

## RE: PRIVILEGE MOTIONS

श्री रामेश्वर सिंह ( उत्तर प्रदेश ) :  
उपसभापति महोदय, हम लोगों के दो प्रिविलेज मोशन दे रखे हैं। एक प्रिविलेज मोशन श्री सत्यपाल मलिक जी ने दे रखा है जिसमें यह है कि गृह मंत्री जी हाऊस में असत्य बोले हैं, हाऊस को गुमराह किया है।

श्री उपसभापति : यह मालूम हो गया है, दूसरा क्या है ? यह तो मालूम हो गया है।

श्री रामेश्वर सिंह : मेरी बात आप सुन लें। आज कम से कम 15 दिन ही गए हैं, अभी तक कोई निर्णय नहीं दिया। आपका निर्णय आ जाना चाहिए था। एक हमने दे रखा है कि जब जेल में हमें बन्द किया गया, जिस तरीके से हम लोगों के साथ सलूक किया गया। हम चाहते हैं कि आप अनुमति दें ताकि इस मामले को हम प्रिविलेज में ले आएँ।

श्री हरी शंकर भाभड़ा (राजस्थान) :  
उपसभापति महोदय, मेरा प्वाइंट आफ आर्डर है, पहले मेरा है।

श्री उपसभापति : इसी से संबंधित है ?

श्री हरी शंकर भाभड़ा : नहीं, मैं तो अपना प्वाइंट आफ आर्डर शुद्ध कानूनी पूछ रहा हूँ। सभापति महोदय को जवाब देना चाहिए था, मगर क्योंकि उन्होंने आपको अधिकार दिया है। यहां पर आज क्वेश्चन नम्बर 164 में मैंने क्वेश्चन पूछने की अनुमति मांगी थी, सभापति महोदय ने उसके पहले क्वेश्चन नम्बर 162 में जिसने क्वेश्चन किया था उनको दो सप्लीमेंटरी क्वेश्चन होने के बाद में भी उन्हीं माननीय सदस्य को उन्होंने बाद में और क्वेश्चन पूछने का अवसर प्रदान किया। क्वेश्चन नम्बर 165 में जिनके दो सप्लीमेंटरी थे उनको दो सप्लीमेंटरी के बाद भी फिर उनको तीसरी सप्लीमेंटरी करने की इजाजत दी। क्वेश्चन नम्बर 164 में उन्होंने कहा कि अब मैं किसी को पूछने की इजाजत नहीं दूंगा। मुझे इजाजत नहीं दी। लेकिन उसके बाद अगले क्वेश्चन

में यह कहने के बाद भी, अब मैं इजाजत नहीं दूंगा, उन्होंने तीन आदमियोंको और इजाजत दी। मैं पूछना चाहता हूँ कि इस संबंध सदन के कोई नियम हैं या नहीं। सभापति महोदय यह देखते हुए कि किसी का नाम है, उसको न बुलाकर दूसरे को बुलायेंगे तो इसमें आप लिख दीजिए कि तरीका क्या है। मैंने क्वेश्चन पूछ लिया कायदे से मुझे जितना अधिकार है, मेरे अधिकार (Interruptions) उसके बाद मैं बाद में पूछ सकता हूँ।

श्री उपसभापति : कृपया समाप्त करें, आपकी बात स्पष्ट हो गयी है।

श्री हरी शंकर भाभड़ा : अब आप हर्लिंग देंगे।

श्री उपसभापति : ठीक है, बैठिये।

श्री सत्यपाल मलिक (उत्तर प्रदेश) :  
मैं मान्यवर, आपकी व्यवस्था चाहता हूँ। जो यह नियमावली हमको मिली है, उसमें यह दर्ज है कि क्वेश्चन आवर के बाद जब कागजात पटल पर रख दिये जायें तो उसके बाद कुछ ऐसे मामले हैं जो उठाये जाते हैं। प्रिविलेज का मोशन उसमें आता है। मैं आपसे निवेदन करता हूँ कि जब आपको यह हुकूक या अख्तियार नहीं है कि आप उन पर फंसला दे सकें तो कुर्सी पर बैठते क्यों हैं। आप माननीय सभापति जी से कहिए कि वे बैठ कर और इन मामलों का निपटारा करें। 15-15 दिन से प्रिविलेज का नोटिस पड़ा रहता है, कायदे कानून से आप मिनिस्टर को बचाते रहते हैं। जब कायदे से आप मिनिस्टर के असत्य को और एरोगैन्स को नहीं रोकते हैं तो माननीय उपसभापति जी, मैं कहना चाहूंगा कि मंत्रियों का असत्य और एरोगैन्स चांटे से नहीं रोका जा सकता है, कायदे कानून से रोका जा सकता है। 13 दिन मुझको नोटिस दिये हो चुके हैं। यह बिल्कुल क्लीयर कट असत्य बोलने का मामला बनता है। उत्तर प्रदेश के मुख्य मंत्री का बयान मैं अपने कथन के सपोर्ट में पेश कर चुका हूँ।

लेकिन उपसभापति जी, उस मामले को मैं बिना किसी हिचक के यह आरोप लगाता हूँ कि उसको ड्रेग कर रहे हैं, खींच रहे हैं ताकि मौका मिले माननीय मंत्री जी को उससे बच निकलने का। तो मैं आपसे निवेदन करना चाहता हूँ कि यह बुनियादी बहस इस हाऊस में चलनी चाहिए कि इसमें क्या कायदे कानून हैं और अगर आपको यह अधिकार नहीं है तो आप इस कुर्सी पर मत बैठिये। वरना हम लोग सदन को चलने नहीं देंगे। मैं आपको यह चेतावनी देना चाहता हूँ। विनम्रता के साथ कि आप, सभापति जी, नेता सदन, विरोधी दल के तमाम सदस्यों के साथ मिलकर इस मामले को सुलटायें। मैं आपकी व्यवस्था चाहता हूँ कि आप जो मेरा प्रिविलेज का नोटिस है जब उस पर व्यवस्था नहीं दे सकते हैं तो आप विराजमान क्यों हैं।

