

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Sir, unfortunately I did not have the occasion to listen to the debate when the points were raised. In brief I have been told just now about this. *Prime facie* it appears to me that there is no difficulty, but, since legal opinion is involved, I would give my considered opinion after considering the points raised. I would not volunteer an opinion just now.

MR. DEPUTY-SPEAKER: Mr. Sezhiyan may please move the motion.

SHRI DINESH CHANDRA GOSWAMI: What is the point in moving the motion? (*Interruptions*).

MR. DEPUTY-SPEAKER: Order please. All of you may kindly sit down. Now, whatever I do, I can do only within the ambit of the rules. I cannot *suo motu* postpone the discussion.

AN HON. MEMBER: You can..

SHRI INDRAJIT GUPTA: He cannot do it.

MR. DEPUTY-SPEAKER: Therefore, it has to be done on a Motion. I have given my consent to Mr. Sezhiyan to move the Motion. The only thing that I can tell the House is, after the Motion is moved, there may not be a division on it, since the Law Minister himself has said that he would like to give his considered opinion.

SHRI SEZHIYAN: Under Rule 109, I move:

"That the debate on the Bill be adjourned."

MR. DEPUTY-SPEAKER: I shall put it to the vote of the House. The question is:

"That the debate on the Bill further to amend the Indian Railways Act, 1890, be adjourned."

SHRI K. LAKKAPPA: Postponed, not adjourned.

MR. DEPUTY-SPEAKER: The wording is this. According to the rule the wording is 'adjourned'. I am putting according to that. It comes to the same thing, Mr. Lakkappa. The question is:

"That the debate on the Bill be adjourned."

The motion was adopted.

16.48 hrs.

STATUTORY RESOLUTION RE. PROCLAMATION IN RELATION TO UTTAR PRADESH

MR. DEPUTY-SPEAKER: Now we take up the Statutory Resolution on the Presidential Proclamation relating to the State of Uttar Pradesh. Shri Uma Shankar Dikshit.

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKAR DIKSHIT): Mr. Deputy-Speaker, Sir, I move:

"That this House approves the Proclamation issued by the President on the 13th June, 1973 under article 356 of the Constitution in relation to the State of Uttar Pradesh."

Copies of the Governor's report and of the resignation submitted by Shri Kamalpathi Tripathi, the then Chief Minister and his Council of Ministers, have been laid on the Table of the Lok Sabha.

Sir, the Governor's Report spelt out the reasons why he came to this conclusion that the situation has arisen in which Government of the State could not be carried on in accordance with the provisions of the Constitution. He has explained the circumstances in which he came to this conclusion. Shri Kamalpathi Tripathi, Chief Minister, gave detailed reasons for the serious situation in which the State was placed. The Chief Minister

[Shri Uma Shankar Dikshit] and the entire machinery of the Government were engaged in a serious effort to meet the situation—a very complicated and complex situation created by power shortage, drought, students' unrest which was spreading, and I may say, which was particularly acute in Lucknow. At this time, a new and a very serious development took place suddenly. In Lucknow itself, while the P.A.C. force was guarding the University premises, loot and arson took place. In fact, the P.A.C.'s men gave protection to the unruly elements who indulged freely in arson and who destroyed valuable university property.

SHRI JYOTIRMOY BOSU (Diamond Harbour): We are being misled.

SHRI UMA SHANKAR DIKSHIT: In this situation, he also consulted officers under him to assess the reasons for this sudden eruption. Earlier, every effort had been made to understand and to find out what the P.A.C. men wanted—what grievance machinery they wanted. Whether there were some grievances, some difficulties, some complaints which had not been properly attended to and therefore, with a lapse of time, they had accumulated. Then suddenly this serious situation developed. Therefore, the Chief Minister and the officers under him tried to find out from the leaders what had happened. Not only that. They found that the constitution of a new body that had been formed was against the law. They went out of their way to explain this to the said body. They themselves formed a body for the police—a grievance machinery—an association or a sangh incorporated under an Act which laid down certain rules under which permission could be granted for the formation of an association of that kind. But the leaders of P.A.C. evidently had other ideas. They had been instigated. They had legitimate problems but other forces were at work. Shri Ramanand Tiwari of Bihar, who had been himself a head constable at

one time and now a well-known leader of S.S.P. in Bihar, went to Banaras; he met the S.S.P. people and also some of these people and some of their leaders. Three members of the C.P.M. also visited Lucknow a little earlier when the serious incident took place in Lucknow.

SHRI JYOTIRMOY BOSU: Very good.

SHRI UMA SHANKAR DIKSHIT: Whether it is very good or not, it will be for the history to say. So far as C.P.M. is concerned they have made themselves responsible for which the history is not going to pay any tribute to them.

SHRI JYOTIRMOY BOSU: At least the sugar tycoons will.

SHRI UMA SHANKAR DIKSHIT: But let us understand the problem before the House.

SHRI INDRAJIT GUPTA (Alipore): Anybody who had visited Lucknow had something to do with the P.A.C.?

SHRI UMA SHANKAR DIKSHIT: Not anybody. I do not know what my hon. friend was doing during that time.

SHRI DINEN BHATTACHARYYA (Serampore): He has been telling us cock and bull stories.

SHRI UMA SHANKAR DIKSHIT: Many kinds of stories have been told in this House. But so far as I am concerned, I stick to truth and nothing but the truth, and I challenge anybody to suggest that anything has been either overstated or understated. I stick to facts.

SHRI JYOTIRMOY BOSU: Collection of funds (Interruptions).

SHRI UMA SHANKAR DIKSHIT: Let them listen to me. Why are they unnecessarily disturbing me?

SHRI JYOTIRMOY BOSU: He is unnecessarily bringing in the CPM. On a point of order, Sir....

MR. DEPUTY-SPEAKER: I have said more than once that when a Member is speaking, there cannot be a point of order. So, the only thing is that an hon. Member may make a submission or he may protest or he may say something if the hon. Member who is on his legs yields....

SHRI UMA SHANKAR DIKSHIT: I bow to your ruling, Sir.

