

**GOVERNMENT ANNOUNCEMENT  
RE. ITS WILLINGNESS TO HOLD  
NEGOTIATIONS WITH NAGA  
REBELS**

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : माननीय सभापति महोदय, हमारे देश में जो जन प्रतिनिधित्व कानून है, उनके अलावा इलेक्शन कमीशन द्वारा निकाले गए कोड आफ कडक्ट फार पोलिटिकल पार्टिज है, उसकी ओर मैं आपका ध्यान आकर्षित करना चाहता हूँ। मान्यवर, 18 तारीख को नागालैण्ड में चुनाव हो रहे हैं विधान सभा के। 12 और 13 नवम्बर को प्रधान मंत्री वहाँ पर गये थे चुनाव सभा में भाषण देने के लिए। मैं आपकी अनुमति से प्रधान मंत्री जी के भाषण के कुछ अंश पढ़ना चाहता हूँ।

श्री सभापति : बहुत थोड़ा।

श्री सत्य प्रकाश मालवीय : तीन मिनट में खत्म कर दूंगा।

श्री सभापति : तीन मिनट का पढ़ेंगे?

श्री सत्य प्रकाश मालवीय : आधा मिनट का पढ़ूंगा। तीन मिनट में खत्म कर दूंगा।

“दीमापुर, 12 नवम्बर (वार्ता)। प्रधान मंत्री राजीव गांधी ने कहा है केन्द्र सरकार नागालैण्ड में विद्रोही गतिविधियाँ समाप्त करने के लिए भूमिगत विद्रोहियों से बातचीत करने को इच्छुक है।

श्री गंधी नागालैण्ड के दो दिन के चुनावी दौरे के पहले दिन आज यहाँ एक जनसभा को सम्बोधित कर रहे थे। उन्होंने कहा कि केन्द्र सरकार मिजोरम की ही तरह संवैधानिक ढाँचे के भीतर किसी से भी बातचीत करने को तैयार है, ताकि उन्हें देश की मुख्यधारा में लाया जा सके।

उन्होंने कहा कि केन्द्रीय सरकार अखिल असम छात्र सच द्वारा नागालैण्ड को आर्थिक नाबौबदी किए जाने जैसी किसी भी कार्रवाई का बर्दाश्त नहीं करेगी। प्रधान मंत्री आज रात यहाँ से थोड़ी दूर चुमुक-दीमा में ठहरेंगे। कल वह कोहिमा तथा छह अन्य जिला मुख्यालयों में अनेक सभाओं को सम्बोधित करेंगे।”

मान्यवर, मेरा निवेदन यह है कि चुनाव कमीशन ने जो निर्देशक सिद्धांत तय किये

हैं उसमें इस बात की चर्चा है कि केन्द्रीय प्रधान मंत्री या केन्द्रीय मंत्री या प्रदेशों के मुख्य मंत्री या अन्य मंत्री जो इस स्थिति में हैं, जो आश्वासन पूरा करने की स्थिति में हैं वे अगर चुनाव सभा में इस तरह के आश्वासन देते हैं तो न केवल चुनाव आयोग ने जो गाइड-लाइन्स तय की हैं उनको भंग करते हैं बल्कि हमारा जो जन प्रतिनिधित्व कानून है उसका भूट आवरण भी करते हैं। जब देश का करण, चुनाव आयोग के जो निर्देशक सिद्धांत हैं उनको भंग करेंगे तो इस देश का काम कैसे चलेगा। मैं इतना ही कहना चाहता हूँ।

**CANCELLATION OF LEASE OF  
INDIAN EXPRESS BUILDING**

SHRI LAL K. ADVANI (Madhya Pradesh) : Mr Chairman, Sir, I rise to raise a very important matter. Yesterday's "TIMES OF INDIA" carries a report that the Government has taken over the Indian Express Building.

SHRI PAWAN KUMAR BANSAL (Punjab) : Sir, it is *sub judice*. A point of order.

SHRI P. N. SUKUL (Uttar Pradesh) : It is *sub judice*, Sir. It is already in the order.

SHRI P. N. SUKUL (Uttar Pradesh) : It is *sub judice*, Sir. It is already in the court. How can you discuss it?

SHRI PAWAN KUMAR BANSAL : Mr Chairman, Sir the right to a Member of this House to make a special mention is granted, and I say that it is an extraordinary right granted to us by convention, which is otherwise not mentioned in the Rules. This right, I again repeat, is granted to us to raise only a matter of extraordinary importance in this hon. House.

Now, the matter which Mr. Advani wishes to raise is a matter concerning the abolition of the lease agreement. The matter is pending before the court. With all humility, Sir, I beg to state that when that is the position, this facility which is granted to the Members beyond the Rules, should not be extended or permitted in this case.

SHRI M S GURUPADASWAMY (Karnataka) : Sir, let me say on this only.

MR. CHAIRMAN : आप बैठ जाइये।

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Mr. Chairman, Sir, I am not against the spirit in which the special mention is being made. I am very much concerned about the freedom of the press as any other Member of this House. We will have to debate whether our freedom of the press includes freedom not to pay one's taxes, not to pay one's arrears.

The point I want to say is this. Yesterday I was also very agitated. I was in Bombay. When I read it in the "INDIAN EXPRESS" as well as in the "TIMES OF INDIA", I was very much agitated. I went and saw what the special mention is that the Chair has permitted. The topic under which it has been permitted is illegal possession of the Indian Express Building by the Government. Now, I have here today's "HINDUSTAN TIMES".

MR. CHAIRMAN : What is your point of order exactly?

SHRI LAL K ADVANI : What is your point of order?

श्री सभापति : आप प्वाइट आफ आर्डर बताइयें।

SHRI MURLIDHAR CHANDRAKANT BHANDARE : My point of order is this. The report says that this has been an action by the Government outside the law contrary to the Supreme Court decision. That is yesterday's report on which my hon. Member now... (Interruptions) All that I want to submit... (Interruptions)

SHRI LAL K. ADVANI : What is the point of order?

श्री सभापति : कहने दो दो मैंने परमिट किया है।

SHRI MURLIDHAR CHANDRAKANT BHANDARE : My point of order arises under Rule 238 of our Rules of Procedure and Conduct of Business. It is at page 117. But I will tell you how it arises. Unless I give the fact, one will not appreciate the applicability of that rule.

SHRI LAL K. ADVANI : What is the point of order?

MR. CHAIRMAN : Which sub-clause are you referring to?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : It is on page 117. It says 'refer to any matter of fact on which a judicial decision is pending'. Therefore, this rule says that if the matter is *sub judice*, there will be no discussion or reference to that matter in the House. That is why I was pointing out. (Interruptions)

MR. CHAIRMAN : Just a minute. He wants to show that the matter is *sub-judice* (Interruptions) You say it is *sub-judice*.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I will make good my submission. Now, kindly see the report which says :

"The Union Government has filed a suit in the Delhi High Court for possession of the Indian Express Building on Bahadur Shah Zafar Marg here in terms of its notice to the newspaper cancelling and forfeiting its lease for violation of some of its terms. The suit was filed on 6th November and will come up for hearing on 18th November."

