

for the loss of river waters which it allegedly suffered during the Indo-Pak. conflict in September, 1965; and

(b) if so, Government's reaction thereto?

**The Minister of Irrigation and Power (Shri Fakhruddin Ahmed):**

(a) No, Sir.

(b) Does not arise.

12.04 hrs.

RE QUESTION OF PRIVILEGE AGAINST THE MINISTER OF HOME AFFAIRS (Query)

**Shri A. K. Gopalan (Kasergod):** On 12-8-66, I had given notice of a motion of privilege against the Home Minister . . .

**Mr. Speaker:** He was kind enough to see me. I have promised him that I would have a consultation with the Home Minister. He should wait till I have had that consultation and then I will tell him what is the result.

**Shri S. M. Banerjee (Kanpur):** I had tabled a motion of breach of privilege against two newspapers, the *Dinman* and the *Statesman*. It is not against the Minister; it is against these two newspapers.

**Mr. Speaker:** That is another reflection. He should not say it in this manner, that it is not against the Minister it is against the newspapers.

**Shri S. M. Banerjee:** Do not be so touchy. You have rejected the motion against the Minister. That is why I am saying that it is not against him, but against the newspapers.

**Mr. Speaker:** Therefore I should not reject this one?

**Shri S. M. Banerjee:** No, no.

**Mr. Speaker:** That is what it means. What else does it mean?

**Shri S. M. Banerjee:** You reconsider it.

12.05 hrs.

RE QUESTION OF BREACH OF PRIVILEGE

**Mr. Speaker:** Yesterday, as soon as I had announced my decision on the notice of a motion of privilege, Shri Madhu Limaye said:

“इसीलिये, अध्यक्ष महोदय, आज मैं मांग करता हूँ कि आप कांग्रेस पार्टी की सदस्यता से इत्फा दीजिये। जब तक आप कांग्रेस पार्टी नहीं छोड़ेंगे, इस सदन की शोभा और शान नहीं बनी रह सकती।”

माननीय सदस्य ने मुझे एक चिट्ठी भी लिखी थी इस बात पर।

It came immediately after I had given one ruling. Therefore, the natural implication that I could understand was that because I was a member of the Congress—though I am not....

**Shri Shinkre (Marmagoa):** Have you denied it?

**Mr. Speaker:** That is not now the question; whether I am a member of the Congress or not, that is not in dispute.

**Shri Hem Barua (Gauhati):** Are you a member of the Congress or not?

**Mr. Speaker:** No, I am not.

**श्री मधु लिमये (मुंबई):** आप ने ही कहा था हम से एक कमेटी में। अगर नहीं है, तो मैं वापस लेता हूँ। मैंने पत्र भी लिखा है आप को। . . . (व्यवधान)। हल्ला करने से क्या होगा।

**Mr. Speaker:** For the present purpose, that is beside the point, whether I am a member of the Congress or not.

इस वक़्त सवाल इतना है कि जब मैंने एक फैसला दिया तो उन्होंने वह लपज कहे जो मैंने पढ़ कर सुनाये हैं, जिस का मतलब सिवाय इस के कुछ नहीं हो सकता कि जब तक मैं कांग्रेस का मेम्बर हूँ तब तक मैं इन्साफ नहीं

करता और जो फैसला दिया है वह मैंने पक्षपात से दिया है। इस के सिवा इस का कोई दूसरा मतलब नहीं हो सकता था। इसलिए मैंने कहा था कि मैं इसको भेजता हूँ। कल मृग से पूछा गया कि किस रूज के अन्डर मैंने रूज कहा। श्री कामत ने इस पर प्वाइंट ऑफ ऑर्डर उठाया था। मैं अब उनको मुनूंगा और कहूंगा कि वे बतायें कि क्या वह कहना चाहते हैं।

**श्री स० म० बनर्जी :** हमें भी चांग दीजिये।

**अध्यक्ष महोदय :** बहुत ब्रीफ हो।

**Shri Hari Vishnu Kamath (Hosh-angabad):** I will finish in a minute and a half. I will invite attention to rules 222 and 223.

**Shri Hem Barua:** It is high time that Mr. Kamath gets a new book, it is completely torn.

**Shri Hari Vishnu Kamath:** There are only six months more. I will accept it with thanks, I do not wish to buy a new one for six months only. Rule 222 says:

"A member may, with the consent of the Speaker, raise a question involving a breach of privilege, either of a member or of the House or of a Committee thereof."

Apparently you took action yesterday under rule 227. I have got the record with me also, but I do not want to tire the House with the record. As soon as you said that you would refer this to the Committee of Privileges, I think my hon. friend, Shri S. K. Patel, got up and moved a motion, "I move that it be referred to the Committee of Privileges." By the time the General Secretary of the Congress Party, Shri Raghunath Singh, had to say anything, perhaps there was an uproar, the record is silent on the point, what he said, but Mr. Patil's statement appears on

record. Even assuming that the motion was made by Mr. Patil, the Minister of Railways—we are happy he is present in the House now day after day,....