MR. DEPUTY-SPEAKER: I want to point out the rule. When a Member is speaking, there cannot be a point of order.

SHRI JYOTIRMOY BOSU: Who said that?

MR. DEPUTY-SPEAKER: I say that.

SHRI JYOTIRMOY BOSU: You may kindly show me the rule.

MR. DEPUTY-SPEAKER: I know the rules. Let him sit down. I say this again that when a Member speaks, there cannot be any point of order..

SHRI JYOTIRMOY BOSU: Do not melead us.

MR. DEPUTY-SPEAKER: Order. Let me finish what I was going to say. It is open to parliamentary practice that Members may protest against what he says, because they do not like that. That goes on record, or if they say something and the Member who is speaking yields, then they can proceed on with their observations.

SHRI JYOTIRMOY BOSU: Any point of order can be raised.

MR. DEPUTY-SPEAKER: But hon. Members cannot compel the Chair to compel a Member to sit down while he is speaking because they do not like what he is saying. Therefore, there is no point of order.

SHRI JYOTIRMOY BOSU: Please show me the rule under which you can do so. Under rule 376, a point of order can be raised at any time.

SHRI H. N. MUKERJEE (Calcutta-North-East): I am not thinking of this particular case. But, generally speaking, you have laid down a proposition that when a Member speaks, no point of order can be raised. If a Member speaks something disorderly, it is the duty of the other Members to point out that there is a point of order involved. I am not referring to this present case of Shri Dikshit's speaking. The point is that you have laid down a proposition that when a Member speaks, say X or Y, then no other Member, Z or A or B can raise a point of order. That is extraordinary, because if a Member says something which is out of order, it is for the other hon. Members to point out to the Chair, whether right or wrong; you have to decide. I have to get up at that point of time and at no other. I cannot get up at any subsequent point of time to refer to something said by a Member earlier in the course of his speech. I have got to get up spontaneously, extemporaneously in order to raise a point of order. So, I do raise a point of order when a Member is speaking. I do not have Shri Dikshit's speech in mind. I hope I have made myself clear.

MR. DEPUTY-SPEAKER: I have heard him. I am not giving a ruling. I am only clarifying the position.

I have said that when one Member speaks, it is open to other hon. Members to comment on what he says ..

SHRI JYOTIRMOY BOSU: Will that go on record?

MR. DEPUTY-SPEAKER: Yes, it will go on record.

SHRI JYOTIRMOY BOSU: But Mr. Speaker said 'No'.

MR. DEPUTY-SPEAKER: I have said that it is open to other hon. Members to comment on what he says without making a running commentary, and that will go on record. It is open to them to protest also, and that will also go on record.

SHRI JYOTIRMOY BOSU: No.

MR. DEPUTY-SPEAKER: If a Member uses any unparliamentary or undignified language, then it is their duty also to protest and it is for the Chair to take note of it. If it is unparliamentary or undignified language, the Chair will order expunction of those words.

SHRI H. N. MUKERJEE: I cannot read his mind.

MR. DEPUTY-SPEAKER: I will tell you, I want to regulate this.

Now, I have also said that when a member protests or a member says something and the other member who holds the floor yields, then, of course, he can make a few observations. But I have very often found—I would like you as a senior member of the House, and the House, to help me—that when a member speaks, others who do not like it, instead of asking him to yield, resort to the Chair, and the Chair must intervene and ask the member to sit down. This is what is going on and I think it is not good for anybody.

SHRI H. N. MUKERJEE: If I may submit, you have raised another point. It is for the Chair to regulate if points of order are raised unnecessarily, gratuitously and mischievously. If in the context of things, which the Speaker has to judge, such things have happened, it has to be discussed properly, perhaps in the Speaker's Chamber, in order to see to it that such things do not happen in the House. But generally speaking, if you lay down another proposition that when a member is speaking,

nobody can raise a point of order, it cannot be accepted, because a point of order raised by a member has to be adjudicated upon by the Chair.

SHRI JYOTIRMOY BOSU: * *

MR. DEPUTY-SPEAKER: I hope that is not being taken down. I strongly object to this kind of expression. It will not go on record. I request members not to use it. It is a serious reflection on the Chair. I have said it will not go on record.

SHRI JYOTIRMOY BOSU: I have used it. You are a creature of the ruler. (Interruptions).

AN HON. MEMBER: There was no point of order.

SHRI UMA SHANKAR DIKSHIT: I do not think it is necessary to spend further time on this. Let us proceed with the business of the House.

SHRI S. M. BANERJEE: Kindly hear me. May I have your direction or guidance? Whenever a discussion takes place in the House, before mentioning any name, before accusing a person who is not a member of the House, notice is given. It has to be given to the Speaker.

SHRI JYOTIRMOY BOSU: Under rule 353.

MR. DEPUTY-SPEAKER: What name was mentioned?

SHRI JYOTIRMOY BOSU: Ramanand Tiwary, for your information.

SHRI S. M. BANERJEE: In his wisdom, rightly or wrongly, he mentioned the name of Shri Ramanand Tiwary who is an ex-Minister, who is a very respectable member of a party.

AN HON. MEMBER Which party?

SHRI S. M. BANERJEE: Socialist Party.

MR. DEPUTY-SPEAKER What do you want?

SHRI S M BANERJEE He mentioned his name and said that he went to Banaras. The implication was that he incited the strike. In that case, if you do not ask him not to mention names, when we mention names, let him not feel sorry

MR DEPUTY-SPEAKER. I think you have a point there He mentioned the name of Mr. Ramanand Tiwary But I do not think he mentioned it in a manner so as to defame that particular person He had mentioned certain things It had not come to that stage. Of course, if a name is mentioned with the idea of defaming a person, then it comes under rule 353

SHRI SEZHIYAN The implication is there

SHRI INDRAJIT GUPTA: He said that he went to Banaras and met the leaders of the PAC It is an allegation

MR DEPUTY-SPEAKER. He did make that statement, but a bare statement that he went there You have drawn certain conclusions Let him clarify what he meant by it

SHRI SHYAMNANDAN MISHRA My submission is somewhat of a basic nature, as it has been made by Prof Mukerjee We are not dealing with the point as to what would qualify for a point of order. We are only dealing with the point whether a member has a right to make a point of order, to rise to a point of order when an hon. Minister or any hon member is speaking (*Interruptions*).