**श्री उपसभापति :** आपने बात कह ली है। वह मैंने समझ ली है... (Interruptions)

**श्री सत्यपाल मलिक :** मेरी आपत्ति है, उसका आपको जवाब देना होगा।

**श्री उपसभापति :** ठीक है आप बैठिये।

**श्री सत्यपाल मलिक :** मान्यवर, आप मुझको निकाल सकते हैं लेकिन मैं इसका बगैर जवाब जाने इस सदन को चलने नहीं दूंगा... (Interruptions) मेरी आपत्ति है कि मेरा प्रिविलेज का मोशन... (Interruptions) इसमें कोई व्यवस्था नहीं बनती थी कि वे मंत्रियों को सफाई देने... (Interruptions)

**श्री उपसभापति :** अब आप आसन ग्रहण करें। आप बैठिये मैं बताता हूँ... (Interruptions) बैठ जाइये तो मैं बताता हूँ।

**श्री रामेश्वर सिंह :** मान्यवर... (Interruptions)

**श्री उपसभापति :** अब आप आसन ग्रहण करिये तभी तो कार्यवाही चलेगी।

**श्री रामेश्वर सिंह :** यह बच्चों का खेल नहीं है।

**श्री उपसभापति :** आप कृपया आसन ग्रहण करिये, मैं बताता हूँ।

**श्री सत्यपाल मलिक :** मंत्री जी जान-बूझकर सदन में असत्य बोलकर... (Interruptions) कोई कायदा कानून नहीं है मेरा सबमिशन है कि... (Interruptions)

**श्री उपसभापति :** मैं कह रहा हूँ कि आप आसन ग्रहण करिये। आप पहले बैठ जाइये तो मैं बताता हूँ, सुन लीजिए मेरी व्यवस्था क्या है।

**श्री रामेश्वर सिंह :** आज हम लोग क्लीयर कट निर्णय चाहते हैं... (Interruptions)

**श्री उपसभापति :** जी हां, मैं बता रहा हूँ... (Interruptions) ठीक है, आप लोग बैठिये गोस्वामी जी की बात सुनने के बाद मैं जवाब देता हूँ। मैं जवाब देता हूँ आप बैठिये। (Interruptions) आप आसन ग्रहण करिये मैं बताता हूँ। मैं माननीय सदस्यों से कहना चाहता हूँ कि... (Interruptions) रामेश्वर जी आप बैठिये।

मैं यह माननीय सदस्यों से अनुरोध करूंगा कि कोई सदस्य इस तरह की घमकी नहीं दे कि सदन को नहीं चलने देंगे, यह उचित नहीं है। आपने जो प्वाइंट आफ आर्डर रज किये हैं (Interruptions) आप आसन ग्रहण करिये, फिर मैं अपनी बात कहता हूँ। आप बैठिये। अगर मेरी बात नहीं सुनेंगे तो मैं कैसे कहूंगा। Nothing will go on record.

[Shri Hari Shankar Bhabra continued to speak]

श्री उपसभापति : व्यवस्था के बारे में सुनना है तो आप बैठिये । (Interruptions)

[Shri Hari Shankar Bhabra continued to speak]

श्री उपसभापति : आप बैठिये ।  
Unless you allow me, how can I speak. Please take your seat, then I will tell you. Nothing will go on record what they say.

श्री रामेश्वर सिंह : उपसभापति जी, . . . (Interruptions)

MR. DEPUTY CHAIRMAN: Nothing will go on record what Shri Rameshwar Singh says. Yes, Mr. Dinesh Goswami.

श्री शिव चन्द्र झा (बिहार) : श्रीमन्, . . . (Interruptions)

श्री उपसभापति : मैं व्यवस्था दे रहा हूँ . . . (Interruptions) आप देने का टाइम दीजिए ।

SHRI DINESH GOSWAMI (Assam): Why don't you listen? He will give the ruling.

MR. DEPUTY CHAIRMAN: Nothing will go on record what Shri Jha says.

[Shri Shiva Chandra Jha continued to speak]

श्री उपसभापति : मैं व्यवस्था दे रहा हूँ . . . (Interruptions)

[Shri Rameshwar Singh continued to speak]

SHRI DINESH GOSWAMI: Sir, I want to draw the attention . . . (Interruptions)

SHRIMATI MONIKA DAS (Karnataka): Sir, . . . (Interruptions)

AN HON. MEMBER: Why are you shouting?

SHRIMATI MONIKA DAS: I am not shouting, you are shouting.

[Shri Rameshwar Singh continued to speak]

श्री उपसभापति : आप बोलते रहेंगे, खड़े रहेंगे, तो मैं व्यवस्था कैसे दूंगा ।

[Shri Rameshwar Singh continued to speak]

श्री उपसभापति : श्री रामेश्वर सिंह जी कृपया स्थान ग्रहण करिए ।

[Shri Rameshwar Singh continued to speak]

श्री उपसभापति : . . . सुनोगे, तभी तो व्यवस्था की बात कही जाएगी ।

[Shri Rameshwar Singh continued to speak]

श्री उपसभापति : कृपया शांत रहिए ।  
Yes, Mr. Dinesh Goswami.

SHRI DINESH GOSWAMI: Sir I do not want to use my lung power. Sir, I want to draw the attention of the House to a very important matter. The Supreme Court has given the reasoning in the judgement . . .

MR. DEPUTY CHAIRMAN: That is a different matter. This is not a point of order. I cannot permit it. This point is not to be raised. I will not allow this thing. (Interruptions)

SHRI DINESH GOSWAMI: All right I am not referring to the Supreme Court.

MR. DEPUTY CHAIRMAN: I thought you were referring to what Shri Rameshwar Singh said. (Interruptions) No, no, I cannot allow it.

