

MR. CHAIRMAN: One minute. Now, whether I should allow one person from each party or not...

SHRI ANANT PRASAD SHARMA: No, Sir, we want your decision.

MR. CHAIRMAN: Therefore, let it be said by the Leader of the Opposition. That is what I am saying. Not by Mr. Kalp Nath Rai. You have got your leader. Whatever you want... *(Interruptions)*

SHRI ANANT PRASAD SHARMA: A Member of the Congress Party said something...

MR. CHAIRMAN: He spoke something else not regarding the ruling.

THE LEADER OF THE OPPOSITION (SHRI KAMLAPATI TRIPATHI): Sir, we are waiting to know your decision. You had promised yesterday that you will give your decision today in the morning. We are waiting here for that. Why are you allowing all these persons to go on speaking? Is there a scheme or conspiracy to delay the whole thing, to make the House a laughing-stock? What is all this?... *(Interruptions)*

MR. CHAIRMAN: One minute.

SHRI KAMLAPATI TRIPATHI: Why are you permitting this? Why did you permit Mr. Kulkarni to speak in the very beginning when you had to give your decision as promised by you? We are waiting for that. Why did you allow Mr. Kulkarni?

MR. CHAIRMAN: With due respect to the Leader of the Opposition, it is his party people who have, a number of times, spoken without permission. This is not the first time that somebody started speaking here... *(Interruptions)* What about Mr. Kalp Nath Rai? Has he ever... *(Interruptions)* Please resume your seat. With due respect again to the Leader of the Opposition... *(Interruptions)*

SHRI PILOO MODY: The Chairman is on his legs. Sit down.

MR. CHAIRMAN: Silence for a minute. All these hon. Members on the front bench are finding fault that somebody had stood up and he had started speaking. Is it not something which Mr. Kalp Nath Rai is doing everyday and at every time without permission? Are you allowing him to do that?

SHRI ANANT PRASAD SHARMA: No, nobody should do it.

SHRI KAMLAPATI TRIPATHI: I tell you with all humility in me that you allow all these things. Why should all this be allowed?

MR. CHAIRMAN: Without permission? If the Leader of the Opposition keeps quiet for ten minutes, he will see how Mr. Kalp Nath Rai raises without permission.

SHRI PRANAB MUKHERJEE: Sir, please give us your ruling first.

**ANNOUNCEMENT BY CHAIRMAN
RE RESOLUTION ADOPTED BY
THE HOUSE ON THE 10TH
AUGUST, 1978 FOR APPOINTMENT OF A COMMITTEE OR
ALTERNATIVELY TWO SEPARATE COMMISSIONS OF INQUIRY TO INQUIRE INTO ALLEGATIONS OF CORRUPTION MADE AGAINST MEMBERS OF FAMILIES OF THE PRIME MINISTER AND THE FORMER HOME MINISTER.**

MR. CHAIRMAN: I had stated that the Motion adopted by the House on the 10th August, 1978, was a recommendation addressed to the Government to *inter alia* seek the guidance and advice from a Committee to be appointed by the Chairman. I had also stated that the question of appointment of a Committee by me would depend on the indication as to which one of the two alternatives mentioned in the Motion was acceptable to the Government. The Prime Minister had accordingly made a statement in the House on the 24th August, 1978.

[Mr. Chairman]

I have carefully gone through the statement made by the Prime Minister as well as the various views expressed by Members in the House in the matter. It is evident from the Prime Minister's statement that neither of the two alternatives mentioned in the Motion has been accepted by the Government. According to my reading of the 10th August, 1978 Motion, constitution of the Committee by me is dependent upon the Government showing willingness to seek advice and guidance from it, which the Government have declined. The Motion also does not stipulate that the Committee should be appointed by me even if the Government decline to accept any of the two alternatives mentioned therein. I am, therefore, of the opinion that in the circumstances I am not called upon to appoint such a Committee in terms of the said Motion.

श्री भोला पासवान शास्त्री (बिहार) : सभापति जी, आपका फैसला हुआ, सभा ने सुना। मैं आपके फैसले को न चुनौती देता हूँ, न उसकी आलोचना करता हूँ। मैं यह समझता हूँ कि आपका जो काम था आपने वह किया। सदन ने आपको अधिकार दिया था कि आप हाउस के सदस्यों की एक कमेटी बना दें। उस कमेटी को बनाने में आप असफल रहे, असमर्थ रहे। आप उमको नहीं बना सके। परन्तु इसका अर्थ यह कदापि नहीं है कि जो ओरिजनल रेज्योल्यूशन है वह उड़ गया है। वह जिन्दा है। वह है और आपकी इस रूढ़ि से, इस फसले से जो मूल प्रस्ताव है वह खत्म नहीं होता है। मूल प्रस्ताव अभी जिन्दा है। यह तब तक जिन्दा है जब तक कि सभा कोई दूसरा प्रस्ताव ला करके मूल प्रस्ताव का विरोध कर उसके स्थान पर उसे नहीं रखती है। आपके बयान और प्रधान मंत्री के बयान से मूल प्रस्ताव नहीं जा सकता है, मेरा सवाल यह है। लेकिन आखिर यह आपका फैसला है। मैंने पहले

ही कहा है कि मैं आपकी कद्र करता हूँ, चेयर की कद्र करता हूँ परन्तु आपका फैसला जो अपनी जगह पर हुआ है उस फैसले का मैं विरोध करता हूँ और मैं यह समझता हूँ कि इससे सदन की मर्यादा को हानि हुई है। यह सभा (Interruptions)

श्री मनुभाई पटेल (गुजरात) : सभापति महोदय, मेरा प्वाइंट ऑफ आर्डर है

SHRI ARVIND GANESH KULKARNI (Maharashtra): He will have to sit down. (Interruptions)

SHRI MANUBHAI PATEL: You cannot dictate to me. Let the Chairman take a decision. He will decide, not you.. (Interruptions).