SHRI S M. BANERJEE. Then I shall be at liberty to mention any name

SHRI SHYAMNANDAN MISHRA: So, where we are dealing with this basic right of the Member, where a Member has the right to raise a point of order when another Member is speaking, and since you have not permitted the hon Member Mr Jyotirmoy Bosu to come out with his point of order, the House is not in a position to judge it (*Interruptions*)

MR DEPUTY-SPEAKER: The point is clear Let me reply to the point Please sit down (*Interruptions*) Order, please Now, I think there is something in what Prof. Mukerjee has submitted, and in what Mr Shyamnandan Mishra has submitted

SHRI S M BANERJEE: What about Banerjee?

MR DEPUTY-SPEAKER: I think it would be too rigid an interpretation, and this will be a little of a modification of what I had stated before I have no prestige to stand on—when a point is brought before me I must accept it as it is on merits I think it would be too rigid an interpretation to say that no point of order can be raised when a Member is speaking

SHRI JYOTIRMOY BOSU: An individual Member—matter.

MR DEPUTY-SPEAKER: Order, please No individual matter. As far as I am concerned, every Member is equal before me But I would also say this (*Interruptions*). Order, please, Mr Banerjee What is this?

SHRI S M BANERJEE Does that include Mr K C Pandey?

MR DEPUTY-SPEAKER: Everybody

I would also say that when there are other well-known parliamentary practices and procedures open, let not Members overindulge in this point of order. When you can challenge a

[Mr. Deputy-Speaker]

Member when he is speaking, when you can challenge him to yield, then, why shout to the Chair, "point of order, point of order, point of order when I know it is not a point of order? Let us go on, please.

SHRI B. V. NAIK: Sir, may I invite your attention to rule 376—and your own ruling—

MR. DEPUTY-SPEAKER: I have revised it.

SHRI B. V. NAIK: I am referring to rule 376 relating to points of order.

The proviso under this rule says:

"Provided that the Speaker may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of an order in, or arrangement of business before, the House."

Under the circumstances, I would request you kindly to stick on to what you have already said—(Interruptions).

MR. DEPUTY-SPEAKER: Order, please. This has no relevance. Let me hear Mr. Bosu now.

SHRI JYOTIRMOY BOSU: The other day, I did say that when a man does sleep you cannot wake him up. I am not going to say that now because you understand what I mean.

MR. DEPUTY-SPEAKER: What is point of order?

SHRI JYOTIRMOY BOSU: My point of order is this. I refer to sub-rule (2) of rule 376 which says:

"A point of order may be raised in relation to the business before the House at the moment:"

That is the first one. Then secondly, if you go to the other page—please turn over to page 168—you will find this; it says:

"Subject to conditions referred to in sub-rules (1) and (2), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon, which shall be final."

So, Sir, you hear me, and then you say whether it is a point of order or not; not otherwise unless you are a thought-reader: (Interruptions) I am quite within my rights; you are a creature of the rules framed by the House.

MR. DEPUTY-SPEAKER: Order, please. Now, you raise the point of order. (Interruptions)

DR. KAILAS: He is insulting the Chair.

SHRI JYOTIRMOY BOSU: I am not insulting him. The Deputy-Speaker is the nominee of the Opposition.

Now, Mr. Deputy Speaker, Sir, when Mr. Uma Shankar Diskshit spoke he started by saying that Mr. Ramanand Tiwari "once a Head Constable"—as if that was a wrong thing that he has done in his life—"and three CPM members went to Lucknow from Banaras." The other part is: "to instigate rebellion."

SHRI UMA SHANKAR DIKSHIT: I did not say these words. It is wrong.

SHRI JYOTIRMOY BOSU: If you have spare time Mr. Deputy-Speaker, —you are an overworked man, if you go through the records,—you will see that many times it has been ruled that the name of a person who is not here to defend himself in the House should not be mentioned. There is a provision in the Rules of Procedure,

Rules 353, that if you want to mention the name of somebody you should give written notice. Has Mr. Uma Shankar Dikshit given written notice?

SHRI UMA SHANKAR DIKSHIT. In this situation, the then Chief Minister came to the conclusion that the situation was really too serious for him to continue to deal with in the manner he was dealing. He came to the further conclusion that it would have wider repercussions. He also came to know that rumblings there were being heard in the neighbouring States and that this would have general repercussions all over the country. If the Pradesh Constabulary which was really the most effective instrument for keeping law and order in the State was affected in that manner,—very serious events took place in Kanpur, Gorakhpur, etc.—He gave the matter serious consideration, he consulted his colleagues and senior party people and then came to the conclusion that in the abiding interest of the State, in the abiding interest of preservation of law and order and security in the State and also the general interest of the Country, the Centre should be involved, and the Parliament should be involved in a matter like this. He felt that nothing should happen which would in any way affect the general law and order situation because something had happened in U.P. Therefore, he recommended resort to article 356 of the Constitution.

From the copy of the Governor's letter to the President, I am sure Members have gone through it, you will see the imperative logic which compelled him to take the decision which he took. He found that out of a House of 421, the Congress party had a strength of 272 Members. That party had resigned and they were not will to carry on the Government. It was not possible for any other single party to form the Government. The next largest party had a force of 43 or so. Even if all of them combined, their number would not be more than 142 or so. In those circumstances the

Governor came to the conclusion that he should recommend to the President that under article 356 President's rule should be imposed. The President was pleased to accept that recommendation in the interest of the abiding interests of the security of the State.

I do not want to go into greater details of this question at this stage. After members have expressed their views, there will be ample time for me to meet their points.

With these words I move.