**Mr. Speaker:** I immediately said that I was not relying on any motions having to be made.

**Shri Hari Vishnu Kamath:** Then, you took action *suo moto* under rule 227. What does rule 227 say? In all humility, my understanding of the rule is—first of all, let me read the rule:

"Notwithstanding anything contained in these rules that means those that have gone before....

"...the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report."

What does this mean, "any question of privilege"? How does any question of privilege arise before the House? That is a moot point. If you will bear with me for a while, how does it arise? That arises only if the conditions in rules 222, 223 and 224 are fulfilled, not before. I submit that unless conditions are fulfilled, no question of privilege can arise before the House because the procedure is laid down as to how any question of privilege should be brought before the House. What does it say? Rule 222 I have read. Rule 223 I will read for the benefit of the Members and colleagues who are going to follow me to be able to make up their minds also, because it is not you alone, in all humility, in all earnestness I submit.

Rule 223 reads:

"A member wishing to raise a question of privilege....

—it applies to Mr. Patil also, I hope there will be no two standards here, and knowing you as I do. . . .

**Mr. Speaker:** That might be taken apart when I have said that I am not relying on that.

**Shri Hari Vishnu Kamath:** That might help you.

**Mr. Speaker:** That might be left out.

**Shri Vasudevan Nair (Ambalapuzha):** Why are two Members standing like that when he is on his legs?

**Mr. Speaker:** Others should sit down.

**Shri Hari Vishnu Kamath:** Just as we have equality before the law and the Constitution, there is equality before the rules for all Members on all sides of the House.

“A member wishing to raise a question shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document.”

Now, a question of privilege envisaged, visualised in rule 227—“the Speaker may refer any question of privilege”—how does that question come before the House? We cannot go outside the rules surely, rules that have been enforced by you as the presiding deity of the Rules Committee.

The House has accepted that; we are governed by the rules. Unless therefore the motion is made by a Member of the House by a formal notice to the Secretary. . . .

**Shri Heda (Nizamabad):** Speaker is also a Member.

**Shri Hari Vishnu Kamath:** He can make a motion. But the motion was made by Mr. Patil, not by him.

**Mr. Speaker:** I am hearing, Mr. Kamath may continue....  
(Interruptions.)

**Shri Hari Vishnu Kamath:** A chairman on the panel is interrupting me.

**Shri C. K. Bhattacharyya (Raiganj):** Mr. Kamath said that he would take only one minute. Has that one minute expired?

**Shri Hari Vishnu Kamath:** I know it is the Speaker, not you, who should conduct the business. I, therefore, submit that rule 227 cannot be enforced in a vacuum; as I submitted yesterday, it cannot be enforced in isolation from the other rules. No notice of the motion was given yesterday, because you ignored Mr. Patil's motion; I presume you ignored Mr. Patil's motion. Is that so?

**Mr. Speaker:** I have said that I am not taking that into consideration.

**Shri Hari Vishnu Kamath:** You acted *suo moto*. Unless there is a motion before the House to refer this matter to the Committee of Privileges there cannot be any decision by the Speaker or by the Chair (*Interruptions*). Therefore, I submit that your announcement or ruling—I do not know what you call it—or decision to refer the matter to the Committee of Privileges was not quite in accordance with the rules and not in order.

**Shri S. M. Banerjee (Kanpur):** Yesterday, when my hon. friend Mr. Limaye made this suggestion, I thought it was a suggestion for action. Sometimes some people say: why don't you join us? So, it is a suggestion for action.

**Mr. Speaker:** That is a different question. I want to make it clear to the hon. Member: whether those remarks constitute a breach of privilege or not is one thing. The other things might be left separately. The Committee may say: no, it is not a breach of privilege; that is a different thing. We are not discussing that. The question is whether I can refer it. . . .

**Shri S. M. Banerjee:** I am coming to that....(*Interruptions*.) I am also relying on rules 223 and 224. (*Interruptions*.) I will read rule 223.

Under rule 227 you have a right to refer anything, any question to the Committee of Privileges *suo motu*; that is the inherent right which you are able to use. Mr. Kamath referred to rule 223 which clearly states:

"If the question raised is based on a document the notice shall be accompanied by the document."

The document is only available today and if I wanted to raise it I will get it from the Lok Sabha Secretariat or from the publications branch. What document is available today? Yesterday, when you referred it to the Committee without that document, it was only in shorthand before the parliamentary reporter, not before us.

My second point is about 224 which says that the right to raise a question of privilege shall be governed by the following conditions, namely, not more than one question shall be raised at the same sitting. Yesterday, one question of privilege was before the House in which you gave the ruling. Secondly, we came to know that without notice or anything you referred the matter to the committee. This will be something unprecedented if such matters are referred immediately after they occurred. We must be very frank if the Minister says anything, you will also immediately move the motion. Though we have not the inherent powers, we can immediately send a motion to the Secretary and say that it may be sent to the Privileges Committee. That will be a dangerous thing.