SHRI DINESH GOSWAMI: You permitted Shri Bhupesh Gupta.

MR. DEPUTY CHAIRMAN: This is an irrelevant matter. The Chair has not allowed it. (Interruptions)

अब मैं जो माननीय सदस्यों ने तीन बातें कही हैं, उनके बारे में कहना चाहता हूँ। श्री भाभड़ा ने जो कहा है उन सवालों के बारे में चेयरमैन साहब ने जैसा मुनासिब समझा, सदन में कहा। मैं समझता हूँ कि अब बाद में उस पर प्रश्न नहीं हो सकता।

दूसरी बात, श्री रामेश्वर सिंह जी ने कहीं है कि श्री सत्यपाल मलिक के मामले में प्रिविलेज का नोटिस दिया गया है।

**एक माननीय सदस्य :** उपसभापति महोदय ... (Interruptions)

**श्री उपसभापति :** जी हाँ। कहने दीजिए। आप अगर सुनेंगे नहीं, तो मैं नहीं बता सकता। उस संबंध में मैं कहना चाहता हूँ कि चेयरमैन साहब ने आपका जो प्रिविलेज का नोटिस था, उसको गृह मंत्री के पास भेजा है और गृह मंत्री का उत्तर आ गया है कि उन्होंने प्रदेश सरकार से उस संबंध में व्यौरा-वार जानकारी हासिल करने की कोशिश की है .. (Interruptions)

**SHRI BHUPESH GUPTA (West Bengal):** On a point of order, Sir.

**MR. DEPUTY CHAIRMAN:** Let me make my observations. Just a minute.

तो वह उत्तर अभी आया नहीं है। आने के बाद चेयरमैन साहब उसका फैसला करेंगे।

श्री रामेश्वर सिंह के मामले में चेयरमैन साहब ने कहा है कि कोई प्रिविलेज का इशू नहीं बनता। हाँ, उन्होंने यह जरूर कहा है कि किसी भी माननीय सदस्य के सम्मान की रक्षा, उसकी सुविधा के लिए सरकार को बराबर ध्यान रखना चाहिए। यह उन्होंने कहा है।

तीसरी बात, जो मलिक साहब ने कही है, मैं समझता हूँ कि उन्हें नियमों का अध्ययन

करना चाहिए। चेयरमैन इस आसन पर बैठे या डिप्टी चेयरमैन उनको पूरे अधिकार होते हैं। वे उस समय जो प्रश्न उठाए जाते हैं, उन पर निगय देते हैं। इस किस्म की बातें उनको नहीं करनी चाहिए और उनका जो प्रिविलेज का है, जो मैंने पहले बात कही थी श्री रामेश्वर सिंह के बारे में ... (Interruptions)

**SHRI BHUPESH GUPTA:** Sir, I am on a point of order.

**SHRI SADASIV BAGAITKAR (Maharashtra):** Sir, I am on a point of order.

**SHRI BHUPESH GUPTA:** I am on a point of order. I have a submission to make. What you have said, we understand the importance. But in this case, you have said the Chair has referred it to the Prime Minister.

**MR. DEPUTY CHAIRMAN:** Not to the Prime Minister, but to the Home Minister.

**SHRI BHUPESH GUPTA:** Something like that. Yes, the Home Minister. Now, Sir, this question should be judged on merits. The matter has been brought before the Chairman under certain rules. It is for the Chairman to decide. I do not know whether the Chairman has consulted them again, those who have brought it. In such a matter, I would like to know, is it not better for the Chairman to get the opinion, to seek the opinion of the Privileges Committee? (Interruptions)

**MR. DEPUTY CHAIRMAN:** He cannot do it, unless he gives the consent.

**SHRI BHUPESH GUPTA:** He could have obtained the opinion of the Privileges Committee whether there is a *prima facie* case or not. Take, for example, the question of giving some papers, for investigation, to the authorities outside. In such cases, the Chairman seeks the opinion of the Privi-

[Shri Bhupesh Gupta]

leges Committee. Here, in this case also, the Chairman could have sought the opinion of the Privileges Committee. Informally, sometimes, the Chairman does. Formally also, he does. I do not see why this should be taken lightly. It is a question of judging on the merits of the notice, the contents of it, whether there is a *prima facie* case or not, in the judgement of the Chairman to refer it to the Privileges Committee. If he thinks there is, he should refer it. If he does not think so, well, he can reject it. He could have got the opinion of the House. Now, we are all outside the picture. This is not fair. This is not a bilateral matter between the person against whom the privilege motion has been brought and the Chair. This is not a bilateral deal. This is what I am taking exception to and I hope, you will understand the position and set the matter right.

MR. DEPUTY CHAIRMAN: I would like to clarify one position.

SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir, on a point of order.

MR. DEPUTY CHAIRMAN: Let me first reply to the point of order raised by Mr. Bhupesh Gupta. The Chairman has referred the matter not for any decision to anybody. He has only sought information on the notice which had been given by the hon. Member to satisfy himself whether there is a breach of privilege or not. For this purpose, he has sought information from the Home Minister and the Home Minister has written to him that he has sought information from the State Governments in this matter. As soon as the information comes here, it will be sent to the Chairman. Hence, he has to decide on this. On the issue of privilege, first of all, the Chairman will give his consent. Only then, the matter can be brought into the House. Before that, we cannot refer it to anybody.

SHRI ARVIND GANESH KULKARNI: Sir, I am on a point of order.