MR. CHAIRMAN: Hon. Member may resume his seat for a minute or two. Let him finish first. If you want to raise anything you can do it after that. Let us proceed quietly and calmly without any emotion.

SHRI MANUBHAI PATEL: I will obey the Chair. But I cannot be bullied by their shouts... (Interruptions)

श्री भोला पासवान शास्त्री : आपने हमको इत्तेला दे दी है। इसलिए मैं समझता हूँ कि न सरकार ने सदन के प्रस्ताव की मर्यादा रखी है और मेरी राय में सदन की मर्यादा और प्रतिष्ठा को आपने नहीं रखा है। लेकिन सदन अपनी मर्यादा, अपनी जिन्दगी का खून खुद नहीं कर सकता। सभा अपनी खुदकशी नहीं कर सकती। वह हस्ती यहां पर नहीं है जो सभा के किए हुए काम को उड़ा दे सकती हो लेकिन हमने शुरू में कहा कि आपका पद दूसरा है। आपने फैसला लिया है। आपके फैसले के विरोध में मैं और मेरी पार्टी अखिल भारतीय कांग्रेस संसदीय दल आपकी इस रूढ़ि के विरोध में वाक आउट करने है क्योंकि यह प्रतिष्ठा का सवाल है।

(At this stage some hon. Members left the Chamber.)

SHRI MANUBHAI PATEL: Shame.

SHRI BHUPESH GUPTA (West Bengal): I need not say that we are deeply disappointed...

MR. CHAIRMAN: He had raised a point of order. I had asked him to resume his seat at that time. Let him raise it now.

SHRI MANUBHAI PATEL: I wanted to raise it at that particular point when the leader of that Party was describing your decision. In the beginning he was welcoming it. In the middle he was flouting and criticising the Chair. He was criticising the decision of the Chair. Not only that. The decision of the Chair cannot be challenged. They may or may not accept it. They cannot challenge the decision of the Chair. But he was challenging your decision. At that particular point I was raising this point of order. He raised objections against your decision. This is my point of order which I wanted to raise at that particular point of time. The ruling of the Chair cannot be discussed after it is given. It cannot be discussed. Now they have walked out. At that time they were not prepared to hear this particular point. It should be recorded that they flouted the decision of the Chair. Not only that, they should not discuss it.

श्री रामानन्द यादव (बिहार) :

श्री एक सम्मिलित है

SHRI PIARE LALL KUREEL and PIARE LALL TALIB (Uttar Pradesh): We have the right to bring a motion for the removal of the Chairman.

MR. CHAIRMAN: Mr. Bhupesh, what is it that you are going to say?

SHRI BHUPESH GUPTA: I seek on what you have just read out. It is not a question of doing anything outside my constitutional right or the procedures of this House. I wish to speak within my constitutional right

and the privileges given to me under the Rules of Procedure of this House. Sir, my friend said that nobody can challenge the decision. You have stated a certain position and you have said that you will not appoint a committee. It amounts to that and you have given your reasons. First of all, I would ask you to reconsider your decision on the following grounds. I think I am entitled to do so because no decision is final in that sense. So, I ask for the reconsideration of your decision. First of all, Sir, one thing should be clarified.

SHRI ANANT PRASAD SHARMA (Bihar): Sir, Mr. Piloo Mody is not in his normal mood. His whole body is shaking. Just look at him.

SHRI BHUPESH GUPTA: You don't look at him. Sir, the first point is that it is not a ruling because you have not interpreted the rules here and what should follow from the rules. Therefore, it is not a ruling. It is your decision with regard to a matter which was placed in your hands. Having placed it in your hands, we have got something and we are going to give our reaction and ask for your reconsideration of the matter.

Sir, in the beginning, I would like to say that we will not challenge in the sense of defying the Chair. But we have got a right under the rules to make our counter-proposal and, Sir, I hope that in view of the shortness of the duration of the Session, you will allow us to move also, if necessary, an alternative Motion. We have got a right to do that. Before that, I would like to quote what you had said in your statement on the 17th of August. You have said:

"Two courses, therefore, seem to be open to the Government, namely, either they should seek the guidance and advice from a Committee of Members of the Rajya Sabha or forthwith appoint two separate Commissions of Inquiry."

[Shri Bhupesh Gupta]

These are your words. You did not say or you did not indicate that the situation demanded a statement by the Prime Minister in the House. Neither did you indicate that your mind was working in the direction of some alternative proposal that might come from any quarter. You very rightly confined yourself to the two propositions: Either the appointment of two Commissions or taking the advice of a Committee of the House. If neither course was followed what you would do we did not know. Neither course has been followed and you have taken recourse to a third thing, namely, the Prime Minister's statement that was made in the House. Sir, a new element has been injected into the discussion by your statement and the Prime Minister's intervention. Normally, Sir, as I understand the Motion, you should have really asked the Prime Minister whether he was prepared to appoint immediately two Commissions of Inquiry, to say "Yes" or "No". If he had said "No", then, Sir, you should have straightway gone ahead with the constitution of the Committee of this House. That was the meaning of it. The English words have a natural meaning and the parliamentary language has some natural significance and connotation. But you have not followed that course in your wisdom. About your wisdom, I cannot comment. But, about the wisdom of some others, I would like to say that it does happen that wisdom sometimes becomes very elastic. I am not one of those who trade in the elasticity of wisdom. I go by the conventions and customs. Then, Sir, what you have said is this:

"This matter was raised in the House yesterday. I am of the opinion that in terms of the Motion, the question of appointment of a Committee by me would depend on the indication from the Government as to which one of the two alternatives mentioned in the Motion is acceptable to them."

