

12.58 hrs.

RE: QUESTIONS OF PRIVILEGE

Shri Hem Barua (Gauhati): There is a very relevant fact that concerns vitally the supremacy and the sovereignty of this Parliament, including you. May I submit this is a very important matter. I will finish in a minute.

Mr. Deputy-Speaker: I cannot allow it without notice. I am sorry, please sit down.

Shri Hem Barua: The Pakistan High Commissioner in Delhi in his *aide memoir* has questioned the authority of this Parliament.

Mr. Deputy-Speaker: I have disallowed it.

Shri Hem Barua: I know, but may I submit. . .

Mr. Deputy-Speaker: No more submissions.

Shri Hem Barua: He is questioning the authority of Parliament.

Mr. Deputy-Speaker: That has not been permitted.

Shri Hem Barua: Why are you allowing any foreigner in our country to question the authority of this Parliament? It is no use your becoming the Deputy-Speaker or my becoming a Member of Parliament. Here is a foreigner, the High Commissioner of Pakistan in Delhi, who, in an *aide memoir* submitted to the Government of India has questioned the introduction of a Bill by a private Member last month in this Parliament, in the Lok Sabha.

Mr. Deputy-Speaker: We cannot take action for breach of privilege against a foreign ambassador.

13 hrs.

Shri Hem Barua: The Pakistan High Commissioner may enjoy cer-

tain diplomatic privileges but the fact remains that this House is supreme . . . (Interruptions).

Mr. Deputy-Speaker: Order, order. We cannot go on like that.

Shri Hem Barua: No, Sir; it is a matter of privilege which concerns me as much as it concerns Joachim Alva; it concerns you also. I want the Government to do one thing: to declare the High Commissioner of Pakistan in Delhi *persona non grata* and ask the Pakistani Government to withdraw him . . . (Interruptions.)

Shri D. C. Sharma (Gurdaspur): I support him.

Mr. Deputy-Speaker: All the Members cannot go on like this. It has been disallowed. There cannot be a privilege motion against an ambassador.

Shri Hem Barua: He may be a foreign ambassador but he has abused the diplomatic privilege.

Mr. Deputy-Speaker: It is for the External Affairs Ministry to take up that matter.

Shri Vasudevan Nair (Ambalapuzha): May I get an assurance from the Leader of the House that we will get the statement on the Idiki Hydro electric project?

Mr. Deputy-Speaker: I cannot say. If the Minister is prepared to make a statement, we will have it. Is the Minister prepared to make a statement? I find he is not here. They may send word to him and if he is prepared, he may make a statement.

श्री मधु सिमये (मुंगेर) : उपाध्यक्ष मशौदय, मेरा प्रिविलेज मॉशन है . . .

श्री यशपाल सिंह (कैराना) : मुझे भी एक बात कहनी है, एक तरफ तो हमारे आवास मंत्री विश्वास दिला रहे हैं कि किसी को ब्रेचर नहीं किया जायगा, दूसरी तरफ आज हमारी दिल्ली में 6-7 लाख नागरिक ऐसे हैं, जिनको अन-एप्रूव्ड कहा जाता है। उन के साथ इन्फ्रा किया जाना चाहिये।

[श्री यशपाल सिंह]

मैं चाहता हूँ कि वह आज शाम को उन के बारे में बयान दें। वह इस बात को बतलायें कि वह कब बयान देंगे।

Mr. Deputy-Speaker: You cannot raise these questions without giving notice to me. Mr. Yashpal Singh, please sit down. If every one of the 530 Members begins to speak like this, how am I to carry on?

श्री यशपाल सिंह : मैं चाहता हूँ कि वह आज शाम को बयान दें ।

Shri Surendranath Dwivedy
Mr. Yashpal Singh to sit down. You are defying the Chair.

Shri Surendranath Dwivedy
(Kendrapara): I would seek a clarification of what you said, Sir. It is all right and I agree with you that it is not possible for this House to have a privilege motion against a foreign ambassador. Am I to understand from what you said that the EA Ministry is going to take action? It is a very serious matter.

Mr. Deputy-Speaker: We have referred it to them. Now, there are several privilege motions.

श्री बागड़ी (हिमार) : उपाध्यक्ष महोदय, मैं सिर्फ एक बात कहना चाहता हूँ ।

Shri Ranga (Chittoor): You must hear us, Sir.

Mr. Deputy-Speaker: I am not hearing anybody now. We know all the facts; yesterday we discussed this for one hour. . . (Interruptions.)

श्री मधु लिमये : आप मुनिये, यह बड़ा गम्भीर मामला है ! मैं ने अफसर का नाम तक दे दिया है । क्या आपने मेरा खत पढ़ा था ?

Mr. Deputy-Speaker: I am giving my ruling now.

Shri Ranga: You cannot give your ruling without first hearing what we have to say.