My point of order is that rules 187 to 193—in fact, this is up to rule 196—deal with the question of privilege. I would like to know: under what rule—you have just now stated that the Chairman has sent the letter of my colleagues, Mr. Rameshwar Singh and Mr. Malik to the Home Minister for ascertaining the views of the respective State Governments—this has been done? Here I am a Member of the Rajya Sabha. I have my own privileges. I have given notice of a motion of privilege. I agree with Mr. Bhupesh Gupta that this should be passed on to the Committee of Privileges. The Committee will decide whether this is admissible or not admissible. Under what rule, the Chairman is authorised to refuse permission, because, the Home Minister of the Government of India and some State Governments are concerned with it? You please quote me any rule here today so that we would be satisfied, or, my colleagues here, Mr. Rameshwar Singh or Mr. Malik, whoever has raised this point... (Interruptions)

MR. DEPUTY CHAIRMAN: Please take your seat. I have followed your point. I did not say that the matter, that the letter, was referred. I have only said that the Chairman has sought information on the letter from the Home Minister; the view of the Home Minister has not been sought. This I have never said. Hence, your point of order does not arise. (Interruptions)

SHRI ARVIND GANESH KULKARNI: I raised a point of order. You please quote me the rule. That is all.

THE DEPUTY CHAIRMAN: I have said that the rule provides for getting the consent of the Chairman. That is the rule.

SHRI P. RAMAMURTI (Tamil Nadu): Here is a case where the Home Minister has made a statement on the

floor of the House and the Chief Minister has made a statement on the floor of the Assembly. These two statements are contradicting each other. Therefore, what is the necessity of referring it to the Home Minister or to the Chief Minister. The Chair has got to decide when these two conflicting statements on an issue are made by the Home Minister here and the Chief Minister there. It is a clear, *prima facie* case for the Privilege Committee to decide as to who is telling the truth and who is not telling the truth. If the Home Minister is not telling the truth, he must be hauled up and if the Chief Minister was not telling the truth, he must be hauled up by the Assembly. Therefore, where is the question of referring? The proceedings of the Parliament are here and the proceedings of the Assembly have been given. Therefore, what is there to refer to? This is a strange procedure which we cannot understand.

**SHRI PILOO MODY (Gujarat):** The point that is being made here is...

**SHRI ARVIND GANESH KULKARNI:** How has the Chair sent it to the Home Minister and to the Chief Minister? I do not understand that. Your decision that the Chairman has sent it to them is not acceptable to us. How can the Chairman do this? Under what rule can he do that? It cannot be. You are giving wrong ruling. Mr. Deputy Chairman, you cannot take the liberty of enacting the rule for yourself. Or the Chairman cannot do it on his own. I strongly object to this ruling.

**SHRI PILOO MODY:** What my colleagues are saying is that the Chair has usurped the functions of the Privilege Committee by the action taken by the Chair. Under a rule not prescribed in the rule book he has usurped the functions of the Privilege Committee. The matter should have been sent immediately to the Privilege Committee. It would have been left to the Privilege Committee to decide

what was the truth and what was the untruth. It was not for the Chairman either to consult the Home Minister or the Chief Minister of the State. It was for the Privilege Committee to rule on it. The Chairman cannot substitute the rule on the Privilege Committee. This is what my colleagues are saying. And in giving this ruling you are also guilty of the same charge.

**श्री जगदीश प्रसाद माथुर (उत्तरप्रदेश):**  
प्रिविलेज के मामले में मंत्री और सदस्य का (Interruptions) क्या मंत्री और सामान्य सदस्य की प्रिविलेज के मामले में कोई भिन्नता है? क्या मंत्री को विशेष अधिकार है? अगर प्रिविलेज किन्हीं सदस्यों की उठायी जाय तो क्या उनको भी चेयर पहले से जानकारी देगी? अगर सदस्यों को जानकारी नहीं दी जाती और मंत्री को जानकारी दी जाती है तो यह प्रिविलेज का गलत उपयोग है . . .

**MR. DEPUTY CHAIRMAN:** I have heard every party Member and every Member cannot be heard on this. (Interruptions). Madam, I am sorry, I have heard it. I will not allow it. Let it not go on record (Interruptions). No, please, I will not allow this thing to go on like this. Unless you take your seat, nothing will go or record. (Interruptions). You have to take your seat. I will not allow like that. You cannot speak from a different seat. (Interruptions).

**श्री रामेश्वर सिंह :** मेरा व्यवस्था का प्रश्न है ।

**श्री उपसभापति :** आप बैठ जाइए । (Interruptions) रामेश्वर सिंह जी, आप अपनी सीट पर जाइए ।

इस मामले में जितनी भी बातें उठायी गयीं उनको मैंने स्पष्ट कर दिया और कहना चाहता हूँ कि (Interruptions) कि चेयरमैन ही कोई निर्णय देंगे । मैं दूसरा आइटम लेता हूँ । कालिग अटेंशन बाइ कल्प नाथ राय ।

[श्री उपसभापति]

Please take your seats. (*Interruptions*) Hon'ble Members should take their seats. (*Interruptions*) I have clarified the whole position. (*Interruptions*) Nothing will go on record. Please take your seats.

[Some hon. Members continued to speak.]

MR. DEPUTY CHAIRMAN: Mr. Ramamurti.

SHRI P. RAMAMURTI: This is a very grave matter. The functions of Parliament and the privileges of the Members are sought to be completely trampled by adopting a method which is unheard of in the history of this Parliament. As a protest against this, we walk out.

[At this stage, some hon. Members left the Chamber]

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA: I am very sorry to say, here is a matter which requires strong protest and I think, Sir, we must lodge this protest because I do feel that the House could have dealt with this matter. The Home Minister has not withdrawn his statement. He made this statement in the House and he has not withdrawn it. On the basis of that statement having been contradicted elsewhere—which we think is wrong—they wanted it to be referred to the Privileges Committee. Why was it not given? The Home Minister has no credibility because even after all that has happened, despite all the stubbornness, the Station House Officer, Mr. Gaur, has been ordered to be transferred by the Inquiry Commission. Now we have seen that such things are happening. I think, Sir, you will kindly consider it. We lodge our protest and we are walking out.

[At this stage, some hon. Members left the Chamber]

SHRI PILOO MODY: We have also to walk out for the same reason.