MR DEPUTY-SPEAKER: Resolution moved;

"That this House approves the Proclamation issued by the President on the 13th June, 1973 under article 356 of the Constitution in relation to the State of Uttar Pradesh"

SHRI JYOTIRMOY BOSU: Sir, I have heard Mr. Uma Shankar Dikshit with rapt attention, but I must confess without casting any aspersion on the elderly statesman here that I have never heard such a ridiculous set of arguments in this House in the last seven years. They boast about the massive mandate, but what did they do with the massive mandate? They failed both ways, to serve the people—I will give you figures of economics as to what is happening to the common working man in U.P.—and to provide a stable government. They said they wanted the Centre's intervention for having direct control of the Centre, but have I got to carry coal to New Castle by saying that Shrimati Indira Gandhi who perhaps started touring one or two places in U.P. but had to abruptly give it up altogether because of the serious resentment among the people against this Government and against Shrimati Indira Gandhi—Everybody knows about it—and I know there is a secret circular prohibiting Central Ministers from touring in certain parts of U.P.

[Shri Jyotirmoy Bosu]

because the resentment against the Central Government is so very great.

श्री जयु लियये : 10 मई के बाद इन्दिरा गांधी के बारे में बन्द हो गये ।

श्री जयु लियये : गुडों द्वारा अगर खास तौर से ऐसी सहूलियते देनी है तो यह कही दूसर नहीं कर सकते ।

SHRI JYOTIRMOY BOSU: Within the party's set-up in U.P. they are fighting like cats and dogs. Mr. Dikshit talked about eruption. It is the outcome of a particular type of ugly disease when it invades somebody's body. That is what has happened to your party today. The fight is for a share in the booty and power and for getting sole agency of the lady, the fountainhead of all maladies in the country.

Today we have President's Rule in four States and in Pondicherry if I remember aright.

AN HON. MEMBER No. not in Pondicherry.

SHRI JYOTIRMOY BOSU: I stand corrected. I thought that is what you had in mind. In Bihar, we have seen between Mr. Nagad Narain and Mr. Uma Shankar Dikshit, one produced more cash than the other.

SHRI K. LAKKAPPA: How is it relevant?

SHRI JYOTIRMOY BOSU: One produced Rs. 25 lakhs against Rs. 15 lakhs produced by the other and your government went upside down.

SHRI UMA SHANKAR DIKSHIT: I totally repudiate this false statement.

श्री जयु लियये : उगध्यक्ष महोदय, इन्होंने श्री रामानन्द तिवारी का नाम क्यों लिया ?

SHRI UMA SHANKAR DIKSHIT: Shri Ramanand Tiwari has publicly supported the cause and even now he

supports the cause. He himself accepts it.

श्री जयु लियये : जो गलत क्या है ? उसमें इंस्टीट्यूशन का, उकसाने का, क्या सबल है । हम समर्थन करते हैं आज भी करते हैं प्रीर भविष्य में भी करेंगे ।

SHRI JYOTIRMOY BOSU: I was told during the last tour of....

SHRI NAWAL KISHORE SINHA (Muzaffarpur): Sir, on a point of order. A member cannot make ambiguous statements which no member could understand.

MR. DEPUTY-SPEAKER: I could not follow his point of order. Could he repeat it?

SHRI NAWAL KISHORE SINHA: I am sorry, the rules are not with me at the moment. According to my knowledge of the working of the legislatures, a member has no right to make ambiguous statements which other members do not understand. Shri Bosu is always speaking in a manner which nobody can understand.

SHRI SHYAMNANDAN MISHRA: It is the charm of literature.

MR. DEPUTY-SPEAKER: Well, some time ago a point of order was raised by Shri Bosu, objecting against the naming of a particular person in connection with the events in U.P. I did not go deep into the matter at that state because only his name was referred to, I did not find anything incriminatory against him, only a reference against him in connection with certain events in UP and, therefore, I did not think it worthwhile to give a ruling on it. Now here objections are raised by Shri Sinha. I think I heard the Home Minister also saying "you please regulate the proceedings of the House" because certain statements were made by Shri Bosu.

SHRI MADHU LIMAYE: What is wrong about it?

MR DEPUTY-SPEAKER: There is nothing wrong about it. I am trying to regulate the proceedings. How can I regulate the proceedings? Here certain charges are made. They may be baseless or they may have a base. I cannot go into it. (Interruptions) Here some charges are made, very strong charges are made, against the Government, against the Ministers who are present here to defend themselves. Now the only parliamentary course is for them to reply as strongly against the charges which Shri Bosu has made, which will go on record. How can I regulate it? I cannot suppress any member, whether on this side or on that side. For the Chair to try to suppress any member, I think is the most fatal thing to be done in this House. I cannot do it.

SHRI K LAKKAPPA: If Shri Bosu wants to make any charge against any Minister, he has to take specific permission under the rules. He cannot make any such charges just like that.

MR DEPUTY-SPEAKER: I think I will accept what you say provided you point out to me the rule under which I can do this.

SHRI VASANT SATHE: On a point of order Sir

Rule 352 says:

"A member while speaking shall not—

* * * * *

(i) make a personal charge against a member,"

Here, the personal charge was that Shri Dikshit and some other Minister

SHRI JYOTIRMOY BOSU: Who?

SHRI VASANT SATHE: He said it, I don't know.

My point is not about any other thing. Against a person who is here, particularly, Shri Dikshitji, the allegation was that he collected funds and he mentioned lakhs of rupees for this purpose. This was the allegation. It is on record. Now, this allegation was refuted. This allegation per se is defamatory. When you say, certain sums were raised for the purpose of achieving the particular objective, that amounts to an allegation. This was the charge made.

Then Rule 380 says:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified."

Now, the allegation made by Shri Jyotirmoy Bosu is all these together and reserves to be expunged from the record. I would beg of you to consider it. If there cannot be anything more insulting than this, I do not know what else can be more insulting and undignified.

SHRI NAWAL KISHORE SINHA: Sir, I have now in my hands the Rules of Procedure. Rule 352 says:

"A member while speaking shall not—

* * * * *

(vii) utter treasonable, seditious or defamatory words,"

With regard to "defamatory words" there is a reference under Rule 380 about expunction of defamatory words from the debate. If a Member does it straightway or through dubious methods or by using some expressions through which a Member may be trying to drive home some conclusions which are defamatory, the Speaker has a right to expunge them.