Then the entire suit is given. Then it says. The High Court will decide on the Express contentions that without the issue of notice to it, notices could not have been given to the tenants. All this is mentioned.

Now, there is a suit for possession and I have got the relevant number. It is suit No. 2480 of 1987. Apart from suit for recovery of possession...

MR. CHAIRMAN : Is the suit in Delhi High Court?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Same. Identical.

MR. CHAIRMAN : Same? In the Delhi High Court?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Delhi High Court. I don't mind, let my hon. friends verify. If it is outside (Interruptions) According to me it is totally covered. Therefore, we should not. We will be breaking a salutary rule.

MR CHAIRMAN : What is the point involved in the case ?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Two things. One is possession. The second is recovery of Rs 30 crores from the Indian Express for damages, misuses and profits.

SHRI LAL K. ADVANI : Sir, we have heard all these things.

MR. CHAIRMAN : They are talking about the cancellation of the lease.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Yes. That is the point. Therefore, you should verify whether it is *sub-judice* or not.

MR. CHAIRMAN : Please sit down. I had a talk with Mr. Advani. He says he wants to refer to the freedom of the press.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Correct. I also want to. (Interruptions) He should not refer to the matter.

SHRI LAL K. ADVANI : This is how even the freedom in the House is being suppressed. (Interruptions) Sir, you have permitted me.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I want a full debate on that.

SHRI LAL K. ADVANI : I am willing for it. My request was for a full debate today. You said you will permit a debate tomorrow or the day after. Today you have a special mention. (Interruptions) I wanted a debate. You will recall that I was keen to have a debate so that this point of view could also be brought.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : If Mr. Advani told you that a matter is pending...

MR. CHAIRMAN : I had a talk with Mr. Advani. You did not hear me fully. Please hear me. When Mr. Advani told me about this case, I said it is *sub-judice*. He said : no, I am not referring to what is *sub-judice*. He says he wants to refer to the question of the freedom of the press and how it gets affected. It is right? Am I representing you correctly ?

SHRI JASWANT SINGH (Rajasthan) : I would like to submit to you, Sir, that the hon Member has referred to Rule 238 and this is my point of order. He referred to Rule 238 (1) on the question of discussion of *sub judice* matters in Parliament. May I, Sir, draw your attention to page 910 "Procedure and Practice of Parliament" by Kaul and Shakhder ? There is a near endless explanation of what constitutes *sub judice*. It is the absolute privilege of the Legislature and Members thereof to discuss and deliberate upon all matters pertaining to the governance of the country and people. So when applying, therefore, the restriction regarding the rule of *sub judice* care has to be taken to see that the primary right of freedom of speech is not unduly impaired and in this very context the Speaker earlier ruled, on this very subject, that the rule or motion which relates to a matter which is under adjudication of a court of law, for admission or discussion in the House has to be interpreted strictly. While on the one hand the Chair has to ensure that no discussion in the House should prejudice the course of justice, the Chair has also to see that the House is not debarred from discussing an urgent matter of public importance on the ground that a similar, alike or linked matter is before a court of law.

SHRI PAWAN KUMAR BANSAL : Sir, he has not told us in what form the matter should be discussed before the House. That is important. (Interruptions)

श्री लाल : मुझे कोई अपारिती नहीं है, मैं तो कह रहा हूँ कि चर्चा करवा दी जाये। चर्चा करने को तैयार हूँ। मैं तो कह रहा हूँ कि आप मेरे साथ चलें, एक आल पाटी वोलिगेशन जा कर के इन बिलिडिंग को देख लें (अवधान) ऐसा अनर्थ तो इम्पोज़िबल है। मैं हूँ (अवधान)

This is a war on the Indian Express. A war has been declared on the Indian Express only because the Indian Express is totally against corruption. (Interruptions)

SHRI PAWAN KUMAR BANSAL : They are using the building for commercial purposes. (Interruptions)

**SHRI M. S. GURUPADASWAMY :** Sir, May I make a submission? If you so desire I tell you that I have sent a motion for discussion and we are ready for discussing it today. Let me say because of its importance we are also ready to have a Committee of Parliament going into the whole question. Let there be a Committee of Parliament and let the Committee enquire into it immediately.

**SHRI JASWANT SINGH :** Mr. Chairman, Sir, here is a Committee of Presiding Officers which having considered the scope of the rule of *sub judice* recommended the following guidelines. Freedom of speech is the first recommendation. Freedom of speech is the primary right whereas rule of *sub judice* is a self-imposed restriction. So where need be the latter must give way to the former. That is the first recommendation. (2) Rule of *sub judice* has no application whatsoever in privilege matters (3)...

**MR CHAIRMAN .** What you say and what is written there, may I sum up in one sentence?

**SHRI JASWANT SINGH :** As long as when applying the rule of *sub judice*, it does not become a barrier to this House or to the other House discussing matters of urgent public importance (*Interruptions*)

**SHRI ARUN SINGH (Uttar Pradesh) :** Sir, I am on a point of order. The position is very specific. There is no bar in this House under any rule on a discussion of the freedom of the press or any special mention on the freedom of the press. However, in this particular instance what the hon. Member, Shri Advani is doing is, he is raising the question of freedom of the press arising out of a case which is presently before the Delhi High Court. In this context, the hon. Member, Shri Jaswant Singh has quoted from the "Procedure and Practice of Parliament" by Kaul and Shakhder which does not apply because it is neither similar nor allied nor linked. It is directly the same case. In the circumstances, Sir, the rule of *sub judice* must apply under Rule 238.

**SHRI M. S. GURUPADASWAMY :** Sir, I am on a point of order. On a point of order, Sir. (*Interruptions*)

**MR CHAIRMAN :** Let me hear his point of order.

**SHRI M. S. GURUPADASWAMY :** My point of order is very simple. They take shelter under the plea that there is a case pending before the High Court of Delhi. Therefore, we cannot discuss this matter here. My contention is that it is a separate issue. Even after they filed the case before the High Court, the Government of India has issued an order, taking over. (*Interruptions*) They violated the rule of law, the constitutional law. (*Interruptions*) I said the Government of India has issued a notice. (*Interruptions*) I am repeating, the Government of India has issued a notice to the Express Group of Papers, taking over the building and all the equipment there. (*Interruptions*) After they filed their case in the court of law on 6th November. (*Interruptions*) It has not been decided yet. (*Interruption*) In the meantime, they have taken action. In the meantime, they have taken over the building and all the assets of the Indian Express, violating the Constitution and the law of the land. Therefore, Sir, besides the point raised by my friend, it violates the freedom of speech, the constitutional right which is paramount, which cannot be abridged by any court of law. Apart from this, I say that the action of the Government of India is motivated and goes beyond law. (*Interruptions*)

