

[Shri Krishna Chandra Pant.]

sidering the nature of the issue and the natural desire of the lady Member to exonerate herself—the charge is being made against her and she is the aggrieved party—it is only fair that this whole matter should not be kept hanging beyond this Session. In this Session itself a final view must be taken. So, my only request to you is to expedite the process so that she can exonerate herself during the Session.

RE. RAISING OF POINT OF ORDER

श्री रामेश्वर सिंह (उत्तर प्रदेश) :

श्रीमन् सभापति जी, मेरा प्वाइंट आफ आर्डर है, मैं एक मिनट से ज्यादा नहीं लूंगा। इस सदन ने स्वर्गीय संजय गांधी के प्रति अपनी श्रद्धांजली अर्पित की है। संजय गांधी की पुस्तक मेनका गांधी ने लिखी थी, पुस्तक को सरकार ने वापस ले लिया।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): How is it relevant?

श्री जे० के० जैन : (मध्य प्रदेश) : इनको बैठाइये, ये फालतु बातें कर रहे हैं, बेसिर पैर की बातें करते हैं।

MR. CHAIRMAN: I don't think the question can be raised. Now, let us take up the Calling Attention.

[Mr. Deputy Chairman in the Chair]

श्री उपसभापति : आप बैठिये, यह प्वाइंट आफ आर्डर नहीं बनता। आप बैठिये, कोई प्वाइंट आफ आर्डर नहीं बनता। . . . (Interruptions) यह नहीं लिखा जाएगा।

SHRI J. K. JAIN: He is talking irrelevant. He has no business to speak this. (Interruptions).

MR. DEPUTY CHAIRMAN: Till I am standing nothing will go on record.

(Shri Rameshwar Singh continued to speak)

MR. DEPUTY CHAIRMAN: It will not go on record. (Interruptions). Now we go to the Calling Attention. Yes, Shri Bhandare. (Interruptions). The Chair has not allowed it. This will not go on record.

(Shri Rameshwar Singh continued to speak)

MR. DEPUTY CHAIRMAN: Whatever you have said, nothing will go on record. (Interruptions). Please take your seat. Mr. Rameshwar Singh, that is not the point before the House.

श्री जे० के० जैन : इनकी बातों को कार्यवाही से निकलवाइये। . . . (Interruptions)

MR. DEPUTY CHAIRMAN: I have not allowed him. (Interruptions). I have not allowed anybody. Nothing is going on record.

(Several Hon. Members continued to speak)

MR. DEPUTY CHAIRMAN: Please take your seats. Shri Bhandare. (Interruptions) Nothing is going on record, I may tell the hon. Members Till I am standing. . . I am not allowing anybody.

(Shri J. K. Jain continued to speak)

[Shri J. K. Jain—Continued to speak]

(Shri Syed Sibte, Razi continued to speak)

MR. DEPUTY CHAIRMAN: Please take your seats first. I am calling Mr. Bhandare to raise the Calling Attention. Let us start business; then if you have anything to say on a point of order, you can say that; otherwise nothing will go on record.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE): Sir, on a point of order. (*Interruptions*)

MR. DEPUTY CHAIRMAN: He is on a point of order. Yes, Mr. Sathe.

SHRI VASANT SATHE: Sir, it is an elementary rule that anything said in this House without your permission will not form part of the record. So all that is said by Mr. Rameshwar Singh should not be recorded.

MR. DEPUTY CHAIRMAN: Yes, yes . . . (*Interruptions*) Please don't shout like that. Please take your seat. Just a minute.

SHRI VASANT SATHE: Sir, I am raising a point of order.

SHRI SHIVA CHANDRA JHA (Bihar): A Minister cannot raise a point of order.

MR. DEPUTY CHAIRMAN: Yes, he can raise a point of order. There is nothing wrong in it.

SHRI SUNDER SINGH BHANDARI (Uttar Pradesh): He is not a Member of the House.

श्री शिव चन्द्र झा : क्या मिनिस्टर प्वाइंट ऑफ आर्डर रैज कर सकता है !
(*Interruptions*)

श्री सुन्दर सिंह भंडारी : जब इनका बिजनेस नहीं चल रहा है तो यह कैसे प्वाइंट ऑफ आर्डर रैज कर सकते हैं .

MR. DEPUTY CHAIRMAN: He is a Minister. He has the right to raise a point of order. This has been decided.

SHRI VASANT SATHE: Everybody has the right to raise a point of order.

SHRI PILOO MODI (Gujarat): He is not a Member of the House. He

is only supposed to come here in order to answer business connected with his Ministry.

