

(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 II].

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 Tridib 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

श्री. 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.

श्री. विजय कुमार मल्होत्रा : मैडम, यह जो प्रिविलेज का सवाल मैंने आपके सामने रखा है वह एक ग्रेव कटेम्प्ट ऑफ दि हाऊस के बारे में है। यहां पर वीरवार को हाऊस के अंदर जो कार्य-वाही हुई, उसके बारे में 2 खबरें छपी हैं। एक खबर छपी है "पॉयनिटर" में और दूसरी खबर छपी है "एशियन ऐज" में। महोदया, "पॉयनिटर" की खबर का हैडिंग है—

"Government feels sore about Najma's rule," महोदया, "एशियन ऐज" की खबर का 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 सिकंदर बख्त जी ने 5 बजे से 2 मिनट पहले यह कहा कि इस हाऊस का टाईम एक्स्टेंड कर दिया जाए और उसके बाद हाऊस ने टाईम को एक्स्टेंड कर दिया। यह हाऊस का डिसेजिन था और उसके बाद यहां पर बहस हुई और उस बहस के बाद कार्यवाही 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 and new procedure 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 o'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 हाऊस की क्या अवमानना हो सकती है ? महोदया, यह तो इस हाऊस की कंटेम्प्ट है और डिप्टी-चेयरमैन को इसका निशाना बनाया जा रहा है। महोदया, ये यहां पर फ्लोर मीनेजमेंट भी नहीं कर सकते। लोकसभा में आई.अर.ए. का बिल आया, डिफिट हो गया; प्राइवेट गार्ड्स का बिल आया, उसे भी रोकना पड़ा; उपरष्ट्रपति और राष्ट्रपति के चुनाव के बारे में जो संशोधन बिल आया, वह डिफिट हो गया; शुक्रवार को बाई वजे हाऊस के अंदर कोरम नहीं था और उसकी वजह से हाऊस को एडजर्न करना पड़ा।

महोदया, जो लोग इस हाऊस को नहीं जला सकते, वे अपनी फ्रस्ट्रेशन और अपनी नकारात्मकता पर पर्दा डालने के लिए डिप्टी-चेयरमैन को उसका मोहरा बनाएं, इससे ज्यादा शर्मनक बात नहीं हो सकती।

हाऊस के अंदर और हाऊस 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 प्रस 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 प्रिसीडेंट 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 हाऊस को पुछें।

You have to put it to the House.

आपने हाऊस में पुटअप किया और हाऊस में जब पुटअप किया तो हाऊस ने टाईम 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। हाऊस को एक्सटेंड करना कोई अनयूजुअल स्टेप नहीं था और क्या यह बुल्ली किया जा रहा है, थोटन किया जा रहा है ? क्या रूलिंग पार्टी यह चाहती है कि डिप्टी चेयरमैन उनके हाथ की कठपुतली रहे, जैसा वह कहें वह करे, हर वक्त उनको बचते रहें। मैं समझता हूं कि यह बहुत ही विश्वास और गलत तरीके का काम किया जा रहा है। यह हाऊस की कंटेम्प्ट है। फैंसला हाऊस का था और हाऊस के फैंसले के ऊपर इस तरह की टिप्पणी करना चाहे हाऊस में या बाहर या आपके चेम्बर में सब जगह, हम समझते हैं कि जयपाल रेड्डी साहब, जब हमारी तरफ थे यही सबाल उठाया करते थे। आदमी कितना बदल जाता है किस तरह से वहां जाकर के और सारे सबाल को टिवस्ट किया जाता है। इस हाऊस के कंटेम्प्ट के सबाल को प्रिविलेज के तौर पर मैडम, मैं आपके सामने प्रस्तुत करना चाहता हूं।