**SHRI JASWANT SINGH .** Sir, I would like to submit in one sentence. I would like to remind my hon. colleague, Mr. Arun Singh what the Presiding Officers have themselves recommended in the application of the rule of *sub judice*. The rule of *sub judice* has application only during the period when the matter is under the active consideration of the court of law or court court marshal, which, in civil suits means from the time issues are framed till judgment is delivered. Until in the civil suit issues are not framed, it will not be debarred from the application of *sub judice*. This, Sir, is the recommendation of a Committee of Presiding Officers and it is categorical and unlike the issue of privilege, which is not codified, the matter has been under the active consideration of both the Houses. In fact, a Committee of Presiding Officers has ruled that from the time in a civil suit issues are framed

till the time judgment is delivered, the Chair could consider, not it must consider, it could consider the application of the rule of *sub judice*, but if the issues are not framed in a civil suit, then the rule of *sub judice* does not apply. Secondly, so far as the primary aspect is concerned, the primary aspect will remain the right of the two Houses of Parliament to discuss matters of public importance, rule of *sub judice* in that case shall not be a barrier. (Interruptions)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : Let me try to explain. (Interruptions)

**MR. CHAIRMAN** : Let me understand what is the position

**SHRI P. BABUL REDDY** (Andhra Pradesh) : It is for you to decide

**MR. CHAIRMAN** : But I want to know the facts. मुझे पूछ लेने दो। उस पर डिसाइड कर रहा हूँ। (व्यवधान) मैं कुछ हालात तो मालूम कर लूँ। फैक्ट्स क्या हैं मैं मालूम कर लूँ। फैक्ट्स मुझे मालूम नहीं हैं तो मैं क्या फैसला करूँगा। आप बतायें एक तो यह कि क्या इश्यूज फ्रीम हुए हैं (व्यवधान) मैं सुन लूँ . . . मुझे बात करने दो।

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : Mr. Chairman, Sir, . . . (Interruptions)

**MR. CHAIRMAN** : मालवीय जी, मुझे अगर फैसला करना है, तो मुझे मालूम तो हो। मैं केवल उनकी आवाज पर तो फैसला नहीं कर सकता।

**डा. रत्नाकर पाण्डेय** (उत्तर प्रदेश) : आप जब अपना निर्णय दें, तो इस बात को . . . (व्यवधान)

**श्री सभापति** : आप पहले बैठ जाइयें। आप मुझे बताइयें कि यह सब-ज्युडिस है। (व्यवधान) अब मेरे सामने दो सवाल हैं . . . (व्यवधान)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : As a citizen of this country . . . (Interruptions)

**MR. CHAIRMAN** : You have said it is *sub judice*. My simple question is this

First tell me whether issues have been framed. (Interruptions)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : I do not think . . . (Interruptions)

**MR. CHAIRMAN** : Have the issues been framed? Tell me yes or no. (Interruptions)

**SHRI LAL K. ADVANI** : No And he cannot say that He is a lawyer. He will not spoil his own case (Interruptions)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : Since the suit was filed on 6th November, to everybody's knowledge, the Court had been on strike most of the time. (Interruptions) I do not think issues can be framed so early

**MR. CHAIRMAN** : They are not framed?

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : Let me deal with this because Mr. Jaswant Singh has responded to . . . (Interruptions)

**श्री जगदम्बी प्रसाद यादव** (बिहार) : उन्होंने सवाल पूछा है, आप जवाब दीजिए। . . . (व्यवधान) आप निष्कर्ष निकाल लीजिए। . . . (व्यवधान)

**MR. CHAIRMAN** : In view of the fact that . . . (Interruptions)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : I am coming to that.

**SHRI PAWAN KUMAR BANSAL** : Sir, before you give a ruling, kindly permit me to . . . (Interruptions)

**MR. CHAIRMAN** : We have got other business to do. In view of that . . . (Interruptions)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : I will present to you the plaint. (Interruptions)

**MR. CHAIRMAN** : No plaint can take away the right of this House. I assume. (Interruptions)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** : Nobody has prevented a discussions. The rule of *sub judice* proceeds on the firm principle that nobody will interfere with the course of justice.

MR. CHAIRMAN : That is right. (Interruptions)

श्री जगदम्बी प्रसाद यादव : वह जस्टिस सं इटरफियर कर रहे हैं। . . . (व्यवधान)  
कौन इटरफियर कर रहा है ?

SHRI M. S. GURUPADASWAMY : You should wait till the judgment is delivered by the Court. You want to interfere in the meantime and take over. You should have waited. (Interruptions)

SHRI MURLIDHAR CHANDRAKANT BHANDARE : The Court will release if it is taken. You are entirely wrong on this issue. (Interruptions)

SHRI NIRMAL CHATTERJEE (West Bengal) : I want to say... (Interruptions)

MR. CHAIRMAN : Please wait. He is speaking.

SHRI NIRMAL CHATTERJEE : The point that I am trying to make in this House is concerned with the conduct of the Government. What we are entering into is not the arguments which the Government or ultimately the Court likes to accept or not. The point of discussion here is, can we or can we not, for the sake of the freedom of press or any other item, request the Government to behave in a manner, even on going to the Court? Is this or is this not the right of the House? We want to discuss the conduct of the Government, even if a certain matter is before the Court. We might ask the Government to withdraw its case from the Court for the sake of freedom of press or any other important issue. The right of the House is with you. It is the right of the House which is absolute and it cannot be, in any way, affected by discussions whether or not it is *sub judice*. It is from this point of view that you should give your ruling. (Interruptions)

डा. रत्नाकर पाण्डेय : माननीय सभापति जी, जिस अखबार विशेष के संबंध में हमारे माननीय सदस्य ने स्पेशल मंशन किया है... (व्यवधान)

श्री लाल कृष्ण आडवाणी : मैंने नहीं किया है . . . (व्यवधान)

डा. रत्नाकर पाण्डेय : नाम उन्होंने ले लिया है, इसलिए यह जो है कोर्ट के अंतर्गत यह मामला अभी पेंडिंग पड़ा हुआ है। जाणका स्मरण होगा कि मैंने प्रश्न किया था . . . . . (व्यवधान) . . . उस को स्थापित करने के संबंध में . . . (व्यवधान) . . . सरकार ने क्या कार्यवाही की है यह तो उत्तर नहीं आया था और जिस माननीय सदस्य ने प्रश्न किया है . . . (व्यवधान)

श्री सभापति : प्रश्न नहीं है, स्पेशल मंशन है।

डा. रत्नाकर पाण्डेय : हा, स्पेशल मंशन किया है, उसमें बहुत अधिक उनके दल का . . . (व्यवधान) . . . उनके वालंटियर्स का एन्वाल्वमेंट है। . . . (व्यवधान) उस ओर के साथ है। . . . (व्यवधान)

श्री सभापति : नो प्वायंट आफ आर्डर। . . (व्यवधान)

डा. रत्नाकर पाण्डेय : इसे स्थगित किया जाये . . . (व्यवधान)

श्री सभापति : नो प्वायंट आफ आर्डर . . . नहीं है। . . . पण देट जाइये। . . . (व्यवधान) यह प्वायंट आफ आर्डर नहीं है। उण देट जाइये। . . . (व्यवधान)

डा. रत्नाकर पाण्डेय : सदस्य को पार्टी का भंज नहीं बनाया जाए। . . . (व्यवधान)

MR. CHAIRMAN : There is no point of order. Please sit down. (Interruptions) There is no point of order. (Interruptions) . . . It is no point of order. Please sit down.