Therefore, Sir, it is dependent on two

things: Either you take the advice from the Committee of the House or appoint two Commissions of Inquiry. (interruptions). You are within the ambit of the Resolution. From this it follows that your words indicated that you were interested in the implementation of the Resolution when you made that statement. Dependent on what? On two things: Either the appointment of a Committee of the House or the appointment of two Commissions. That is the meaning of it. Today, Sir, you have said something different. In the earlier statement, you have said: "The appointment of a Committee at this stage...". Why do you say "at this stage"? You have said, "...at this stage without knowing the mind of the Government would be infructuous." The three words on your part are very significant: "at this stage". Therefore, it means that at some other stage you were foreseeing the possibility of the appointment of a Committee. Otherwise, Sir, you would not have used the words "at this stage". Whether your mind had worked on two separate lines, it is not for me to say. You have said:

"Without knowing the mind of the Government, appointment of a Committee at this stage would be infructuous."

I had objected to the word "infructuous". You wanted to know the mind of the Government. Can I take it that you are interested in knowing whether the Government is going to appoint two Commissions of Inquiry? If the Government had appointed two Commissions of Inquiry, your appointment of a Committee perhaps would have been infructuous, useless, wasteful exercise. Now, that has not been done. Commissions of Inquiry have not been appointed. The other alternative comes into force at once. I would, therefore, request the Leader of the House to let me know what course the Government propose to adopt in this matter. You concluded by saying "...what course Government adopt". Your statement today:

Sir, seems to be, in our poor wisdom, negated by another statement. Now, you said that the whole thing, whether you will appoint a committee or not, would depend on what the Government say. Was it your statement on that day? You could easily have said on that day: My appointment of a committee will depend on what they say. Therefore, I think we are now in the realm you have brought us to, when we have to make a submission. Sir, nobody in the House, whatever may his views with regard to the Government's position, took the line that our Resolution was anything but mandatory, in so far as the Chair is concerned. Even our ex-Secretary General, Mr. Banerjee, who has worked here and who is supposed to have some knowledge of procedures of Parliament, was saying that for the Government it was recommendatory, but for the Chairman it was mandatory. But Mr. Banerjee need not be taken as the final authority. But the House also took this view. Now, I have the fear that Government has won, not morally, not otherwise, but somehow or other. Will they win? I should like to know.

Now, Sir, let me go to the submission. It amounts to a frustration of the decision of the House. My friend, Shri Kulkarni, has gone away. He delivered a lecture. I do not quarrel with any Congress Party man nor with any of my colleagues in the opposition. He showed his indignation. I know it. But should he not be a little indignant when the view of the House is flouted?... (*Interruptions*) Should there not be a sense of revulsion, anger and indignation when a Resolution passed by the House is flouted? The Congress Party voted for it. It is calling it as a mandate for the Chairman... (*Interruptions*) I do not know what has happened between them, when they took the stand and now, things have changed and are liable to change. He can change his views. But we have not changed our views. We have not changed. We are for going through the constitutional

amendment. I make it absolutely clear that we are for it. And we shall co-operate with it. But circumstances have been created where co-operation also would require fulfilment of certain conditions by the Chair.

SHRI PILOO MODY (Gujarat): It is *quid pro quo*.

SHRI BHUPESH GUPTA: You know very well, Mr. Piloo Mody, that with all your bravery, if these people, these 70 people, are not present in the House, the Constitution (Amendment) Bill is not passed... (*Interruptions*) I know, some people in the Janata Party, on second thought, are not interested in passing the Constitution (Amendment) Bill... (*Interruptions*)

SHRI ANANT PRASAD SHARMA: Mr. Piloo Mody is one of them.

SHRI PILOO MODY: We may have third thoughts also... (*Interruptions*)

SHRI BHUPESH GUPTA: Sir, I have always taken Mr. Piloo Mody as an entertainment always. Nobody in India takes him seriously. He is a lovable person—entertainment, comic feature in a tragic drama... (*Interruptions*) It is a good thing. We need a touch of comedy in a tragedy. You are as much necessary for us today in the midst of a great tragedy as any, shall I say, feature in a circus or a play or a pantomime is required. Now all I say is this. Can we have this confidence in you? I have the highest regard for you as an individual, Mr. Jatti, the man. But can I have the same respect after what you have read out as the occupant of the Chair or in the Chair? Can I have that thing? Therefore, Sir, I suggest that if the Constitution (Amendment) Bill has to be gone through, better that, Sir, you vacate the Chair. You are a controversial figure now. You have become a controversial figure. (*Interruptions*) I am not reflecting anything. All I am saying is that you have become a controversial figure. Certain circumstances and certain situations have