Shri S. M. Banerjee (Kanpur): known to the House.

Shri S. M. Banerjee: (Kanpur): Facts are not known. . . (Interruptions.)

Shri H. N. Mukerjee (Calcutta Central): Yesterday, you told us in so many words that we who wanted to can bring in a specific motion of privilege in pursuance of your specific instructions. We sent in notices of privilege motions and you may take them up in whichever order you decide. Anyhow, the privilege motion has got to be placed before the House because I take it that when you gave a direction as you did yesterday that it was in order to have a privilege motion brought up whatever fate was going to overtake it, we are entitled to place before the House what we want. Whoever among us is called upon, let us place it.

Mr. Deputy-Speaker: I will read the motions.

श्री मधु लिमये : सबसे पहले मैंने दिया है, मुझको अपना नोटिस पढ़ने दीजिये । कल आपने कहा था कि नोटिस दीजिये, मैंने तुरन्त लिखकर नोटिस दिया है ।

Shri Ranga: You may read them but then you will have to give us an opportunity to state before the House as to why these motions should be allowed. Unless you give us an opportunity of stating why we have thought it fit to move the privilege motion and why we think you ought to be good enough to permit us to move, you cannot very well give a ruling.

Mr. Deputy-Speaker: All the facts are before the House.

Shri Ranga: You think in your judgment that the facts are before the House. A few of us have got to present before the House what the facts are. Some other facts also may be there in our possession and we have to state all we have and take the House into confidence and then alone it would be possible for you to give judgment. How on earth can you give your judgment in a vacuum?

श्री मधु लिमये : बाद में हलिंग दीजिये पहले उठाने के लिये एलाऊ कीजिये ।

Mr. Deputy-Speaker: I will give two or three minutes each.

श्री बागड़ी : श्री मधु लिमये जी का पहला है, उनको पहले समय दीजिये ।

Shri Ranga: It is the business of the Leader of the House, of the Government to think what time is to be given to the House. The most important thing is that a privilege motion has got to take precedence over others. Nothing is more important and more urgent than the security of the country and everything depends on how the Government tackles this question of the security of the country. If the Government fails in this because of espionage activities, if spies, traitors and other such people are allowed to go abroad and carry on their functions from the highest possible places in some of the most strategic centres like the Congress, not only the Congress but the political party's headquarters and especially the ruling party, the Congress, then it becomes a matter of privilege and the most primary importance to the very safety of this nation. What has happened? Why did I move this? It is for this reason. My hon. friend the Home Minister said that he was misled by an officer. Who was that officer? If he had been a central officer of the CBI, the Minister would not have sought to take umbrage behind him because he himself would be directly responsible and we would have been entitled to raise questions of privilege or to demand his resignation. But here it is not claimed

that he is directly under the Union Government. On the other hand, he is deputed by the other Government, the West Bengal Government. Who is the Minister then who is directly responsible for the conduct of that particular officer? The Home Minister; the other man is the Chief Minister. Therefore, I want the House to give permission to raise this motion of privilege against the Home Minister of West Bengal. Some of my colleagues would be raising this question of privilege against some other officers. I am raising this question against the Home Minister. What is the position? When the Chinese invaded this country and humbled our armies and humiliated our country . . .

Mr. Deputy-Speaker: It is all extraneous.

Shri Ranga: It was said that there might be too many spies and too many traitors and therefore, there was need for special legislation and my hon. friend thought of the DIR at that time. Afterwards he wanted to introduce another piece of legislation and fortunately or unfortunately he has not been able to introduce that legislation here. That Bill is there before the country and before us all. He wanted us to give him special powers in order to deal with these traitors and those who indulged in espionage. But what happened? He wanted us to believe that there were too many of them, but the funniest thing is that we were asked to think of those people who were indulging in espionage on the hills, on the Himalayas, 10,000, 12,000 and 20,000 feet high, at that altitude, and all the time my hon. friend was unaware of the fact that here, in Jantar Mandir, under the very headquarters of his party, of his own party—to which I once belonged for decades—*(Interruption)*—the office of the high command also—these things were going on. *(Interruption)*. Well, I am not going to make it a party question here. This became the next of espionage. In those days, we used to complain that Cabinet secrets used to

[Shri Ranga]

go over, across the frontiers, almost within hours, thanks to the radio, telegraph, mikes and various other things,—the AICC secrets and the Working Committee secrets.

Mr. Deputy-Speaker: All these facts are before the House. Please state your case about the privilege motion.

Shri Ranga: How can one alter those facts, and what is the significance of those facts? (*Interruption*) Therefore, Sir, I say here is the man who is responsible for all this.

Mr. Deputy-Speaker: How do these questions arise here?

Shri Ranga: It is the Union Government which should be taken to task for it. That is my first point.

Mr. Deputy-Speaker: It is going into the merits.