What Mr. Jyotirmoy Bosu is doing is that he is actually trying to give

[Shri Naval Kishore Sinha] to a certain idea a meaning which he wants, without his going into details. Now, if he is to be challenged, how is it to be rebutted? It cannot be rebutted for the simple reason that he is ambiguous. Therefore, I say, he is talking in a manner which is casting reflection on the Members of my party including some of them who are present here and yet he will not be hauled up for it because he is putting it in such a manner that nobody can object to it although it is patently defamatory. This is what I object to.

श्री राम धन उपाध्यक्ष महोदय, मैं कहता हूँ कि जब कोई हिन्दी में बोलता है तो आप सुनते नहीं हैं।

MR DEPUTY-SPEAKER I am listening to you.

श्री राम धन मेरा व्यक्तता का प्रश्न है। सदन में किसी भी सदस्य को श्री मधु लिमये के शब्दों में अनाप शनाप बकवास करने की जरूरत नहीं है। उसे जो कुछ भी कहना हो प्रमाण के सहित यहाँ उठाना चाहिए। इस तरह से अमानजनक और अनाप शनाप चाँजिज किसी के ऊपर नहीं लगाना चाहिए। यह बकवास जो है यह बन्द होना चाहिए। बहुत हो चुकी है।

SHRI K LAKKAPPA. To consolidate my position, I would like to quote rule 353

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply

"Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation"

Is it not defamatory or derogatory or incriminatory—the expression that he has used against the hon Minister who is not here? He has also quoted Mr Laht Narayan. He has made wild allegations against the Ministers. This is not in keeping with the dignity of the House. You should regulate the proceedings and regulate the hon. Member by applying the rules. He should be pulled up

SHRI G VISWANATHAN (Wendishwash) I have two points to make. The first is, you have already given a ruling on the same point the other day when Mr Naik made certain charges against Mr Madhu Limaye. I objected to it and said that it must be expunged. Then you yourself gave a ruling that, when a Member is present in the House, when he is a Member of this House, it is his duty to defend himself

SHRI MADHU LIMAYE I demonstrated it with one sentence

SHRI G VISWANATHAN The second point which I want to make is this. Even if certain statements made by Shri Jyotirmoy Bosu are defamatory, rule 380 applies:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House"

So the Congress members need not get agitated. It is the duty of the Chair to see that the dignity of the House is maintained

SHRI SHYAMNANDAN MISHRA. We are completely at sea. We really do not know what are the exact words or expressions to which objection is being taken. First we must identify the words and expressions to which the objection is being taken. Before that, we cannot take a view in this matter. That is my humble submission. But we have to take a view in this matter and for that, we should know what are the words and ex-

pressions to which objection is being taken. Our wise friend, Mr. Stephen, may throw some light on this.

MR. DEPUTY-SPEAKER: If Mr. Syamandan Mishra says that members are at sea, I am in a kind of little lake at the moment. In the first place, we have to maintain a very fine balance here. One is the right to freedom of debate in the House. That has to be kept in view. We cannot put up a very rigid line on this; then, we shall be obstructing the procedure of parliament, the procedure of democratic functioning. In this case, objections have been taken by some members....

SHRI SHYAMNANDAN MISHRA:
To what?

MR. DEPUTY-SPEAKER: I will tell you. Objections have been there. Strong objections are being taken by some members to certain utterances of Shri Jyotirmoy Bosu. As far as I understand, the objections are that his utterances contained the meaning that some amount of money was collective....

SHRI JYOTIRMOY BOSU: I said, money was spent.

SHRI K LAKKAPPA: No, you said 'collected'.

SHRI UMA SHANKAR DIKSHIT: You may see the record afterwards and if you think that the words are objectionable, you may order expunction. Meanwhile, you may allow him to go on. *(Interruptions)*

MR. DEPUTY-SPEAKER: Order, please. Now we cannot enter into an argument at this stage as to what has been said and what has not been said, it is difficult....

SHRI JYOTIRMOY BOSU: I will repeat.

MR. DEPUTY-SPEAKER: Why do you not have some patience?

Now, what has been said, what has not been said, we cannot go into that; we are not computers to remember everything. It is on the record.

I will just say what I understood Mr. Jyotirmoy Bosu used certain expressions that certain amounts were collected and that there was some competition between one Minister and another and certain amounts were given more and certain amounts were given less, to which very strong objection was taken... *(Interruptions)*

SHRI UMA SHANKAR DIKSHIT:
Let the Presiding Officer explain his point of view. Let us not intervene.

MR. DEPUTY-SPEAKER: Very strong objection was taken to this and an appeal was made that I should regulate the proceedings of the House, because when certain strong expressions were made by one side and strong objections were taken from the other side. . .

SHRI UMA SHANKAR DIKSHIT:
I withdraw my appeal. Let him proceed

MR. DEPUTY-SPEAKER: When strong objections have been taken to this, there is a confrontation between the two sides and when there is a confrontation, the proceedings cannot go on. So, obviously, I come into the picture because I am to regulate the proceedings. That is very obvious.

SHRI MADHU LIMAYE: I have got to say something.

MR. DEPUTY-SPEAKER: I will hear you.

Also a request or a demand or whatever it is has been made that all these expressions must be expunged. That is what has been asked, that these expressions must be expunged... *(Interruptions)* I heard them saying that. And that demand was made on the ground that these expressions are defamatory, that they are unparliamentary, they are undignified, they are indecent and that they are barred by certain rules. One of the rules that was pointed out was

[Mr. Deputy-Speaker]

Rule 352(ii) on the ground that a Member—I think it was Mr. Sathe who made it—cannot make a personal charge against a member. That is the ground. Another ground, Rule 352 (vii) that a member cannot utter treasonable seditious or defamatory words. And the third ground advanced by my friend, Shri K. Lakkappa, under Rule 353 is that no allegation of a defamatory nature can be made unless previous notice has been given to the Speaker and the Minister so that the Minister may be able to make an investigation into the matter for the purpose of a reply

SHRI JYOTIRMOY BOSU: That does not apply to a Member.