(Shri Bhupesh Gupta)

made you a controversial figure which we would not like you to be. The Constitution (Amendment) Bill requires the cooperation of all Members of the House for discussion deliberation and smooth passage. Perhaps it would be in your wisdom, in the wisdom of the Chair, in the interest of Parliament and in the interest of the passage of the Constitution (Amendment) Bill that the Chair, in your absence, is occupied by some other person. (Interruptions) It will be useful. This is my suggestion. This is the first suggestion. Sir, otherwise I am not sure what will happen to the next course of discussion. Although I am all in favour of it, but I say that the Government should also be interested. The Government cannot thrust a thing on us. You must take everything. You must get a decision in your favour. You must impose a particular type of chairmanship at the time of discussion as if we have no emotion, we have no sentiments, we have no dignity, we have no right and we have no honour to defend and guard. Well, Sir, the Resolution became the Resolution of the House and the leader of the House did not even ask for a Division. I wish that Division had been asked for that day by those who are opposing us today. Why was not Division asked for? Why did they withdraw? Why did they treat the House like that? (Interruptions) Can they behave in any manner they like and get whatever they like to suit their purpose? I should like to know. Mr. Kulkarni has read something from the press. Many other things have also appeared. The news about the consultation of the Law Minister by the Chairman also appeared in the press. 'Attorney General being consulted' also appeared in the press. 'What the Government is doing' also appeared in the press. Before I sit down, all I would say is that we are in total disagreement with the decision that you have given in the House. It is unheard of in the annals of parliamentary democracy. I repeat 'un-

heard of'. Show me one example where the House adopted a resolution of this kind and it has been rejected in this manner. If that is so, many of the things that are passed with you in the Chair or under the chairmanship of any Chairman would be open to doubt and question. We have landed ourselves in this situation. Heavens alone can save our parliamentary institution from where it has landed. Therefore, I say that the rules be waived. Waive the rules and an alternative resolution should be moved within the day. I would not like you to abuse this Resolution. (Interruptions)

MR. CHAIRMAN: What would you like to say in the end?

SHRI BHUPESH GUPTA: This is the line I would like you to take. (Interruptions) This is our view. At the moment, I am not giving you any resolution. This is my view.

MR. CHAIRMAN: You will have to give in writing if at all you want to say anything about the Resolution. You will have to give in writing.

SHRI BHUPESH GUPTA: This is my view.

MR. CHAIRMAN: May be.

AN HON. MEMBER: Sir, I strongly protest. (Interruptions)

SHRI BHUPESH GUPTA: All right, Sir, continue. We have no faith in you. I have no faith in you. (Interruptions)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, Mr. Bhupesh Gupta, a parliamentarian of such a standing should behave in this manner, casting an aspersion on the Chair? I have seen lawyers, after losing the case, behaving in a more dignified fashion than a parliamentarian of 25 years' standing.

SHRI ERA SEZHIYAN (Tamil Nadu): Sir, I am on a point of order.

SHRI KALP NATH RAI (Uttar Pradesh): Sir, I am on a point of order. My point of order...

SHRI ERA SEZHIYAN: Sir, what Mr. Bhupesh Gupta said is unparliamentary.

SHRI BHUPESH GUPTA: Sir, I am not reading the Resolution.

MR. CHAIRMAN: There is a point of order.

SHRI KALP NATH RAI: Sir, my point of order is...

SHRI ERA SEZHIYAN: Sir, Mr. Bhupesh Gupta said that he has no faith in the Chair. It should be expunged from the proceedings of the House. It is very unparliamentary and it should be expunged from the official records. (Interruptions)

SHRI KALP NATH RAI: Sir, my point of order is...

SHRI BHUPESH GUPTA: Sir, I am of the view that the situation can be best tackled... (Interruptions)

SHRI KALP NATH RAI: Sir, why the Leader of the House has not allowed you to appoint a Committee? It is showing dishonour to the House. It is reprehensible. (Interruptions)

SHRI BISHAMBHER NATH PANDE (Nominated): Discrimination.

MR. CHAIRMAN: Pande ji, I allowed the hon. Member this side when he said that he was on a point of order. I allowed here also. I am not making any discrimination.

सदन के नेता (श्री लाल कृष्ण आडवाणी): सभापति जी, आज सदन की कार्यवाही जब आरम्भ हुई उस समय श्री कुलकर्णी जी ने एक बात कही थी। मैंने उस समय कुछ नहीं कहा। (Interruptions) लेकिन मैं अपनी पार्टी की ओर से और विश्वास करता हूँ कि सदन के अन्य सदस्यों की ओर से भी, क्योंकि यह पार्टी का सवाल नहीं है... (Interruptions) सभापति के

पद पर, सभापति की गरिमा के बारे में किसी प्रकार के आक्षेप किये जायेंगे तो मैं उसके प्रति विरोध प्रकट करूँगा। मैं श्री कमलापति त्रिपाठी, श्री भूपेश गुप्त और विरोधी दलों के अन्य जो नेता हैं और सदस्य हैं उनसे अपील करना चाहूँगा...

(Interruptions) हो सकता है

कि पिछले हफ्तों में इस मामले पर इतनी उत्तेजना रही है, इतना भावावेश रहा है कि बोलते हुए जो मौलिक मर्यादाएँ हैं उन का भी हम पालन न कर सके। यह भाषण देने की बात नहीं है। भूपेश जी ने कहा कि कुलकर्णी जी ने बहुत भाषण दिया, लेकिन मैं कहना चाहता हूँ कि पालियामेंटरी डेमोक्रेसी विद आउट होल्डिंग दि डिमिटी आफ दि चेयर कभी सुरक्षित नहीं रह सकती। सभापति जी, मैं यह भी मानता हूँ कि कभी कभी चेयर का निर्णय किसी सदस्य को, किसी ग्रुप को, किसी नेता को स्वीकार न हो। हो सकता है। मैं स्वयं अनेक उदाहरण दे सकता हूँ। इसी सत्र में जब चेयर ने निर्णय दिया, मैं शायद उससे सहमत नहीं था लेकिन जिस समय आपने निर्णय दिया, मैंने उसको स्वीकार किया। इसलिये मैं इस रविवे की भर्त्सना करना चाहूँगा कि जब तक चेयर मेरा समर्थन करे तब तक ठीक है, अगर चेयर मेरी बात को न माने तो हम चेयर को यहाँ तक कह देंगे। मुझे इस बात पर बहुत खेद हुआ जब मेरे मित्र भूपेश गुप्ता ने यह कहा कि —

Mr. Jatti should vacate the Chair. I regard this objectionable. The Chairman occupies this seat by virtue of the confidence he enjoys in this House and the other House. I am not speaking merely in technical lines.