Shri Ranga: Please wait a minute. I will make it clear. They, for their own good reasons, left it to that Government; when they became dependent on that Government, they must have shirked the irresponsibility here, for which this Government deserves to be censured, and they have left it to that Government, and that Government has misled them. What should we do? Should we not come with a privilege motion to this House, and should we not have the privilege of raising this question, this motion against the Home Minister there, for having betrayed the national interests of this country, and should we not also take the Home Ministry to task, the Home Minister and the Prime Minister to task, for failing to come forward openly and readily yesterday, to give the name of that police officer and also to what extent the Home Minister was responsible for this.

श्री मधु लिमये : आप मुझ को विशेषाधिकार का प्रश्न उठाने दीजिये ।

Mr. Deputy-Speaker: I will allow only one Member. Please sit down.

(*Interruption*). I am not bound to consult the Members. In fact, 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.”

And then, rule 225 says:

“The Speaker, if he gives consent under rule 222 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege, make a short statement relevant thereto.”

I will go one by one. Shri Ranga has placed his case before the House.

श्री मधु लिमये : पहले मेरा प्रश्न पेश होने दीजिये । भाषण उस पर बाद में ही हो सकते हैं ।

Mr. Deputy-Speaker: I will come to you. Please sit down. I will go one by one. I am calling Members one by one,—those who have given notice of privilege motions. Only one Member for each motion would be called. Shri H. N. Mukerjee.

श्री मधु लिमये : पहले मुझे प्रस्ताव रखने दीजिये । समय के अनुसार, इन प्वाइंट ऑफ़ टाइम मेरा प्रस्ताव पहला है ।

Mr. Deputy-Speaker: Please sit down, Mr. Limaye: I will give you chance.

Shri Madhu Limaye: Who gave the notice first? Whose notice came first in point of time? I cannot understand this procedure.

एक माननीय सदस्य : पहले पहला मोशन लीजिये ।

Shri Madhu Limaye: It is my right to move the motion.

Mr. Deputy-Speaker: I have called Shri Mukerjee. Please sit down.

Shri Surendranath Dwivedy: Sir, I just want to understand the procedure. You had not given consent for any motion to be moved now. (*Interruption.*) I am helping you, if you understand me. The position is, the Speaker has not yet given any permission for any motion to be moved.

Mr. Deputy-Speaker: I am not allowing any.

Shri Surendranath Dwivedy: Therefore, you are trying to satisfy yourself whether there is any motion which could be admitted. There is no question as to who gave first, who gave it second and so on.

श्री मधु लिमये : यह कैसे हो सकता है नोटिस के बिना कोई प्रश्न उठ ही नहीं सकता है ।

Mr. Deputy-Speaker: Please sit down.

श्री मधु लिमये : मैं आप का ध्यान रूल नं० 222 की ओर दिलाना चाहता हूँ । उस के उपर मेरा प्वाइंट आफ आर्डर है ।

Mr. Deputy-Speaker: There is no question of priority. I have called Shri Mukerjee:

श्री मधु लिमये : जिस की नोटिस पहले हो उस को पहले बोलने देना चाहिये ।

Mr. Deputy-Speaker: There is no point of order.

Shri Khadilkar (Khed): Sir, I want to rise on a point of procedure before you ask them to state their case. The issue should be clinched; the issue is like this. The officer of the West Bengal Government....

Shri Surendranath Dwivedy: We are not going into the merits.

Shri Khadilkar: I am on procedure. Let us clinch the issue. On that I must be allowed to speak and state the case.

Mr. Deputy-Speaker: I am only asking them how the privilege motion could arise, for my information and knowledge.

Shri Khadilkar: Just a minute on a point of procedure. The question is this: why I say this is because,— everybody will make a speech.... (*Interruption.*)

Mr. Deputy-Speaker: Only one Member for each motion.

Shri Khadilkar: How the question of privilege is involved must be stated. (*Interruption.*)

Some hon. Members: No, no.

Mr. Deputy-Speaker: Order, order. Shri Mukerjee will now state his case.

Shri H. N. Mukerjee: Sir, I am seeking your leave—

श्री मधु लिमये : मेरा प्वाइंट आफ आर्डर है ।

Mr. Deputy-Speaker: You are obstructing the proceedings of the House. I am very sorry that the hon. Member should behave like this.

Shri H. N. Mukerjee: Sir, I seek your leave to be allowed to raise the following matter of breach of privilege.

On 6th September, 1966, while correcting an error in his statement of 17th August, 1966, Shri Hathi, the Minister of State, stated that the error occurred not because he deliberately wanted to mislead the House, but because he was so briefed by a Senior Police Officer, specially called to brief him from West Bengal.