श्री सत्य नारायण जालवीय (उत्तर प्रदेश) : सभापति जी, मेरा प्वायंट आफ आर्डर है . . . (व्यवधान)

SHRI P. N. SUKUL (Uttar Pradesh) : Sir, there is a point of order... (Interruptions) . . . I am on a point of order.

श्री सभापति : सुकुल के वाद। . . . (व्यवधान)

SHRI P. N. SUKUL : Sir, there is a point of order... (Interruptions)... Sir, our honourable friend, Mr. Advani, says that he wants to raise a matter relating to the freedom of the Press...

SHRI LAL K. ADVANI : Relating to the "Indian Express" having an implications for the freedom of the Press. It is relating to the "Indian Express" which has a direct bearing on the freedom of the Press. (Interruptions).

SHRI P. N. SUKUL : Yes But, Sir, by no stretch of imagination (Interruptions) by no stretch of imagination freedom of the Press can include non-payment of dues or non-payment of taxes...

SHRI LAL K. ADVANI : Yes.

SHRI P. N. KAUL : or anything like this or encroachment. (Interruptions)... These matters do not constitute freedom of the Press. (Interruptions).

SHRI NIRMAL CHATTERJEE : Sir, what we have been saying is different... (Interruptions)... Taxes should be paid... (Interruptions)... Certainly, Sir, taxes should be paid and certainly, the illegalities should be eliminated. The point is... (Interruptions)... whether or not the Government, while doing these things, should take into account the question of the freedom of the Press.

SHRI LAL K. ADVANI : Yes.

SHRI NIRMAL CHATTERJEE : Sir, I am not in favour of many of the actions which the "Indian Express" including its breaking of the strike... (Interruptions)... But while saying this, I have to keep my right, I keep my right, to defend the freedom of the Press including that of the "Indian Express" and I have a right...

SHRI LAL K. ADVANI : Yes.

SHRI NIRMAL CHATTERJEE : .. to ask the Government not to act in a manner which affects the freedom of the Press even if it is the "Indian Express" which is totally opposed to the Government.. (Interruptions).

SHRI LAL K. ADVANI : Sure.

SHRI NIRMAL CHATTERJEE : So, Sir, it is on this basis that the right to freedom of the Press has to be looked into... (Interruptions)... and it is on this basis that you have to give the ruling and I am seeking your ruling on this point

SHRI P. BABUL REDDY : Sir, I think the question of *sub judice* does not arise here because we are not discussing the merits of the case and that is why rightly you have asked the question whether the issues have been framed. The point is that a suit has been filed. (Interruptions) But we are not going to discuss the merits of the suit. But I can point out that pending the disposal of the suit, if the Supreme Court directs the Government not to take over possession of the building, you will be violating the Supreme Court order and you are violating the Supreme Court order... (Interruptions)... It is not *sub judice* then? (Interruptions). When I say that the Supreme Court judgement is violated by the Government, I also say that the Government is acting in a way... (Interruptions)... which violates the freedom of the Press. So, there is no question of *sub judice* in this... (Interruptions).

SHRI JAGESH DESAI (Maharashtra) : Sir, I am on a point of order... (Interruptions)...

SHRI PAWAN KUMAR BANSAL : Sir, I am on a point of order (Interruptions).

MR. CHA : I will hear Mr. Desai first. Yes, Mr. Jagesh Desai.

SHRI JAGESH DESAI : Sir, I would like this matter to be discussed with you by Mr. Advani in your Chamber.. (Interruptions)...

SHRI D. B. CHANDRE GOWDA (Karnataka) : It has already been done... (Interruptions)... It has already been done.

SHRI JAGESH DESAI : Please listen to me (Interruptions) Listen to me, please. (Interruptions)... Sir, the point which he wants to raise may be discussed with you and if it is within the parameters of a discussion that could be allowed, then you can allow him. You should call

[Shri Jagesh Desai]

him to your Chamber and he can discuss the points with you and if it is within the parameters of a discussion which can be allowed and if it can be raised according to law, then you can allow him.

SHRI PAWAN KUMAR BANSAL: Sir, I will take only one minute. (Interruptions)

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Sir, I am on a point of order. (Interruptions).

MR. CHAIRMAN: I will hear her first. Yes, Mrs. Natarajan

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): What is your point of order? (Interruptions)

MR. CHAIRMAN: What is your point of order?

SHRIMATI JAYANTHI NATARAJAN: Sir, it is regarding the question of *sub judice*. (Interruptions). . . Would you all allow me to complete my point of order? (Interruptions) They are muzzling the freedom to speak in the House and they are talking of the freedom of the Press. (Interruptions) It is very obvious. Who is talking now? Sir, my submission is this. Mr. Jaswant Singh read out a particular recommendation of the Committee of Presiding Officers regarding *sub judice*, and arising out of that. Sir, you asked the hon. Member, Mr. Bhandare, whether the issues have been framed or not. Even in that recommendation which has been read out by Mr. Jaswant Singh, if you had listened, it is said that it is for the Chair to decide. But, Sir, after issues have been framed, in any case, the matter is *sub judice*. But before the issues have been framed, it is for the Chair to consider. Sir, I would request you to consider the fact that it is common knowledge, all of us know, that the moment case is filed the matter is *sub judice*. (Interruptions) I have not finished. I intend to have my say and then sit down. Therefore, everybody knows that the matter in *sub judice*. The moment the case is admitted and is taken up on the file of a court, in my submission, Sir, there can be no doubt that any discussion on anything that flows out of the discussion

will definitely obstruct the course of justice. Freedom of the Press does not mean freedom of doing business, does not mean committing foreign exchange regulation violations, and, Sir, it does not include tenancy rights. (Interruptions) It is a private right between a landlord and a tenant. It certainly is not freedom of the Press. (Interruptions)

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Chairman, Sir, the freedom of the Press is a corner-stone of democracy. As Chairman you are here as the custodian to protect this basic and fundamental right in democracy. Sir, the issue before us is that the Government tries to destroy this basic, fundamental freedom of the Press. That is the basic right. Therefore, Sir, we want to discuss this issue. We want to discuss the dictatorial attitude of the Government, fascist attitude of the Government, to destroy the freedom of the Press, throwing to winds the verdict of the Supreme Court. Throwing to winds the verdict of the Supreme Court, the Government wants to destroy the freedom of the Press. So the issue before us we want to discuss.

