

(ii) Statement by Government accepting the above Report.

II. Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (2) above. [Placed in Library) See No. LT 2354/97 for I and U].

#### REPORT OF COMMITTEE ON PUBLIC UNDERTAKINGS

SHRI DIPANKAR MUKHERJEE (West Bengal): Madam, I lay on the Table, a copy (in English, and Hindi) of the Eleventh Report of the Committee on Public Undertakings on "Sickness in Public Undertakings".

#### LEAVE OF ABSENCE

THE DEPUTY CHAIRMAN: I have to inform Members that a letter has been received from Shri Tri-dib Chaudhuri stating that due to indisposition he is not in a position to attend the 181st Session of the Rajya Sabha. He has requested that he may be granted Leave of Absence from all the sittings during the 181st Session of the Rajya Sabha. Does he have the permission of the House for remaining absent from all the sittings of the House during the 181st Session of the Rajya Sabha?

(No hon. Member dissented)

THE DEPUTY CHAIRMAN: Permission to remain absent is granted.

#### RE: QUESTION OF PRIVILEGE

प्रो. विजय कुमार मल्होत्रा (दिल्ली) : मैडम, मैंने जो नोटिस दिया है प्रिविलेज का उसके बारे में... (व्यवधान)...

THE DEPUTY CHAIRMAN: I have with me five notices.

प्रो. विजय कुमार मल्होत्रा : मैडम, यह जो प्रिविलेज का सवाल मैंने आपके सामने रखा है यह एक ग्रेव कटेम्प्ट ऑफ़ दि हाउस के बारे में है। यहां पर वीरवार को हाउस के अंदर जो कार्यवाही हुई, उसके बारे में 2 खबरें छपी हैं। एक खबर छपी है "पॉयनियर" ऐज में। महोदया, "पॉयनियर" की खबर की हैडिंग है — "Government feels sore about Najima's rule" महोदया, "एशियन ऐज" की खबर की हैडिंग है — "UF says. Najma to be blamed for defeat of Bill on floor." ये दोनों खबरें अलग-अलग हैं। महोदया, आप जानती हैं कि उस दिन श्री सिकन्दर बख्त जी ने 5 बजे से 2 मिनट एक्सटेंड कर दिया जाए और उसके बाद हाऊस ने टाईम को एक्सटेंड कर दिया। यह हाऊस का डिजीजन था और उसके बाद यहां पर बहस हुई। महोदया, इस कार्यवाही के संबंध में मिनिस्टर साहब यह फरमाते हैं कि —

"A senior Cabinet Minister claim that the Deputy Chairman has taken an unusual step and refused to adjourn the House after 5.00 P.M. despite please from the Leader of the House, Shri Jaipal Reddy, and thereby set a new procedure in interpreting the sense of the House as the will of the majority." महोदया, आप सारे अखबार को पढ़िए, मैं सारा अखबार नहीं पढ़ रहा हूँ। उधर जो "एशियन ऐज" है, उसमें यह छपा है कि —

There he says, "Despite the bad floor management which has caused the defeat of the Bill, a senior Front leader said, the defeat was caused by the unprecedented decision of the Chair to extend the session beyond

5 p'clock. He told an informal gathering of reporters that the Government has not even expected the Presidential and Vice-Presidential Elections (Amendment) Bill to be taken up at all as the House was due to adjourn at 5.00 P.M. Explaining what happened, he said that the BJP asked the Chair to extend the time for discussion, the Deputy Chairman did allow it."

महोदया, इससे ज्यादा इस हाउस की क्या अवमानना हो सकती है ? महोदया, यह तो इस हाउस की कंटेम्प्ट है और डिप्टी-चेयरमैन को इसको निशाना बनाया जा रहा है। महोदय, ये यहां पर फ्लोर मैनेजमेंट भी नहीं कर सकते। लोकसभा में आई.आर.ए. का बिल आया, डिफीट हो गया, प्राइवेट गार्डस का बिल आया, उसे भी रोकना पड़ा, उपराष्ट्रपति और राष्ट्रपति के चुनाव के बारे में जो संशोधन बिल आया, वह डिफीट हो गया, शुक्रवार को ढाई बजे हाउस के अंदर कोरम नहीं था और उसकी वजह से हाउस को एडजर्न करना पड़ा।

महोदया, जो लोग इस हाउस को नहीं चला सकते, वे अपनी फ्रस्ट्रेशन और अपनी न काबिलियत पर परदा डालने के लिए डिप्टी-चेयरमैन को उसका मोहरा बनाएं, इससे ज्यादा शर्मनाक बात नहीं हो सकती।

हाउस के अंदर और हाउस के बाहर सब जगह पर एक विशेष प्रोपगंडा किया जा रहा है और अखबारों में भी किया जा रहा है। 3-4 अखबारों में खबरें आई हैं और यहां पर जहां बैठते हैं वहां भी किया जा रहा है, इनफार्मली प्रसंग को ब्रीफ किया जा रहा है और यह काम कर रहे हैं जयपाल रेड्डी साहब। वहां बैठकर भी उन्होंने कहा बाहर भी कहा सब जगह कहा कि डिप्टी चेयरमैन ने एक नया प्रिंसीडेंट कायम किया है। यहां पर लिखा हुआ है कि

एडजर्नमेंट मोशन की बात कभी आए तो डिप्टी चेयरमैन साहिबा, आपके पास कोई आप्शन नहीं है कि आप हाउस को पूछें।

You have to put it to the House.