Even conceding that Shri Hathi was not guilty of "deliberately misleading" the House, it is clear that the Senior official specially called for the purpose briefed the Minister with misleading and erroneous information. As the official was specially sent for the purpose, he knew the facts and ought to have taken care to brief the Minister with correct facts to be placed before the House. On the Minister's

[Shri H. N. Mukerjee]

own admission the officer responsible for briefing him briefed him wrongly. The official sent by the West Bengal Government thus committed a clear breach of privilege of the House.

I therefore seek your permission to move that the Home Minister of West Bengal and the Home Secretary of West Bengal who were responsible for sending and briefing the official concerned and/or the police officer who briefed Shri Hathi (to be named by the Minister) are guilty of gross contempt of the House for misleading it and seeking to give false information to the House, and should therefore be committed for contempt of the House and punished as deemed proper.

This is why we want to move this motion of privilege.

Shri Madhu Limaye: I beg to raise a question of privilege against the "Senior Police Officer, from West Bengal Government, who had been specially sent to Delhi to give details about the case", mentioned by Mr. Jai Sukh Lal Hathi in the statement in reply to mine under Speaker's Direction 115 made yesterday. A demand was persistently made by the Members of the Opposition yesterday that the Government should disclose the name and identity of this special officer. However, the Government doggedly, and I would say stupidly, refused to disclose the name. Now, the rules regarding privilege motion require that the motion should be against specific person/persons. However, I do not think that it is necessary to name the person to enable the Speaker to decide the admissibility of the motion. On a *prima facie* case being made against the special officer, the Speaker can give his consent, and, on leave being opposed, ask 25 members to stand in their seats to enable the matter to be referred to the Privilege Committee. The Privileges Committee has certainly adequate powers to ask the Government to disclose the identity of the person concerned and issue summons on the special officer/officers/

or any other persons that they appear before the Committee to explain their conduct.

Thus, although I am under no obligation to name the officer concerned to enable the Speaker to give consent for raising the motion, on the basis of my own private information, I wish to state as follows:—

That the officer of the West Bengal Government who came specially to Delhi to give details about the case was none other than Mr. Asoka Chakravarty, Superintendent's I.B. Branch, West Bengal Government, acting under instructions from DIG (CID), Mr. Bagchi, who again was acting under instructions from Mr. K. K. Roy, Home Secretary, West Bengal Government, who again functions under the overall control of the Home Affairs Minister. I am not in a position to say how far the responsibility of the Chief Minister is attracted. Therefore, my privilege motion is against the officers and Minister named above. If however there is any mistake about the identity of the officer/officers/Minister concerned, it is for Mr. Hathi to come out with the real names, at least before the Privilege Committee, if not before the House. Any attempt to conceal this vital information from the Privileges Committee by the Home Minister or by the Government should be treated as high contempt of the Committee and House.

Now, I would like to point out that the officers who briefed Mr. Hathi had come specially to give him the details of the case, that they were fully aware as to what the real position was in respect of the allegations made by me about the transfer of the Mohit Chaudhury/Sunil Das case from the Special Branch West Bengal Government, to the D. D. Department of the same Government. I therefore charge that the special officer/officers/Minister and their superior/superiors wilfully and deliberately concealed this information with a view to hoodwink the supreme representative assembly of the nation, namely, the Lok Sabha. If this is not breach of privilege and

contempt of Parliament, I do not know what other action will attract the charge of contempt and misdemeanour. I would like to point out that increasingly war lordism is becoming rampant in the States and authority of the central institutions, including India's Parliament, is increasingly being defied by the bosses dominating the local governments. While we are for State rights and State autonomy, I do not think we can tolerate encroachment on the powers of Parliament where the security and integrity of the nation is concerned. I would, therefore, appeal to you to treat the so-called misleading briefing of the West Bengal Government and its officers as wilful, premeditated and deliberate.

Shri Hari Vishnu Kamath (Hoshangabad): I shall be brief and proceed logically, step by step. Yesterday you were pleased to observe at the end of the brief discussion on the matter that members would be at liberty to give notice of motions of breach of privilege. In accordance with that salutary and sound directive of yours, some of us have given notice accordingly.

My notice of breach of privilege concerns, is directed against, the Chief Minister of West Bengal, who is the head of the West Bengal Government, one of whose officers came and briefed the Minister here. I do not quite agree with Shri Limaye that the person concerned should be mentioned by name. We have precedents.

श्री मधु लिमये : मैंने ऐसा नहीं कहा है ।

Shri Hari Vishnu Kamath: Last March, we had the case of Shri Umanath where the motion of breach of privilege was directed against the Madras Government as a whole, even though the order was served by the Sub-Inspector of Tiruchi. The Madras Government was put on the mat and the Speaker observed that since possibly the order had been issued in ignorance of its implications, the House would be better advised to express its displeasure at the impropriety and let

the matter rest there. So, the Madras Government was put on the mat. Only recently, we had the case of the *Statesman*, a leading and responsible newspaper of this country. No correspondent was named in the motion. *The Statesman*, as a body corporate, has been hauled up for breach of privilege and the motion referred to the committee.