SHRI M. S. GURUPADASWAMY: On a point of order. (Interruptions)

MR. CHAIRMAN: There is no point of order when a point of order is going on

SHRI PAWAN KUMAR BANSAL: Mr. Chairman, Sir, Mr. Jaswant Singh, while referring to Kaul and Shakti, referred to the ruling of the Hon'ble Speaker. In that connection I want to read out one sentence, a part of the ruling of the hon. Speaker, which he conveniently omitted to read. This is the ruling of the hon. Speaker. It says:

"The test of *sub judice*, in my opinion, should be that the matter sought to be raised in the House is substantially identical with the one on which a court of law has to adjudicate."

Sir, it is not a case where a suit could be dismissed in the preliminary hearing. Sir, if their grouse were to be that the Order of the Supreme Court, or for that matter, of any court, has been violated, the remedy is not to raise the matter here but to haul up the concerned people for



contempt of court. Here the question only is that the matter is before the court and because of that the matter should not be discussed here. Sir, we are second to none in defending the freedom of the Press. But the question is of violation of certain laws and unauthorisedly using the premises, the encroached premises, for commercial purposes.

**SHRI M. S. GURUPADASWAMY**

Sir, on a point of order I want to bring one thing to the notice of the House. This matter was referred to the Supreme Court and the Supreme Court has passed an Order. That Order is specific. The Supreme Court has said that if there are dues from the Indian Express those dues should be collected through civil suits. Secondly, they have clearly said that the lease of this building should not be terminated at all. If there are dues from the Express Group of papers, they should collect these dues through a civil suit.

**MR. CHAIRMAN** : Why are you moving away from the point that is involved? You have moved away. Mr. Jaswant Singh has done the same thing.

(Interruptions)

**SHRI NIRMAL CHATTERJEE** : It is our right to discuss the conduct of the Government. Who can take that right away?

(Interruptions)

**SHRI SURESH KALMADI** (Maharashtra) : Whether the Government is acting legally or illegally can be decided in a court.

**SHRI LAKSHMI KANT JHA** (Bihar) : May I submit two things? The Indian Express is being published from many places. (Interruption)

**श्री सभापति** : आप यह बताइये कि मुझे फंसला करने देंगे या लग पावर किमकी ज्यादा ज़ोरदार है, उस पर फंसला होगा? तो कम-से-कम मुझे सुनने दीजिए ताकि उसके बाद मैं भी कुछ सोच-समझकर फंसला कर सकूँ। मुझे ईश्वर ने सिर्फ़ दो कान दिए हैं, बीस-बीस तो हैं नहीं, इसलिए आप मुझे थोड़ा समय दें। अब भा साहब बोल रहे हैं, आप

उनकी बात सुनिए और उसके बाद नौजवान भी कहेंगे और सब की बात आएगी।

**SHRI LAKSHMI KANT JHA** : The building in question was not being used as a press, on account of the decision of the management and its proprietors, at the time when Government took action. Otherwise, the Indian Express is being published throughout India (Interruptions)

**SHRI LAL K. ADVANI** : I can discuss that also.

**MR. CHAIRMAN** : I think everything will be easy if we permit the man who is speaking to speak.

**SHRI LAL K. ADVANI** : I started it. The moment I used the words "Indian Express", immediately the entire crowd stood up to shout me down.

**SHRI PAWAN KUMAR BANSAL** : You referred to yesterday's incident when you said "Indian Express" building was taken over.

**श्री सभापति** : अब यहाँ लड़ाई करनी है या भा साहब को सुनकर प्रॉसिडिंग चलानी है।

**SHRI PAWAN KUMAR BANSAL** : Sir, he used the word "Crowd".

**SHRI LAKSHMI KANT JHA** : When a press has been stopped by its own management from functioning as a press, then the matter involved is purely a landlord-tenant relationship and does not arise in the context of any discussion about the freedom of the press. If hon. Advani has assured you that he was going to discuss the question of the freedom of the press, then he must also recognise that if the publication of Delhi edition has been stopped, it is out of its own volition and decision and not because of the Government action.

**SHRI JASWANT SINGH** : Mr. Chairman, Sir, my hon. colleague, Mr. Jha has just spoken. (Interruptions) Sir, you granted me permission to make a mention on the cancellation of the lease of the Indian Express Building. And that is not *sub judice*. The question as Mr. Jha puts it is not a question of the freedom of the

[Shri Jaswant Singh]

press alone. (Interruptions) Sir, here is the paper on which you granted permission. The permission was granted to me to speak on the cancellation of the lease of the Indian Express Building. And when it comes to the cancellation of the lease of the Indian Express Building, my charming and distinguished colleague, Smt. Jayanti Nathajan is in error Sir. (Interruptions)

श्री सभापति . आप जरा दूसरों की बात भी सुनने दीजिए । बलराम जी को बोलने दीजिए, वे बहुत दूर से खड़े हैं .

(व्यवधान)

SHRI N. E. BALARAM : (Kerala) : Sir, what I have to submit is that we have not allowed so far the mover of this to say whatever he wants to say. After he starts speaking, if you find that he is speaking something which is not proper, you can then think about it. He has not started, and when he simply mentioned the name of the 'Indian Express' everybody got up and said that it is *sub judice*. First he should be allowed to speak. If it is *sub judice*, that can be set right. So, I request the hon. Chairman to allow the hon. Member to speak. At that stage you can decide about it. Now it is too early to say whether it is *sub judice* or not.

श्री सत्य प्रकाश मालवीय : श्रीमन्, सविधान की धारा 109 की ओर मैं आपका ध्यान आकर्षित करना चाहता हूँ जिसमें इस सदन को पूर्ण स्वतंत्रता है कि किसी मामले को वह डिस्कस करे, कुछ नियमों के अन्तर्गत ।

"Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament."

इसी प्रकार से जो रुल्स हैं, उसमें 238 (1) में कहा गया है—

"A Member while speaking shall not refer to any matter of fact on which a judicial decision is pending."

मेरा निवेदन है कि जिस विषय पर आडवाणी जी ने इस प्रश्न को उठाया है, जिसके आधार पर भंडार जी ने इंडियन एक्सप्रेस

द्वारा सूट दाखिल करने के मामले को सबजुडिस कहा है, मैं सदन को सूचना देना चाहता हूँ कि कोई भी मामला सबजुडिस नहीं हो जाता है सूट दाखिल करने पर आडवाणी जी जो कुछ कह रहे हैं, अगर वह सबजुडिस है तो आप उसको एक्सपोज कर सकते हैं, लेकिन आडवाणी जी को बोलने की पूरी स्वतंत्रता दीजिए । हम लोगों का उनकी बात सुनने की पूरी स्वतंत्रता दीजिए।

(व्यवधान)

श्री मीर्जा इश्राक . महोदय, सदन के सामने प्रश्न यह है कि जो मामला चल रहा है वह सबजुडिस है या नहीं । It is up to the Chair to decide whether it is *sub judice* or not. Let me complete my say मेरा निवेदन है कि दोनों तरफ से दोनों चीजों की कानूनी बाधाएँ बताई गई हैं । तो आप यह मामला कल तक के लिए विलंबित कर दें, उसके बाद उसको एलाउ कर दें या डिस्मिस कर दें, यह आपका डिस्पीजन है ।

SHRI A. G. KULKARNI (Maharashtra) : Sir, we have already lost one hour discussing whether it is *sub judice* or not. Sir, as my friend has already said, if you want to allow a debate on the freedom of the press, it is welcome. You can start it tomorrow. (Interruptions) Just a moment. You can say freedom of the press in terms of the action against the 'Indian Express'. But if you want to allow, Sir, please allow the discussion tomorrow. We have to discuss today about drought. About the admissibility of today's Special Mention, it is your discretion and you have allowed. But in view of bringing in of the legal aspects of it by the Members, you please reconsider and allow a discussion on the subject as I suggested.