आपने हाउस में पुटअप किया और हाउस में जब एक्सटेंड कर दिया। दसों बार टाईम एक्सटेंड हुआ, रात के 12 बजे तक भी हम लोग बैठते रहे हैं, रात के 9-9 बजे तक बैठते हैं, हाउस को एक्सटेंड करना कोई अनयूपुअल स्टेप नहीं था और यह क्या बुल्ली किया जा रहा है, थ्रेटन किया जा रहा है ? क्या रूलिंग पार्टी यह चाहती है कि डिप्टी चेयरमैन उनके हाथ की कठपुतली रहे, जैसा वह कहें वह करें, हर वक्त उनको बचाते रहें। मैं समझता हूँ कि यह बहुत ही विश्वास और गलत तरीके का काम किया जा रहा है। यह हाउस की कंटेम्प्ट है। फैसला हाउस का था और हाउस के फैसले के ऊपर इस तरह की टिप्पणी करना चाहे हाउस में या बाहर या आपके चेम्बर में सब जगह, हम सकझते हैं कि जयपाल रेड्डी साहब, जब हमारी तरफ थे यही सवाल उठाया करते थे। आदमी कितना बदल जाता है किस तरह से वहां जाकर के और सारे सवाल को दिवस्ट किया जाता है। इस हाउस के कंटेम्प्ट के सवाल को प्रिविलेज के तौर पर मैडम, मैं आपके सामने प्रस्तुत करना चाहता हूँ।

SHRI SATISH PRADHAN (Maharashtra):  
Madam, I associate myself with the notice given by Prof. Malhotra.

SHRI JAYANT KUMAR MALHOUTRA  
(Uttar Pradesh): Madam, I associate myself with the notice given by Prof. Malhotra.

SHRI SATISH AGARWAL (Rajasthan):  
Madam Deputy Chairman, I have also moved a motion for breach of privilege and contempt of the House. I have got total proceedings of that day. My colleague,

Prof. Malhotra quoted from the *Pioneer* as well as from *The Asian Age*. Now, there is one more newspaper which has given a weekly round-up of the Parhament proceedings of the Lok Sabha as well as the Rajya Sabha, his is *The Rajasthan Patrika* published from Jaipur. It gives a total weekly round-up. It says, "Rajya Sabha—

शुक्रवार को तो सूचना एवं प्रसारण मंत्री जयपाल रेड्डी ने इस पराजय के लिए उपसभापति को ही जिम्मेदार ठहराया जिन्होंने सदन को स्थगित न करके मतदान के लिए सदन की कार्यवाई को अपनी बढ़ाया। यह आरोप लगाते समय शायद रेड्डी जैसे वरिष्ठ नेता भूल गए कि मतदान की मांग एवं उसकी प्रक्रिया प्रारम्भ हो जाती है तो सदर को स्थगित करने की परंपरा नहीं हैं। उपसभापति के निर्णय सर्वथा उचित था और इस निर्णय पर अंगुली उठाना ही अलोकतांत्रिक प्रतीत होता है। अपने संशोधन पर श्री अग्रवाल दबाव डालते रहे। उपसभापति नज़मा हेपतुल्ला ने भी सरकार को बख्स देने की अपील की परन्तु भाजपा सदस्य टस से मस नहीं हुए।"

इसके आगे लिखा हुआ है

"सरकार अपने सदस्यों को पूरी तरह से झुका नहीं पाई। ससंदीय कार्य व्यवस्था में विफलता का यह सप्ताह दूसरा नमूना था।"

So, the name is out. He told the infonnal gatheriag. Now the question is if a motion is moved by the Leader of the Opposition for the exteffl-sion of the time, and if the House agrees to it, the time is extended. What should be done in those circumstances? Firstly, he is not the Leader of the House. May I draw the attention of the hon. Members to the Rules of Procedure and Conduct of Business in the Council of States? Rule 2 (1) says: "In these rifles, unless the context otherwise

requires;—.."Leader of the Council" means the Prime Minister, if he is a member of the Council or a Minister who is a member of the Council and is nominated by the Prime Minister to function as the Leader of the Council." Shri Jaipal Reddy is not a member of this Council. He couM neither be nominated as the Leader of the House nor could he assume the powers of the Leader of this House. This is also an insult to the House. So, I wanted to clarify this point. Now the second point is this. I have got a book. What happens in such circumstances? It is a book called "Mr. Speaker: Role and Functions". It is brought out by our own Lok Sabha Secretariat. I refer to page 251.

"In no case would it be justified for a Speaker to us© his powers arbitrarily or in such a manner as to prevent the House from functioning. In so far as the duties and responsibilities of the Speaker in India and his relations with the House are concerned, it would be pertinent to refer here to the obsefvations made by the Committee of Presiding Officers headed by Shri V. S. Page, Chairman of the Maharashtra Legislative Council, in its report submitted to the Conference of Presiding Officefs of Legislative Bodies in India, held in October, 1968. The Committee fnter alia stated: "The principal duty of the Speaker is to regulate the proceedings of the House and to enable it to deliberate on and decide the various matters coming beforfc it. Thus, in considering the various notices or points raised before him or adjournment of the sitting or placing matters before the House and the like, the Spea-icer should always hear this in mind and, where in doubt, he should act in favour of living an oporttrnltly to the House to experes itself."

Madam Deputy Chairperson, I quoted from the Conference of Presiding Officers. This is a book. This is not a BJP document. This is a book on "Mr. Speaker: Role and Functions".

Now this is another book "Rajya Sabha at Work". I refer to page 231, *(Interruptions)*.

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI JAYANTHI NATARAJAN): Madam, there is a point for clarification. Mr. Vijayl Kumar Malhotra has apparently given notice of a breach of privilege. *(Interruptions)*...

SHRI SURINDER KUMAR SINGLA (Punjab): Madam, kindly listen to us, *(Interruptions)*... We have all given notice of a breach of privilege. *(Interruptions)* ... Let us submit to the scrutiny of the House his reported speech. *(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN; Madam, I am not explaining anything. I am seeking a clarification from the Chair. I am not interrupting you. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Let her speak. She is the Minister of State for Parliamentary Affairs.

SHRIMATI JAYANTHI NATARAJAN; Madam, I am just seeking a clarification. *(Interruptions)*...! have to seek a clarification on a point. B& fore saying anything, else, I would Hice to. place on record that we have the, greatest respect for the decision Of the Chair. Whatever decision was taken by the Deputy Chairman or by the Chair is held in the highest respect.. Nobody has questioned it. Nobody is casting aspersion on it. 'Nobody is. casting any blame oh it. Something has appeared in the Press acfributed to Mr. Jaipal Reddy. Mr. Vijay Kumar Malhotra has given a ^wwh of privilege notice against

him. He has spoken on it also. Madam, it is for the House^ for the Chair, to take a decisjton on what has to be done in respect of the breach of privilege. Following the precedents Madam, he has been allowed to mention what a breach of privilege contains. If Mr. Agarwal has also giuen a breach of privilege notice and if he wants to speak about it, it is okay. But when Mr. Jaipal Reddy is not iiere, I request most sincerely that we should not convert it into a debate! It is not a debate. If Members have given notice'of a breach of privilege without knowing what had exactly oc-curred, whether Mr. Jaipal Reddy had actually said something,... *(Interruptions)*...