Therefore, I venture to assert that Government as a whole—Union Government or any State Government or any Minister—can be hauled up for breach of privilege. Here, an officer came and briefed the Minister. The poor Minister was misled, and he misled the House. You agree up to that, Sir; that is the first step. Whoever the officer was—Chakravarty, Chatterjee or Mukerjee or Bagchi—their axis, all the three of them or three in one, are officers, I will not say minions, but officers and limbs of the West Bengal Government. They act under instructions. Every officer acts under instructions, unless the contrary can be proved that he did not act under instruction. An officer comes here duly instructed by his Government—maybe perhaps by some other super-boss; we do not want to go into that. He comes here and tells the Minister, "Don't say this; suppress this; express this"—*suppressio veri, suggestio falsi*. We are not concerned with that. The West Bengal Government, therefore, is directly and constructively responsible for the House being misled here. The Minister yesterday did express his regret. That means to say, he became fully aware that what he said was wholly wrong and therefore, it is patent now,—there is absolutely no doubt,—that the person who briefed him knowingly misled him. All the ingredients of the offence of breach of privilege are proved. I have, therefore, given notice of my motion that the breach of privilege arises against the Chief Minister, who is the head of the West Bengal Government, whose officer came and knowingly misled the Minister, who in turn misled the House.

[Shri Hari Vishnu Kamath]

I, therefore, hope that you will kindly agree, in pursuance of your own clear directive, to give your consent to the motion. Otherwise, I am sorry to say, you will be stultifying yourself.

श्री बड़े (खारगोन) : प्रिविलेज मोशन देने के लिए आपने निर्देश दिया था। उस के अनुसार हम ने प्रिविलेज मोशन दिया है। सवाल इस में एक ही है जो कि मैम्बरों के लिए कठिनाई पैदा करता है और वह यह है कि उस में नाम देना चाहिये या नहीं देना चाहिये उन अफसर का जिन ने गलत सूचना दी है, क्या नाम और डेजिगनेशन दिये बगैर कोई प्रिविलेज मोशन आ सकता है, यह सवाल था। हाथी साहब ने कहा है, कि वैंस्ट बंगाल गवर्नमेंट के एक उच्च अफसर ने उसको मिमलौड किया है। जो मिमलौड करने वाला अफसर था उस के बारे में हम ने नॉटिस दिया है। वैंस्ट बंगाल का जो यह उच्च अफसर है उस के खिलाफ प्रिविलेज मोशन आता है। यदि वह यह कहेगा कि मुझ को इनफार्मेशन ऊपर से मिली है तो फिर privilege committee will go into that question of immediate constructive liability.

जिस अफसर ने यहाँ आकर होम मिनिस्टर साहब को इनफार्मेशन दी थी उसके ऊपर पहले तो यह आता है। इस वास्ते मैं कहूंगा कि इस टेक्निकल ग्राउंड पर कि उसका नाम नहीं है और डेजिगनेशन नहीं है, इसलिए उनको डिमिएलाऊ आप करते हैं। ठीक नहीं होगा। मैं बताना चाहता हूँ कि इस से पहले भी स्टेट्समैन के बारे में श्री श्री कामत द्वारा जो प्रिविलेज मोशन दिए गए हैं, उन में भी किसी का नाम नहीं दिया गया था। इस मामले में इम्पोर्टेंट आफ्फेन्डर वही है, जिस ने श्री हाथी को यह इनफार्मेशन दी है, जिसको श्री हाथी ने इस मदन के सामने रखा है।

Shri S. M. Banerjee: Sir, my privilege motion consists of two parts, because the hon. Home Minister and even the Prime Minister yesterday, even after repeated questions from us, did not give the name of the officer concerned. According to our information, according to the information of many hon. Members here, as was ably stressed by my hon. friend, Shri Madhu Limaye, these officers—Shri Chakravarty, Shri Bagchi and Shri K. K. Roy.....

Shri K. N. Tiwary (Bagaha): Sir, I rise to a point of order. Last time . . .

Mr. Deputy-Speaker: What is the point of order? I have asked him to make out his case. There is no point of order. Please sit down (*Interruptions*). I do not allow any point of order now. Please sit down (*Interruptions*).

Shri S. M. Banerjee: Sir, my hon. friend has mentioned the names of three officers of the West Bengal Government—Shri Chakravarty, Shri Bagchi and Shri K. K. Roy, the Home Secretary. When this point was raised yesterday, I said that expert CID officers in the West Bengal Government have been entrusted with this work by the Special Police but the case has not been passed over to the Intelligence Department and his statement was based on a statement furnished to him by senior police officers from the West Bengal Government who had been specially sent to Delhi to give details about the case. What I mentioned yesterday for your kind consideration was that the Home Secretary of West Bengal, Shri K. K. Roy, under the influence of Shri Atulya Ghosh, because he was directly connected with it, or of other Congress bosses of West Bengal—may be the Chief Minister of West Bengal—told the Deputy Commissioner there that he had no business to arrest Mr. Sunil Das. That is why I mentioned that the Home Secretary of West Bengal Government, under the in-

fluence of Shri Atulya Ghosh, sent a particular officer here to mislead the Central Government.

