

assault on the Constitution. The ruling party has done an unpardonable act, I am sorry to say that the Deputy Chairman was in complicity. You have a responsibility to safeguard the Constitution here.

MR. CHAIRMAN. I thought it could have been an assault on the Constitution but not a criminal assault.

SHRI RAMAKRISHNA HEGDE: It is rape, nothing short of rape.

SHRI ERA SEZHIYAN: Sir, this is important. As was rightly said by the previous speaker, we are not here worried about or raising the issue of appropriation. The Bill has been passed. Three or four hours we had. At 5.00 o'clock we could have adjourned, and today, we could have passed it. This has been done by the House. The House is supreme in whatever it does. About this point... (Interruptions)

SHRI NAGESHWAR PRASAD SHAHI: Sir, one minute.

• SHRI ERA SEZHIYAN: Sir, if you read the Presidential proclamation, such placing on the Table is specifically required because the Presidential proclamation suspends the proviso to sub-clause (1) and the proviso to sub-clause (3) of article 213. but not sub-clause (2) of article 213. So sub-clause (2) of article 213 should be implemented. That is why that has expressly been put here. Otherwise they would have suspended that also.

MR. CHAIRMAN: Provisos to (1) and (3) have not been applied but (2) has been kept intact?

SHRI ERA SEZHIYAN: Yes, (2) has been kept intact. (Interruptions)

MR. CHAIRMAN: I think we have had enough debate on this. While the ruling of my brother, my colleague stands, I shall examine the matter on the question of laying the Ordinance on the Table of the House but not so as to overrule my Deputy Chairman... (interruptions)

SHRI RAMAKRISHNA HEGDE: Why not? ... (Interruptions)

MR. CHAIRMAN: ... but for guidance in future, interruptions)

SHRI NAGESHWAR PRASAD SHAHI: Sir, one minute. Another point.

SHRI PILOO MODY: I propose a vote of thanks to you for staying for 21 minutes more today. (Interruptions)

MR. CHAIRMAN: I think you can go for him now.

(MR. DEPUTY CHAIRMAN in the Chair).

SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir, I have one submission to make. (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Advani.

SHRI ARVIND GANESH KULKARNI: Sir, one submission..

MR. DEPUTY CHAIRMAN: After Mr. Advani.

Re. Notice of Breach of Privilege against Shri C. M. Stephen, the Minister of Communications.

SHRI LAL K. ADVANI (Gujarat): Sir, before you enter upon the list of Business according to the order of priority, it is my privilege motion that needs to be taken up. I have given notice of a privilege motion against Mr. C. M. Stephen, Minister of Communications and, with your consent, I would like to raise this matter today in this House. Sir, it is a matter of serious concern. Though I am personally involved and, therefore, I have some personal knowledge about it, I think it is a matter of concern for the entire House, in fact, for the entire parliamentary institution*. And what has amazed me»

[Shri Lai K. Advani] in the dhame-iaced manner, the brazen-faced manner in which the Government and its spokesmen have been making statements outside the House and inside the House suggesting as if this kind of thing is normal. In this House the day before yesterday, Mr. Stephen said that this is permitted under the Indian Post Office Act. I would like to remind this House that this Post Office Act of 1898, of the 19th century, was enacted by the British imperialists against the people whose ordinary public activities were looked upon with suspicion and they were always treated as their enemies. And here the Minister tells us, "Because this is permitted, therefore, I am doing it." Sir, I had been noticing that my bag was being intercepted, opened, tampered with and sometimes undelivered for the last nearly three months. I verified the facts. I convinced myself that this is true, perfectly true and then one episode happened which came to my notice. One day I received a letter from the Tribune Office, Chandigarh, addressed to L. K. Advani from the Editor-in-Chief, Tribune publications, Chandigarh. I opened this letter and inside there was no communication from my friend, Mr. Prem Bhatia. There was no communication from the Tribune office. But inside I found a letter from Wardha written by one Badhakrishna Bajaj and addressed to Hansraj Gupta.

SHRI BAMA KRISHNA HEGDE (Karnataka): How clumsily they do it!

SHRI LAL K. ADVANI: This is what surprised me . . .

SHRI PILOO MODY (Gujarat): They cannot even cheat efficiently.

SHRI LAL K. ADVANI: Thereafter a few days later I rang up Hansraj Gupta and asked him. I happen to know him. I tried to understand how this mix-up had taken place. It happens that I live in Pan-dara Park. Shri Hansraj Gupta lives on what used to be called Ratendon Road which is now known as Amrit

Shergil Marg. So, the post office is common, the Lodhi Road Post office. His name and my name are all in the list and so letter in my name and letters in his name were all censored. His papers were taken away and my papers were taken away and perhaps photostat copies taken—I do not know what they do with them. What can they do with our letters?

SHRI J. K. JAIN (Madhya Pradesh): Sir, on a point of order . . .

SHRI LAL K. ADVANI: I am not yielding.

SHRI J. K. JAIN: I am on a point of order.