MR. CHAIRMAN : Is it a point of order ?

PROF. C. LAKSHMANNA (Andhra Pradesh) : Yes, Sir, and it involves three issues. Number one in your wisdom you thought that there may be a special mention.

MR. CHAIRMAN : You forget me.

PROF. C. LAKSHMANNA : He should be allowed to complete. But when once a Member has stood up in the name of a point of order, the whole thing has been thwarted. That is number two. Thirdly, the issue is that there had been a Supreme Court decision and the Supreme Court has been specific.

MR. CHAIRMAN : You need not go into it. Mr. Gopalsamy has gone into it.

PROF. C. LAKSHMANNA : Thirdly, the whole question of stifling of the freedom of the press through certain orders issued by the Government, is a point to be discussed. (Interruptions)

SHRI F. M. KHAN (Karnataka) : Mr. Chairman, Sir, the point is very clear, in the eyes of the public the Government has acted vindictively against the Indian Express. This fight has been going on for months and I must advise my friends on the other side. (Interruptions).

SHRI PAWAN KUMAR BANSAL : Mr. Chairman, Sir, he can raise any point of order, but he cannot speak like this.

SHRI F. M. KHAN : I have also got every right to speak.

SHRI PAWAN KUMAR BANSAL : ... The action is not taken vindictively. It is not his job to. (Interruptions)

SHRI F. M. KHAN : Let me express myself. I am not going to be cowed down by your shouting. I can also shout. I have seen these things much earlier than you.

SHRI PAWAN KUMAR BANSAL : I admit that. (Interruptions)

MR. CHAIRMAN : Both of you shout outside the House.

SHRI F. M. KHAN : I want to advise the ruling party members that muzzling such things is only going to harm the freedom of expression. As a mark of protest—I hope commonsense will prevail among the Members of the ruling party—I am walking out of the House.

(At this stage, the Hon. Member left the Chamber.)

SHRI SURESH KALMADI : Sir, Mr. Khan has been the biggest muzzler of the press in Bangalore.

श्री सभापति : आप बैठ जाइये। मुझे तय करने दें। आप बीच में मत बोलिये। आप लोग शिकायत नहीं कर सकते। इधर से आप लोग न ही सवाल उठाया था। बराबर आप उठाते जा रहे हैं। अगर आप मुझे मौका दें तो मैं एक सीधी बात पूछना चाहता हूँ। सीधी बात यह है कि हमारे आनरबल एडवोकेट श्री भंडारे जी इस पर ध्यान दें। वकील लोग हैं, वकील का अच्छा काम बनेगा। यह हो या कोई भी मसला हो मुझे उस को रोकना नहीं है हाउस में। एक मुकदमा दायर कर दें तो रजक जायेंगे पर यह तो मेरे स्थान से प्रेस की आजादी का सवाल ही नहीं है हाउस के मੈम्बरो का भी सवाल है। मेरी राय यह है कि मैंने सब मसलों पर विचार किया। मुझे पहले एक चीज मालूम नहीं थी वह मैंने आप से पूछ ली। यह फैसला मैं दो मिनट में भी कर सकता था पर मसीबत यह थी कि यहां के लोग सोचते कि मैं उनके खिलाफ फैसला करने वाला हूँ और आप सोचते कि मैं आपके खिलाफ फैसला करने वाला हूँ। पर जो सही फैसला है मैं वही करूंगा।

मेरी राय यह है कि ऐसी बातों को बंद कर दें। एक बात जरूरी है जो झा साहब ने प्रश्न उठाया। आप उसको ध्यान में रखें। इस समय जो यह कह रहे हैं इससे अखबार के काम में कोई अड़चन नहीं आयेगी और दूसरे यह कि मैं ज्यादा इस डिटेल में नहीं जाता कि अखबार जो आजकल नहीं चल रहा है वह स्ट्राइक्स से है या लाक-आउट से। यह प्रश्न आया है कि यह फैसला अदालत का हो चका है, गवर्नमेंट ने किया है तो मैं बताना चाहता हूँ कि हमारी अदालत तो बहुत ताकतवर है। अगर हम कोई ऐसा काम करेंगे तो वह कंट्रस्ट में बंद कर देगा। यह पूरा बलएस्टेबलरिड है। दो कंट्रस्ट बराबर अपनी जगह पर माने गये हैं हमारे डेमोक्रेटिक सिस्टम में। एक कंट्रस्ट आफ हाउस है और दूसरा कंट्रस्ट आफ कोर्ट है। दोनों हैं। यह आपका प्रश्न है कि फैसला सुप्रीम कोर्ट कर चका है।

यह स्थिति है तो हिन्दुस्तान में वकीलों की कमी नहीं है, यह कंट्रस्ट आफ कोर्ट में मामला आ सकता है, अगर वह सुप्रीम कोर्ट

[श्री सभापति]

में आ चुका है। अब मेरी राय यह है कि सब का सब काम बहुत जल्दी खत्म हो जाय। इसमें करीब 50 मिनट लग गये। इसके लिये सारा दोष आप मुझे नहीं दे पायेंगे। मैं भी क्या कहूँ। मैं यही कहूँगा कि यह सदन का दोष है और मैं भी सदन का एक हिस्सा बन गया हूँ। इसलिये मैं भी इसके लिये दोषी हूँ। अब मैं समझता हूँ कि कार्य-वाह किौं चलने दिया जायें। (व्यवधान)

मैंने प्वाइंट आफ़ ऑर्डर पर अपना फ़ंसेला दे दिया।

SHRI LAL K ADVANI : I am grateful to you for permitting me to raise this matter, though I recall that there have been so many cases—not one—including the famous case of Shri A. R. Antulay where though the matter was before the court, this House was not precluded—it was very much in the court—from discussing the issue on the ground of its being *sub judice*, as has been rightly pointed out, where the charges or the issues have not been framed, that is, there is no ground of being *sub judice* so far as this House is concerned, and even when they have been framed, this House has the discretion, with permission of the Chan. to discuss such issues