Shri C. K. Bhattacharyya (Raiganj): Sir, I rise to a point of order. I do object to it... (*Interruptions*).

Some hon. Members: No point of order.

Mr. Deputy-Speaker: Please do not mention names like that. Shri Atulya Ghosh has denied his complicity in this. He is an hon. Member of this House. You should not mention names like that (*Interruptions*). You mentioned the names of officers. I did not object. It is very bad.

Shri S. M. Banerjee: Sir, kindly hear me.

Shri C. K. Bhattacharyya: It is stupid. It should not be allowed to go on record.

Mr. Deputy-Speaker: Please do not mention any names.

Shri Hem Barua: Sir, I rise to a point of order. Can an hon. Member call another hon. Member "stupid". Here is an hon. Member calling another hon. Member "stupid": "He is stupid" he said.

Shri Umanath (Pudukkottai): The other day when the Home Minister was called "foolish", objection was raised and the ruling given was that no Member should be called "foolish". But he called Shri Banerjee "stupid". Let him withdraw that word. Let the word be expunged.

Mr. Deputy-Speaker: Has he called him "stupid"? (*Interruptions*). I will look into the records. If he has called him "stupid", I will expunge it. Please do not mention any names. (*Interruption*).

Shri C. K. Bhattacharyya: Sir, he said that the Home Secretary functions under Shri Atulya Ghosh. This should not be on the record. He said the Home Secretary of West Bengal functions under Shri Atulya Ghosh. Do you accept this statement?

Some hon. Members: Yes. (*Interruptions*).

Mr. Deputy-Speaker: Shri Atulya Ghosh has denied the allegations. You should not bring in his name. Please do not mention his name now.

Shri S. M. Banerjee: I am not making any allegations against him. May I assure my friend, foolish friend, Shri Bhattacharyya—he called me 'stupid' so I call him 'foolish'....

Mr. Deputy-Speaker: Then both will remain.

Shri S. M. Banerjee: Let him not be as foolish as he looks, then he will not understand my point.

Shri Rameshwar Sahu (Rosera): Sir, I rise to a point of order. He has called Shri Bhattacharyya "foolish" (*Interruptions*).

Shri S. M. Banerjee: I am not mentioning the name of Atulya Ghosh.

Mr. Deputy-Speaker: You are unnecessarily taking the time of the House.

Shri S. M. Banerjee: Sir, let me explain my case. I said, Sir, yesterday, that the Home Secretary under the influence of Congress bosses—I am not mentioning any names (*Interruptions*). I am not to get a ticket from Shri Atulya Ghosh it is he who has to get the ticket. Let him fall at his feet. I said, Sir, this has been done under the influence of Congress bosses, that is why an officer was sent, as admitted by Shri Hathi, and that is why the Minister has misled the House. So my privilege motion is, if the names are not to be mentioned, not against all the officers of West Bengal because I cannot move an omnibus motion like that, but against the West Bengal Government.

[Shri S. M. Banerjee]

In this case I made two points. One was that he misled the entire House by giving a wrong information, a false information to the hon. Minister, who misled the House because of that information and the entire country has been misled by it. The second point, which is also a pertinent point, I asked was about the blue-prints of Farakka Barrage. That is apart from this, but it is a very important question. Today is the last day. In the larger interest of the country I am asking this and not on any political considerations. There is a charge that one Shri K. K. Framji, Joint Secretary, Ministry of Irrigation and Power, was smuggling paper. This officer was forced to resign. Now we find that all these blue-prints of Farakka Barrage, which are so important for the security of our country, for the integrity of our country, have been passed over. They should reply to that point also. Therefore, Sir, my privilege motion should be considered by you. I am hundred per cent sure *** nothing will be possible. (Interruptions).

Shri Sheo Narain (Bansi): Sir, you are not paying any attention to this side. Many of us have been standing (Interruptions).

Mr. Deputy-Speaker: Will you withdraw those words, Shri Banerjee?

Shri Umanath: Why should he (Interruptions)?

Mr. Deputy-Speaker: He is an hon. Member of this House.

Shri Prabhat Kar (Hooghly): *** we cannot suggest that even?

Mr. Deputy-Speaker: You should not suggest that.*** (Interruptions).

Shri Surendranath Dwivedy: May I humbly submit to you... (Interruption).

Shri Prabhat Kar: * * * No suggestions can be made? (Interruption.)