मैं टेक्निकल किसी बात को नहीं बोल रहा हूँ। मैं यह कहना चाहता हूँ कि आज प्रातः काल के अखबारों में यह छाप कि अगर चेयरमन हमारे पक्ष में रुलिंग नहीं देंगे तो हम नो-कांफिडेंस मोशन मूव करेंगे, तो

[श्री लालकृष्ण आडवाणी]

इस खबर ने न केवल मुझे खेद पहुंचाया

(Interruptions)

विपक्ष के नेता (श्री कमलापति त्रिपाठी):
श्रीमन्, प्वाइंट ऑफ आर्डर ।

(Interruptions)

श्री कल्प नाथ राय : श्रीमन्, प्वाइंट
ऑफ आर्डर है (Interruptions)

श्री लाल कृष्ण आडवाणी : श्रीमन्, मैं
दो मिनट में अपनी बात पूरी कर दूंगा । ...

(Interruptions)

SHRI BHUPESH GUPTA: Sir, are
you allowing him or me to speak?

SHRI LAL K. ADVANI: Mr. Chair-
man, Sir... (Interruptions).

SHRI KAMLAPATI TRIPATHI:
Sir, on a point of order...

SHRI PILOO MODY: Today you
will not speak, I am sorry.

SHRI LAL K. ADVANI: Sir, I am
speaking with your permission. I will
conclude within a couple of minutes,
just two minutes.

SHRI ANANT PRASAD SHARMA:
Sir, you have allowed a point of order
to be raised on that side... (Interrup-
tions).

MR. CHAIRMAN: But ask your
friends to keep quiet because when
others speak...

SHRI ANANT PRASAD SHARMA:
But you do not listen to our side.

SHRI KAMLAPATI TRIPATHI:
Sir, on a point of order...

SHRI PILOO MODY: Sir, I am not
allowing him to speak because no
Member from his party allows my
leader to speak. Why should I allow
him to speak? (Interruptions).

MR. CHAIRMAN: How am I to hear
even if the Leader of the Opposition

wants to raise a point of order, when
they create so much of noise?

SHRI DEORAO PATIL (Maharash-
tra): Sir, Shri Piloo Mody creates all
the noise.

MR. CHAIRMAN: When a point of
order is raised, it must be heard. If
it is raised here, on this side, Shri
Kalp Nath Rai will keep quiet. But
if somebody raises a point of order
somewhere else, he does not keep
quiet.

SHRI PILOO MODY: Sir, on a
point of order...

SHRI ANANT PRASAD SHARMA:
No, no... (Interruptions).

DR. BHAI MAHAVIR (Madhya
Pradesh): Sir, it cannot be a one-way
traffic. If they will not allow our
leader to speak, we will not allow
their leader to speak. (Interruptions).
The Leader of the Opposition has not
descended from the heaven. It has to
be a two-way traffic.

SHRI PILOO MODY: I wanted to
say the same thing.

DR. BHAI MAHAVIR: Your leader
does not even sit down when the
Chairman is speaking. What is this?
... (Interruptions).

SHRI KALP NATH RAI: Ask him
to stop.

SHRI SHIV CHANDRA JHA
(Bihar): पहले नेता सदन को सत्य कह देना
चाहिए था फिर इनको प्वाइंट ऑफ आर्डर रोज
करना चाहिए था (Interruptions)
सदन के नेता के खत्म करने से पहले ही
इन्होंने प्वाइंट ऑफ आर्डर रोज कर दिया
(Interruptions) ।

SHRI KAMLAPATI TRIPATHI:
I am on a point of order.

THE MINISTER OF STATE IN THE
MINISTRY OF LABOUR AND PAR-

LIAMENTARY AFFAIRS (DR. RAM-KRIPAL SINHA): Sir, let Mr. Advani finish in a few minutes, as he said and then the Leader of the Opposition may raise his point of order.

MR. CHAIRMAN: I would like to know from Mr. Advani whether he raised a point of order or he was only trying to speak something...

SHRI IBRAHIM KALANIYA (Gujarat): भूपेश गुप्त जब बोल रहे थे तब उन्होंने भी प्वाइंट ऑफ ऑर्डर रेज किया था।

MR. CHAIRMAN: Mr. Advani, was it your point of order?

SHRI LAL K. ADVANI: I wanted to raise a point of order but I did not raise it as such.

MR. CHAIRMAN: Now, the Leader of the Opposition wants to raise a point of order.

SHRI LAL K. ADVANI: I will finish in one minute.

SHRI ANANT PRASAD SHARMA: You ask him to sit down... (Interruptions).

SHRI PILOO MODY: On a point of order, Sir... (Interruptions).

SHRI KAMLAPATI TRIPATHI: मैं खड़ा रहूंगा मैं बैठूंगा नहीं। आप भी सब खड़े हो जाओ (Interruptions)

SHRI LAL K. ADVANI: I would request my colleague to please allow me to speak. I would request my colleague to sit down.

SHRI KAMLAPATI TRIPATHI: I am standing on a point of order, Sir. You are not permitting me.

MR. CHAIRMAN: Are you not allowing?