MR. DEPUTY CHAIRMAN: Mrs. Purabi Mukhopadhyay.

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): I may remind this House that on the day I raised this question here, some Members, including our Lok Dal Members, went to the Chairman to discuss the privilege issue. (*Interruptions*) Please let us hear what anybody has got to say. Chairman, in his wisdom, told us that he would consider the Privilege Motion. He did not say 'yes' or 'no' today because he is sending this for the Home Minister's reply.

SHRI PILOO MODY: Permission!

SHRIMATI PURABI MUKHOPADHYAY: Not permission; reply. That is your word. I came back. I didn't go there to raise this Privilege Motion because I was present there. When I started speaking on the Home Minister giving an untruthful reply, misleading reply, he ticked me off from the Chair: "I say, there is a breach of faith, Mrs. Mukhopadhyay, and I cannot allow." Next day when the record came, I found half of it was absent. Next day I brought it to the notice of the Chairman and I brought it to the notice of this House as to why it was expunged, why it was not recorded. The reply was, "Because this issue now being in the hands of the Home Minister. All right, I kept quiet."

Sir, with my experience in Parliament and Assembly for 28 years, I have never heard that admission of a Privilege Motion will depend on the Minister against whom we bring the Privilege Motion. This is something fantastic. (*Interruptions.*) I have never seen the Chief Minister of a State giving a statement on the same issue and the Home Minister in this House giving a misleading statement. I read out both the statements for your record in this House and I was overruled. And today we hear that admission of this Privilege Motion still depends on the Home Minister.

Through you, Sir, we want to communicate our anger, our anguish and our resentment against the manner in which this House has been dealt with by no less a person than the Chairman himself. Sir, please reconsider the decision, admit the Privilege Motion, send it to the Privileges Committee. If they find there is no breach of privilege it is all right. Otherwise, we should not be gagged in the House like this as I was gagged on this issue last time.

(Interruptions)

MR. DEPUTY CHAIRMAN: Please hear me first. There is a point of order. He has raised a point of order. Let me make my position on this subject clear. (Interruptions) All right, you go ahead.

SHRI G. C. BHATTACHARYA (Uttar Pradesh): You admit this Motion. (Interruptions)

MR. DEPUTY CHAIRMAN: This is not a Motion; there is no Motion.

SHRI G. C. BHATTACHARYA: This is a Motion. (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Dinesh Goswami.

SHRI SADASHIV BAGAITKAR: On a point of order. (Interruptions)

SHRI DINESH GOSWAMI: You have permitted me on this? (Interruptions)

SHRI ARVIND GANESH KULKARNI: O Sitaram, O Sitaram. (Interruptions)

MR. DEPUTY CHAIRMAN: Order, please.

SHRI DINESH GOSWAMI: How can I make my submission unless I am permitted? (Interruptions) Sir, I am making my submission.

SHRI ARVIND GANESH KULKARNI: Because of your ruling... (Interruptions) Please save the Chair-

man... (Interruptions) The Rules Book... (Interruptions)

MR. DEPUTY CHAIRMAN: Order, please.

SHRI S. W. DHABE: (Maharashtra): Let Mr. Goswami speak. (Interruptions)

SHRI DINESH GOSWAMI: He is asking me. I do not know... (Interruptions)

MR. DEPUTY CHAIRMAN: Order, please.

SHRI DINESH GOSWAMI: Sir, I am making my submission.

श्री रामेश्वर सिंह : इस तरह से आप सरकार नहीं चला सकते ।

(Interruptions)

MR. DEPUTY CHAIRMAN: Order, please, order.

SHRI DINESH GOSWAMI: How can I, Sir... (Interruptions)

MR. DEPUTY CHAIRMAN: You go on speaking. (Interruptions) You will be recorded. (Interruptions) I am hearing you. (Interruptions)

SHRI DINESH GOSWAMI: There must be some order in the House.

MR. DEPUTY CHAIRMAN: Order, please, order.

श्री सदाशिव बगाईतकर : मेरा व्यवस्था का सवाल है ।

(Interruptions)

SHRI DINESH GOSWAMI: Mr. Deputy Chairman, Sir... (Interruptions)

SHRI ARVIND GANESH KULKARNI: Please call a lady Martial here for them. (Interruptions)

MR. DEPUTY CHAIRMAN: Order, please.

SHRI DINESH GOSWAMI: Mr. Deputy Chairman, Sir, we are discussing... (Interruptions) Will you kindly listen to me?

MR. DEPUTY CHAIRMAN: Order please.



SHRI DINESH GOSWAMI: Mr. Deputy Chairman, Sir, we are discussing an important procedural matter which will also be a precedent in many other matters and I think we should discuss it in a calm atmosphere. The first thing I would like to point out... (Interruptions)

श्रीमती सरोज खापर्डे (महाराष्ट्र) : यह सदन कोई मायापुरी नहीं है (Interruptions)

श्री रामेश्वर सिंह : आप जैसी महिलाएं जब तक रहेंगी... (Interruptions)

श्रीमती सरोज खापर्डे : यह सदन कोई मायापुरी नहीं है। आप सदन की परम्परा को ध्यान में रखिये मायापुरी बाहर है... (Interruptions) आप जिस नगरी के चक्कर काट रहे हैं वहां चले जाइये या बैठ जाइये... (Interruptions) बाहर चले जाइये।

SHRI DINESH GOSWAMI: Can I get some protection from the Chair? (Interruptions) Sir, I want your protection at least to place my point of order before you. (Interruptions) Sir, you have permitted me to make my point of order.

AN HON. MEMBER: On a point of order, Sir.