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): It has come in all the Papers, Hindi and English. *(Interruptions)*... It has come in nine newspapers. *(Interruptions)*...'

SHRI SURINDER KUMAR SINGLA; Madam, it is not a point of clarification. *(Interruptions)*... It is a serious matter. *(Interruptions)*...

SHRI TRILOKI NATH CHATUR-VEDI: If they had known about it and if they wanted to contradict it and to express regrets, they, should have done so earlier. *(Interruptions)*... Even Mrs. Jayanthi Natarajan, as the Minister of State for Parliamentary Affairs, should, have expressed regrets as soon as she saw it in the Press. *(Interruptions)*...

SHRI G. SWAMINATHAN; (Tamil Nadu): They are trying to defend an indefinsible position. This is horrible. *(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN; You are not allowing me to speak. *(Interruptions)*... Let me say what I want to say. *(Interruptions)* . I am not contradicting anyone. *(Interruptions)* ... You are not allowing me to speak. *(Interruptions)*...

THE DEPUTY CHAIRMAN: I am, allowing you. *(Interruptions)*... I am-trying to restore order. *(Interrup-tions)*...

SHRI SATISH AGARWAL: By pleading this way you are aggravating the offence. *(Interruptions)*...

SHRI TRILOKI NATH CHATUR-VEDI: After all, the Members of the Government have seen the newspapers. Mr. Reddy, as the Information and Broadcasting Minister, gets all the newspapers. *(Interruptions)*...

SHRI SATISH AGARWAL: If Mr. Jaipal Reddy is not present here, it is not our fault. *(Interruptions)*...

SHRIMATI JAYANTHI NATARA-JAN: I am appealing to the Chair. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Don't involve the Chair, please. *(Interruptions)*...

SHRI SATISH AGARWAL: It me finish. *(Interruptions)*...

SHRIMATI JAYANTHI NATARA-JAN: Madam, I am leaving it to you- *(Interruptions)*...

THE DEPUTY CHAIRMAN: No, no. Don't leave it to me. *(Interruptions)*... Please sit down. *(Interruptions)* Just one minute. *(Interruptions)* Please sit down. *(Interruptions)*...

SHRI TRILOKI NATH CHATUR-VEDI: To raise an issue of privilege we are not to wait for the Minister. *(Interruptions)*...

SHRI C. SWAMINATHAN: We need not wait for the Minister to raise a matter of privilege. *(Interruptions)*...

SHRIMATI JAYANTHI NATARA JAN: I have not asked for the House to wait for the Minister. *(Interruptions)*...

SHRI G. SWAMINATHAN: What is this, Madam? *(Interruptions)* .. Suppose Mr. Jaipal Reddy does not come, that doesn't mean we cannot raise the privilege issue. *(Interruptions)*...

SHRI VAYALAR RAVI (Kerala): Madam, she is obstructing the proceedings. *(Interruptions)*... We have

alt given notice. *(Interruptions)*:- She is no more a Member. She is a Minister. *(Interruptions)*... Madam, the Minister cannot take the floor like this when Members have given notice and they are speaking. You are allowing the Minister to speak. But she cannot take objection to the references made here, "She is drawing the Chair also into the controversy. It is the privilege of Members of this House to speak and the Minister is not expected to object to it. She cannot do so." *(Interruptions)*...

SHRIMATI JAYANTHI NATARA-JAN: Madam, I have not objected to anything... *(Interruptions)*...

विपक्ष के नेता (श्री सिकंदर बख्त) : जयपाल साहब को जरा हिन्ट दीजिए ...*(व्यवधान)*...

Let him finish. *(Interruptions)*...

SHRI VAYALAR RAVI: You cannot speak. No no... *(Interruptions)* ... You cannot do this. *(Interruptions)*...

SHRIMATI JAYANTHI NATARA-JAN: Madam, I am not at all objecting I am only asking. *(Interruptions)*...

SHRI TRILOKI NATH CHATUR-VEDI: In the morning, when the business was discussed, nobody was present there. Neither the Minister of State (for Parliamentary Affairs) nor the Minister himself nor any other representative was present. *(Interruptions)*...

SHRIMATI JAYANTHI NATARA-JAN: Madam, the business is discussed at the Business Advisory. *(Interruptions)*...

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†\*Transliteration in arabic script.

THE DEPUTY CHAIRMAN: Now, please sit down.- (*Interruptions*),...

SHRI VAYALAR RAVI: You cannot object to it. You cannot do this. Madam, don't allow... (*Interruptions*)..

SHRIMATI JAYANTHI NATARA-JAN; Madam, this intolerance has... (*Interruptions*)...

THE DEPUTY CHAIRMAN: I received five to six notices. The matter is hot of the Chair. The matter is of the House. As mentioned in the notice, it is contempt of the House because the decision was taken by the House. The Chair is bound by the House and not by my decision. I am here not only as the Deputy Chairman, but I am now also the acting Chairman. The question is: Is the House supreme or the Chair supreme? In my opinion, it is the House which is supreme. It has always been that the House is supreme. Mr. Narayanan has said this. Dr. Shankar Dayal Sharma had said this and Mr. Vankar had said this. They are the three Vice-Presidents I worked with. The House is supreme and if the House has taken a decision, I have no other way, the Vice-Chairman has no way or even the Chairman has no other way but to bow before the opinion of the House. They are talking about contempt of the House.. I am only directing the discussion- It was the will of the House which they were talking about-they are not talking about individuals. It is the institution about which they are talking about. That is what he is talking about.