**Shri D. D. Puri** (Kaithal): The distinction between rules 222 and 223 on the one hand and rule 227 on the other is very clear. Rules 222 and 223 apply to the Members. When a Member wants to raise a question of privilege, he has to undergo certain formalities and give notice in writing, etc., etc. He should also observe the limitation that not more than one motion of privilege shall be taken up on any one particular day. There is a distinction between the Speaker raising a question of privilege and the Members

raising a question of privilege. In so far as the right of the Speaker is concerned, it is unfettered and there is no limitation that not more than one question shall be taken up. Therefore, the distinction between 223 on the one hand and 227 on the other has to be borne in mind.

As a matter of fact, **Shri Kamath** has pointed out that certain things cannot happen in a vacuum. It is very clear that a Member can commit a breach of privilege while sitting in the House. It is for the Committee to decide as to whether under those circumstances the words spoken by the Member constitute a breach of privilege or not. But we are at this moment limited to the question of reference, and therefore the reference by the Speaker under rule 227 has got nothing to do with rules 222 and 223.

**Shri D. C. Sharma** (Gurdaspur): I may submit very respectfully that I agree with **Shri D. D. Puri** that a distinction has to be made between a private Member of the House and the Speaker. I think this is a convention held sacred in all the democracies of the world.

The second point is that sometimes a privilege motion arises out of privilege motion, as sometimes a decree arises out of a decree. So, this privilege motion which we are sending to the Committee of Privileges is something that is the consequential result of what happened in the House today, and I think in your capacity as Speaker, you are perfectly justified in sending it to the Privileges Committee.

Thirdly, There is no convention in this country that the Speaker of the Lok Sabha or the Speakers of the Legislative Assemblies should be returned unopposed to the Lok Sabha or the Assemblies.

**Mr. Speaker:** That is not material here.

**Shri D. C. Sharma:** Since there is no convention like that here—we tried to build up that convention and our late Prime Minister Jawaharlal Nehru wanted to have that convention but unfortunately we did not succeed—the Speaker of the Lok Sabha or the Speakers of the Assemblies have to fight the election on one ticket or another ticket. It does not matter on what ticket they fight the election, but after they are returned to the Assembly or the Lok Sabha as the case may be....

**Mr. Speaker:** Shri Sharma would realise that that is not relevant here.

**Shri D. C. Sharma:** That point was raised by Shri Kamath and Shri Banerjee, and therefore I think that as Speaker you do not belong to any party and you are not affiliated to any party in this House.

श्री मौर्य (अलीगढ़) : श्रीमन्, मैं आप का ज्यादा समय नहीं लूंगा। इस सदन को कार्यवाही को चलाने के लिए जो नियम बनाए गए हैं, उन से ऊपर उठ कर और अध्यक्ष के पद के महत्व को समझते हुए अगर इस बात को मान भी लिया जाये कि अध्यक्ष किसी भी समय, किसी भी क्षण, किसी भी सदस्य या किसी भी शक्ति या ओहदे के खिलाफ कोई प्रिविलेज मोशन इस हाउस को प्रिविलेज कमेटी को दे सकते हैं, तो भी मैं एक ही बात कहना चाहता हूँ कि जिस विषय पर आप इस प्रिविलेज मोशन को ले रहे हैं, वह सीधे-सीधे आप से सम्बन्ध रखता है, इसलिए अपनी शक्ति का इस्तेमाल करते हुये आप का इस प्रिविलेज मोशन को लेना कुछ ठीक नहीं जचेगा। जिस विषय पर यह प्रिविलेज मोशन दिया जा रहा है, जिस बात पर इस सदन को निगाह में या आप की निगाह में आपत्ति है, उस का सम्बन्ध सीधे-सीधे आप के अपने पद से है, इसलिए आप उस के बारे में प्रिविलेज मोशन की आज्ञा दें, यह मुझे जंचता नहीं है।

श्री फ० गो० सेन (पूर्णिया) : अध्यक्ष महोदय, माननीय सदस्य, श्री मधु लिमये, ने आप पर जो आरोप लगाया है,

श्री मधु लिमये मैंने कोई आरोप नहीं लगाया है।

श्री फ० गो० सेन : आप ने जो पैरल आफ चेररमैन बताया है, वह आरोप उम के सब सदस्यों पर भी लागू होगा।

**Shri Sivamurthi Swamy (Koppal):** Assuming that you have got every authority to bring or refer any question to the Privileges Committee, I request you to reconsider the latest sentence said by Mr. Madhu Limaye when he said that he was not under the impression that you belong to the Congress organisation. Yourself, your predecessors and all the Speakers in this country have laid down a very good convention that they do not belong to the Congress. You yourself do not belong to any party when you sit on that Chair. If you are in the Congress, then this motion may be considered. When you are not in the Congress, when he says himself that he is withdrawing those words, there is no point in pursuing this matter.

**Shri Kapur Singh (Ludhiana):** As I see the matter, the questions involved are three. The first question is whether under the rules, you can *suo motu* refer a question of privilege to the Committee of Privileges. The second question is whether in this particular case, you may refer this to the Committee of Privileges. The third question which I pose is whether in the particular circumstances of the case, you ought to refer it to the Committee of Privileges. To these three questions, I would like to give very brief replies.

With regard to the first question, I have listened very carefully to the interpretations made, by my hon. friend, Shri Kamath and it is for you to decide whether they are relevant

here. As I read Rule 227, I remember that the words "notwithstanding anything contained in these rules" are there. In the light of those words, it would seem to me that it is competent for you *suo motu* to refer any matter to the Committee of Privileges.