श्री रामेश्वर सिंह : श्रीमन्, पाइन्ट ऑफ़ आर्डर इधर से भी उठाया गया है।

श्री उपसभापति : कृपया आप शान्त रह।

SHRI DINESH GOSWAMI: On a point of order. You kindly listen to me. I do not know whether my friends from this side or that want a ruling on this or my friends are trying to take a political advantage out of it. This is a point of order on a privilege matter which will act as a precedent in many matters; and therefore, we should discuss it dispassionately. The first point I would like to make is for the consideration

of the hon. Chairman. That is, when a privilege motion is pending before the hon. Chairman and when this matter is going to be raised, it is proper that the hon. Chairman be in the Chair to take note of the different points and not pass on the baby to the hon. Deputy Chairman for the simple reason that the Deputy Chairman, even if he has some independent opinion of his own, cannot give a ruling because the whole matter is under the grip of the Chairman. Therefore, in these matters I feel that, when the privilege matters are coming up, it is better that the Chairman sits for another 15-20 minutes and disposes it of. The second point for your consideration is that if you try to shut up some hon. Members from speaking, it will only delay matters. If you had not done that, we could have discussed it in no time. The point is, when the privilege motion is coming up, whether clarifications can be asked for or not from the Minister against whom the privilege motion is coming up. Interpreting Rules 189 and 190 some of our friends have suggested that the Rules do not provide for asking for any clarification from the Minister. Sir, with respect, I can say I do not agree with this view because it has been the practice that even when there are privilege motions against newspapers comments are asked for from the newspaper editors whether a breach of privilege has been committed. Even earlier, comments have been asked for from the Ministers. The point is that the Chairman has to give consent under Rule 190. Before giving the consent, the Chairman may ask for a clarification from the person against whom a complaint is made, subject to one qualification. That is, if the Chairman decides to have a clarifactory remark from the hon. Minister, he must give an equal opportunity to the Member concerned who has given the notice of the privilege motion to place his own views before the House. Otherwise, he will give a one-sided judgement only, not having heard both the sides

But this has one qualification. The qualification is that normally in every matter, you ask the Minister to give his comments whether the notice issued is relevant. The question will be whether the matter is such that a certain clarification is needed, whether there is a scope for clarification. If a certain Minister makes certain observations in the House and the observations are on record, then, in that case, if the Minister subsequently does not come on his own before the House and clarifies it, I do not understand where is the scope for asking for a clarification. In that case, Sir, no privilege motion will go to the Privileges Committee. Every time we ask for a clarification, the clarification will be given in order to avoid the responsibility, and the very important chapter on the privileges, to a great extent will lose its relevance. Therefore, I am submitting Sir, no hard and fast rule can be once drawn that no clarification can be asked from the Minister. But, at the same time, I feel that the hon. Chairman has to perform a duty and a discretion, a very careful discretion, a judicial discretion. If the matter is absolutely open, on which a clarification has been sought for, and if the Chairman holds it to be not necessary, I do not think there is any scope for clarification.

So far as the merit of the question is concerned, I do not know what the notice is. I am not going to submit any because I feel that subsequently this question may recoil on us. If I give notice of a privilege motion and it is rejected, and if I want to have certain observations, it may be said that under rule 190 there is no scope. There is a scope for the person who gives notice to give his own views before the House in order to facilitate the Chairman either to give or not to give consent and at the same time to ask the aggrieved party to give his comments, if any. I think, any departure from this rule, from this convention, will not be a healthy precedent. *(Interruptions)*

MR. DEPUTY CHAIRMAN: Just a moment please. Shri Dinesh Goswami has said what he wanted to. I would like to inform him that the Chairman will know whatever is going on in the House, and he will come to a decision after reading the observations made by hon. Shri Singh in that connection. He will do it. *(Interruptions)* I have not shut out any Member. All the Members are speaking from their different points of view. I think you will leave the matter to the Chairman. And we will go to the next item. There is no necessity of making submissions on this point. The question of privilege, how it can be raised in the House and when it can be decided, are all well known to every one. The Chairman has to give his consent first under rule 187 for raising a question of privilege, and if he gives permission under rule 198 the report of the Committee on Privileges will be placed before the House. *(Interruptions)* I think the Members have also met him and he has also informed them what the position is. Therefore, I think, there is no need for further discussion at this stage. Let the Chairman come to a certain conclusion. Whatever points of view you have placed before the House, they have been taken note of. There is no need for further discussion on this point. *(Interruptions)*

SHRI S. W. DHABE: I want to give another point of view. You must hear all the points of view. What is this?

SHRI LAL K. ADVANI (Gujarat): Sir, here is a matter about which an hon. Member of this House had sought the consent of the Chairman. If the matter had been frivolous, had been baseless, it would have been immediately rejected in a day or two. This matter has been dragging on for long. Obviously, the Chairman is exercised that there is merit in the case, but he is perhaps looking for a suitable explanation from the Government.

Sir, there are two ways in which a matter of privilege can be dealt with

by the House. Number one is by a member giving notice the Chairman granting consent and then the House discussing the matter and coming to a conclusion. But there is another method also. The background of this is that the matter has been dragging for long, for two weeks or three weeks. The Member is over and over again pressing for it. He is in a difficult position because at 12 O' clock he finds that the Chairman is not there, and the Deputy Chairman or Vice-Chairman invariably tells him that the Chairman is seized of the matter and that it will be considered duly.

Sir, in all humility, I will submit to you about rule 203 and ask you to invoke rule 203 which says very categorically:

"Notwithstanding anything contained in these rules, the Chairman may refer any question of privilege to the Committee of Privileges for examination, investigation or report."

Now, the House need not come to a conclusion. Maybe the Home Minister has not committed a breach of privilege; or, maybe he has. Without coming to any conclusion, under rule 203 you have the authority, Sir, to refer this matter to the Committee of Privileges. Let the Committee of Privileges come to a conclusion and report to the House. So, my humble submission would be that, in view of all that has happened, you should refer this matter that has been raised by my hon. friend, under rule 203 to the Committee of Privileges.