MR DEPUTY-SPEAKER: If you want me to give my ruling, I will or if you do not want ... (Interruptions)

I will tell you this that the Chair can function only with the utmost co-operation and confidence of the Members. On any important sensitive issue if any member feels that he is being suppressed and he is not heard and the Chair has been misled into something, it is not good for our functioning. Therefore, I think it is good that I hear a few more members.

SHRI H N MUKERJEE: I have to convey to you unfortunately my unhappiness at certain things which happened in this House over and over again I would like you to please consider this aspect of the matter. I do not wish exchanges in the House become such that all spirit goes out of it. I do like blows given on either side, blows given and blows taken, in order that Parliament can function properly.

But I have a feeling, Sir, that if an accusation is made,—and it might very well be made legitimately in Parliament,—it has to be made with reference either to personal information which one is ready to vouch for or to report in the Press,—reputable press,—which can be quoted or to

other sources of information. If, therefore, allegations, defamatory or derogatory or otherwise are made in this House—and they can be made certainly in certain circumstances—I have a feeling that they should be accompanied at the same time with some indication of the source of information which the Member concerned has got. I am speaking completely in a non-partisan manner because I have been very unhappy about accusations hurled from one side against the other, without a guarantee given by whoever is the Member making those accusations that he has got the information in his possession which would be liable to examination by the House. I therefore feel that it is for the Chair to insist that when a statement is made in a spirited fashion—and it might very well be made on legitimate grounds, on rational considerations,—it should be backed by a statement of that nature. And, I would request you, Sir, to insist on this so that gratuitously defamatory statements are not made in this House. I would like to hear many of these defamatory statements only in order to find the proceedings of this Parliament really and truly lively and representative of the feelings in the country outside, but, I would like them to be made on the basis of authentic information.

I would like, therefore, the Chair to make sure that allegations are made on the basis of information which the Member making the allegation is ready to vouch for, in which case Members on either side would be in a position to have their allegations properly examined on the floor of the House.

श्री सच्चिदानंद उपाध्यक्ष महोदय,
मैंने यह देखा है कि जब कभी विवाद में कांग्रेस सरकार पर, या मंत्रियों पर, हमला किया जाता है, तो मेरे मित्त तत्काल नियम 352 के तहत बहस को दबाने की कोशिश करने हैं। इस के बारे में मैं इतना ही कहना चाहूँगा कि इन लोगों में स्पेड्समैनशिप का बिल्कुल

प्रभाव है। भाप जानते हैं कि जब उस दिन मुझ पर हमला किया गया, तो मैंने भाषण नहीं उठाया। जब भाप ने कहा कि उन को कहने दीजिए, मधु लिमये जबाब देंगे, तो मैं ने कहा कि मैं जबाब दूंगा।

कांग्रेस पार्टी के सदस्य ही एक दूसरे के खिलाफ और अपने बड़े नेताओं के खिलाफ इस तरह आरोप लगाते हैं। श्री भागवत झा भाषण का ब्यान था कि बिहार में नेता के चुनाव में धन-शक्ति का प्रयोग किया गया। गुजरात में जब धिया, विमनभाई पटेल और मोसा का मामला था, तो इन कांग्रेसी नेताओं ने आरोप लगाया कि दस लाख रुपये का इस्तेमाल किया गया है विधायकों को... (व्यवधान)

श्री बी० पी० नौर्य (हापुड़) : मेरा व्यवस्था का प्रश्न है। (व्यवधान) वह जो कुछ कह रहे हैं, मेरा उस पर पायंट भाफ़ झांडर है (व्यवधान)।

श्री मधु लिमये : व्यवस्था के प्रश्न के ऊपर व्यवस्था का सवाल नहीं हो सकता है। (व्यवधान में योल्ड नहीं कर रहा हूँ। (व्यवधान)।

श्री बी० पी० नौर्य : मेरा पायंट भाफ़ झांडर है। (व्यवधान)

MR. DEPUTY-SPEAKER: I will here you.

श्री मधु लिमये : कांग्रेसी नेता ये आरोप लगा रहे हैं कि गुजरात के कांग्रेस दल के नेता के चुनाव में दस लाख रुपये का इस्तेमाल किया गया है। जब विरोधी दलों के द्वारा एक ऐसी बात कही जाती है, जिम की चर्चा पूरे देश में है, तो उस पर भाषण करने का क्या औचित्य हो सकता है? श्री दीक्षित को इतना गुस्ता करने की क्या जरूरत है? क्या यह और श्री मिश्र दो साल से कांग्रेस पार्टी के लिए चन्दा इकट्ठा नहीं करते हैं? इस बात को कौन नहीं जानता है?

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इसलिए मेरी भाप से प्रार्थना है कि जब इन मामलों पर किसी मंत्री या सदस्य के बारे में कहा जाता है, जो इन सदन में मौजूद हैं, तो हम लोगों को इस ढंग से बहस को बनाने का प्रयास नहीं करना चाहिए

SHRI UMA SHANKAR DIKSHIT: Whatever the last hon. Member said—Shri Madhu Limaye—have nothing to do with my name having been mentioned. If he had said anything which justified my name having been brought into this picture in the matter of expenditure or anything, there is absolutely nothing.

Therefore, Sir, I immediately repudiated and objected to that being said. Now, he has brought several other matters which are not relevant to the issue before the House.

Professor Mukherjee, let me say has put the matter at a very high level, I feel very grateful to him on behalf of the House and on my behalf that he has put the matter as such a high level of principle. No House with any sense of decorum, or no Member would have any objection to the point he really has made. Let us accept the principle and go ahead with the work. If we throw mud like this, then no work can be carried on.

श्री मधु लिमये : प्रोफेसर मुखर्जी ने कहा है कि अखबारों में जो बातें आई हैं, उन के बारे में कह सकते हैं।

SHRI UMA SHANKAR DIKSHIT: You have not understood what Prof. Mukerjee said. He has put the position at a level for which the whole House should be beholden to him. If you want decorum in this House, let us follow some principle.