AN HON. MEMBER: Quote the Rule.

SHRI J. K. JAIN: I am quoting.

महादेव शर्मा इन्होंने जो यह टर दिखाना है ता इस कारके यह भी बता कि हं इस गुप्ता ने इनका लेटर लिखा कि क्या है। यह मनगढ़ंत कहानी है। यहां इस तरह का ड्रामा कार की जगह नहीं है। जाइये जनता गेटों में ड्रामा करने के लिये। डा नरह का बेहदा बतें यह बदोस्त नहीं की जायेगी।

SHRI PILOO MODY: Such stupid interruptions should go off the record, according to you.

SHRI LAL K. ADVANI: I will take notice of an interruption if it is of a logical nature or is worthwhile not of this nature.

And after that, of course, things have been published. This magazine—INDIA TODAY—which is today one of the most largely circulated magazines has in its latest issue published a long list of political leaders, of journalists, even of former Judges and of former Secretaries of Foreign Ministry whose mail is being

LSm LAL K. Aavani under orders of Mr. P. S. Bhinder and approved by the Lt. Governor, Mr. Khurana. I am not aware of it. This is just a report. What I am aware of is that this is a Department which is being run by Mr. C. M. Stephen. Mr. Stephen has allowed it. Mr. Stephen has permitted it and Mr. Stephen has even defended it in the House because the law empowers us to do it and, therefore, we are entitled to do it. I draw a distinction between two things. One is that I question the Constitutional validity of that 1898 Act. That can be challenged only in a court of law. If I have the occasion I will go to a court of law and test its constitutional validity. But when I come to this House I am not talking of the law as such I am talking of the privileges of this House. And I am sure that anyone who is familiar with the idea of privilege knows very well what is privilege...

MR. DEPUTY CHAIRMAN: Let us not go into detail.

SHRI LAL K. ADVANI: I am not going into detail at all. I will just take two or three minutes more. Sir, I am quoting very briefly from Kaul and Shakhder:

"Privileges are necessary for the proper exercise of the functions entrusted to Parliament by the Constitution. They are enjoyed by individual Members because the House cannot perform its functions without unimpeded use of the services of its Members and by each House collectively for the protection of these Members and vindication of its own authority and dignity. When any individual or authority disregards or attacks any of the privileges, rights or immunities either of the Members individually or of the House in its collective capacity or of its Committees, the offence is termed as breach of privilege and is punishable by the House."

Sir, anyone would know, my dakor bulk of the dak any Member of Parliament receives is related to win

people would like us to raise in the House. For instance, please raise this matter, this is the problem we have, etc. So, anyone who tampers with my dak is obstructing me in the performance of my Parliamentary duty whether it is legal or illegal. I regard it as a gross contempt of Parliament and breach of my privilege.

Shrimati Vijaya Raje Scindia is an hon. Member of this House, Dr. Bhai Mahavir is an hon. Member of this House. We three are mentioned in that list, I do not know whether Congress (I) Members also are in the list. I would not be surprised because when Government goes all out, whatever party is in power, they try to do all these things. Six senior journalists are in the list, for instance, Shri Arun Shourie, Shri Kuldip Nayar, Shri Nihal Singh and Shri K. R. Malkani. On the other side, Shri Vajpayee, Shri Charan Singh, Shri Unnikrishnan of Congress (U) and Shri Jyotirmoy Bosu of the CP(M) are there. Are all of them regarded as subversive elements or anti-national elements? Are they smugglers so that Government want to censor their dak? It is something obnoxious. I would appeal to all the Congress Members, particularly that this is a matter in which party politics need not be brought in. This is a matter in which the Government has gone wrong. If Mr. Bhinder has gone wrong, he should be pulled up and it should be ensured that hereafter the dak of no Member of Parliament, irrespective of the party to which he belongs, is ever censored.

MR. DEPUTY CHAIRMAN: Mr. A. G. Kulkarni.

DR. BHAI MAHAVIR (Madhya Pradesh): I want to mention something in which...

MR. DEPUTY CHAIRMAN: I have called Mr. Kulkarni. You please take your seat.

SHRI ARVIND GANESH KULKARNI (Maharashtra): I am not bringing this matter because they

[Shri Arvind Ganesh Kulkarni] have already brought in this issue. I may only add my voice to it and support it...

MR. DEPUTY CHAIRMAN: Have you anything else to mention?

DR. BHAI MAHAVIR: I want to mention...

MR. DEPUTY CHAIRMAN: I will not allow you.

SHRI DINESH GOSWAMI (Assam): If it is on the privilege motion, there are certain rules to be followed. Others cannot speak on it.

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): I want to know whether every body can speak on it. Mr. Advani has been permitted and he has raised it. But nobody else can speak on it.

SHRI RAMAKRISHNA HEGDE: How do we know that our mail is not censored...

MR. DEPUTY CHAIRMAN: I have called Mr. Kulkarni. Only what he speaks will go on record. Nothing else should go on record.