**SHRI PILOO MODY:** By "you", he means you, Sir.

**SHRI NARSINGH NARAIN PANDEY (Uttar Pradesh):** Sir, Mr. Advani has raised the question as if the Chairman is seized of the matter. Sir, here the Chairman, after having thought over the subject, has already given a ruling and, Sir, the question of rule 203 of the Rules of Procedure.... (*Interruptions*) If you do not want to hear, that is another matter. (*Interruptions*)

**SHRI LAL K. ADVANI:** I stand corrected. I will withdraw my suggestion if the Chairman has given a ruling.

**SOME HON. MEMBERS:** No ruling. (*Interruptions*)

**MR. DEPUTY CHAIRMAN:** Order, please.

**श्री रामेश्वर सिंह :** आपने कोई रूलिंग नहीं दी है। श्रीमान्, चेररमैन ने कोई रूलिंग नहीं दी।

**श्री उपसभापति :** आप उनकी बात सुनिये।

**श्री नरसिंह नारायण पाण्डेय :** सुनोगे नहीं तो कैसे काम चलेगा? (*Interruptions*)

The point I wanted to make was that the Chairman has already, after due consideration in his chamber and after listening to the hon. Members, come to a decision. And after coming to a decision....

**SHRI PILOO MODY:** No.

**SHRI NARSINGH NARAIN PANDEY:**.... he has already referred that matter to you for your ruling. And today, Sir, Mr. Advani.... (*Interruptions*)

**MR. DEPUTY CHAIRMAN:** Please let him finish.

**SHRI SADASHIV BAGAITKAR:** Where is the decision? (*Interruptions*)

**SHRI NARSINGH NARAIN PANDEY:** If they do not want to hear anything.... (*Interruptions*) They are the elders of this House and if they do not want to hear anything and if they do not want anyone to reply.... (*Interruptions*) Only howling and shouting, Mr. Piloo Mody,.... (*Interruptions*)

**SHRI PILOO MODY:** There has been no ruling. Why don't you hear that?

**SHRI NARSINGH NARAIN PANDEY:** No, there was a reference.... (*Interruptions*)

**SHRI PILOO MODY:** No ruling. This is not a matter of opinion. (*Interruptions*)

**SHRI NARSINGH NARAIN PANDEY:** Please let me say.

MR. DEPUTY CHAIRMAN: Your point is clear.

SHRI NARSINGH NARAIN PANDEY: My point is very clear that the reference of the ruling, whatever it is, of the Chairman, was, through you, made in this House. Mr. Advani says that rule 203 comes into the picture. Sir, *prima facie* the hon. Chairman has already received the prior notice and after receiving the prior notice, has come to a certain conclusion. And after coming to a certain conclusion, through you, Sir, he has referred to the ruling. Where does the question of referring it to the Privileges Committee arise? That is my point.

MR. DEPUTY CHAIRMAN: Mr. Banerjee. (Interruptions) Please take your seat.

SHRI B. N. BANERJEE (Nominated): I would like to speak as to what the practice is. Sir, it is a very important point. So, please hear me for two or three minutes.

A privilege matter is initiated in the House by a notice given by a Member to the Secretary under the rule mentioned therein. That is the start. Then the Chairman has to give his consent. The Chairman does not go into the merits of the case. That is one thing which the hon. Members sometimes get confused about. He looks into the matter to see whether there is a *prima facie* case, or in other words, whether this is a matter which should go for investigation as a matter of privilege. That is the meaning of the word "*prima facie*". If he is satisfied, he gives his consent and the Member raises it on the floor of the House and the matter is debated. On a vote in the House, the matter goes to the Privileges Committee; that is, the House may itself decide it. That is one thing. There is another rule, as pointed out by Mr. Advani, by which the Chairman, without going through all this procedure, may send it straight to the Privileges Committee. And, Sir, he wants you to invoke your powers and refer this matter under rule 203 to the Privileges Committee. These are the points.

Sir, on the first point, whether the Chairman was justified in sending it to Mr. Zail Singh, I heard many hon. Members, including some who are in this House for years and years and who have been members of the Privileges Committee possibly all this time. I will ask Mr. Piloo Mody, Mr. Advani and others: Is it not the invariable practice....

SHRI LAL K. ADVANI: I have not objected.

SHRI B. N. BANERJEE: Mr. Advani has not done it, but he could have supported the Chairman and said that the Chairman was justified in sending it to Mr. Zail Singh. Invariably, the practice in every case....

SHRI LAL K. ADVANI: But how long?

SHRI B. N. BANERJEE: I will come to that. I am not speaking for one side or the other. I am telling you the practice, invariably, in every case, he sends it to the Minister.

THE LEADER OF THE HOUSE (SHRI PRANAB MUKHERJEE): To the person concerned.

SHRI B. N. BANERJEE: Here, there is some confusion. This is not a special privilege of the Ministers to get it. If I give a complaint, say, against Mr. Advani or another ordinary Member, the Chairman, before deciding on it, will send it to the Member. Now, in all propriety, I should give the Member a copy of the notice before I send it to the Chairman. But then these good rules and conventions are unfortunately not observed. So it goes to the Chairman. The idea is that a Minister is put in the footing more or less of a Member of the House. If you want to make a complaint of breach of privilege against your colleague, give him a notice and the Chairman also before he decides whether he will give his consent. That is what the Chairman has done. But how long the Chairman should take on a matter

[Shri B. N. Banerjee]

like this? If the Chairman takes too long a time then there is every reason for the Members to be worried about this matter. I stop at that.

I may remind the hon. Members that the present Chairman, immediately after he became the Chairman, has given a number of rulings during this period and some of them are very good rulings, well-considered rulings. What has happened in the N. K. Singh case? Did he not send it to Giani Zail Singh? What about Baghat in the Lok Sabha? The Speaker sent it to him. This is invariably done. In no case the privilege notice against a Minister, equivalent to the Member of the House, is decided without hearing from the Minister. On that point if there is a grouse, it is a mistake.