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 Parliament 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 कार्यवाही को आगे बढ़ाया। यह आरोप लगाने समय शायद रेड्डी जैसे वरिष्ठ नेता भूल गए कि जब मतदान की मांग एवं उसकी प्रक्रिया प्रारम्भ हो जाती है तो सदन को स्थगित करने की परम्परा नहीं है। उपसभापति का निर्णय सर्वथा उचित था और इस निर्णय पर अंगुली उठाना ही अलोकतांत्रिक प्रतीत होता है। अपने सभाघन पर श्री अग्रवाल दबाव डालते रहे। उपसभापति नज़मा हेपतुल्ला ने भी सरकार को बहस 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। संसदीय कार्य व्यवस्था में विफलता का यह सप्ताह दूसरा नमूना था।"

So, the name is out. He told the informal gathering. Now the question is if a motion is moved by the Leader of the Opposition for the extension 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 rules, 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 could 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 use 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 observations 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 Officers of Legislative Bodies in India, held in October, 1968. The Committee *inter 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 before 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 Speaker should always bear this in mind and, where in doubt, he should act in favour of giving an opportunity to the House to express 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. Vijay 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)*... I have to seek a clarification on a point. Before saying anything else, I would like 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 on it. Something has appeared in the Press attributed to Mr. Jaipal Reddy. Mr. Vijay Kumar Malhotra has given a breach of privilege notice against

him. He has spoken on it also. Madam, it is for the House, for the Chair, to take a decision 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 given a breach of privilege notice and if he wants to speak about it, it is okay. But when Mr. Jaipal Reddy is not here, 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 occurred, 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 CHATURVEDI: 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 indefensible 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. *(Interruptions)*...

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

SHRI TRILOKI NATH CHATURVEDI: 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 NATARAJAN: I am appealing to the Chair. *(Interruptions)*...

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

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

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

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

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

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

SHRIMATI JAYANTHI NATARAJAN: 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

all 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 that. *(Interruptions)*...

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

विषय के नेता (श्री सिकन्दर बख्त)
जयपाल साहब को जरा हिन्ट दीजिये...
(व्यवधान)

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

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

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

SHRI TRILOKI NATH CHATURVEDI: 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 NATARAJAN: Madam, the business is discussed at the Business Advisory... *(Interruptions)*...

†*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 NATARAJAN: Madam, this intolérance has... *(Interruptions)*...

THE DEPUTY CHAIRMAN: I received five to six notices. The matter is not 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. Vankataraman 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. So, 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 a 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 24 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 TRILOKI NATH 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: Madam, I will add one thing. 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 reliably 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 now only made this statement. After becoming a Minister, he became a different person altogether. We would like the Chair and this House to take up this matter very seriously and, if necessary, to admonish him, as it has been done during the period of Sharmila when he was here. I was the leader of my party at that time also. I was

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 may, I lodge my respectful protest. ... (Interruptions)...

SHRI SURINDER KUMAR SINGLA: 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. I 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 setting 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 SINGLA: 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 NATARAJAN: I didn't say it.

SHRI SURINDER KUMAR SINGLA: 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.

श्री. विजय कुमार सहगल : एक
ही पार्टी का जेजे की को बंदी में आना
सहि। । ... (अवधान)

SHRI SURINDER KUMAR SINGLA:
Why are they blaming the
House? (*Interruptions*) Madam, on
each and every issue, the coalition
has functioned disastrously. That is
why everyday we had this hilarious
drama and we keep on watching. So
it 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, on the question of the traditions
that we have been maintaining
in the House, there can be no question
of any compromise. Whoever
may 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 the
House is our collective dignity and
it is perhaps one of the most valuable
treasures that we have been able
to build 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 which 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
away the right of the Opposition to
put the Government in difficulty. It
is a normal thing, particularly 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 tradition,
let the Privileges Committee,
take a view on that and then let us
have a decision. This is one submission
I am making. Secondly,
another submission I am making is
this. No person should be tried in
absentia. He might have been properly
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 I 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 there, I want to finish this matter.

SHRI GURUDAS 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 CHATURVEDI: He should have corrected it. ... *(Interruptions)*...