With regard to the second question, as to whether you may refer this particular case to the Committee of Privileges, my reply is that the principle of privilege being that wherever there is an imputation against the Speaker, that may be referred to the Committee of Privileges....

**Shri Sinhasan Singh** (Gorakhpur): On a point of order, Sir.

**Mr. Speaker:** Let Mr. Kapur Singh finish.

**Shri Sinhasan Singh:** The point of order itself is about his right to speak on this matter. I want to know whether a member of the Committee of Privileges, to whom you have to refer this matter, can take part in this discussion, because he is prejudging a point that is being sent to the committee whether this constitutes a privilege or not. So far as I know, he is a member of the Committee of Privileges.

**Mr. Speaker:** A member of the committee should not give his opinion in advance, but this is not what he is doing. He is not giving his view whether it is a question of privilege or not.

**Shri Bhagwat Jha Azad** (Bhagalpur): There should be some convention.

**Mr. Speaker:** I say that he should not give his opinion in advance when a question is to go there. He has only posed three questions, whether the rules apply, whether I can refer it and whether I ought to refer it. He is giving answers to these questions. Once it is referred to the Committee, these questions will disappear. (Interruptions).

**Shri Kapur Singh:** Sir, I was on the second question, whether you may, and the reply was that you may, because in every question where it seems that *prima facie* imputation is made against the *fides* of the Speaker that is a question of privilege. The reasons are known to the House. The third question is whether you ought to, and it is on that, because that is not a formal question but the material question, that I want to make my submission before you. My submission is, in the context of the facts of this case and particularly in the context of what Shri Madhu Limaye has just now said, it seems to me that it would perhaps be more proper if you drop the matter.... (Interruptions).

**Shri Vasudevan Nair:** Sir, I am not a great expert on rules. It is said "notwithstanding" you can refer it to the Privileges Committee. But I should like you to consider that even when you make use of such exceptional rules you should keep it in mind that an extraordinary situation has arisen. Otherwise, normally, it is better for all of us to make use of normal rules and I personally believe that, in spite of whatever has happened yesterday and the excitement created, it is better that you consider it with a broad heart, because many of us, not only Shri Madhu Limaye, were under the impression that the Speakers of this House were continuing to be members of the Ruling Party.. (Interruptions). Sir, they should not interrupt us like this. We are trying to express our mind.

**Mr. Speaker:** I have tried to make it clear that that would not be relevant.

**Shri Vasudevan Nair:** I said, Sir I am trying to make an appeal to you. I am not very much trying to interpret the rules. You are trying to make use of an extraordinary weapon, an extraordinary rule in the Rules of Procedure, to refer this issue to the Privileges Committee. In that connection, I should like you to consider whether

Shri Vasudeva Nair).

from the developments yesterday you could not and the House could not appreciate why some Members or one Member gave expression to such a feeling, because an impression has gone wrong, and very often in Speakers' Conferences also these issues have been raised, that for the healthy growth of parliamentary democracy the Speakers should keep out of political parties. Whatever it is, since you have now made the position very clear—we were happy to hear that—and since Shri Madhu Limaye, following your observations, said: "I withdraw my remarks", in view of his withdrawal of the remarks being very substantial and significant, I would request you to drop the matter, and not to proceed with the matter.

Some hon. Members rose—

Mr. Speaker: Shri Bagri—

Shri Bagri rose—

Shri Tyagi (Dehra Dun): Sir I rise to a point of order on this procedure followed by you just now.

Mr. Speaker: Shri Bagri may resume his seat. Let me hear Shri Tyagi first.

Shri Tyagi: Sir, it is an old convention, both here and in other democracies of the world, particularly in England, that everyone who gets elected to the House of the People comes on some ticket of the other, but the Speaker, once he is elected to that post, ceases to be an active member of the party, whatever the party may be. That is one understanding and there is no doubt about it. As everybody knows, you have not participated in any meeting of the Congress Party or any other party. That is obvious. There is nothing to doubt it.

About the procedure I want to submit one thing. The House has vested in you, by conventions and traditions, all powers of giving your rulings. What I am feeling is—per-

haps it is our fault because we sometimes take to discussing things—the House is being reduced to the position of a court where lawyers argue and then a judgment is given. Sir, we have all confidence in you. I suggest that as soon as a question comes before you, because you are more acquainted with the rules and regulations of the House, you may please directly give your ruling instead of holding a regular debate on what the ruling should be. It is not for us to say what the ruling should be, it is for you to give the ruling (Interruptions).

Shri Kapur Singh: We have a right to argue . . . (Interruptions)

Shri Hari Vishnu Kamath: Yesterday, he walked out against your ruling.

Shri Umanath (Pudukkotti): Sir, There is no guarantee that he will abide by your decision. . . . (Interruptions).

Mr. Speaker: Order, order. I am now calling Shri Bagri.

