

ween the book balances and the actual stocks of rock-phosphate and sulphur.

(b) The Management of the company are further investigating the matter and their Report is awaited.

12 hrs.

RE. CALLING ATTENTION NOTICES

(Query)

MR. SPEAKER : Papers to be laid on the Table. Mr. V. C. Shukla.

SHRI S. M. BANERJEE (Kanpur) : You know, Sir, the I.I.T., Kanpur has been closed...*(Interruptions)*.

MR. SPEAKER : I am sorry. I have not allowed it. If you speak without my permission, I am not going to allow it...*(Interruptions)*. The Member who speaks without my permission will not be recorded.

SHRI S. M. BANERJEE : *

MR. SPEAKER : I have not allowed it...*(Interruptions)*. There is ample opportunity. Budget Discussion is going on. The opportunity is available. You can refer these matters in the Budget Debate.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : I have given a call attention motion about Nagarwala's death in the jail. We have not been told anything about it.

MR. SPEAKER : I have never been telling about call attention motions.

SHRI JYOTIRMOY BOSU : About Mr. Nagarwala's death in the jail...

MR. SPEAKER : If you go on making noise, nothing will come out...*(Interruptions)* I have not allowed it.

SHRI S. M. BANERJEE : I simply want that the Education Minister may make a statement. After all this is the biggest institution in Kanpur...

MR. SPEAKER : What are you doing, when I have not allowed it ?

SHRI S. M. BANERJEE : This has been closed. Have pity on the 3000 students who are there and the 500 employees.

MR. SPEAKER : Order, order. I have not allowed the hon. Member.

SHRI S. M. BANERJEE : Where can I go, Sir ? It cannot be raised in the UP Assembly. It can be raised only here.

MR. SPEAKER : When I say I have not allowed it...

SHRI S. M. BANERJEE : *

MR. SPEAKER : Please go on. This will not be recorded. I have not called you. If you go on arguing, it will not be recorded. This is not the way to raise the matter.

SHRI JYOTIRMOY BOSU : We give call attention notices. Unless we are informed...*(Interruptions)*. We have got to be informed that they have been rejected.

MR. SPEAKER : If you are not informed, that means that it has not been accepted.

SHRI JYOTIRMOY BOSU : Don't make me say that you want to suppress these things. You are more loyal than the king. ...*(Interruptions)*. Somebody has got to come and tell us...

SHRI INDRAJIT GUPTA (Allpore) : Mr. Jyotirmoy Bosu has got a point. Uptill now the practice was that when a member's call attention was not admitted, he is always informed. The Lobby Clerk used to come and tell us, 'Your notice has not been ad-

[Shri Indrajit Gupta]

mitted'. Something should be there. The established convention should be followed. Otherwise, we think it has been kept pending.

SHRI JYOTIRMOY BOSU : This is a very serious matter. It is causing anxiety in the minds of hundreds and thousands of people—how Mr. Nagarwala died in the jail and how the Police officer who was enquiring into it also met with an accident and died. This is all suspicious. We, the elected Members, have a right to ask about it.

MR. SPEAKER : I have not allowed it... (*Interruptions*).

SHRI H. N. MUKERJEE (Calcutta-North-East): Could I submit, Sir, that Parliament should not give an impression that things are being suppressed because in the Parliament to-day the Opposition is not numerically strong as it had been only lately... (*Interruptions*).

SHRI PILOO MODY (Godhra): It is very much the case.

SHRI H. N. MUKERJEE : I am sorry to have to intervene...

SHRI PILOO MODY : There was a time when you could never have done this.

MR. SPEAKER : That is a complex from which you should not suffer.

SHRI H. N. MUKERJEE : It is not a matter of complex. It is a matter of impression in the country that Parliament, if it is to uphold its traditions, should counter it. Here in Parliament we should have the opportunity of raising such important matters. For example, people are asking questions and if you tell us, 'Go and speak in the Budget debate', you won't allow me to speak on the Budget debate.

SHRI JYOTIRMOY BOSU : You will talk about relevancy.

SHRI H. N. MUKERJEE : After all the

Parliament should focus the attention of the country.

MR. SPEAKER : It is followed in the House and in many Parliaments and any Member can say anything on the Budget, when it is a General Debate.