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

SHRI TRILOKI NATH CHATURVEDI: 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 one 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 that time, there 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 Chairperson sitting in 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 question 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 talk is a part of whispering campaign. As has been rightly said by Shri Jathmalaniji, this kind of whispering campaign against the Chairperson amounts to a contempt of the House. I agree with Shri Gurudas Das Gupta when he 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 so 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 PACHOURI (Madhya Pradesh): Madam... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Shri Harsraj 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 Chair or the decisions of the chair, it will be difficult to run this House because you are the custodian and you are the strength of this House. Otherwise, this House will not run. So, we are not doing any injustice to any hon. Minister or 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 asking him to reply to the charges of gross contempt of the House and the Government will be only aggravating the contempt if it tries to defend it. It is always resolved by the House. So, I would request that proceedings be initiated after satisfying the House. I agree that *prima facie* this is a gross contempt of this House. There should 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 has spoken. I do not think there is any need to go on saying the same thing. There is no difference of opinion on this.

श्री सुरेश पञ्चोरी : महोदया, यह प्रश्न व्यक्तिगत प्रश्न नहीं है बल्कि यह संसद की गरिमा और परम्परा 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 आपका ध्यान आकृष्ट करना चाहूंगा कि यह जो प्रकरण है, जिसमें यह बात बिल्कुल स्पष्ट कही गई है कि डिप्टी चैयरमैन ने अनयुज्यूअल स्टेप उठाया और उसके साथ और जो गंभीर बात बोली गई है, उसको मैं कटोट 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 को कटघरे में खड़ा करने का प्रयास किया गया और मैं समझता हूँ कि यह अपने आप में एक बहुत ही गंभीर मामला है और संसदीय परम्परा में खलल 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 संबंधित है, जिसने एक गैर जिम्मेदाराना बात कही है, प्रिविलेज कमेटी को सौंप देना चाहिए। जब तक जयपाल जी इस हाउस में थे, तब तक ऐसे गंभीर मामलों में नहीं, फंसते थे, न जाने क्यों उन्होंने ऐसी गैर-जिम्मेदाराना बात कही है, तो यह मामला प्रिविलेज कमेटी को सौंप देना चाहिए। क्योंकि हमारे उन्हें भी अपनी बात कहने का अवसर मिलेगा। इसलिए मैं नहीं 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 का हम प्रिविलेज कमेटी को नहीं सौंपते हैं तो जो मान्य परम्पराएं रही हैं, जिनको हमारे माननीय साधियों ने उद्धृत किया है, उन मान्य परम्पराओं से हटकर यह निर्णय माना जाएगा। इसलिए मैं नहीं समझता कि सरकार को इस संबंध में कोई आपात्त हीनी 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 fit case 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 arbitrary decision 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 this 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.

THE DEPUTY CHAIRMAN: Shall we close this matter now?

...(Interruptions)...

उपसभापति : सतीश प्रधान जी, आपने भी बोलना है ?

श्री सतीश प्रधान : महोदया, मुझे इस पर बोलना है। इसके साथ दूसरा क्वेश्चन का मुद्दा भी था, यदि आप उचित समझें।

उपसभापति : वह आपका कैटर जी प्रिविलेज मोशन के लिए आपने रेफर किया था,

I have taken it.

श्री सतीश प्रधान : उपसभापति महोदया इस विषय पर मैं ऐसोसिएट बनता हूँ। जिस रंग में यह व्यवहार हुआ है चैयर के साथ और हाउस के साथ, जिस रंग में यह व्यवस्था दिया गया, वह बहुत गलत था महोदया, बहुत सारी बातों पर ये लोग हमें बोलते हैं कि शिव सेना वाले ऐसा व्यवहार करते हैं। ये हमें सिखाने की कोशिश करते हैं लेकिन अगर विचारने वाले की ऐसी बात करना शुरू कर दें तो सदन की गरिमा कैसे रहेगी ? महोदया, मुझे चिन्ता है इस बात की, इसलिए मैं आपसे प्रार्थना करता हूँ कि इस मामले को प्रिविलेज कमेटी को पान भजा जाए।