श्री बागड़ी (हिसार) : श्री मधु लिमये जी के वाक्यों से जो विशेषाधिकार की बात आप ने कही है, उस के तीन अर्थ निकलते हैं—इच्छा स्थिति और जनता का प्रभाव। इच्छा को न लिया जा कर के स्थिति और जनता के प्रभाव की बात पर ज्यादा ध्यान देना चाहिए क्योंकि इच्छा एक चीज है, स्थिति दूसरी चीज है और जनता का प्रभाव दूसरी चीज है। आप का किसी विशेष दल से सम्पर्क अगर हो तो स्थिति क्या होती है, उस स्थिति के मुताबिक ही कुछ बातें बन सकती हैं और जनता के ऊपर प्रभाव क्या है वह भी एक चीज है। श्री मधु लिमये की बात को इच्छा पर न लेकर स्थिति पर और जनता के प्रभाव के नाते से लिया जाय तो इस के बारे में कोई विशेषाधिकार का प्रश्न रह ही नहीं जाता है।

**अध्यक्ष महोदय :** अब मैं और ज्यादा टःकशन नहीं सुनूँगा।

**श्री मधु लिमये :** आप मुझे सुनिए।

**Some hon. Members rose—**

**Mr. Speaker:** I cannot carry on this discussion any further. Since Shri Madhu Limaye wants to say something, I will hear him.

**Shri Nambiar (Tiruchirapalli):** What about me, Sir? I have got a point to make.

**Mr. Speaker:** I am sorry. No more discussion. I should hear Shri Madhu Limaye.

**श्री मधु लिमये :** अध्यक्ष महोदय, आप स्वयं जानते हैं . . .

**एक माननीय सदस्य :** छोटा भाषण होना चाहिए।

**श्री कृष्ण लिमये :** देखिए, मंत्री जब अपनी ते हैं तो "छोटा भाषण दो" नहीं : ज्यादा समय तो लेने वाला हूँ नहीं।

**अध्यक्ष महोदय,** आप स्वयं जानते हैं कि संसदीय प्रणालियों के सुधार के लिए मैं अपने दृष्टिकोण से एक अरसे से कोशिश कर रहा हूँ। एक दफा कमेटी में भी यह सवाल उठाया था तो उस वक्त आप ने हमसे कहा था कि मैं कांग्रेस पार्टी का सदस्य हूँ लेकिन उनकी कार्यवाही में मैं हिस्सा नहीं लेता। फिर आपने यह भी कहा कि जब चुनाव आ जायेगा तो फिर मुझको कौन जितायेगा, कौन मशीनरी मेरे लिए काम करेगी। तब मैं ने कहा था कि मेरे जैसे आदमी और दूसरे विरोधी दल के लोग भी आपको जिताने के लिए प्रयास करेंगे। आज भी मैं कहता हूँ न केवल मैं आपकी चुनाव कोष में मदद करने के लिए तैयार हूँ बल्कि आप के क्षेत्र में आकर आपको . . . (व्यवधान) अब यह गम्भीर मामले को इस तरह कैसे

चला सकते हैं? तो आप को जिताने के लिए मैं प्रयास करने के लिए तैयार हूँ।

सवाल अध्यक्ष महोदय, यह है कि यह एक बहुत ही सैद्धान्तिक मामला है, इस के बारे में 4 जनवरी 1966 को सदन के नेता श्री सत्यनारायण सिन्हा ने एक वाक्य कहा था आल इंडिया व्हिप्स कान्फरेंस में . .

**अध्यक्ष महोदय :** अब यह सब मैं नहीं सुन सकता हूँ

**श्री मधु लिमये :** इस तरह कैसे होगा। मुझे अपनी सफाई देने दीजिए। छः मिनट मुझे दे दीजिए। उन्होंने कहा है :

"Some of the conventions and powers which the Indian Speakers has come to enjoy and exercise by convention and practice are strictly outside the sphere of the Constitution and have been given to him by executive dispensation, because he belongs to the majority party and does not sever connections with it, even after occupying his higher office. Furthermore, he is included to exercise more powers outside the chamber; he has to look to the Government to get them. These facts gave rise to suspicion of subtle influence being reflected in his ruling."

यह हमारे सदन नेता ने कहा है और यह सैद्धान्तिक सवाल है, इसको आप व्यक्तिगत रूप में न लें। क्योंकि जब से यह लोक-सभा बनी है तब से, आपने स्वयं कहा है, कि मावलंकर जी के जमाने में भी और आयरंगर जी के जमाने में भी इसकी चर्चा थी। 16 अगस्त को मैं ने आप को एक चिट्ठी लिखी थी मैं सब तो नहीं पढ़ना चाहता, केवल जो संबधित हिस्सा है, वही पढ़ूँगा, इसकी सफाई के लिए :

"We talk day in and day out of decorum and dignity and the high

[श्री मधु लिमये]

traditions of the House of Commons which we have to follow and emulate in this Parliament of ours."

एक माननीय सदस्य : किसने लिखा था?

श्री मधु लिमये : मैं ने स्पीकर साहब को लिखा था :

"Why don't you, Sir, then set a novel example by severing your connection with the Congress Party, altogether and becoming the first non-party Speaker of Lok Sabha? No single action will enhance the dignity and prestige of the Speaker's Office than your resignation from the Congress Party and your liberation from the shackles of party discipline and party loyalty. Incidentally, this would also be, I have no doubt, an act of great self-abnegation on your part."