Sir, in this particular case, I am not referring to the case instituted before the High Court, it should be decided on its merits; I am not going into that at all; but I have before me an order of 29th September which is before this case was instituted and this order itself says : "You are hereby informed that in consequence of your failure to remedy the aforesaid breaches, the lessor has been pleased to determine the lease." meaning, termination of the lease, "and re-enter upon the premises with effect from 29-9-1987" that means, 29th September 1987, "and from that date, all your rights and title in the leasehold property in question have ceased." This is the order. "The entire plot of land forming the subject matter... and all the buildings standing thereon, including all structures, erection and fittings, vest now in the President of India and have become public premises." This is the order. I was really shocked to read the order because

I was aware that when this very matter came up in the Supreme Court 2½ years back, the Supreme Court had passed an order in favour of the press. Here, I am not going into the merits or what strictures were passed on that case. It was a very specific order and the judgement said : "I would restrain the Union Government, Ministry of Works and Housing and the Land and Development Officer or any other officer of the Ministry from taking any steps for termination of the lease held by Petitioner No. 1, Express Newspapers Private Limited for non-payment of conversion charges or otherwise." Now, Sir, I am entirely in agreement that—as Nirmalji said—if Indian Express has violated any law or it has not made any payments, it should be prosecuted, it should be punished as any ordinary citizens and there the question of freedom of the press does not come in at all. If any newspaper violates any order or any law, any statute, it is liable to be punished and should be punished. But in this particular case may I point out that one of the bases on which this order of 29th September is based is that you are running your press in the basement which is violation of all DDA regulations etc. Now, I do not think there is any newspaper in the capital which is not running its press in the basement. I do not say that if all papers violate, the Indian Express can also do so. I do not say that. But at the same time, why is action not taken against other newspapers? The National Herald, whose resumed publication was inaugurated by the Prime Minister only two days back, is running its press in the basement. No action is taken against that newspaper (*Interruptions*). What I am trying to point out is that, in this particular case, it is not without reason that in the course of 45 days, perhaps, ten different prosecutions have been launched against the Indian Express. Why is it so? If, today, as I said in the beginning, we, one member from each party including the Congress Party, were to go and visit the offices of the various newspapers, we would find that there are infringements of law committed by everybody. I do not, however, uphold them. Every violation of the law should be penalised. What I am objecting to is selective penalisation.

selective prosecution. When every newspaper is doing the same thing, why only the Indian Express? As I said, in the last 45 days, there have been ten prosecutions, one after another and on top of it comes this take-over of the building. I do not know whether even in the days of Emergency any newspaper building was taken over. Moreover, here, it has been done when there is a restraint order from the Supreme Court. The argument which has been advanced here is that it was the judgement of one judge. I have seen all the three judgements. All of them have said that Government can file a suit and recover what is due but they cannot terminate the lease. They have said 'You are hereby restrained from terminating the lease'. Government can prosecute the newspaper.

Sir, this is the sum and substance of the case. Therefore, I feel, while this specific case is a warning to the Indian Express, shocking beyond words, unparalleled in the history of Indian journalism, in general, it is a warning to all the newspapers that if they crusade against corruption in the Government, they will be in trouble. That is how Indian Express has come to trouble. Sir, I would welcome a full-fledged debate on this so that every person has an opportunity to speak on this. I welcome a debate. Let there be a debate on this.

MR. CHAIRMAN : Mr Gurupadaswamy.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Sir, I want to say a few words on what has been said.

MR. CHAIRMAN : No. It is only a Special Mention.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : You have permitted several times.

MR. CHAIRMAN : Only two Members have taken my permission.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Sir, even on the last occasion.

MR. CHAIRMAN : There is a time-limit in the case of Special Mentions. (*Interruptions*)

SHRI NIRMAL CHATTERJEE : Sir, what about me?

MR. CHAIRMAN : No. So far as this Special Mention is concerned, I have permitted two more. Shri Gurupadaswamy and Shri Saikia. Otherwise, there will be no end to this.

SHRI NIRMAL CHATTERJEE : In such cases, you do permit more Members.

MR. CHAIRMAN : I have permitted only two Members. (*Interruptions*)

SHRI VISHVIJIT PRITHVIJIT SINGH (Maharashtra) : Sir, at least one Member from our side ought to be allowed. (*Interruptions*) I want to associate myself with it.

MR. CHAIRMAN : If you want to associate yourself with it, you just clap your hands and sit down. Just calculate how much this one hour cost the Exchequer, how much it cost the poor people. I would like you all to keep this in mind.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Sir, on a point of order.

MR. CHAIRMAN : I have heard your point of order.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I have the right to raise a point of order.

MR. CHAIRMAN : You excuse me, you are raising a point of order. It will become a point of disorder.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Sir, last time you heard every one. Last Monday, you allowed every one. What happened a week back, you are not allowing today.

MR. CHAIRMAN : What point of order can there be against my calling Mr Gurupadaswamy? Is there any point of order? I have called Mr Gurupadaswamy. What objection have you got to my calling Mr Gurupadaswamy? You only restrict yourself to that.

SHRI DIPEN GHOSH (West Bengal) : Mr Gurupadaswamy has not even spoken. What is the point of order against calling Mr. Gurupadaswamy?

**SHRI M S GURUPADASWAMY :** Whether I am in order or not—is that the point ?

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** There is a point of order.

**MR CHAIRMAN :** Mr Bhandare, you are a well-known advocate. I hope you have understood what I have said. You can raise a point of order about my calling Mr. Gurupadaswamy only, and nothing else. Otherwise it will be disorder.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** My point of order is that the Special Mention is being discussed.

**MR CHAIRMAN :** It is not being discussed.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** All right, it is being mentioned. I stand corrected. The Special Mention is being mentioned under the caption "Cancellation of the Lease of the Indian Express Building".

**MR. CHAIRMAN :** It is already a *fait accompli*. As an advocate, you know it.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** I am just pointing out that there is not one word about the freedom of press here. The point of order I am raising is that they are deliberately misleading the House. (*Interruptions*) Sir, I am not being permitted to complete.

**श्री सभापति :** आप लोग बोलेंगे तो फिर आप क्या कर लीजिएगा। या तो मुझे करने दीजिए या आप कीजिए। No strictures against the advocates because advocates have been there in our freedom struggle. advocates have fought for it, advocates are sitting here, an advocate is standing there, so advocates are there everywhere.

**SHRI DIPEN GHOSH :** And some advocates are indulging in pettifoggery (*Interruptions*)

**SHRI VISHVJIT PRITHVIJIT SINGH :** Sir, in the host of advocates, please allow me to be a litigant.

**MR. CHAIRMAN :** Any personal aspersions against Mr Bhandare will not go on record.

**SHRI M. S. GURUPADASWAMY :** Mr Chairman, may I, to begin with, thank you for your correct ruling. We are all happy about your ruling.

Sir, what is being mentioned here is not a matter which concerns the court.