SHRI SATISH AGARWAL: Madam, Deputy Chairperson, my Motion basically mentions about the contempt of the House because the House took a decision to extend the time-Sty, I am referring to page 231 of the "Rajya Sabha At Work" which says. "The question whether a matter complained of is actually a breach of privilege or contempt of the House

is entirely for the House to decide. The question shall be restricted to (i) specific matter of recent occurrence and (ii) the matter requires the intervention of the House."

I am not going to quote the many cases which have been reported here. Page 215 says, "Penal proceedings for breach of privilege should not be taken unless the attack on the House, its Presiding Officer or members is of a serious nature and is calculated to diminish the respect due to the House and thus lessen its authority. On 4 May, 1990, the House adopted a resolution holding that a statement of a former Member of Parliament (Shri K.K. Tewari) as published in the newspapers that day brought the office of the Chairman of the Rajya Sabha to indignity and constituted contempt of the House. After seeking confirmation of the statement, the contemner was, as recommended in the resolution, summoned to the Bar of the House and reprimanded." My notice is for contempt of the House. So, it is for the House to decide, not for Mr. Jaipal Reddy or Shrimati Jayanthi Natarajan. He has committed a gross contempt of the House. The House extended the time on the motion moved by the Leader of the Opposition. Now you are attributing everything to the Presiding Officer of the day. You are blaming her. This is apart from the point. But this is a contempt of the House. The Chairman is a part of the House. So, I demand that the House should immediately take up this question, summon Mr. Jaipal Reddy—he is not a Member of this House—to the Bar of the House and reprimand him or give punishment appropriate to the circumstances of the case.

SHRI TRILOKINATH CHATURVEDI: Madam, he had full three days to express regrets. He did not do that. This news has appeared in all the newspapers throughout the country.

SHRI G. SWAMINATHAN: Ma-dam, will add one hing. According to May's Parliamentary Practice, it is well known that under the Westminster system, when the time is fixed for adjournment and if it is to be extended, the Chair takes the permission of the House to do so. If such permission is given, the Chair has to extend the House. It is the usual procedure. So, you have very rightly said that you have to obey the mandate of the House. The Chair cannot go contrary to the mandate of the House.

Mr. Jaipal Reddy made a statement. He is a very senior Member and he cannot say that he is innocent of the rules. When he was sitting here, he was always raising such procedural issues and advanced many pertinent points. He was always speaking on rules. I am sorry he has made such a statement. According to him, if the Government wants an adjournment, it is necessary for the House to grant such a request. This is what he said in the Press. He has also cited the days of Rajiv Gandhi. According to him, during the days of Rajiv Gandhi, when the Government was in majority, it could have done anything it wanted to do, but it did not do. He feels that the Presiding Officer is bound to obey when some Ministers want adjournment of the House. This is what he said. Now, we want to know whether he has made such a statement in the Press. If it is so, it tantamounts to contempt of the House. We feel sorry because he has not only made this statement. After becoming a Minister, he became a different person altogether. We would like the Chair to ask the House to take up this matter very seriously and, if necessary, to admonish him, as it has been done during the period of 1977 when he was here. I was the leader of the opposition at that time also. Thank you!

very much present when Shri K. K. Tewari made such a statement. He was brought here and admonished. This is the fittest case to admonish Mr. Jaipal Reddy and to see that such occurrences do not recur simply because some people happen to be Ministers. Just because they are Ministers- it should not be assumed that they can utter anything against the House and such things cannot be allowed to recur.

SHRI RAM JETHMALANI (Maharashtra): Madam, I lodge my respectful protest... (Interruptions)...

SHRI SURINDER KUMAR SIN-GLA: Madam, I want to say..... (Interruptions)...

SHRI RAM JETHMALANI: Madam, I want to lodge my respectful protest... (Interruptions)... Madam, I want to have two minutes .... (Interruptions) ... Just because my limbs are not as powerful as those of others, and I don't make noise in the House, that does not mean that I should be heard last. Sometimes I should be given. (Interruptions)...

THE DEPUTY CHAIRMAN: Mr. Ram Jethmalani, please speak.

SHRI RAM JETHMALANI: Madam, while I associate myself with all that has been said by my learned colleagues here, my line of approach to this problem is slightly different. I am one of those who believe in the freedom of speech. I believe that the decisions of this House collectively taken as well as the decisions of the Presiding Officers of this House are bound to public criticism, even by a Minister who is aggrieved by those decisions, right or wrongly. To go further that even if the criticism of the decisions of the House or the Presiding Officers is somewhat intemperate. Wrong-headed or incorrect it is still covered

by the freedom of speech which is guaranteed to everybody under the Constitution. But I draw a line some where. The line is that in this report there is a clear insinuation of collusion between the Presiding Officer and the BJP who wanted to go ahead with the business of the House. This kind of insinuation of a dishonourable motivation in the conduct of the proceedings of the House is what distinguishes the freedom of speech from misuse of that freedom and brings it within the law of contempt. The sovereignty of this House, the omnipotence of this House, the right of this House to decide anything that it wants to decide within the four walls of this House, is unquestioned and he who maliciously attacks that right and wishes to derogate that right is guilty of contempt of this House. He is guilty of grosser contempt if he insinuates that there is a dishonourable motive in the shape of a collusion between the Presiding Officer and the House as a whole. It is not that I want Mr. Jaipal Reddy to be humiliated or sent to jail or committed or fined. But the motion of privilege provides an opportunity for settling questions of great constitutional importance and for settling questions which are important to the conduct of the future business of this House and/or, in general, conducive to the maintenance of the respectability and social acceptance of this House as a governing body of this country. Therefore, I will respectfully beseech you to proceed, under the rules, give us the permission to raise this problem, as you have already done impliedly, and then proceed to take action under the rules. If sufficient number of Members want to support the motion, it should be referred to the Privileges Committee or the House as a whole should sit and decide it. This is a matter which you have to decide.

Thank you, Madam Deputy  
Chairman

SHRI SURINDER KUMAR SIN-GLA:  
Madam, I differ from my colleague, Shri Jethmalaniji. There are limits to the freedom of speech. If you really want healthy traditions to be set up, then no one, who is part of the House, should criticise outside what happens in the House. If you say that it is the freedom of speech that a Minister has the right to condemn and criticise this House and the hon. Chairperson, then it would be setting up a bad precedent. I differ on this. There are limits to freedom of speech.