इस ऊंचे स्तर पर जाकर मैंने आपको यह चिट्ठी लिखी, यह 16 तारीख को मैंने आपको लिखी थी। इस में मैंने यह भी लिखा है :

"You had told us previously that you have not given up your membership of the Congress Party."

यह आप को मैं ने ता० 16 को लिखा था, इन पिछले 9 दिनों में अगर आप मुझ को बुला कर कहते कि कांग्रेस पार्टी से आपका कोई सम्बन्ध नहीं है, तो मैं इस तरह से बात कभी नहीं करता।

मैं फिर एक बहुत ही सिद्धान्त के स्तर पर जाकर आप से विनय कहेगा कि इस का जनता के मन पर क्या असर होता है। जब हम हाउस आफ कामन्स की परम्परा पर चल रहे हैं, विशेषाधिकार भी वही है जो हाउस आफ

कामन्स के हैं, सारी बातें उस से जुड़ी हुई हैं, तो वहां कि जो परम्परा है, उस में एक बुनियादी बात यह है कि स्पीकर निर्दलीय या दल के ऊपर होना चाहिये। इस में कोई व्यक्तिगत बात नहीं है, नोयात पर हमला नहीं है, और मैं फिर अदब से आपके सामने विनय कहेगा कि आप एक स्वस्थ परम्परा यहां पर कायम कीजिये, जिससे हम जो अल्प संख्यक लोग हैं, उन के मन में तसल्ली हो।

Shri Nambiar: I shall read ru'es 226 and 227 again. There is some misunderstanding about it. It is misinterpreted and, therefore, I strongly hold that this cannot be referred to the Privileges Committee as is being done now.

Rule 226 says:—

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member."

That is the procedure, how it has to be referred to the Committee.

Rule 227 states:—

"Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report."

Rule 227 states "Notwithstanding anything contained in these rules", meaning that all the rules which are stated earlier about the matter, as to the procedure how it is to be put etc., can be done away with by the Speaker and "refer any question". That is, there must be a question and then only it can be referred to the Committee. In this case there is no question put to the House on any matter. The Speaker cannot *suo motu* refer the matter and there is no ques-

tion put. The Speaker himself cannot automatically get up and put a question and create a question and thereby refer it to the Committee. That means, it is a wrong procedure undoing all the provisions of the rules. Therefore, I submit that it is irregular if it is referred to the Privileges Committee.

श्री शिवनारायण (बांसी) : मैं भी एक लफ्फ़ कहना चाहता हूँ ।

**Shri Shivaji Rao S. Deahmukh** (Parbhani): Now that you have listened to Shri Nambiar....

अध्यक्ष महोदय : मैं ने सुन लिया है, अगर जवाब की जरूरत हो तो मैं आप से कहूँ कि जवाब दें, लेकिन मैं नहीं समझता कि इसकी कोई जरूरत है ।

First a question has been put to me and Shri Madhu Limaye has read that letter as well. So far as I can recollect, I never said that I was a member of the Congress though when he put that question that the Speaker should dissociate himself from the party, I related to him the whole story how it has gone on, what Shri Mavalankar had said and both things can go together, namely, firstly that the Speaker should dissociate himself from the party which sponsors him and, secondly, that he must also not be opposed in the election by other parties. But I had said that the position is that as soon as I was elected I said that thence forward I shall not be a member of any political party. I had said that. Since then I have not paid a single pie even as a primary member as my subscription. So, that is the position. Whether my name is being carried on or not, I do not know; but that is not material here. As I have said, that is not in question here at all. Whether I am a member of the Congress or not, that is not in question here. The question is that, as soon as a ruling was given, Mr. Madhu Limaye uttered these words which, in my opinion, cast reflection and any reflection

cast on the Speaker is a breach of privilege of the House. Now this has been said again and again....

**Shri Kapur Singh:** He is withdrawing it.

**Shri S. M. Banerjee:** He is withdrawing it.

**Mr. Speaker:** Let me first meet the arguments. Rule 227 says, "Notwithstanding anything contained in these rules" and again those rules are being quoted to me.

**Shri Hari Vishnu Kamath:** The question of privilege.

**Mr. Speaker:** One is the question of privilege. The question is not to be put by me. The question of privilege means that some issue has arisen where there is a breach of privilege; that is all. The heading is "Questions of Privilege". Then Rule 222 says how a question of privilege can be raised by a member. The second one is what are the conditions that are to be fulfilled. Rules 225 and 226 are there laying down conditions as to how a Member can raise a question of privilege and then after those, overriding every other thing, it is said, "Notwithstanding anything contained in these rules".

**Shri Hari Vishnu Kamath:** Procedure, Sir.

**Mr. Speaker:** No; nothing of that sort. It looks rather queer that this is read again and again "Notwithstanding anything contained in these rules" and then again those rules are quoted to me.

**Shri Nambiar:** The 'question'.

**Mr. Speaker:** Nothing contained in those rules would apply to these rules. This is what 'notwithstanding' means. Then why should those be quoted?