SHRI ATAL BIHARI VAJPAYEE—
rose.

SHRI INDRAJIT GUPTA : Why has the earlier practice been discontinued (*Interruption*).

SHRI PILOO MODY : When two people speak at the same time it is very difficult to follow anything. Shri Indrajit Gupta has just asked a question as to why the practice that was followed earlier has been discontinued. (*Interruption*) I want an answer, Sir.

SHRI K. MANOHARAN (Madras North): Don't you know, it is a serious matter which causes anxiety throughout the country, throughout the length and breadth of the country; this fellow died, the inspector also died; it is not an accident according to certain persons. Notice of Call Attention was given. You have rejected. Nobody knows what prompted you to reject that. You have got your discretion, we don't deny that.

MR. SPEAKER : We have a Debate. We have got a Debate already going on.

SHRI PILOO MODY : What has it got to do with the Budget Debate? Then why don't you do away with everything? Why did you allow a discussion on Cotton yesterday? We could have discussed that also in the Debate. In the Budget Debate the Minister is not called upon to answer all irrelevancies which we are entitled to say during the course of the Budget Debate; but for a specific motion on a specific subject the Minister has got to reply specifically to the points raised.

MR. SPEAKER : There are so many Calling Attention Motions every day. It was more than 20 this morning.

SHRI PILOO MODY : Yet there is not one today.

MR. SPEAKER : Don't be loud interrupting me. Kindly hear me. As far as the other Motions are concerned, which are not accepted, I shall go into the procedure as to whether the procedure was followed, whether they were informed, or whether only in case of accepted Motion, they were informed. As far as the case of Nagarwala is concerned, we have discussed in this House this subject for a number of times... (Interruption).

SHRI PILOO MODY : For an entire session we tried to raise a Debate on this very subject and you had not allowed it.

SHRI JYOTIRMOY BOSU : After the death of that person, nothing has happened. We suspect foulplay on this and that is why we want this to be thoroughly discussed.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : आप तो इजाजत नहीं दे रहे हैं, इससे सरकार की स्थिति और खराब हो रही है। होना तो यह चाहिए कि सरकार स्वयं इस मामले में स्टेटमेंट देकर सदन को बिश्वास में ले...

अध्यक्ष महोदय : सरकार स्टेटमेंट देना चाहें तो दे सकती है।

श्री अटल बिहारी वाजपेयी : वह दे नहीं रही है और आप भी उसको देने का मौका नहीं दे रहे हैं। इससे यह कहने का मौका मिलता है कि ज़रूर दाल में काला है। सरकार स्वयं वक्तव्य नहीं दे रही है तो आप उनको मौका दें स्टेटमेंट देने का।

MR. SPEAKER : I cannot do it myself.

SHRI JYOTIRMOY BOSU : Why can't you do it yourself? You want to save the Government from embarrassment.

MR. SPEAKER : No, not at all.

SHRI JYOTIRMOY BOSU : Why are we prevented from raising this Call Attention Motion? We have to exercise our rights.

MR. SPEAKER : There are so many.

SHRI JYOTIRMOY BOSU : Everything can be discussed here. We are all elected Members; we are not nominated Member of the Chairman or somebody else.

श्री हुकम चन्द कछवाय (मुरैना) : जो नोटिस हम देते हैं और जो प्रधान मंत्री के सेक्रेटेरिएट से संबंधित होने है, उनको स्वीकार नहीं किया जाता है।

अध्यक्ष महोदय : कौन से है ?

श्री हुकम चन्द कछवाय : बहुत से मवाल प्रधान मंत्री से संबंध रखते हैं और उनको उठाया जाता है लेकिन उनको आप स्वीकार नहीं करते हैं और हमें उनको उठाने का मौका नहीं देते हैं। क्या आपने अपने सेक्रेटेरिएट को आदेश दे रखे हैं कि प्रधान मंत्री से संबंधित जब कोई मीशन दिया जाए, तो उसको स्वीकार न किया जाए ?

SHRI PILOO MODY : Is there anybody to speak on behalf of the Government ?

SHRI H. N. MUKERJEE : Parliament has been in possession of this matter. What happened was, in regard to this Nagarwala matter, the Government could get away with it at that point of time because certain judicial processes had been invoked by certain combination of circumstances which are very doubtful in the minds of some of us. The judicial process has been sought to be invalidated and today there is no other alternative except discussion in Parliament. We ought to know about the whereabouts of the money. It is a very substantial sum of money which was involved, namely Rs. 96 lakhs, and heaven knows what else.