Madam, the hon. Parliamentary Affairs Minister accused this House in the name of making clarification, saying, "You don't know. You should have checked the facts". I wish she had checked the facts.

SHRIMATI JAYANTHI NATA-RAJ AN:  
I didn't say it.

SHRI SURINDER KUMAR SIN-GLA:  
Yes. It is on record, Madam.  
You said, " You should have checked the facts". Of course, we were not here. My point is that it is a serious offence. It is contempt of the House. My colleague, Shri Satish Agarwal, has already elaborated its legal implications. Whether it is the House that decides or it is you Madam, but we must really warn— I wouldn't say admonish—Mr. S. Jaipal Reddy for issuing a statement condemning this House. This is a serious matter.

Madam, I would like to add further that they have not been able to manage. The country has seen the disastrous functioning of the coalition. It is reflected everyday in this House that coalition is a dangerous experiment. It cannot run the Government ....  
(Interruptions)...Why don't, you permit me to say? (Interruptions) Is it not a fact that they have failed to mobilise...? (Interruptions).  
That is why I am saying that it is disastrous.



प्रो. विजय कुमार मल्होत्रा : एक ही पार्टी बी.जे.पी. का पॉवर में आना चाहिए। ... (व्यवधान)...

SHRI SURINDER KUMAR SINGLA: Why are they blaming the HttfSe? *UiUerr.uptions*) Madam, on eacti' and every issue, the coalition has functioned disastrously. That is why everyday we had this hilarious drama and we keep on watching. So jr. is a serious matter. You must really take action. It is in your wisdom to decide whether the House takes action or you take action or you allow the privilege issue that is pending with you.

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, on the question of the dignity of the House, on the question of the respectability of the Chair, oh the question of the traditions that we have been maintaining in the House, there can be no question of ?ny compromise. Whoever raay have done it, whoever may do it, be the a Minister or a Member belonging to BJP or the Left or the Congress, there is no question of compromise. The dignity of-he House is our collective dignity and it is perhaps one of the most 'alable treasures that we\_have been able to bnild up over the years.

I think. Madam, if the Government had been defeated on that day, it should have been taken sportingly, that it was a defeat because the Members were not there. There is no question of attributing any motive to anybody. The task of the Opposition is always to create a situation in whicTi the Government is harassed Isn't it? We had been in the Opposition and now the other people are in the Opposition. Nobody can take nway the right of the Oooosition to nut the Government in difficulty. It a norraal *ihhc*, part'cularly when there is an Ordinance. Therefore, the way in which the Press reports

have appeared, I agree that there is reason for consternation, anger and protest. There is reason. While saying so, Madam, I shall implore upon my senior colleagues and Members of this House that we have put on record our protest, let the notice be sent to the hon. Chairperson, let the Chairperson according to the normal law, according to the normal tradi-I tion, let the Privileges Committee, I take a view on that and then let us have a decision. This is one sub-I mission I am making. Secondly, I another sijbm-ssion I am making is I this. No person should be tried I absentia. He might have been pru perly reported.

SHRI G. SWAMINATHAN: Madam, his colleagues are to answer it. . . (*Interruptions*).

SHRI GURUDAS DAS GUPTA: Madam, what is this?

SHRI NILOTPAL BASU (West Bengal): Let us hear him also.... (*Interruptions*). . .

SHRI G. SWAMINATHAN: They should have asked him to be present in the House... (*Interruptions*) ...

SHRI SURINDER KUMAR SINGLA: The Parliamentary Affairs Minister should have informed him.

SHRI G. SWAMINATHAN: The Government is to answer it. Madam, it is a question of privilege. We cannot ask the person to be present in the House. It has never happened. (*Interruptions*). . .

THE DEPUTY CHAIRMAN: I have a Calling Attention in the waiting. So, there is no point. ... (*Interruptions*). ..

SHRI GURUDAS DAS GUPTA: Madam, you have allowed me to speak. Should T be interrupted by all of them?

THE DEPUTY CHAIRMAN: Mr Gurudas Das Gupta, see the matter is being raised. I will go through it. Your Calling Attention is thefe. I want to finish this matter.

SHRI GUKUDAS DAS GUPTA: I know it, Madam. Madam, I would respectfully submit that Mr. Jaipal Reddy may have been properly quoted, may not have been properly quoted. ... *{Interruptions}*...

SHRI TRILOKI NATH CHATLTR-VEDI: He should have corrected it. ...*(Interruptions)*...

SHRI SURINDER KUMAR SIMCLA: He should have condemned it. ...*(Interruptions)*...

SHRI TRILOKI NATH CHATUR-VEDI: He should have clarified what he said or what he did not say. ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Let me finish this matter.

SHRI GURUDAS DAS GUPTA: Madam, should I be interrupted like this? ...*{Interruptions}*... Madam I am only saying that he may have been quoted properly, he may not have been quoted properly. I am cuie with you. I am only saying, let us call for an explanation from him, let us call him to the House and let the hon. Chairperson take a view on that and let the Privileges Committee take a view on that. That is my submission.

THE DEPUTY CHAIRMAN: Shri Vayalar Ravi. He has also given notice.

SHRI VAYALAR, RAVI: Madam, I would not take much time of the House "Because I agree with whatever Mr. Gurudas Das Gupta has said. This is not the first time when insinuations have been made against the Deputy Chairman. On an earlier occasion, the House was adjourned when the House Minister was not

present in the House. At tlaat time, theie was a big uproar in the House. Next day, some kind of insinuations appeared in the Press—I don't want to quote them here. Madam, the rules prescribe that the Deputy Chaieper-son sitting iu the Chair enjoys the same powers as that of the hon. Chairman. So, it is a contempt of the House. It is a contempt of the hon. Chairman. It is not merely a ques- tion of some reports appearing in the Press. Here a senior Minister while talking to the Press has made insinuations against the Chair who took a decision as per the wish of the House. It has not occurred just once.