SHRI KAMLAPATI TRIPATHI: But you are allowing him taking your Bible from him... (Interruptions).

MR. CHAIRMAN: Mr. Maurya, you do not want the Leader of the Opposition to speak?

SHRI KAMLAPATI TRIPATHI: मान्यवर, मैं कह रहा था कि मेरा व्यवस्था का प्रश्न है...

MR. CHAIRMAN: I wanted to know only from the Leader of the House whether he raised a point of order. He said that he did not raise a point of order as such. But he wanted to speak. Now, Mr. Tripathi, you raise a point of order. You can speak. But the same principle should be made applicable to others also when they raise a point of order.

AN HON. MEMBER: It should be a point of order; not a speech.

श्री कमलापति त्रिपाठी : मान्यवर, मेरा व्यवस्था का प्रश्न है और बहुत साधारण सा प्रश्न है,। माननीय भूपेश गुप्त जी इस सदन में बोल रहे थे। सदन में वह खड़े हुए थे। उनका अधिकार था बोलने का। उनकी सपीच खत्म भी नहीं होने पाई थी कि आपने आडवाणी जी को आदेश दे दिया कि वह बोलें तब भूपेश जी बैठ गये और वह इतनी देर तक लम्बी स्पीच देते रहे। मैं पूछना चाहता हूं कि यह कौन सी व्यवस्था के जरिये आपने किया है कि जो व्यक्ति बोल रहा था उसको पूरा नहीं करने दिया और दूसरे को बोलने की इजाजत दे दी। यह बिल्कुल गलत है। उनके सकेत पर काम करना बिल्कुल गलत है। यह व्यवस्था का प्रश्न मैंने उठाया है (Interruptions)

यह गलत बात है कि केवल इन्हीं लोगों के इशारों पर काम किया जाये।

DR. BHAI MAHAVIR: Sir, I am on a point of order.

MR CHAIRMAN: Will you not allow your Leader to speak?

SHRI LAL K. ADVANI: Sir, so far as the point of order is concerned, Shri Bhupesh Gupta, as a senior parliamentarian, has generally yielded whenever anyone wanted to make a submission even in between. What I was pointing out was that even when we differ from a ruling given by the Chair or a decision given by the Chair, it is totally improper for any Member of the House to cast reflections on the Chair. I would say that it is even more obnoxious to follow it up with all kinds of threats that unless you do thus... (Interruptions). As I said, this morning's news disturbed me and it disturbed almost all Members of this Party and many Members of the other Party and I was expecting...

SHRI KAMLAPATI TRIPATHI: You are responsible for it.

SHRI LAL K. ADVANI: I would only say that expressions of disagreement with the decision given by the Chair should be absolutely insulated from any kind of aspersion on the Chair. This is my appeal to all the hon. Members. (Interruptions).

SHRI BHUPESH GUPTA: Sir, I understand. I yielding to Mr. Advani. When Mr. Advani was speaking, I did not interrupt him because I do follow the rules of procedure. He is a senior Member and he is the Leader of the House. Obviously, it is my duty to sit down. Sir, members of our group were sitting quiet after the ruling was given. We are not for disturbances as such. But we are interested in placing our point of view. Now, Sir, we have our own style of functioning. I do not know why I have been accused of casting reflections. I have expressed disagreement with the decision that you have given. Sir, I never said that you should vacate. I said that you had become, in this context, a controversial figure. Controversial figure is an objective fact. What will happen when some thing becomes controversial? This decision is certainly

controversial. Therefore, it is not a reflection. Are we living under a fascist Grand Council? We are a democratic Parliament. Controversies will be there. Differences will be there. Differences even with the Chair will be there. Sir, Mr. Advani says I am casting reflections on the Chair. I would use his own logic. Undoubtedly, the Chair's honour and dignity has to be preserved. I am in agreement with him. But he will also agree with me if I say that the Resolution passed by this House on a subject of this kind has also to be respected and honoured. Sir, it is a two-way traffic. Interactions are there. If you feel, Sir, that your honour has not been respected, you will react in a particular manner. Similarly, if the House thinks that its honour has not been respected, it will also react in a particular manner. The question is, what is the solution in such a situation. This is all that I am trying to say. Sir, I never said that you should vacate. Of course, we are interested in the smooth, calm and quiet passage of the Constitution (Forty-fifth Amendment) Bill. I am dead honest about it. Our group is dead honest about it. We thought, perhaps we can insulate controversy from the passage of the Bill. This is all I said. Very often you are not also in the Chair. Perhaps we thought, it would be comforting for you, comforting for us for the sake of the smooth passage of the Constitution Amendment Bill, let the Chair be alone for the time being, this is all I said. I do not think that this is a reflection. I thought that for the comfort of the Chair I am saying it, in the interest of the Bill I am saying it, in the interest of the House I am saying it. Therefore, no reflection is involved. All I say a situation has arisen and the question is how to solve it. Yes, Mr. Advani, Leader of the House, is there. He is controversial. You think that you are right and we think that we are right. You agree with the Chairman's decision, we disagree with it. That is the main controversy. In such a situation, Sir, I

think the best course would be for us here to express our view in a proper way. Sir, I do feel, would it not be possible... (*Interruptions*) No, give us the possibility. Give us an opportunity. Give us a chance at least here to express our regret...

MR. CHAIRMAN: Are you suggesting another motion?

SHRI BHUPESH GUPTA: ...and to proceed to elect a Committee right here in this House, consisting of 11 or 12 Members to be nominated straightaway other names to be incorporated or co-opted in consultation with the Leader of the House and then, Sir, we can entrust the Committee to look into these charges and allegations that are there and report to the House thereon by the end of the next session. It is very simple. If you allow this Committee to be formed, if you allow this course, much is gone. Much is gone then and you will also not come into the picture.

