित होना चाहिये।

SHRI SHYAMNANDAN MISHRA: Sir, yesterday evening, the leaders of the Opposition had written a letter to you that there are certain aspects of the matter which require a very close study. Before you give your ruling, we would like to make full submissions on this privilege issue. We had made a request yesterday. Therefore, we had expected.... (*Interruptions*).

SHRI C. M. STEPHEN: Why should you listen to him?

श्री मधु लिमये : श्री स्टीफन को बडी तकलीफ हो रही है। वह कृपया बाहर जा कर काफी पी लें।

श्री श्याम नन्दन मिश्र : आपने माननीय सदस्य, श्री गोस्वामी, और माननीय सदस्य, श्री स्टीफन को मौका दिया है, क्या आप मुझे मौका नहीं देंगे ?

So, Sir, when we made this request to you yesterday, we expected that you would hear us on this point fully and you would permit us to make our full submissions. But, before we are able to do that, you just spring on us your ruling.

SHRI R. S. PANDEY: What is the point of order?

SHRI SHYAMNANDAN MISHRA: My hon. friend, Shri Limaye has already quoted from the book by Shakdher and Kaul. But, may I also refer you to the May's Parliamentary Practice (latest edition)? On page 137, it is clearly stated:

> "It is a breach of privilege to present or cause to be presented to either House or to committees of either House forged, falsified or fabricated documents with intent to deceive such Houses...."

Now, the point is that the House is confronted with an allegedy forged document.

MR. SPEAKER: Mr. Mishra, if you had just followed what I said, perhaps, you would have saved the difficulty of writing to me.

SHRI SHYAMNANDAN MISHRA: Kindly refer to page 137 of May's Parliamentary Practice, Latest Edition.

MR. SPEAKER: The practice is when the facts are disputed, you cannot make a privilege out of that. Parliament has other ways of doing it.

श्री मधु लिमये : यह प्रतिपक्ष जैसा मामला हो गया है ।

SHRI SHYAMNANDAN MISHRA: This is said to be a forged document. Let there be complete unanimity on this point that this is a forged document. Then you may haul him up before the House. (*Interruptions*)

MR. SPEAKER: Now please sit down. I had not given my consent to it. I heard all of you. It is not the practice that I go on hearing you again and again when you say that you could not tell the facts and so you want to speak for the second time Mr. Mishra please do not lose your temper everytime.

SHRI SHYAMNANDAN MISHRA: You are losing your temper.

MR. SPEAKER. If I am losing I am wrong but if you are losing you are wrong. We are missing something. I could not allow you to speak for the second time. Whatever was there I gave a ruling on that If you think that there is something fresh to tell about his document specifically, you do so You cannot add in between anything.

SHRI SHYAMNANDAN MISHRA: Will the Secretariat kindly give me my letter? Let me read out my letter.

PROF. MADHU DANDAVATE: What you are saying is already there?

MR. SPEAKER: I do not accept that. You go on supplementing the original motion. I am giving the ruling over the discussion which was finished. If there is anything fresh you come out with it.

SHRI SHYAMNANDAN MISHRA: "The notice of breach of Privilege given by Shri Janeshwar Mishra and Shri Madhu Limaye against the Prime Minister and the Minister of Finance, Shri C. Subramaniam is receiving consideration at your hands and it is expected that you may be pleased to give your ruling shortly—possibly tomorrow itself. We would like to share with you our sincerest anxiety that the House cannot, and must not, let the matter go without ascertaining the truth in the matter. A member of the House has been clearly and unambiguously accused of committing forgery and the Member concerned has produced what he claims to be the original document refuting the charge of forgery. Further, the claim of the P M that she had asked for the original document and drawn a blank has been denied and not proved.

In the circumstances, we cannot shovel the matter under the rug without getting at the truth and vindicating the honour of one party or the other.

The process of ascertaining the truth, you will agree, cannot be left to the accused, whoever he or she may be. For, that would militate against the principle of natural justice that the accused cannot be the judge in his or her own case.

All in all, in a matter like this, we would request you to give us full opportunity to make our submissions when the occasion comes"

The signatories are: S. N. Mishra, Jyotirmoy Bosu, Madhu Limaye, Samar Guha, P. K. Deo, Janeshwar Mishra, P. G. Mavalankar and Ram Ratan Sharma.

MR. SPEAKER: You rose on a point of order about the letter that you had addressed to me. The original motion that came to me was based on this thing that the Finance Minister and the Prime Minister told wrong thing when they said that Mr. Raj Narain was asked to produce this and he was not able to produce and, therefore, they told a wrong thing. Now, they produced a letter dated 11th November which they wrote to him and he read that letter in the House. Now, the rules are that a privilege

remains specifically confined to that, namely, whether she told a wrong thing that she had written to Mr. Raj Narain, I mean, the Department. The facts are disputed. They are not specific. I cannot sit on judgement as to which one is forged and which one is not. The House has many other avenues to going into it but not through a privilege motion.

SHRI SHYAMNANDAN MISHRA: Sir, how to vindicate the honour of the Member?

MR. SPEAKER: I have given my ruling on the first notice. If you have anything more you come out with that.

12.57 hrs.

PAPERS LAID ON THE TABLE—*contd.*

CERTIFIED ACCOUNTS OF DELHI DEVELOPMENT AUTHORITY FOR 1970-71 WITH AUDIT REPORT

THE DEPUTY MINISTER IN THE MINISTRY OF WORKS AND HOUSING (SHRI DALBIR SINGH): I beg to lay on the Table a copy of the Certified Accounts (Hindi and English versions) of the Delhi Development Authority for the year 1970-71 together with the Audit Report thereon, under sub-section (4) of section 25 of the Delhi Development Act, 1957. [*Placed in Library. See* No. LT-9688/75].

ANNUAL REPORT OF EMPLOYEES' STATE INSURANCE CORPORATION FOR 1973-74 AND COAL MINES (AMENDT.) REGULATIONS, 1975, AND METALLIFEROUS MINES (AMENDT) REGULATIONS, 1975.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI BALGOVIND VERMA): I beg to lay on the Table:—

(1) A copy of the Annual Report (Hindi and English versions) of the Employees' State Insurance Corporation for the year 1973-74, under section 36 of the Employees' State Insurance Act, 1948. [*Placed in Library. See* No. LT-9689/75].

(2) A copy each of the following Notifications (Hindi and English versions) under sub-section (7) of section 59 of the Mines Act, 1952:—

(i) The Coal Mines (Amendment) Regulations, 1975, published in Notification No. G.S.R. 512 in Gazette of India dated the 19th April, 1975.

(ii) The Metalliferous Mines (Amendment) Regulations, 1975, published in Notification No. G.S.R. 513 in Gazette of India dated the 19th April, 1975. [*Placed in Library. See* No. LT-9690/75].

BROCHURE ON SALARIES, ALLOWANCES AND AMENITIES OF MPs IN CERTAIN FOREIGN COUNTRIES

SHRI R. S. PANDEY (Rajnandgaon): I beg to lay on the Table a copy of the Brochure on Salaries, Allowances and Amenities enjoyed by Members of certain Foreign Parliaments. [*Placed in Library. See* No. LT-9691/75].

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secrtary-General of Rajya Sabha:—

(1) "I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Friday, the 2nd May, 1975, adopted the following motion in regard to the Committee on Public Accounts:—

"That this House concurs in the recommendation of the Lok