It is a process which has started in the last few days. The Ministers of the Government are making this kind of whispering and even going to the Press for informal talks. The Minister himself knows that if he holds some formal talks, then he will be in trouble. So, this informal tali is a part of whispering camping. As has been rightly said by Shri Jathraa-laniji, this kind of whispering cam- paign against the Chairperson amounts to a contempt of the House—I agi ee with Shri Gurudas Das Gupta when Re said that we should give a chance to Shri Jaipal Reddy and hear what he has to say in this regard. He has not denied the statement which appeared on 9th. He has not denied it sf> far. It means, he is approving of what was reported in the Press. It is a tacit approval of what has been reported in the Press, That is why all of us have raised this issue in the House. No denial has come from him so far. What I want to submit is. this is a matter of contempt of the House. Justice demands that we should give a hearing to Shri Jaipal Reddy.

SHRI SURESH PACHOURT (Madhya Pradesh): Madam... ... *(Interrup- tions)*...

THE DEPUTY CHAIRMAN; Shri Hansraj Bhardwaj. We have to finish it quickly.

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Madam, let me make it very clear that article 105(1) controls the freedom of speech within the House. The first part of article 105 starts with this. "Subject to the provisions of this Constitution and to the rules and standing orders etc., they control." Now, the dignity of this House, the strength of this House is reflected in all the Members. I am anguished for this reason that any hon. Minister or a Member, if he tries to ridicule the whole system by attacking the CKafr 'OT the decisions of the chair, it will be difficult to run this House because you are the custodian and you are I he strength of this House. Otherwise, this House will not run. So, we are not doing any injustice to any hon. Minister oi a Member. We are expressing our anguish against our own colleague but he must give an explanation to the House under what circumstances he, being such an experienced person, uttered these words. The system is under attack. The Parliamentary system is under attack and the Government's intervention is not necessary. It is in his private capacity as a Minister of so and so. We are as^ng him to reply to the charges of gross contempt of I he House and the Government will be only aggravating the contempt if he tries to defend it. It is always resolved by the House. So, I would request that proceedings t>e initiated after satisfying the Housed I agree that *prima facie* this is a gross contempt of this House. There sliould be no controversy and the entire House should respond on this occasion. We did so in the case of K.K. Tiwari case- What is the difficulty now? Thank you. Madam.

THE DEPUTY CHAIRMAN: Everybody h.m spoken. I do not think there is any need to go on saying the same t'lJng. There is no difference of opinion oi^ this.

**श्री सुरेश पचौरी :** महोदया, यह प्रश्न व्यक्तिगत प्रश्न नहीं हैं बल्कि यह संसद की गरिमा और परंपरा का प्रश्न बन गया है। संसद का निर्णय हमेशा ही सुप्रीम माना गया है और इसलिए मैं किसी प्रकार की लीगेलिटी में न जाकर जो संसदीय कार्य प्रणाली और परम्परा रही है, उसके निर्वहन के लिए परम्परा रही है, उसके निर्वहन के लिए आपका ध्यान आकृष्ट करना चाहूंगा कि यह जो प्रकरण है, जिसमें यह बात बिल्कुल स्पष्ट कही गई है कि डिप्टी चेयरमैन ने अनयूजयूअल स्टेप उठाया और उसके साथ और जो गंभीर बात बोली गई है, उसको मैं वोट करना चाहूंगा।

The Government sources complain that Mrs. Heptulla apparently interpreting the sense of the House as the will of the majority.

प्रश्न यह है कि संकेत यह देने के प्रयास किए गए हैं कि जान बूझकर सरकार का कटघरे में खड़ा करने का प्रयास किया गया और मैं समझता हूँ कि वह अपने आप में एक बहुत ही गंभीर मामला है और संसदीय परंपरा से अलग हटकर यह मामला बुनियादी है। इसलिए जैसा कि मेरे दूसरे माननीय सदस्यों ने कहा उससे सहमत होते हुए मैं आप से आग्रह करूंगा कि इस प्रकरण को, जो कि बहुत गंभीर है, एक जिम्मेदार मंत्री से संबधित है, जिसने एक गैर जिम्मेदाराना बात कही है, प्रिविलेज कमेटी की सौंप देना चाहिए। जब तक जयपाल जी इस हाऊस में थे, न जाने क्यों उन्होंने ऐसी गैर जिम्मेदाराना बात कही हैं, तो यह मामला प्रिविलेज कमेटी को सौंप देना चाहिए। क्योंकि इसमें उन्हें भी अपनी बात कहने का अवसर मिलेगा। इसलिए मैं नहीं हूँ समझता कि हमारे किसी भी साथी को इसमें आपत्ति होगी। वे भी अपना पक्ष प्रस्तुत करें क्योंकि यह संसद की गरिमा का प्रश्न है, इसलिए यह मामला प्रिविलेज कमेटी को सौंप देना

चाहिए। अगर इस मामले को हम प्रिविलेज कमेटी को नहीं सौंपते हैं तो जो मान्य परंपराएं रही हैं, जिनको हमारे माननीय साथियों ने उद्धृत किया है, उन मान्य परम्पराओं से हटकर यह निर्णय माना जाएगा। इसलिए मैं नहीं समझता कि सरकार को इस संबंध में कोई आपत्ति होनी चाहिए और इस मामले का प्रिविलेज कमेटी को सौंपा जाना बहुत आवश्यक है।

SHRI M. A. BABY (Kerala): Thank you. Madam. I do not take much time because most of the relevant point have been mentioned on this issue. I feel that it is a fait accompli to be referred to the Privileges Committee. Having stated so, I would also like to remind the Members of this House that we never had a tradition of questioning the ruling of the Chair outside the House. There were instances when we had very strong feelings on a ruling given by the Chair based on the wisdom of the Chair. When we disagreed with that we used to raise it on the floor of the House. That is the privilege and right of the Members but going by the newspaper reports, it appears that this is not an inference gathered by the journalist. The journalist has been briefed. Unless it is stated that no such briefing has been made by the alleged Minister or others, we have to take this newspaper report as correct. Madam, I would also like to recall that I had a very painful experience of being in the Chair and I had to cast my vote because there was a situation where the casting-vote had to be exercised. I exercised my casting-vote which led to the defeat of the Government motion. Even at that point of time, no political party leader or the Press criticised the ruling given by the Chair. I am not here to defend that decision. I do not want to go into the merits of that case. Madam, I would like to take half a minute to say something about this particular issue. Whenever we decide whether the House should continue or not, it is not the arbit of the Chair. We al-

ways try to assess, the Presiding Officer always tries to assess the mood of the House and then only a view is taken which is generally accepted. Any decision of the Chair would be favourable to some and not favourable to some. There would be rare occasions when all sides of the House would be expressing the same view. Therefore, even when I analyse the merits of this particular decision taken by the Chair. I do not hold anything against his decision taken by the Chair. Now, other points have been raised by my hon. colleagues. I feel that it is very unfortunate that this House had to discuss such a matter- I feel rather than prolonging this debate here, the matter can be referred to the Privileges Committee, and let a view may be taken by the Privileges Committee. Thank you very much, Madam.