MR. SPEAKER : Would hon. Members please listen to me? This question has

[Mr. Speaker]

already been answered in this House. On 22nd March, 1972, a question was asked in this House on this matter, and the hon. Minister said in reply to part (b) of the question :

“The sub-divisional magistrate is holding an inquest under section 174, Cr. P. C. into the cause of death.”

SHRI S. M. BANERJEE : It was an unstarred question. The number of starred questions has been reduced from 30 to 20, and we are not allowed to put sufficient number of starred questions, but we have to put only unstarred questions.

MR. SPEAKER : The point is that the matter is *Sub judice*. It is for Government now to come out with the information whether this is still going on or whether this is *Sub judice* or not. The information that I have is only this that it is *Sub judice*. How can I admit any motion on a matter which is *Sub judice* ?

SHRI PILOO MODY : This House is not bound by matters that are *Sub judice*.

SHRI JYOTIRMOY BOSU : The man has been killed in jail.

श्री हुकम चन्द कछवाय : सारे देश में संदेह किया जा रहा है कि नागरवाला को पायज़न देकर मारा गया है और इसी तरह श्री कश्यप को भी जान-बूझ कर मारा गया है।

SHRI H. N. MUKERJEE : The judicial process has been rendered defunct by certain number of incidents happening.

MR. SPEAKER : The matter is already under inquiry.

SHRI H. N. MUKERJEE : The judicial inquiry is not there any longer, because the man is not there.

SHRI PILOO MODY : I charge that this is a lame excuse that is being trumped

out in this House that the matter is *Sub judice*, and, therefore, it cannot be discussed. I know of no law which forbids us to discuss it.

MR. SPEAKER : Can we discuss *Sub judice* matters in this House ?

SHRI JYOTIRMOY BOSU : The man has died in jail and the inquiry officer has also died.

MR. SPEAKER : The matter is *Sub judice*. I have no power to admit anything on a *Sub judice* matter.

SHRI PILOO MODY : Then all that they have to do is to go on prolonging the case, now that the man is dead, for the next 25 years so that Parliament cannot discuss it according to your interpretation of Parliamentary law.

MR. SPEAKER : So far, the matter is under judicial inquiry, and I have no power to admit any question or any motion on it.

SHRI JYOTIRMOY BOSU : It is in their interests to come forward with a statement.

SHRI ATAL BIHARI VAJPAYEE : You can ask Government to lay on the Table a copy of the *post mortum* report. That is not *Sub judice*.

MR. SPEAKER : It is only when Government inform me that it is not *sub judice* that I can consider it.

SHRI ATAL BIHARI VAJPAYEE : First, you said that the budget was being discussed, and so, the question could not be taken up. Now you are saying that the matter is *sub judice* and, therefore, it cannot be discussed.

SHRI JYOTIRMOY BOSU : Therefore, kindly admit a callidg attention-notice.

SHRI ATAL BIHARI VAJPAYEE : You can ask Government to lay the *post-mortem* report on the Table of the House. That is not *sub judice*.

SHRI PILOO MODY : I charge that this Government is guilty of crime, but you are not permitting that to be exposed on the floor of the House.

SHRI JYOTIRMOY BOSU : All that we wanted to do through a calling-attention-notice was to make the Government make a statement on the floor of the House as to what they had to say about the death of Mr. Nagarwala and also the death of the DSP Mr. Kashyap, who was inquiring.

MR. SPEAKER : After this, I shall enquire from Government whether they have got any report about the.....

SHRI JYOTIRMOY BOSU : They will obtain the report.

MR. SPEAKER : So long as the judicial inquiry is going on, I have no authority to admit anything on it. All that hon. Members can do is that through a question or in the course of a speech in this House on the budget, hon. Members can ask how long it will take. They cannot, however, discuss the matter.

SHRI JYOTIRMOY BOSU : Let there be no impression in our minds that you want to protect the Government.

MR. SPEAKER : How can we discuss it so long as it is *sub judice* ?