Shri Surendranath Dwivedy: Sir, you will be creating a very bad precedent if what you say goes on record. A Member can certainly make that suggestion. It is neither unparliamentary, nor derogatory nor defamatory. On what ground would you like the Member to withdraw that? That may not be necessary for the issue that we are raising here; it may not be very relevant to the very purpose of the admission of the privilege motion, but if a Member has mentioned it you may reject it as irrelevant but you cannot ask him to withdraw it nor can you expunge it. . . . (Interruption)

Mr. Deputy-Speaker: * * * .

Shri S. M. Banerjee: * * * .

Shri Umanath: * * * .

Mr. Deputy-Speaker: Order, order, It is certainly defamatory. . (Interruption). These words are expunged. There must be some decency in using language. . . . (Interruption).

Shri S. M. Banerjee: On a point of order. . (Interruption).

Mr. Deputy-Speaker: There is no point of order. . . . (Interruption).

Shri S. M. Banerjee: What is the indecency in ** (Interruption).

Shri Manaen (Darjeeling): Sir, it raises a serious matter. . . . (Interruption).

Mr. Deputy-Speaker: Order, order, Please sit down. Let there be silence in the House.

Shri Manaen: Sir, their anger is understandable. I can understand their anxiety also. . . . (Interruption).

Mr. Deputy-Speaker: Order, order, Please sit down.

Shri Manaen: It is a matter of the security and integrity of the coun-

*** Expunged as ordered by the Chair, vide col. 9767.

try... (*Interruption*). It should be the anxiety not only of the Opposition but it is a matter of anxiety for all sections of the House.

Mr. Deputy-Speaker: Please sit down.

Shri Manaen: You have allowed me.

Mr. Deputy-Speaker: Nothing more. Please sit down. Those words are expunged... (*Interruption*).

Shri Manaen: It is a very important point.

Mr. Deputy-Speaker: Please sit down. I ask you to sit down.

Some hon. Members: He should be named... (*Interruption*).

Mr. Deputy-Speaker: Please sit down... (*Interruption*).

Shri Ranga: Mr. Deputy-Speaker, Sir... (*Interruption*).

Shri Manaen: One, question only... (*Interruption*).

Mr. Deputy-Speaker: I will have to ask you to go out if you go on like this... (*Interruption*). Please sit down.

Shri Manaen: Nobody should create communal tension... (*Interruption*)..

Mr. Deputy-Speaker: Order, order. Please sit down.

Shri Manaen: Whether this is a matter of espionage or subversion... (*Interruption*).

Mr. Deputy-Speaker: Shri Manaen is going on in spite of my request to sit down. What is this? At least the Congress Members should observe... (*Interruption*). Please sit down.

Shri S. N. Chaturvedi (Firozabad): Sir, I have to say something about the admissibility of the motion.

Mr. Deputy-Speaker: Please sit down. The Home Minister.

Shri Ranga: Sir, with all sense of responsibility I am mentioning this to you. Yesterday you asked Shri Bagri to go out. At least, he was the leader of a group, but here is a gentleman who is specially loyal to the AICC and he has been defying you. The least you can do is to ask him to leave the House for the rest of the day.

Shri H. N. Mukerjee: On much lesser provocation Members on this side have been named and suspended. For a long time you asked Shri Manaen to sit down and he did not sit down. If he were a Member of this side, he would have been named and suspended.

Shri Surendranath Dwivedy: The Leader of the House should be courageous enough to come forward and say that. Why does he not come forward? Is it because he is a member of his party? Sir, you ask Opposition Members to get out, but here is a Member who defined the Chair and wasted the time of the House, yet no action is taken... (*Interruption*).

Mr. Deputy-Speaker: Order, order,

Shri Surendranath Dwivedy: Let him say whether he has defined the Chair or not.

Shri Ranga: Here is the Leader of the House sitting... (*Interruption*).

Mr. Deputy-Speaker: Please sit down now. The Home Minister.

The Minister of Home Affairs (Shri Nanda): Sir, it is for you to give your ruling... (*Interruption*).

श्री हुकम चन्द कछवाय (देवास): मैं प्रस्ताव करता हूँ कि पहले आप उन को बाहर निकालिए । हम सुनेंगे बाद में, पहले उन को बाहर निकालिए ।

Shri J. B. Kripalani (Amroha): May I request the Opposition people not to

[Shri S. M. Banerjee]

lose sight of a principle because of a person.

Shri Ranga: He goes on obstructing the House.

Shri J. B. Kripalani: Let us forget so far as the obstruction of the House is concerned. I simply request this. Please do not confuse a big issue with a small issue. Leave it to the Deputy-Speaker to deal with him as he likes.

Shri Nambiar (Tiruchirapalli): I sought your permission to make a statement but you did not permit me and I sat down. Here is a Secretary of the Congress Party going on despite your asking him to sit down. This is not a good example. This is not proper. You should be equal to both sides....