There have been at least nine instances—I have read; I studied last night—where this question has been directly referred to the Committee by the Speakers before. Therefore, there are instances as well. Whether this amounts to a breach of privilege

(Shri Speaker.)

or not, that is a different thing altogether; that has to be seen or inquired into.

Now the question which was raised by Mr. Kapur Singh and then again by Mr. Limaye that he withdraws what he said, comes. I do not know what that would mean. It was only a reflection on the House and, therefore, if the House deems it sufficient, I have no objection; I have no particular malice. (Interruptions).

Order, order. But there is one advice that I would give: if he, in specific terms, says that he regrets it, then it might be excused.

श्री मधु लिमये : अध्यक्ष महोदय, आपने मुझ से कहा था, मुझे अच्छी तरह याद है, मैं ने पत्र भी लिखा है कि आपने हम को कहा कि कांग्रेस पार्टी से आपने सम्बन्ध विच्छेद नहीं किया। अभी आप कहते हैं कि कांग्रेस पार्टी से आपका सम्बन्ध नहीं है, तो मैं बिना शर्त मैं ने जो कहा है, वह वापस लेता हूँ।

Mr. Speaker: He may say that he regrets it.

श्री मधु लिमये : अगर आप कांग्रेस के सदस्य नहीं हैं और आपने सम्बन्ध छोड़ा हुआ है, तो मैं बिना शर्त वापस लेता हूँ।

Shri Kapur Singh: He has regretted. The matter might be dropped.

श्री के० दे० मालवीय (बस्ती) : क्या मैं आशा करूँ कि आपने इस मामले को खत्म कर दिया है, अगर आपने आखीरी फ़ैसला नहीं किया है तो मैं थोड़ा सा समय चाहूँगा।

अध्यक्ष महोदय : मैं ने फ़ैसला दिया है कि कमेटी को रेफर किया जाय। कमेटी में भी अगर कोई मेम्बर रिप्रेट कर ले तो हम आम तौर पर उसको वहीं छोड़ देते हैं।

श्री के० दे० मालवीय : लेकिन वह तो यह कह रहे हैं .. (व्यवधान)

अध्यक्ष महोदय : इसका सवाल पैदा नहीं होता। कन्डीशनल कोई चीज नहीं होगी। He says that he puts that condition व्यवधान।

श्री के० दे० मालवीय : अध्यक्ष जी, आपने जो कहा है ... (व्यवधान)

अध्यक्ष महोदय : वह कन्डीशन लगाते हैं।

श्री के० दे० मालवीय : मैं भी यही कह रहा हूँ " मैं कांग्रेस पार्टी में नहीं हूँ " चूंकि आपने यह कहा है, इसलिये वह वापस लेने को तैयार हैं, हम लोगों ने तो यही समझा है।

अध्यक्ष महोदय : अगर आप कांग्रेस पार्टी के मेम्बर नहीं हैं, इस आधार पर कहा है।

श्री के० दे० मालवीय : जी, हां; उन्होंने यही कहा है।

अध्यक्ष महोदय : The ruling stands as it is unless the House accepts that (Interruptions).

डा० राम मनोहर लोहिया (फर्रुखाबाद) : यह एक ऐसा प्रश्न है, जिस पर अच्छा हो कि ठण्डे दिल से बातचीत की जाय और विचार हो जाय। श्री मधु लिमये ने साफ़ शब्द इस वक्त कहे हैं कि वह बिना शर्त अपने वाक्य को वापस लेते हैं ख़ाली वाक्य—इतना ही नहीं, बल्कि अपने वाक्य को वापस लेता हूँ। इसके अलावा उन्होंने अपने बयान में बिल्कूल साफ़ कहा है—जब उन्होंने वह वाक्य कहा था ... (व्यवधान)

अध्यक्ष महोदय, देखिये, मेरा वाक्य पूरा हो नहीं पाता और इस तरह से टोका जाता है। मैं आपको याद दिलाता हूँ कि मधु लिमये ने यहां पर साफ़ कहा है कि

उनको आपकी नीयत या इच्छा से बिल्कुल मतलब नहीं था और जब तक कोई आदमी किसी नीयत के बारे में न कहे किसी इच्छा के बारे में न कहे कि अध्यक्ष की इच्छा और नीयत खराब रही है तब तक कैसे आप इसे विशेषाधिकार का मामला बना सकते हैं? उन्होंने बिल्कुल साफ़ कह दिया है।

**अध्यक्ष महोदय :** अब उनकी इच्छा है या नहीं, उन की नीयत है या नहीं वह तो उन के लफ्जों में से ही नतीजा निकाल सकते हैं।

**डा० राम मनोहर लोहिया :** अब यह आप की चीज है। मधु लिमये ने आप की इच्छा और आप की नीयत के बारे में कभी कोई शक नहीं कहा। आज नहीं कहा, कल नहीं कहा था। आपकी इच्छा और नीयत के बारे में मधु लिमये ने कभी कोई शब्द नहीं कहा। इसलिये आप को इसे प्रीविलेज कमेटी को नहीं भेजना चाहिए।

**Shri Kapur Singh:** I would appeal to the House not to treat it as a party issue. This is a non-party issue.

**Shri Shivaji Rao S. Deshmukh:** May I have just one minute?

**Mr. Speaker:** What is there to be discussed? I am asking the other Members also not to discuss it further. There is nothing that has to be discussed.