श्री बी० पी० नौर्य : उपाध्यक्ष महोदय, श्री० हिरेन मुखर्जी सदैव ही इस सदन में प्रेरणा के स्रोत रहे हैं। जय में ऊपर बैठता था, तब भी मेरे लिए वह प्रेरणा के स्रोत रहे

[श्री बी० पी० मौर्य]

श्रीर भद्र भी मेरे लिए वह एक आदर्श सदस्य हैं। उन्होंने इस बात को बहुत ही ऊँचे स्तर पर उठाया था। श्री मधु लिमये जो कह रहे थे, श्रीर जो उन्होंने बाद में कहा, उसी पर व्यवस्था के प्रश्न पर मैं खड़ा था। आप मुझे क्षमा करेंगे जो उन को कहने दिया गया। वह न कहने दिया जाता अगर आप मेरा व्यवस्था का प्रश्न मुन लते। मैंने देखा है कि इस सदन में यह परम्परा पड़ रही है कि व्यवस्था के प्रश्न पर जो कोई सदस्य खड़ा होता है उस को उसी समय नहीं सुना जाता है। अगर मुझे उसी समय सुन लिया जाता तो उन्होंने जो अनाप-शनाप ऊट पटाग वाहियात गलत और झूठी बात कही है उन का कहने का मौका न मिलता। (अध्यक्षान)

श्री अध्यक्ष लिमये मैंने अपनी कोई बात नहीं कही है। काग्रमी सदस्य ने एक दूसरे पर जो आरोप लगाये हैं मैंने उन्हीं को यहाँ रखा है। अखबारा में जो कुछ आया है, वही मैंने बनाया है। (अध्यक्षान)

श्री बी० पी० मौर्य श्री मधु लिमये न इस सदन के हमारे दल के एक माननीय सदस्य के नाम का महाराज लिया जो गलत है। सदन के बाहर क्या हाँगा है (अध्यक्षान) वह एक अलग बात है लेकिन इस सदन को परम्परा को नहा ताड़ना चाहिए।

श्री ज्योतिर्मय बसु न जो शब्द कह रहे हैं उन के पास अगर मुबत है तो जैसा कि प्रोफेसर माहत्र न कहा है उन्हें उस मुबत को इस सदन में रखना चाहिए। अगर इस सदन के स्तर को नीचे गिराया जायेगा तो जुबान हम भी रखते हैं और बहुत लम्बी जुबान रखते हैं। इस सदन के स्तर का न गिराया जाय। कुछ सदस्य इराद के साथ सदन के स्तर का गिरा रहे हैं और जनतंत्र की परम्परा का ताड़ने की उन की माजिज है, क्योंकि वे जनतंत्र में विश्वास नहीं रखते हैं। जो शब्द श्री ज्योतिर्मय बसु ने कहे हैं उन शब्दों के लिए उन को हिदायत होनी चाहिए,

ताकि आईन्दा सदन में कोई भी सदस्य इस तरह के ऊट-पटाग शब्दों का इस्तेमाल न करे।

SHRI P G MAVALANKAR (Ahmedabad) When I am rising to say a few words, I am not mentioning any cases or any details, much less am I mentioning any individuals Mr Deputy-Speaker Sir, I want to tell you and this House that I am not speaking from any partisan angle, because I have never been a member of any political party, but I have been truly an independent for the last 26 years in my public life Sir, you have rightly said, and we all share that view, that we want the democratic process to continue vigorously and correctly both inside the House and outside when we accept that the democratic process must continue, it is a very part of that democratic process that criticism is bound to be levelled against the Government of the day, to whichever party that government may belong

AN HON MEMBER We do not mind criticism

SHRI P G MAVALANKAR Let me complete my point I want to suggest that if any Government expects the Opposition or even the Independents to make speeches where they constantly agree with whatever Government has said, then We do not have to come here and we do not need to have a Parliament (Interruptions) Sir see how intolerant they are I am not mentioning any names at arms I am trying to raise certain fundamental issues as I understand them and I hope you will request them to keep quite and at least give me a patient hearing for which I shall be grateful to them

MR DEPUTY-SPEAKER Let him be short

SHRI P G MAVALANKAR I shall be very short If they do not interrupt me I shall finish in a couple of minutes My point is that we in the

Opposition or on the Independents' side in this House or for that matter in any democratic Chamber do not come here....

AN HON. MEMBER: But he has failed to do it.

SHRI P. G. MAVALANKAR: What am I doing just now? What have I been doing? I am not referring to any individual. I am not interested in condemning any individuals. My point is that if the Opposition has to oppose, then surely that opposition will be as sharp and as strong and as effective as it can be....

SHRI DARBARA SINGH (Hoshiarpur): But it should not use filthy language.

SHRI P. G. MAVALANKAR: The only point is whether criticism will be accepted or not in this House or in any democratic House....

SHRI B. P. MAURYA: It should not be vulgar language. The criticism may be most sharp and it may hit the Government very hard, but it should not be in vulgar or indecent language.

SHRI P. G. MAVALANKAR: What vulgar language have I used? He is not allowing me even to complete my point.

SHRI MADHU LIMAYE: Is *mataji* a vulgar word?

SHRI P. G. MAVALANKAR: I have two points. If the criticism, in the judgment of the Chair or of whoever sits in the Chair, is utterly malicious or uncharitable and not called for in terms of the relevance of the debate, I can understand the chair coming out and saying that that particular criticism is not proper.... (*Interruptions*) I am bound to put forward my point of view. My point is that if the Opposition criticism is malicious or personal or uncharitable, certainly, the Chair is within its right to ask.... (*Interruptions*).

My point is that with the huge steam-roller majority which the Congress Party has today, it must learn to accept that parliamentary democracy means criticism and it must learn to be more tolerant.... (*Interruptions*).

MR. DEPUTY-SPEAKER: Now, the hon. Member may sit down. I am asking him to sit down.