MR. DEPUTY CHAIRMAN: Let me explain the position on the point raised by Mr. Mody. In this House, when Mr. Advani was the Leader of the House, Mr. Raj Narain raised points of order and on several other occasions Ministers have raised points of order. This has been the practice in this House. If anybody has any doubt, let him consult the proceedings (*Interruptions*) I can show you the proceedings. I can show you just now. This is the procedure in this House.

SHRI PILOO MODY: Kindly listen to my submission. My submission is that the Ministers who belong to the other House are welcome in his House in connection with the work. . .

DR. RAFIQ ZAKARIA (Maharashtra): That is not the position. (*Interruptions*)

SHRI PILOO MODY: You can contradict after hearing me.

MR. DEPUTY CHAIRMAN: Please take your seats. (*Interruptions*)

SHRI PILOO MODY: They are allowed to come here in connection with the business of their Ministry. They must come here, answer questions, initiate debates—whatever is connected with their Ministry. When you raise a point of order it has to do with the procedure of the House and that privilege belongs to the Members of the House. He is entitled to raise a point of order in the Lok Sabha: nobody objects to him doing so. In fact, if he were even to raise a point of order which arose out of this House in that House, maybe the people in that House may not mind but in this House, Sir, if he has a point of order to raise, let him pass it on to some Member who belongs to his party to raise it. But I think this is setting a very bad precedent. First of all, Ministers should not be rais-

[Shri Piloo Mody]

ing points of order. Secondly, they should not be intervening in this Zero Hour now that rows take place every day and, thirdly, not being a Member here he should not appropriate the privileges of this House.

(Interruptions)

SHRI P. VENKATASUBBAIAH: Please hear me, Sir. In this very House I raised a point of order as a Minister. Mr. Mody was not here, unfortunately, on that day. Then the same points were raised. I would request you to go through the records. The Chairman upheld that though the Minister does not belong to this House, he has got every right to raise points of order and there was a precedent quoted. So I would like you to go into the record. (Interruptions)

DR. RAFIQ ZAKARIA: Sir, my point of order.

(Interruptions)

MR. DEPUTY CHAIRMAN: Let us clear this point first.

DR. RAFIQ ZAKARIA: On this point only. The constitutional position is quite clear. Ministers are entitled. The only thing is, they do not enjoy the right to vote. (Interruptions)

श्री शिव चन्द्र झा : उपसभापति महोदय, जो आदमी इस सदन का सदस्य नहीं है, चाहे वह मिनिस्टर ही क्यों न हो, उसको पाइंट आफ आर्डर उठाने का हक नहीं है, वह पाइंट आफ आर्डर नहीं उठा सकता है ।

DR. RAFIQ ZAKARIA: Sir, I would like to make the position clear. The constitutional position is that once a Minister is appointed, he has the same rights and privileges except the right to vote. That is the only difference. (Interruptions)

SHRI PATITPABAN PRADHAN (Orissa): Mr. Deputy Chairman, I

wish to refresh your memory that sometime back when in this House the then Minister of Steel and Mines Shri Biju Patnaik, rose to raise a point of order, there was a hue and cry from this side of the House when my friends on the other side were sitting on this side. Then the Minister of Steel and Mines was not allowed to raise a point of order. There should be uniform practice in this House. Besides, if any business which comes up in the course of the point of order, and that business relates to the Minister concerned, then if he speaks something on it, then I can understand. But here is a point on which the Minister of Information and Broadcasting has nothing to say. So on these point... (Interruptions)

MR. DEPUTY CHAIRMAN: I do not need so many advisers on this point. The point is quite clear.

SHRI RAMANAND YADAV (Bihar): My point . . .

SHRI N. P. CHENGALRAYA Naidu (Andhra Pradesh): Sir, I have been asking. . .

MR. DEPUTY CHAIRMAN: First let me dispose of this point.