**Shri Shivaji Rao S. Deshmukh:** I shall not take more than a minute.

**The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha):** Unfortunately, Shri Madhu Limaye did not quote me properly. I had expected something better from him.

**श्री मधु लिमये :** मैं ने प्रीविलेज कमेटी की फोर्थ रिपोर्ट से कोट किया है।

**Shri Satya Narayan Sinha:** I had said:

"It may be the view of some people...."

But he has omitted it.

**श्री मधु लिमये :** मेरे शब्द नहीं हैं, वह फोर्थ रिपोर्ट में है।

**Shri Satya Narayan Sinha:** I may read out that sentence. It reads thus

"It may be the view of some people that some of the functions.."

Shri Madhu Limaye has read out already the remaining part of that sentence, but he has put all those things into my mouth as if it was my opinion.

I had further said:

"Furthermore, if he is inclined to exercise more powers outside the Chamber, he has to look to the Government to get them. These two factors, in the view of some thinkers, which in my opinion, is not correct, give rise to the suspicion of subtle influence being reflected in his rulings. . . ."

**Shri Hem Barua:** Before you proceed to take the opinion of the House, may I submit that we have all heard the discussion and seen the course of events and you have also said that you do not belong to the Congress Party? Whatever that might be, may I draw your attention to what Churchill said, namely 'In victory, magnanimity'?

**डा० महादेव प्रसाद (महाराजगंज) :** माननीय सदस्य ने मिनिस्टर को मिस्कोट कर के विशेषाधिकार का हनन किया है।

**श्री मधु लिमये :** यह प्रीविलेज कमेटी की रिपोर्ट से है, मेरे शब्द नहीं हैं।

**Shri Hem Barua:** May I submit in all humility that we have heard the discussion. . . .

**Shri J. P. Jyotishi (Sagar):** Shri Madhu Limaye has committed a breach of privilege against the Minister of Parliamentary Affairs because he has misled the House by misquoting the hon. Minister.

**Mr. Speaker:** The hon. Member cannot move it unless he gives a notice first.

**Shri Hem Barua:** May I submit for your consideration that we have all heard the discussion in the House and now you are about to take a decision and you are within your powers to take a decision, but whatever that might be, may I draw your attention to what Mr. Winston Churchill said, namely 'In victory, magnanimity'? May I appeal to you to be magnanimous and generous and to leave the matter here?

**Shri D. C. Sharma:** Let my hon. friend Shri Hem Barua tell us in what connection and in what context Churchill had made that statement.

**Shri Shivaji Rao S. Deshmukh:** May I draw the attention of the House to the initial remarks that you were pleased to make on the day you were elected as the Speaker of the House, when neither Shri Madhu Limaye nor Dr. Ram Manohar Lohia was here? You had said at that time henceforward, 'I am not a Member of the Congress Party; I shall be a member of all the parties put together, and I will be impartial'. Can this House preclude from consideration what you had said on the floor of this House?

**Mr. Speaker:** But then, again, as I have said, that is not material here. Even if I were, though I am not, a member of the Congress, then too, to say like that is a reflection. That is the main question, and, therefore, I have been repeating again and again that my being a member or not is not relevant.

I had just given that decision yesterday that I referred it to the Privileges Committee. That stands there.

**Shri Hem Barua:** But what about my appeal?

**Mr. Speaker:** And today, my convictions are confirmed that I was right in doing that. But now the only question is that Shri Madhu Limaye. . . .

**An hon. Member:** He has withdrawn it already.

**Mr. Speaker:** I cannot interpret it. *Magar*, that is not showing regret.

**The Deputy Minister in the Ministry of Home Affairs (Shri P. S. Nasir):** That is not regret.

**Mr. Speaker:** I must say that if Shri Madhu Limaye regrets, I would request the House to leave the matter here.

**Shri Hem Barua:** What about my appeal to you?

**Mr. Speaker:** Now, it is not within me. . . .

श्री मधु लिमये: आप क्या कह रहे हैं ?

अध्यक्ष महोदय : मैं ने कहा कि अगर आप अफसोस जाहिर करें . . .

श्री मधु लिमये : मुझे कोई अफसोस नहीं है, मैं बिना शर्त वापिस ले रहा हूँ ।

अध्यक्ष महोदय : : तो फिर वह खड़ा रहे । जो मैं ने पास किया है वैसे ही रहेगा ।

12.56 hrs.

RE: QUESTION OF PRIVILEGE AGAINST AIYANA, URDU NEWS-PAPER OF SRINAGAR.

**Mr. Speaker:** Then, there is another notice of breach of privilege, given by Shri Prakash Vir Shastri on Kashmir. I have given my consent because I find that the article itself is so offensive and a breach of privilege is committed.

**Shri Hari Vishnu Kamath (Hoshangabad):** What is that matter?

**Mr. Speaker:** I have given my consent. Now, Shri Prakash Vir Shastri will raise it and ask for leave.