SHRI ANANT PRASAD SHARMA: You cannot allow Mr. Piloo Mody to be standing when you have allowed another hon. Member to speak.

MR. CHAIRMAN: Mr. Piloo Mody, please take your seat.

SHRI BHUPESH GUPTA: May you, Sir, kindly reconsider your decision and change it and appoint a Committee which we insist upon? Should you fail to persuade yourself to accept the line that we have suggested through the reconsideration, may we have your permission, the needed consent, to move a resolution taking upon ourselves the responsibility of electing a Committee straightaway in the House in the same way as Select Committees are appointed? Then, Sir, we can entrust this Committee with the task of going into this matter and reporting to the House by the end of the next Session.

SHRI PILOO MODY: No, on.

SHRI BHUPESH GUPTA: My friends may not agree. They may not join. But those who are ready to join, can join the Committee. We shall keep the places open for them, to be filled in consultation with the Leader of the House and the leaders of all the other parties. That is the best way of defusing the situation—I am using an international term 'the best way of defusing the situation'. That is the best way to allow the Constitution (Amendment) Bill to be passed. This is all I want to say. Sir, I hope, we shall table the proper motions and all that again, Sir, you will kindly consider. Before I sit down, with all the humility at my command, in the name of this House, despite the fact that Shri Piloo Mody is present in the House.

May I, Sir, honestly appeal to you that you reconsider your decision and proceed to appoint a Committee of the House of 15 members as mandated by the Resolution of August 10? I request you to do that. Sir, self-correction will not harm you to serve the situation. I am very sorry that we have entered into a controversy with you, but life leaves us with no other alternative but to face the challenge of the situation, meet the controversy and struggle for the answer to be given, the answer that the situation needs. We shall act according to the constitutional rights and the Rules of Procedure of the House.

And the Rules of Procedure have certain provisions which empower us to make certain series of moves in this matter. I hope, Sir, you will at least kindly consider this move and give us the assent so that we can bring this move into operation.

MR. CHAIRMAN: According to Shri Bhupesh Gupta, it is now 12 O'clock and we will have to take up...

SEVERAL HON. MEMBERS: No, no.

MR. CHAIRMAN: If you don't want again... (*Interruptions*) Yes, Mr. Mody, what have you to say? (*Interruptions*).

SHRI PILOO MODY: Sir,...

SHRI ANANT PRASAD SHARMA: He is not the leader of his party.

SHRI BHAURAO DEVAJI KHOBRAGADE (Maharashtra): What is it? Is it a point of order? (*Interruptions*).

MR. CHAIRMAN: No, no, you have agreed that whenever there is a point of order, I should allow. You can also raise. I have no objection. Yes, Mr. Mody.

SHRI PILOO MODY: Mr. Chairman, Sir, I was listening very carefully to what Mr. Bhupesh Gupta had to say on this ruling and I tried my very best to see if after so many days he could shed a little more light than what he has been shedding all these days.

SEVERAL HON. MEMBERS: What is the point of order?

MR. CHAIRMAN: Let me hear; then I will say. (*Interruptions*) No, no, my point is that standards should be the same.

SHRI PILOO MODY: What I find is, instead the light is slightly flickering.

श्री देवराव पाटिल : अगर चर्चा शुरू करना है तो सब को कन्ते दिया जाए ... (*Interruptions*).

SHRI PILOO MODY: Sir, he talked about... (*Interruptions*).

MR. CHAIRMAN: So many people are standing.

SHRI KALP NATH RAI: There is no point of order. Please don't call him. He is not making, any point of order.

MR. CHAIRMAN: When you raise a point of order, everything is correct. I have allowed him. I will give you a chance also.

SHRI KALP NATH RAI: Sir, the Law Minister and Shri Advani are both instigating the Members to rise and make points of order. These two

Ministers have no right to instigate the Members of Parliament to stand up and raise points of order.

MR. CHAIRMAN: Now, is it a point of order? Is there anything in it? Now, one second. Mr. Kalp Nath Rai has spoken. Did he raise any point of order? But he does not want others to speak. (*Interruptions*) I am mentioning your name because you rise every minute, every time. Therefore, I will have to request you that the consideration which other Members give to you, you must also give the same consideration to the other Members also. I am requesting you...

SHRI N. K. P. SALVE (Maharashtra): Will you please listen to me?

MR. CHAIRMAN: No, I have allowed him.

SHRI N. K. P. SALVE: Will you please listen to us? We have no objection to his speaking. But something has to be clarified. You allow me to speak. I have nothing against his speaking. Please understand what I have to say.

MR. CHAIRMAN: Mr. Salve, you are a seasoned speaker. Whenever a point of order is raised and when the Chairman has asked him to speak, if all the Members...

SHRI N. K. P. SALVE: I have nothing against his speaking. But let me speak. Are you allowing a roving debate on this? If you are not allowing a roving debate, all that I want to tell you is this. Parliament is meant for debating and I am not shutting any one out. Let the views be heard with a certain amount of dignity and restraint... (*Interruption*) Sir, the difficulty arises when a gentleman acts like an overgrown, ill-informed, imbecile, adolescent. Let there be some serious talking and let it not be a roving debate. I urge upon you to bring some discipline into the House. Let the Leader of the Opposition make his point. A point of order is confined to an interpretation of a rule. It is easy for you to allow it...