श्री रामानन्द यादव : उपसभापति महोदय अगर सदन में कोई प्रश्न उठा हो या किसी विषय पर बहस हो रही हो तो सदन में जो भी बैठा रहता है, चाहे वह सदन का मेम्बर हो या कोई मिनिस्टर हो, चाहे उनके परटिकुलर विषय पर बहस न हो रही हो, अगर वे क्वेश्चन्स का जवाब दे रहे हों या कोई बिल पायलट कर रहे हों और उस बीच में कोई बात उठती है उनको हक है कि वे पाइंट आफ आर्डर रज कर सकते हैं ।

श्री उपसभापति : अब आप बैठ जाइये, आपकी बात साफ हो गई है ।

श्री रामानन्द यादव : अगर मिनिस्टर महोदय किसी बात को रोज करते हैं तो उनको अपनी बात रोज करने का हक है । अगर हाउस में कोई इरिरेलेवेन्ट बात हो रही हो या व्यवधान पैदा हो रहा हो या वह बात हाउस की डिग्लिटी के खिलाफ हो या आपके खिलाफ हो तो कोई भी मेम्बर या मिनिस्टर उसके बारे में पाइन्ट आफ आर्डर रोज कर सकता है ।

श्री शिव चन्द्र झा : उपसभापति जी, आपको मालूम होगा कि जब जनता सरकार थी, तो मिनिस्टर्स को प्वाइन्ट आफ आर्डर उठाने की परम्परा जो थी उसको बन्द कर दिया गया था ।

श्री उपसभापति : वह बात तो कह दी ।

(Interruptions)

श्री शिव चन्द्र झा : जो इस सदन का सदस्य नहीं है वह प्वाइन्ट आफ आर्डर नहीं उठा सकता । यदि कोई गड़बड़ी कार्यवाही को लेकर होती है जो उसके लिये पार्लियामेन्टरी एफियर्स मिनिस्टर आते हैं या लीडर आफ दि हाउस जो हैं वे जवाब दे सकते हैं कोई दूसरा मंत्री जो यहाँ का सदस्य नहीं है वह प्वाइन्ट आफ आर्डर नहीं उठा सकते हैं ।

श्री रामानन्द यादव : उपसभापति जी,...

MR. DEPUTY CHAIRMAN: I have heard you. How many times will you say on it?

श्री रामानन्द यादव : श्रीमन्, मुझे याद है कि जत्ती साहब ने उन्हें अलाऊ किया था ।

MR. DEPUTY CHAIRMAN: Dr. Siddhu.

DR. M. M. S. SIDDHU (Uttar Pradesh): Mr. Deputy Chairman, Sir, as Chairman you had said that nothing will go on record.

MR. DEPUTY CHAIRMAN: You are saying different things now.

DR. M. M. S. SIDDHU: After your ruling, there was no matter before the House on which any point of order could have been raised because when the subject-matter is not allowed to be recorded there is no matter in the House, whether interruptions or otherwise, on which any point of order could be raised by any Member, because it is your ruling. That is No. 1. The second point is this. If I recollect correctly, Shri Raj Narainji was allowed by the person in the Chair—I think it was the Chairman of the House, Hon. Shri Jattiji—and he upheld that a Minister can raise a point of order. These are the two things. But the main point is that when there is no business before the House, no point of order can be raised by anyone.

श्री रामेश्वर सिंह : श्रीमन् क्या मेरी बात रिकार्ड हुई है ?

MR. DEPUTY CHAIRMAN: Unless the Chair allows, you cannot go on. If you do not co-operate, nothing will go on record. You did not seek the permission of the Chairman before coming to the House and at the moment when you raised a point of order, he did not allow it. (Interruptions). No, he did not allow it. Let me clear this point first. I think hon. Shri Mody is not here. Perhaps he has gone away realising the fact that his contention is not valid. In this House, this has been the procedure. May I read for the benefit of the hon. Members article 88 of the Constitution? (Interruptions). I cannot allow, Mr. Rameshwar Singh. Please take your seat first. I am standing. If you have any respect for the House, please sit down. Otherwise, if you have this unruly behaviour in the House, I warn you that nothing will go on record till I allow it. By making any amount

[Mr. Deputy Chairman]

of noise or unruliness, you cannot get into the press. I know that you want to be high-up in the press. When the House is orderly, if you want to say anything, you take the permission and then go on record. I have nothing to say about that. Whatever you want to say, take the permission from the Chair and speak in the strongest possible language that you can use. I have no objection. But once the thing is not allowed, please co-operate with the Chair. (*Interruptions*). I said to both the sides. I say it all the Members. This is not only for you but for others also. May I read article 88:

“Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses, and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.”

In this article, the important point is, “to take part in the proceedings”; point of order and other discussions, they are all part of proceedings. Therefore, there is no bar on that.

And as Dr. Siddhu has rightly reminded the House, Shri Raj Narain—when Shri Advani was the Leader of the House—was permitted to raise a point of order; the Chair upheld it.

SHRI P. VENKATASUBBAIAH: In my case also.