SHRI LAL K. ADVANI: What about my case? I will raise it again and move a formal motion, if permit me. But unless the Chairman tells me...

MR. DEPUTY CHAIRMAN: You now raise the Motion. Now you have given a notice and it is under the consideration of the Chairman. You have given it today, on the 26th.

SHRI PILOO MODY: It is under your consideration.

SHRI LAL K. ADVANI: You ruled yesterday. You can rule today also.

MR. DEPUTY CHAIRMAN: I can rule every day, Mr. Advani.

DR. BHAI MAHAVIR: I only want to raise...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI SITARAM KESRI): He belongs to the same party.

SHRI PRANAB KUMAR MUKHERJEE: Mr. Advani has given a notice and has sought your permission to raise it on the floor of the House. You have permitted him to raise it. It is for the Chair to decide whether the privilege motion will be admitted or what course of action is going to be adopted. How can other Members make comments on the issue raised by Mr. Advani? How do they come into the picture? We are not having a debate.

MR. DEPUTY CHAIRMAN: So far as Mr. Advani is concerned, he has given a notice only.

SHRI B. N. BANERJEE (Nominated): Mr. Chairman thought it fit that Mr. Advani may also bring it to the notice of the House that such a notice has been given. The notice is under the consideration of the Chairman. When the Chairman has given his consent, Mr. Advani will state his case and thereafter ask for the leave of the House for sending the matter to the Privileges Committee. At this time all that Mr. Advani did was that he just mentioned to the House that he has given a privilege notice, but he has not got the consent of the Chairman to move the privilege motion. He has got only the consent to mention the matter on the floor of the House. So, participation by others at this stage does not arise.

DR. BHAI MAHAVIR: I am not participating. I am asking for permission to raise an issue. It is a small problem. The legal pundits in this House will kindly bear with me...

MR. DEPUTY CHAIRMAN: So far as the question of privilege raised by Mr. Advani is concerned, no consent has been given to raise the issue in the House. His notice is under consideration. When it is considered, then

[Mr. Deputy Chairman] he will be given permission to raise it regularly. Therefore, I will not allow any discussion on this. *(Interruptions)*. Just a minute. I was allowing Mr. Kulkarni to say something else.

SHRI ARVIND GANESH KULKARNI: I am speaking now

MR. DEPUTY CHAIRMAN: I have allowed you to speak not on Mr. Advani's motion, but on something else.

DR. BHAI MAHAVIR: Does it mean Sir, that we have no right to raise any issue? *(Interruptions)*.

MR. DEPUTY-CHAIRMAN: You give notice then.

DR. BHAI MAHAVIR: Does it mean that there is nothing for which a Member can have a right to make a submission? I am not referring to what Mr. Advani has raised.

MR. DEPUTY CHAIRMAN: That is all right, I will allow you, but *not* now. I will allow you after Mr. Kulkarni. *(Interruptions)*. Unless you obey me, I will not allow you.

DR. BHAI MAHAVIR: All right, Sir.

**श्री शिव कृष्ण झा (बिहार) : मेरा
की प्वाइंट ऑफ ऑर्डर है।**

**श्री उपसभापति : हाँ अब दा प्वाइंट
ऑफ ऑर्डर होगा। प्वाइंट ऑफ ऑर्डर
की क्या दिक्कत है।**

SHRI ARVIND GANESH KULKARNI: Sir, I wish to draw the attention of the Leader of the House through you to one thing. I was a little unhappy over yesterday's discussion on the Assam Bill.

MR. DEPUTY CHAIRMAN: That matter is over now. *(Interruptions)*.

SHRI LAL K. ADVANI: It is over now?

MR. DEPUTY CHAIRMAN: It is my interpretation that the matter is over now. Yes, Mr. Kulkarni.

Re Proceedings of the House on 25th August, 1981.

..SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir, I am only drawing the attention of the Leader of the House. The Leader of the House and the Minister for Parliamentary Affairs wanted the cooperation from the Opposition side and, yesterday, Sir, you had already ruled it out.

MR. DEPUTY CHAIRMAN: Come to the point.

SHRI ARVIND GANESH KULKARNI: I wish to draw the attention of the Leader of the House to a very specific point. When the entire Opposition had walked out yesterday, excepting the DMK..

SHRI R. RAMAKRISHNAN (Tamil Nadu): And the AIADMK also.

SHRI ARVIND GANESH KULKARNI: You were also here? I thought you were with us.

SHRI R. RAMAKRISHNAN: I was* here and I was there also; I was in both the places. *(Interruptions)*.

SHRI ARVIND GANESH KULKARNI: So, the AIADMK is a Trishanku in politics. That is all right. We all *went* to the Chairman. But the Bill was passed here. This can be taken as, what you call, a parliamentary manipulation or whatever it is.

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Bulldozing.

MR. DEPUTY CHAIRMAN: Come to the point.

SHRI ARVIND GANESH KULKARNI: With this type of co-operation from the other side, Sir, I would