**उपसभापति :** सतीश प्रधानजी, आपने भी बोलना है  
**श्री सतीश प्रधान :** महोदया, मुझे इस पर बोलना है।  
इसके साथ दूसरा कैमरा का मुद्दा भी था, यदि आप

THE DEPUTY CHAIRMAN: Shall we close this matter now?  
...(Interruptions)-. .  
उचित समझे।

**उपसभापति :** वह आपका मैटर जो प्रिविलेज मोशन के लिए आपने रेफर किया था,  
I have taken it.

**श्री सतीश प्रधान :** उपसभापति महोदया, इस विषय पर मैं ऐसोसिएट करता हूँ। जिस ढंग से यह व्यवहार हुआ है चेयर के साथ और हाऊस के साथ, जिस ढंग से यह वक्तव्य दिया गया, यह बहुत गलत था महोदया, बहुत सारी बातों पर ये लोग हमें बोलते हैं कि शिव सेना वाले ऐसा व्यवहार करते हैं वे हमें सिखाने की कोशिश करते हैं लेकिन अगर सिखाने वाले ही ऐसी बात करना शुरू कर देंगे तो सदन की गरिमा कैसे रहेगी? महोदया, मुझे चिंता है कि इस बात की, इसलिए मैं आपसे प्रार्थना करता हूँ कि इस मामले को प्रिविलेज कमेटी के पास भेजा जाए।

श्री सिकंदर बख्त : मैडम, मुझे बहुत अफसोस के साथ, बहुत तकलीफ के साथ सिर्फ इतना कहना है कि हिन्दूस्तान की पार्लियामेंटरी तारीख में आज कभी ऐसा नहीं हुआ, यह पहला दफा हुआ है और एक बहुत जिम्मेदारी आदमी की तरफ से हुआ है, इतफाक से ऐसे आदमी की तरफ से हुआ है, जिसकी हम कद्र करते हैं। लेकिन यह नयी तारीख हिन्दूस्तान की पार्लियामेंटरी तारीख में नहीं लिखी जानी चाहिए। इतनी भद्दी और अफसोसनाक तारीख नहीं लिखी जानी चाहिए। इसके लिए कोई मुनासिब कार्यवाही की जाए ताकि हमारे मुस्ताकबिल में किसी किस्म का प्रिंसीडेंस ने बने, यह निहायत खतरनाक होगा। मुझे सिर्फ इतना ही कहना है।

اُشری سکندر بخت: میڈم، مجھے بہت افسوس کے ساتھ بہت تکلیف کے ساتھ صرف اتنا کہنا ہے کہ ہندوستان کی پارلیمنٹری تاریخ میں آج تک کبھی ایسا نہیں ہوا، یہ پہلی دفعہ ہوا ہیں اور ایک بہت ذمہ دار آدمی کی طرف سے ہوا ہے۔ اتفاق سے ایسے آدمی کی طرف سے ہوا ہے، جس کی ہم کدر کرتے ہیں۔ لیکن یہ نئی تاریخ ہندوستان کی پارلیمنٹری تاریخ میں نہیں لیکھی جانی چاہئے۔ اس کیلئے کوئی مناسب کارروائی کی جائے تاکہ ہمارے مستقبل میں کسی قسم کا پریسیڈینس نہ بنے۔ یہ نہایت خطرناک ہوگا۔ مجھے صرف اتنا ہی کہنا ہے۔

THE DEPUTY CHAIRMAN; Now, the Calling Attention .. (Interruptions)...

SHRT TRILOKI NATH CHATURVEDI: Madam, I crave your indul-

gence for a minute. ... (Interruptions)...

THE DEPUTY CHAIRMAN; I will look into the papers. ... (Interruptions) ...

SHRI NILOTPAL BASU: Madam, I want to raise a very serious issue. The Finance Minister is here. I just want to draw the attention of the House. ... (Interruptions) ....

SHRI G. SW. UINATHAN: Madam, Vvhat is your decision with regard to referring this matter to the Pre-vileges Committee? .. (Interruptions)-.

THE DEPUTY CHAIRMAN: I cannot give a decision immediately. ... (Interruptions).. I was not here. I have not seen those newspapers yet--.. (Interruptions) . I came only last night. I was away in Calcutta. ... (Interruptions) -.. Chavanji wants to say something. ... (Interruptions)

SHRI S. B. CHAVAN (Maharashtra): Madam, I think it is almost for 40 minutes or so that matter is being discussed. I do not know Mr. Jaipal Reddy about whom it has been alleged that he seems to have said this kind of a thing should have been sent for. -- (Interruptions)--- If he had been present in the House, then he could have explained the position ... (Interruptions) ...

SHRIMATI JAYANTHI NATARA-3AN: He is not in town. -- (Interruptions)--. He is not in town. He is away in Hyderabad, (Interruptions)..

SHRI S. B. CHAVAN; Then, of course, vve cannot help it..... (Interruptions) ..

Since all the leaders of the political parties have spoken, it should not appear as if the Congress Party Leader is riot saying something . . . (Interruptions) - .. That is why I have to say that this is a At case for breach of privilege. And it deserves

THE DEPUTY CHAIRMAN not He is here at the moment. (*Interruptions*)

SHRI S. B. CHAVAN; Madam, Mr., Reddy iias come. He is here ...(*Interrptions*)...