श्री शिफन्दर बख्त : मैडम, मुझे बहुत अफसोस के साथ, बहुत तकलीफ के साथ सिर्फ इतना कहना है कि हिन्दुस्तान की पालियामेंटरी तारीख में आज तक कभी ऐसा नहीं हुआ, यह पहली दफा हुआ है और एक बहुत जिम्मेदार आदमी की तरफ से हुआ है, इत्फाक से ऐसे आदमी की तरफ से हुआ है, जिसकी हम कद्र करते हैं। लेकिन यह नयी तारीख हिन्दुस्तान की पालियामेंटरी तारीख में नहीं लिखी जानी चाहिए। इतनी भद्दी और आसोपनाक तारीख नहीं लिखी जानी चाहिए। इसके लिए कोई मुनासिब कार्रवाई का जाए ताकि हमारे मुस्तकबिल में किसी किसम का प्रिसेडेंस न बने, यह निहायत खतरनाक होगा। मुझे सिर्फ इतना ही कहना है।

† श्री शिफन्दर बख्त : मैडम -
 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 ہے (اور ایک
 بہت اہم و اہم ذرا آدمی کی طرف سے ہوا ہے
 اتفاق سے ایسے آدمی کی طرف سے ہوا ہے
 جس کی ہم قدر کرتے ہیں - لیکن یہ نئی تاریخ
 ہندوستان کی پارلیمنٹری تاریخ میں نہیں
 لکھی جانی چاہیے - اس کیلئے کوئی مناسب
 کارروائی کی جائے تاکہ ہمارے مستقبل میں
 کسی قسم کا پریسڈنٹس نہ بنے - یہ نہایت خطرناک
 ہوگا - مجھے صرف اتنا ہی کہنا ہے -

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

SHRI 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. SWAMINATHAN: Madam, what is your decision with regard to referring this matter to the Privileges 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 NATARAJAN: He is not in town. ... (Interruptions) ... He is not in town. He is away in Hyderabad. (Interruptions)...

SHRI S. B. CHAVAN: Then, of course, we 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 not saying something. ... (Interruptions) ... That is why I have to say that this is a fit case for breach of privilege. And it deserves

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

SHRI S. B. CHAVAN: Madam, Mr. Reddy has come. He is here... (Interruptions)...

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... (interruptions)...

SHRIMATI JAYANTHI NATARAJAN: Madam, he has come from Hyderabad... (Interruptions)... He has come here straight from the airport... (interruptions)... There is a limit to intolerance also... (interruptions)...

SHRI S. B. 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 us—could do it. We are asking 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): Madam, I am just coming from Hyderabad. I do not know what has been going on. Apparently, I am told, it is in regard to a privilege motion that has been tabled against me... (Interruptions)...

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, I do not think that any hon. Member of this House is interested in prolonging this 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 he can see that... (interruptions)... But if you are going to take... (interruptions)...

PROF. VIJAY KUMAR MALHOTRA: Madam, yesterday and the day before were holidays. Mr. Reddy would have read the *Pioneer* of Friday or Saturday or the *Asian Age* of Saturday. He is the Information Minister. He must have read all the newspapers... (interruptions)...

SHRI S. JAIPAL REDDY: Madam, let me state categorically that I have not seen any paper either the *Pioneer* or in the *Asian Age* which they are referring to. I 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 react in an off-hand fashion to senior people like S. B. Chavan and all other hon. Members. I cannot react on extemporaneous fashion... (interruptions)...

THE DEPUTY CHAIRMAN: We will take it to the Privileges Committee. Let the Committee 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 start ... (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.I., 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 mentioning of individual companies in this session of Parliament is not really a good practice, and particularly when you do not have the facts. I 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 5-6 years. (In-

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 IN 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 Ministry of Home