SHRI JYOTIRMOY BOSU : Death is not *sub judice*. The accident that killed Shri Kashyap is not *sub judice*. We want Government to tell us how these two persons had died. What is wrong in asking for that information ?

SHRI PILOO MODY : Mysteriously.

MR. SPEAKER : As soon as the inquiry is over, it should be the duty of Government to inform the House as to its result.

श्री हुकम चन्द कश्यप : ये दोनों व्यक्ति कैसे मरे, यह हम जानना चाहते हैं। देश भर में संदेह किया जा रहा है कि इन दोनों को जान-बूझ कर मरवाया गया है।

श्री कूलचन्द वर्मा (उज्जैन) : श्री कश्यप की मृत्यु भीसंदेहास्पद परिस्थितियों में हुई थी।

SHRI JYOTIRMOY BOSU : I want your ruling as to whether you are going to accept our call attention motion.

MR. SPEAKER : So long as I am not sure whether it is *sub judice* or not I cannot do it.

SHRI JYOTIRMOY BOSU : Do not create an impression that you are anxious to protect the Government.

MR. SPEAKER : No please.

SHRI JYOTIRMOY BOSU : You are creating an impression that you want to protect the Government.

MR. SPEAKER : If the matter is *sub judice*, it is my duty to protect them. How can I allow it ?

SHRI K. MANOHARAN : We do not want to discuss the merits or otherwise of the case. Nagarwala has died under circumstances which are very mysterious. Another man has also died in an accident. These two things happened. My question is : what prevents you from asking Government to submit the *post mortem* reports about these two people, nothing else. The rest is *sub judice*.

SHRI PILOO MODY : Before fiddling with it.

SHRI VIKRAM MAHAJAN (Kangra) : The matter is in the court.

SHRI ATAL BIHARI VAJPAYEE : The matter is in the court of a sub-divisional magistrate. We can demand that the entire matter be referred to a High Court Judge.

[Shri Atal Bihari Vajpayee]

We all know how sub-divisional magistrates in Delhi function. I do not want to cast any aspersions

MR. SPEAKER : It is not for the Speaker to say whether it should go to the High Court.

SHRI ATAL BIHARI VAJPAYEE : We are entitled to ask why the matter was not referred to a High Court Judge

MR. SPEAKER : You can ask how long this will take.

SHRI PILOO MODY : I would like to know which rule of Parliament forbids discussion of such a matter here.

SHRI S. M. BANERJEE : On a point of order, Rule 197 under which we table call attention motions which you in your wisdom accept or reject, says...

MR. SPEAKER : I know it.

SHRI S. M. BANERJEE : I am quoting to refresh my memory.

"A member may...call the attention of the Minister to any matter on a matter of urgent public importance..."

MR. SPEAKER : The decision is with the Speaker.

SHRI S. M. BANERJEE : Some members in their wisdom have tabled a call attention in connection with the mysterious death of Nagarwala and another person. Some of us have tabled a call attention motion regarding the closure of IIT, Kanpur. These are for your consideration. These matters are, according to us, of urgent public importance. Neither of this has been accepted by you yet. In one case, the matter may

be *sub judice* according to the verdict of the court or according to your observations, but what is *sub judice* in the closure of the IIT ? An educational institution has been closed. Dr. Mathania, the Director has behaved in a dictatorial fashion at the instance of American imperialists.

Under rule 340, I demand that the business of the House be adjourned to discuss this matter of urgent public importance... **

MR. SPEAKER : I am not allowing what he says to go on record

SHRI S. M. BANERJEE . **

MR. SPEAKER : Whatever it is, it is for me to judge. You cannot force me like that. If you go on forcing me like that, I am sorry I cannot allow it.

SHRI S. M. BANERJEE . All important matters are being discussed in the other House. We are precluded from discussing them here. After all, we are all elected Members. There, many of them are nominated. (Interruption)

MR. SPEAKER : I am very sorry. Mr. Banerjee, kindly sit down. (Interruption) Two Members are holding the House to ransom I do not like that.

श्री सुकम चन्द कल्लवाय : सारा देश संदेह कर रहा है कि पीयूजन देकर मारा गया, जान-बूझ कर मारा गया, सरकार जवाब दे इस बात का । . . (व्यवधान)

MR. SPEAKER : Order, order, I am very sorry. Do not try to exploit my patience.