SHRI P. G. MAVALANKAR: I have not completed my point yet. My point is that we Members of this House who are also representing the people can put our points of view freely and we should always be free to put forward those points of view in this House, impersonally but sharply, and when we do so, why should there be opposition to it from the other side? (*Interruptions*)

They are in such a majority here, and still they are intolerant. Their intolerance in spite of their majority shows that the criticism we make, harsh as it is, valid and justified.

SHRI C. M. STEPHEN (Muvattupuzha): It is a very simple matter. Why there is these all-round comments and hearing at large? Is it necessary to spend time on this?

MR. DEPUTY-SPEAKER: I will hear Shri Azad because his name was mentioned by Shri Madhu Limaye.

SHRI BHAGWAT JHA AZAD: As a democratic party, we subscribe to the rules and conventions of parliamentary functioning in which a member has got the right to mention by name, if necessary, a member of the Government or the party. But before doing so, as you yourself know, he has to intimate you in writing and seek your permission. We subscribe to what Prof Hiren Mukerjee has said; it has also been supported by our leader, Dikshitji. But the question is this. We as members of the Congress party in our party discussions do discuss about our failings in

[Shri Bhagwat Jha Azad]

the organisation or in the functioning of the Government. Does it mean that those arguments will be introduced here?

SHRI MADHU LIMAYE: They are public property.

SHRI BHAGWAT JHA AZAD: Do not be so sharp, and do not shout.

I am asking: are they at liberty to bring those arguments here? If he wants names to be mentioned, I say that it is his party which has spent so much money. Shri Madhu Limaye is talking of party contributions. Every political party collects contributions for running elections. But the question is: by what method are they collected? He talks of our party contributions. In the Banka bye-election, he spent Rs. 10 lakhs. (Interruptions)

SHRI MADHU LIMAYE: Nonsense. I challenge it. I have already challenged that. Appoint a Committee (Interruptions)

उपाध्यक्ष महोदय, मैं इन को चैलेंज करता हूँ। आप कमेटी नियुक्त कीजिये। मेरी चुनौती है—अगर मैं सही साबित होंऊँ तो इन को लोक सभा से इस्तीफा देने के लिये कहिए, अगर मैं गलत साबित होंऊँ, तो मैं इस्तीफा देने को तयार हूँ—यह फेर अफर है। (ब्यवधान)...

उपाध्यक्ष महोदय, इस की जांच कमेटी नियुक्त कीजिये, यदि मैं सही साबित होंऊँगा तो ये इस्तीफा दें... (ब्यवधान)...

SHRI BHAGWAT JHA AZAD: He has spent Rs. 10 lakhs on his election. He had all the black money from Bombay. He had 100 jeeps. He had all these from industrialists in Bombay on the understanding that he would provide them with black-legs. This gentleman is flourishing on the black money of Bombay and he is talking like this. (Interruptions).

SHRI MADHU LIMAYE: I am prepared to accept the challenge. Let them not run away (Interruptions).

SHRI BHAGWAT JHA AZAD: He got all this for the Banka bye-election and he is talking this nonsense (Interruptions).

SHRI MADHU LIMAYE: Appoint a Committee. (Interruptions).

SHRI BHAGWAT JHA AZAD: Therefore, I say that he has no sharp teeth. He is like an old man who has only gums to throw filth and dirt (Interruptions) I am appreciate if the Opposition had got sharp teeth, but like old haggard men, they have no teeth; they have only gums with which to throw filth and dirt (Interruptions).

SHRI H. N. MUKERJEE: A charge has been made and answered. Mr. Azad should accept a parliamentary inquiry. Why does he not accept it?

SHRI MADHU LIMAYE: I accept a parliamentary inquiry (Interruptions).

SHRI BHAGWAT JHA AZAD: Lakhs and lakhs were spent, hundreds of jeeps were used in the Banka bye-election (Interruptions).

SHRI MADHU LIMAYE: I am prepared to resign if you prove it (Interruptions).

SHRI BHAGWAT JHA AZAD: And this gentleman is talking like this. (Interruptions).

18.00 hrs.

What right has the Socialist Party of India to do like this? (Interruptions).

श्री मधु लिमये - कौन तय करेगा ?
आप की जमानत जब्त हो गयी। पार्लियामेन्ट की कमेटी नियुक्त कीजिए।—(ब्यवधान)

MR. DEPUTY-SPEAKER: Order, please. Kindly sit down.

SHRI JYOTIRMOY BOSU: Nagarwala case; Maruti; what more do you want?

SHRI SAMAR GUHA *rose*—

MR DEPUTY-SPEAKER: Order, please. I will come to you. Please co-operate. I am on my legs. (*Interruptions*) Order, please, Mr. Pandey. Please sit down. Kindly listen to me.

SHRI NARSINGH NARAIN PANDEY (Gorakhpur): We cannot allow the time to be spent like this. (*Interruptions*).

SHRI BHAGWAT JHA AZAD: Black money from Bombay was spent in the bye-election at Banka.

MR. DEPUTY-SPEAKER: Order, please, Mr. Azad. You have had your say (*Interruptions*).

SHRI BHAGWAT JHA AZAD: We would not allow them to go on like this.

MR. DEPUTY-SPEAKER: Order, please. (*Interruptions*). I find that

the Members—(*Interruptions*)—Order, please, Mr. Pandey. Please sit down, everybody.

SHRI BHAGWAT JHA AZAD: All right; we shall keep quiet.

SHRI SAMAR GUHA *rose*—

MR. DEPUTY-SPEAKER: Order, please, Mr. Guha. I am not listening to you. Kindly sit down first. I am not hearing you. (*Interruptions*) Order, please. I am on my legs. When I am on my legs, they should first listen to me. But Mr. Guha repeatedly, in spite of my request, "kindly listen to me", does not listen to me. (*Interruptions*) Let there be some calm.

We have passed 6 p.m. Now it is 6.04 p.m. I feel that the tempers are too frayed today to continue with any meaningful debate, and therefore, I adjourn the House to meet again tomorrow at 11 a.m.

18.04 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 8, 1973|Sravana 17, 1895 (Saka),