**श्री सभापति :** वह तो तय हो चुका है अब आगे चलिए।

**SHRI M S. GURUPADASWAMY :** But what is being mentioned here is whether the conduct of the Government, the behaviour of the Government, the action of the Government in expropriating Express Group of papers' building, equipment and all the assets there is legal, is proper or not. Sir, there are two or three things which have to be borne in mind. One is, whatever the offences committed by the Express Group of papers, whether similar things have been. (*Interruptions*)

**MR. CHAIRMAN :** It is between a leader of the Opposition and a Member on the ruling party benches.

आप दोनों बात करोगे, पै कैसे रोकेंगे बताइये। बात करो, अच्छी बात करो, ता मुझे अच्छा लगता है।

**SHRI M S. GURUPADASWAMY :** Sir, I want to formulate these questions for the benefit of all of us—whether the omissions and commissions and the violations committed by the Express Group of Paper are not committed by other papers and paper establishments located in the same area. I understand, Sir—and I think my colleague has already said it—that similar offences have been committed by other groups of papers. Secondly, the Government of India also is a tenant of this building, apart from other tenants. So my question is, what was the Government of India doing all these years if there has been violation of rules and regulations under the law?... (*Interruptions*)... I am only raising questions here.

MR CHAIRMAN : Kindly be brief, associate yourself.

SHRI M. S. GURUPADASWAMY : I am only associating and I am raising these questions while associating myself. I will be very brief. Because interruptions are going on ...

SHRI PAWAN KUMAR BANSAL : Sir, I am on a point of order. During Special Mentions you don't raise questions because no Minister is present to answer those questions. You only make a mention of what you feel (*Interruptions*)....

SHRI M S GURUPADASWAMY : Sir, sub-letting is allowed in all the other buildings, but an exception is taken in the case of the Express Group of Papers. Now, Sir, the lease is a perpetual lease. It is not a lease for 50 or 100 years. The lease given to the Express Group of Papers is a perpetual lease.

MR. CHAIRMAN : Let us not go into the merits of the case. These are questions that will be argued in the courts.

SHRI M S GURUPADASWAMY : Let them argue. I am not on the legal point at all (*Interruptions*). I am only saying this : If the notice that has been issued to the Express Group of Papers is followed to its logical end, then there are various private buildings, residential houses, built on leasehold lands in Delhi which are in the similar situation. They have committed various types of offences during and after construction and no notice has been given to them so far.

MR CHAIRMAN : Now kindly conclude.

SHRI M S GURUPADASWAMY : Therefore, Sir, my simple surmise is, the Government of India has acted very vindictively, viciously and maliciously against the Express Group of Papers and it acted in the manner it has acted because the Express Group of Papers has exposed the scandals of this Government.... (*Interruptions*). The Express Group of Papers was in the vanguard in

Gandhi Government and that is why the Government became intolerant and it has tried to expel them from the premises.

In the end, may I say....

MR CHAIRMAN : Mr. Gurupadaswamy, let us be brief. Let not the people of Maharashtra, Karnataka and the whole of India say that we have spent so much time here when there is the question of drought to be discussed. So, please, for God's sake and for the sake of the people who are starving, be brief.

SHRI DIPEN GHOSH : Sir, the discussion on drought has been earmarked for 3 p.m. So there is enough time there.

SHRI M S GURUPADASWAMY : Sir, I am not taking much time of the House.

May I, in the end, say that this question requires a full debate for which a notice has been given by me already? Secondly, I demand a Parliamentary Committee to go into the whole question to find out what is what about this matter.

MR CHAIRMAN : Mr. Saikia.... (*Interruptions*)....

SHRI NIRMAL CHATTERJEE : Sir, about the Special Mentions.

MR CHAIRMAN : I have not permitted you.

SHRI NIRMAL CHATTERJEE : On a point of order, Sir. Just allow me one minute.

MR CHAIRMAN : Let us not create wrong traditions.

SHRI NIRMAL CHATTERJEE : Sir, when we make Special Mentions in the House, it is the usual procedure that the Government in its private move, communicates to the person who mentions it.

MR CHAIRMAN : Let that be so.

SHRI NIRMAL CHATTERJEE : What I am suggesting is that since this has been debated and so much time has been wasted and in your wisdom you have

[SHRI NIRMAL CHATTERJEE]

mentioned how much it costs, how much time has been utilised and according to your view so much money has been wasted...

MR. CHAIRMAN . I have not said "wasted." I have just reminded.

SHRI NIRMAL CHATTERJEE . We have consumed that time O. K. Since so much of time has been consumed...

MR CHAIRMAN . Why are you adding to it ?

SHRI NIRMAL CHATTERJEE . I request you to permit a full-fledged discussion on this issue That is what I submit to you

MR CHAIRMAN . That we will discuss in my chamber.

SHRI NAGEN SAIKIA (Assam) : Mr. Chairman, thank you very much for allowing me to associate with the Members who have already spoken on this issue.

As some of the hon Members have said, it is not a mere case of landlord and tenant. Rather, it is an effort to take away the freedom of the press and thereby the Fundamental Rights guaranteed by the Constitution to the people of India. Therefore, this sort of action by the Government must be stopped, and the Government should not be allowed to function arbitrarily in this way. Even a child in this country knows that it is on an issue of very much importance to the nation that the Government is very much perturbed and angry with the "*Indian Express*", and it is nothing but a straight attack on truth and democracy.

Sir, the action of the Government is condemnable, and it is against the assurance of the Hon Supreme Court in this regard also. Therefore, we urge upon the Government not to proceed in this way and not to try to curb the Fundamental Rights of the people and the freedom of the press of the country.

Thank you, Sir.

SHRI V. GOPALSAMY (Tamil Nadu) . I fully associate with Mr Advani,

AN HON MEMBER : We disassociate. (Interruptions)

SHRI DIPEN GHOSH . You disassociate. Let him associate. Why do you make noise ?

SHRI N. E. BALARAM : Mr Chairman, Sir, I am. .

SHRI MURLIDHAR CHANDRAKANT BHANDARE . Are you giving me time ? Mr. Chairman, Sir, you said that you would allow me ?

MR CHAIRMAN There is drought in Maharashtra.

SHRI MURLIDHAR CHANDRAKANT BHANDARE That is at 3 O'clock. The discussion on drought has been listed at 3 O'clock.

MR CHAIRMAN . I know the business before the House.

SHRI MURLIDHAR CHANDRAKANT BHANDARE . I heard you a little earlier...

MR CHAIRMAN : You cannot raise it when the whole thing is over, please, please, please

SHRI MURLIDHAR CHANDRAKANT BHANDARE You said that you would give me time. If you are not giving time, I will sit down

MR CHAIRMAN : Yes, you have to sit down.

SHRI MURLIDHAR CHANDRAKANT BHANDARE But you said that you would give me time

MR CHAIRMAN . I cannot make an exception for you everytime you get up. (Interruptions)

SHRI N. E. BALARAM . Mr. Chairman, Sir, I thought the matter was over. I am entirely on a different matter.

MR CHAIRMAN . You forget this