Mr Deputy-Speaker: I am being equal to both the sides.

Shri Nambiar:... otherwise, there cannot be any justice here.

Shri Nanda: So far as the question before you is concerned, it is for you to give your ruling: I only want to make one or two submissions. One is that the privilege of any Member and of the House is a matter for all of us, for me also, of the greatest concern. I yield to none in this claim that I, as a Member of this House and as a member of the Government, would go to the farthest limit to protect, preserve and help in doing that so far as the privileges of the House are concerned. No question arises there.....

Dr. Ranen Sen (Calcutta East): Question.

Shri Nanda: ... of any person, whatever the position he may be holding and wherever that person may be.... (Interruption). To assist this House and to assist the Chair in dealing with this matter effectively, that is that I would do.

** Expunged as ordered by the Chair.

Shri S. M. Banerjee:**

Shri C. K. Bhattacharyya: Atulya Ghosh has gone into your brain.

Shri S. M. Banerjee: Sir, I thought that insanity was a disqualification for being a Member of this House. But, I am sure now that that is no disqualification.

Shri Nanda: Now, for any motion before this House, there are certain prescribed limits has to be within those limits and if any irrelevant matter is introduced, I submit respectfully, then all kinds of question arise. If they introduce the name of a person without anything of provocation, without any kind of proof, without anything having arisen to convince that, whether it is the name of 'A' or 'B' or any organisation or the A.I.C.C. or the Congress, if such irrelevant matters are introduced, the provocation arises and then we have all the troubles. Therefore, let us locate the source of the trouble. If things move on proper lines, there will be no such trouble.

Then, in this House, yesterday practically the whole of this ground was covered.

An hon. Member: No.

Shri Nanda: The question of the name was there.... (Interruption). I did not and I am not going to do that now.

Some hon. Members: Why?

Shri Nanda: The reason that I gave yesterday and which I submit, proved to be acceptable—at least that is what I thought—to the Members on the other side also is that let us not judge the issue. I have undertaken, and that undertaking remains, that I was going to have the facts explored and ascertained, whatever the chain is there, before the Chair can come to any conclusion regarding that. This was agreed and the matter was over. There is nothing new that arises at this juncture.

Shri Hari Vishnu Kamath: It is not for the security-blind, at least security-squint, Government to judge the issue. Only a Committee of the House can judge the issue.

Mr. Deputy-Speaker: I have heard the hon. Members who have tabled breach of privilege motions. All these arise out of the statement made by Mr. Hathi....

Shri Ram Sewak Yadav (Barabanki): Are you giving your ruling?

Mr. Deputy-Speaker: Yes.

Shri S. M. Banerjee: Then, I rise on a point of order.

Mr. Deputy-Speaker: Order, order. There is no point of order. He had stated clearly....

Shri S. M. Banerjee: I rise on a point of order.

Mr. Deputy-Speaker: Order, order.

He had stated clearly that an officer of the West Bengal Government gave that information. The officer of the Government is responsible only to the Minister. It is the Minister who is responsible to this House. The Minister has made a statement that he was misled by the officer and he expressed regret. So far as that matter is concerned, that is over.

Now, as to whether this House can go into the question of breach of privilege committed by an officer who gave the information to the Minister, I think, it is purely an administrative matter.... (Interruptions). Order order. He is an officer of the West Bengal Government. Yesterday, both the Prime Minister and the Home Minister stated that an inquiry is being made and that the guilty would be brought to book and that they are not there to shield anybody. It is a purely administrative matter and there is no question of breach of privilege. So, all these breach of pri-

** Expunged as ordered by the Chair.

vilege motions are ruled out. (Interruptions).

Shri S. M. Banerjee: You do not have the courage.... (Interruption). You can imagine why* (Interruptions). Nobody can give a fair ruling.

Mr. Deputy-Speaker: Order, order. Papers to be laid.

Shri Surendranath Dwivedy: What is this? Shri C. K. Bhattacharyya goes to the Table and tries to do something.... (Interruptions).

Shri S. M. Banerjee: He is going to the Table; he is tampering with the records.

Shri Surendranath Dwivedy: He is standing in the middle of the House.... (Interruptions).

Mr. Deputy-Speaker: Order, order. Can't a Member go to the Table and ask for some information?

Shri Surendranath Dwivedy: That is right. But he was standing in the middle of the House. (Interruption).

Mr. Deputy-Speaker: Order, order. Papers to be laid.

13.0 hrs.

PAPERS LAID ON THE TABLE

Notifications making amendments to Kerala Education Rules, 1959 under Kerala Education Act, 1958.

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): On behalf of Shri M. C. Chagla, I lay on the Table—

- (1) A copy each of the following Notifications making certain amendments to the Kerala Education Rules, 1959, under section 37 of the Kerala Education Act, 1958, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965,