Second thing is that Mr. Advani has referred to a rule and said one can exercise action on that. Mr. Advani has a long experience in Parliamentary practice and he was also a presiding officer somewhere. He knows that that rule is exercised or power under that rule is exercised only in cases where there is a clear-cut privilege case and there, without going into the procedures inside the House, he refers to the Privileges Committee. Unfortunately...

**SHRI SADASHIV BAGAITKAR:** What is 'clear-cut'?

**SHRI B. N. BANERJEE:** I will tell you. That will be decided on the merit of the case. If, for example, you read in the newspaper that something has been done or something takes place in the vicinity of the House, he sends it straightaway. My submission is that in a case like this you are justified, more than justified, and you could not have but referred it to Mr. Zail Singh. But he is taking, I must say, too long a time to decide an issue like this. On the other side, as I said, I am pretty clear that this is not a case where the Chairman or the Deputy Chairman can send it to the Privileges Committee under Rule 203.

**SHRI SADASHIV BAGAITKAR:**  
On a point of order....(Interruptions)

**श्री उपसभापति :** अब जो प्रश्न आडवाणी जी ने उठाये थे। अब आप आसन ग्रहण करिये। इस तरह से अगर होगा, हर मेम्बर, माननीय सदस्य बोलना चाहेंगे तो कार्यवाही नहीं चलने पायेगी.... (Interruptions) जितने पक्ष हैं उनकी तरफ से जितनी बातें कही जा सकती हैं, कही जा चुकी हैं। मैं समझता हूँ कि अब स्थिति स्पष्ट है। मैं समझता हूँ कि आप सबकी भावनाओं को ध्यान में रखते हुए.... (Interruptions)

The point has been heard at length. Let us go to the next item.

**श्री शिव चन्द्र झा :** उपसभापति जी, मैं.... (Interruptions)

**श्री सदाशिव बागाईतकर :** उपसभापति जी, मेरा व्यवस्था का प्रश्न है आप सुन लीजिए.... (Interruptions)

**श्री उपसभापति :** व्यवस्था का कोई प्रश्न पैदा नहीं होता (Interruptions)

**MR. DEPUTY CHAIRMAN:** Let us go to the next item. (Interruptions) Do not obstruct the proceedings. (Interruptions)

**श्री शिव चन्द्र झा :** उपसभापति महोदय,.... (Interruptions)

**श्री उपसभापति :** सब हो चुका। व्यवस्था का प्रश्न इसमें पैदा नहीं होता... (Interruptions)

Yes, Mr. Kalp Nath Rai. Now the Calling Attention Notice.

**श्री सदाशिव बागाईतकर :** आप मेरी बात सुन लीजिए (Interruptions) आप क्यों मेरी व्यवस्था की बात नहीं सुन रहे हैं (Interruptions)

श्री उपसभापति : सब का उत्तर दे दिया है।  
(Interruptions) Please take your seat. (Interruptions). Kindly take your seat. (Interruptions) Take your seat.

श्री शिव चन्द्र झा : श्रीमन्, व्यवस्था की. . . (Interruptions)

श्री रामश्वर सिंह: उपसभापति जी, . . . (Interruptions)

श्री उपसभापति: इसमें व्यवस्था का प्रश्न नहीं है। Please take your seat. (Interruptions) Yes, Mr. Kalp Nath Rai.

### CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

Reported racket involving pilferage of 50 barrels of lubricating oil worth Rs. 1 lakh daily from the Indian Oil Corporation's pipeline running between the Manali Refinery and the Madras Port

श्री कल्पनाथ राय (उत्तर प्रदेश) : मैं मनाली तेल शोधक कारखाने तथा मद्रास पत्तन के बीच भारतीय तेल निगम की पाइप लाइन से प्रतिदिन 1 लाख रुपये मूल्य के 50 बैरल स्नेहक तेल की चोरी के घोटाले के समाचार तथा इस संबंध में सरकार द्वारा उठाये गये कदमों की ओर पेट्रोलियम, रसायन और उर्वरक मंत्रों का ध्यान दिलाना चाहता हूँ।

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI DALBIR SINGH): Sir, honourable Kalp Nath Rai and Hukmdeo Narayan Yadav. . . (Interruptions)

श्री सदाशिव बागाईतकर (महाराष्ट्र):  
उपसभापति जी, . . . (Interruptions)

श्री शिव चन्द्र झा (बिहार) : श्रीमन्, मैं कहना . . . (Interruptions)

श्री रामेश्वर सिंह (उत्तर प्रदेश) :  
सभापति महोदय, . . . (Interruptions)

SHRI DALBIR SINGH: The Madras Refinery is connected to the Madras Port. . . (Interruptions).

श्री हरी शंकर भाभड़ा (राजस्थान) :  
उपसभापति महोदय, . . . (Interruptions)

श्री उपसभापति : आप कृपया भासन ग्रहण करिए । . . . (Interruptions)

SHRI U. R. KRISHNAN (Tamil Nadu): Sir, we are not able to follow it. (Interruptions). We are not able to hear anything. (Interruptions)

श्री रामेश्वर सिंह : श्रीमन्, . . . (Interruptions)

श्री शिव चन्द्र झा : उपसभापति महोदय, . . . (Interruptions) . . .

SHRI SADASIV BAGAITKAR Sir, this is not the way. (Interruptions)

SHRI DALBIR SINGH: It is a fact that pilferage of lube base oil has been . . . (Interruptions) . . . taking place for some years. . . (Interruptions)

SHRI SADASIV BAGAITKAR Sir, this is not the way. (Interruption) What is this? (Interruptions)

SHRI DALBIR SINGH: Though curbing pilferage of this kind is a part of the normal functions of the police . . . (Interruptions) . . . it was felt Tamil Nadu authorities that a special patrolling force would be necessary to control it effectively. (Interruption)