SHRI G. SWAMINATHAN: Madam, why has false information been given?... (*Interruptions*)... I do not know... (*Interruptions*) ... Madam, I do not know, why wrong information has been given by the hon. Minister ... (*interruptions*)... She gave wrong information.. (*interrup-tions*)...

SHRIMATI JAYANTHI NATARA. JAN;^ Madam, he has come from Hyderabad ... (*Interruptions*)... He has come here straight from the *AIX-port*- (*interruptions*) ... There is a limit to intolerance also ...(*interruptions*) ...

SHRI SB. CHAVAN: I think, this is very appropriate since Mr. Jaipal Reddy is present in the House. We are very keen to find out the facts. It is alleged that you seem to have committed a breach of privilege and contempt of the House by stating something, informally, to the press-Everybody seems to be wondering that how such a seasoned Member of this House who was previously very keen to raise all these issues when he was on this side—now, that role is being played by use—could do it we are .is^ifig you, whether you have stated something either formally or informally to the press against the Presiding Officer which amounts to breach of privilege and contempt of the House. In fact, you have to *tell us* what the facts are and on that will depend the decision of the Chair.

THE MINISTER OF INFORMATION AND BROADCASTING <SHRI S. JAIPAL REDDY>: >fedam, T atn just comi'n? from Hyderabad. T do not kno'A' wha^ has b'fen eeing on. Ap-' nar^ntlv. T am told, if is in regard to q "rTvilese motion that h3s been tabled ,ig.'>in.'it me., (*inferruptions*)..

THE DEPUTY CHAIRMAN: Several of them.

SHRI S. JAIPAL REDDY; But they all relate to one thing. Unless I see the notice, I will not be able to give any impromptu reaction. You will kindly appreciate that I have not been a beneficiary to the discussion that has been going on it in the House.

SHRI s. B. CHAVAN: Just one minute. In fact, T do not think that any hon. Member of this House is interested in prolonging thi.s kind of discussion or insisting that the matter should be referred to the Privileges Committee. But if Mr. Jaipal Reddy wanted to see the contents of the notice which has been given, of course, in two minutes h" can see that ... (*interruptions*) ... But if you are going to take ... (*interruptions*) ..

PROF, VIJAY KUMAR MALHO-TRA; Madam, yesterday and the day feefore where holidays. Mr. Reddy would have read the *Pioneer* of Friday or Saturday or the *Asian Age* of Satuitlay. He is the Information Minister. He must have read all the newspapers ... (*interruptions*)...

SHRI S. JAIPAL REDDY: Madam Let me state categorically that T have not been *any room either Pioneer* or in the *Asian Age* which they are referring to. T went to Hyderabad. I was in Delhi on Saturday, but I did not happen to see these news items. These news items were not brought to my notice. Therefore, you cannot, in all fairness *expect* me to ract ip an off-hnnd fashion to senior people like S. T). Chavati nnd all other hon. Member I cannot react on extemporaneous fa,shion... (*interruptions*)...

THE DEPUTY CHAIRMAN; We will taVe it to the Priviles Committee-Let the Commifep decide (*interruptions*) The Committee will^ decide. ...(*interruptions*)

SHRI TRILOKI NATH CHATURVEDI: Madam, I seek your indulgence ... (interruptions)...

THE DEPUTY CHAIRMAN: Now, what is your problem? ... (interruptions)... We have got a calling attention.

SHRI NILOTPAL BASU: Madam, I know but this is a very special issue. ... (interruptions)... The hon. Finance Minister is here and I wanted to bring it to his notice a matter which relates to ... (interruptions)...

THE DEPUTY CHAIRMAN: What is that? We have to take up the calling attention. Let us have the calling attention. I request Mr. Gurudas Das Gupta to state ... (interruptions)...

SHRI NILOTPAL BASU: Madam, all the Directors of ... (interruptions)...

THE DEPUTY CHAIRMAN: That is some other matter.

SHRI NILOTPAL BASU: Madam, all the Directors of Ansal Group are absconding. By violating the guidelines issued by the R.B.T., the Punjab National Bank is going to give Rs. 40 crores as loan to the Ansal Group without any security. I would like to bring this to the attention of the House and I would like the hon. Finance Minister to look into the matter. Tomorrow the transaction is going to take place. Therefore, I seek your indulgence. That is why I would like to draw the attention of the House.

SHRI SURINDER KUMAR SINGLA: Madam. I would say that mentionings of individual companies in this session of Parliament is not really a good practice, and particularly when

you do not have the facts. They have been supplied facts that this group of companies, about which we are talking, may be absconding in another case, but it has been functioning with its bank for the last ... (interruptions)...

my point was ... (interruptions) ... This is what Mr. Basu had raised. (interruptions)... This is what had said in the beginning, Mr. Kumar. It should not have been discussed in this session of Parliament ... (interruptions) ... But, I am saying it is a Government account. It is not an MP's account. He is asking for some loan to be released tomorrow. I can tell you I have got information that the security is not Rs. 40 crores, it is Rs. 80 crores. Today it will be Rs. 100 crores. ... (interruptions) ... Madam, it is a widened issue. They want policing of all financial institutions ... (interruptions)... I would like the hon. Finance Minister to say a few words on this matter after verifying from the Reserve Bank of India, so that the company's reputation is not destroyed, the way in which he is attempting to do it.

**RE.- THE STATEMENT OF THE  
MINISTRY OF HOME AFFAIRS  
ON CASE ABOUT SANJOY  
GHOSH**

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Madam, I seek your indulgence for a minute because you will recall that I had raised the case of Sanjoy Ghosh first. Subsequently, it was raised by Mr. Dasgupta, Mr. Malkani, Mr. Malhotra and others. The day I raised it, we were not sure of the facts, and the hon. Home Minister, who was present here said that the Government was desperately looking into the matter and later on when they are in possession of full facts, we will be informed. Unfortunately, I find that a very casual and lackadaisical statement has been made, which looks like an afterthought issued by the Ministry of Home Affairs. There is no full fledged statement giving the facts of the case, as to what the Assam Government did, what the various intelligence agencies did, what the earlier instructions of the Minister of Home