MR. DEPUTY CHAIRMAN: Yes, in your case also. And in the case of Shri Biju Patnaik, hon. Members may recollect, because there was some disturbance and shouting from the other side, he sat down. The Chair did not rule him out. That fact should also be borne in mind, that the Chair did not rule out Mr. Biju Patnaik from making a point of order. But because of disturbance in the House, he may not have been able to raise a point of order.

Now the first point that Dr. Siddhu raised is quite... (*Interruptions*). That is why I said because of shouting he may have sat down, but the Chair did not disallow him. That is my observation. Regarding the first point that Dr. Siddhu raised, it is quite right. The Chair did not allow Shri Rameshwar Singh to raise any point.

SHRI PILOO MODY: Before you proceed further, I quote rule 258 on the same issue.

MR. DEPUTY CHAIRMAN: After I finish.

SHRI PILOO MODY: Before you give a ruling.

MR. DEPUTY CHAIRMAN: There was almost disorder in the House at that time. When there is no business, no point of order would arise. But Mr. Sathe was referring whether it went on record. That is all. Shri Mody.

SHRI P. RAMAMURTI (Tamil Nadu): There can be a point of order on disorder.

SHRI PILOO MODY: Article 258 says this on points of order. It is page 112 of my book. As to who can raise a point of order, it says that any Member may at any time submit a point of order for the decision of the Chairman...

SHRI LAL K. ADVANI (Gujarat): A minister does not become a Member

SHRI PILOO MODY: ...but in doing so, shall confine himself to stating the point.

MR. DEPUTY CHAIRMAN: Mr. Mody, before you show your eloquence, I request you to read Article 88 of the Constitution. Article 88 of the Constitution is supreme, and our rule is subordinate to it. Do not waste your eloquence on this point. Article 88 is supreme. Perhaps you were not there when I explained it.

SHRI PILOO MODY: It says, 'Other wise take part in proceedings of either House.'

MR. DEPUTY CHAIRMAN: Yes. Shri Bhandare.

SHRI VASANT SATHE: My saying was interrupted by the objections. I had only said that Shri Rameshwar Singh Ji was bringing in a matter which was not connected with the business of the House and making the most scurrilous charges against persons who were not only no more Members of this House but who were no longer in this world. It was defamatory *per se*. All those things which he said when there was no business were in fact not in accordance with the rules.

SHRI MANUBHAI PATEL (Gujarat): It should not be recorded.

SHRI VASANT SATHE: And that is why I say that that should not form part of the record. That is what I pointed out. Thank you, very much.

SHRI MANUBHAI PATEL: Sir, the discussion which went on along with what the hon. Minister has opined, should not go on record. The original thing also was not allowed to go on record.

DR. RAFIQ ZAKARIA: That is correct. Having disallowed that, I think Mr. Sathe's point also must be disallowed.

SHRI PILOO MODY: Mr. Sathe's point should also be expunged because he was talking about something which does not form part of the proceedings of the House.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE—

The reported demonstrations by women in Rajasthan and Delhi for the revival of the practice of 'Sati'.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Mr. Deputy Chairman, Sir, with your kind permission, may I call the attention of the Minister of Home Affairs to the question which I have raised about the agitation in support of the 'Sati' system in Rajasthan and Delhi.

श्री रामेश्वर सिंह (उत्तर प्रदेश): श्रीमन्, मेरा एक प्वाइंट आफ़ आर्डर है। सभापति महोदय के रहते मैंने इस सवाल को रेज किया था तब आप इधर कुर्सी पर बैठे थे। मैंने सभापति जी के रहते इस सवाल को रेज किया था।

श्री उपसभापति: उन्होंने अलाऊ नहीं किया आपको...

श्री रामेश्वर सिंह: उन्होंने अलाऊ किया। आप यह सभापति जी पर छोड़ दीजिए। उसका फैसला आप मत कीजिए। सभापति जी के रहते मैंने यह रेज किया था। जो फैसला सभापति जी करेंगे वह मुझे मान्य होगा, आप उन पर छोड़ दीजिए... (Interruptions).

SHRI PILOO MODY (Gujarat): A point of order, Sir. Mr. Deputy Chairman, Sir, the Calling Attention was not properly presented to the House. Calling Attentions have to be introduced in the same words in which they appear in the order paper. He has no business to interpret it.

MR. DEPUTY CHAIRMAN: Because of the noise I could not hear him well. Please read it again, Mr. Bhandare.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Sir, I know... (Interruptions).

MR. DEPUTY CHAIRMAN: You read from the agenda.

SHRI PILOO MODY: He did not mention Delhi... (Interruptions).