SHRI PILOO MODY: Was it a point of order or a point of imbecility, or was it a point of stupidity, or a point of ignorance or a point of compassion? What was this interruption for? ... (Interruption) Now shut up and sit down.

Mr. Chairman, Sir, if he objects to my bringing some papers, it is a copy of the Resolution. Sir, everybody is quoting from the Resolution. I needed a copy. And if Mr. Kalpnath Rai could read, I could show it to him. I was talking about what Mr. Bhupesh Gupta has said. He talked about English. He told us, in fact, lectured to us that the Resolution was very clear. Clear about what? (Interruption) I would like to make it even clearer to you, Mrs. Margaret. Have you any objection? Let me read the Resolution, Sir. It says...

SHRIMATI MARGARET ALVA (Karnataka): If you are reading it to me you can do it outside.

SHRI PILOO MODY: We can both go and do it outside... (Interruption) It says:—

"And, therefore, calls upon the Government..."

I am reading it now to make sense in both ways.

"And, therefore, calls upon the Government to straightaway appoint without delay two separate Commissions of Inquiry under the..."

What does it mean? It means that the motion calls upon the Government. The House has the constitutional right to pass any motion that it likes. The Government has the constitutional duty to perform and the constitutional duty does not bind the Government to appoint a Commission of Inquiry on the recommendations of a motion of the Rajya Sabha. This is the position. That rules out a Commission. In the alternate what does the motion say?

"And, therefore, calls upon the Government..."

MR. CHAIRMAN: One second.

SHRI PILOO MODY: Two minutes.

MR. CHAIRMAN: You can have four minutes, I have no objection. My point is when Mr. Bhupesh Gupta was speaking I was keeping quite. He spoke at length about the Resolution and his reaction. Now you are not prepared to hear the other person. Let him have his say. Two minutes.

SHRI YOGENDRA MAKWANA (Gujarat): We are prepared for the whole day... (Interruption).

MR. CHAIRMAN: Mr. Mukherjee, he has never spoken from the day he has become a Member. Let him speak.

SHRI PILOO MODY: And alternatively it calls upon the Government to seek forthwith the guidance and advice from the committee comprising of the Members....

SHRIMATI SAROJ KHAPARDE: (Maharashtra): Please speak in Hindi.

SHRI PILOO MODY: It is asking the Government to seek the advice of the committee, and the Government says, "No, thank you; we do not want the advice of the committee." After all, when you ask somebody to seek advice, it also implies concurrence on the other side and, as far as the Resolution is concerned and as far as English of the Resolution is concerned, it is a total wash-out. (Interruptions) This is all that you have to accept.

But, Sir, I am very much hurt: Mr. Bhupesh Gupta is a very very seasoned parliamentarian and he must get used to some defeats and some great and glorious victories. And I want him to have the sportsmanship to accept a defeat when it is rendered to him. Sir, you are quite right. On this occasion you stand defeated and because you stand defeated, we sympathise with you as human beings but, please

[Shri Piloo Mody]

don't disrupt this House. This is a very lovely House. You are largely responsible for having created this House. Having created it you have adorned it and now, in the twilight of your parliamentary career....

THE MINISTER OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI SIKANDAR BAKHT): Oh, no.

SHRI PILOO MODY:....why should you want to disrupt it? And then, in trying to disrupt it, do you realise whose aid and succour you are taking and who these people are? Fascists. Why are you seeking their help instead of accepting your defeat gracefully? Thank you, Sir. (*Interruptions*)

SHRI YOGENDRA SHARMA (BIHAR): Point of order. (*Interruptions*)

मान्यवर, मेरा व्यवस्था का प्रश्न यह है कि इस सदन को कौन डिमरुप्ट कर रहा है? श्री पीलू मोदी ने कहा कि श्री भूपेश गुप्त इस सदन को डिमरुप्ट कर रहे हैं। मेरा व्यवस्था का प्रश्न यह है कि...

SHRI PILOO MODY: When did I say that?

श्री योगेन्द्र शर्मा : इस सदन के निर्णय की अवहेलना करने वाला डिमरुप्टर है या सदन के निर्णय का समर्थन करने वाला डिमरुप्टर है। यह हमारा व्यवस्था का प्रश्न है।

SHRI HARKIRSHAN SINGH SURJEET (Punjab): Point of order, Sir.

MR. CHAIRMAN: He was standing there already. Yes, Shri Tripathi.

श्री कमलापति त्रिपाठी : मान्यवर, भूपेश जी ने जो सुझाव आपके समाने पेश.

किया है, मैं उसका समर्थन करने के लिये खड़ा हुआ हूँ।

SHRI HARKISHAN SINGH SURJEET: Point of order, Sir.

DR. BHAI MAHAVIR: Is Shri Tripathi on a point of order or what?

SHRI HARKISHAN SINGH SURJEET: Point of order. (*Interruptions*)

MR. CHAIRMAN: Now there is no question of....

श्री देवराव पाटील : उनको सुन लीजिये।

MR. CHAIRMAN: I Will hear. But, before that...(*Interruptions*) Why are you unnecessarily directing him to do it? Before that, am I not to speak? I do not understand it. You are a very responsible and experienced Member.

SHRI ANANT PRASAD SHARMA: Anybody raising a point of order will get preference. So he has raised a point of order.

MR. CHAIRMAN: That is correct. But, before that, I would like to know whether there is any proposal and whether somebody is there to second and support it. (*Interruptions*) I am trying to know from the Leader of the Opposition whether there is a point of order or whether he wants to support what Shri Bhupesh Gupta has said. If it is like that, then who supports and who opposes it because we will have to give an opportunity? That is what I am trying to know. (*Interruptions*) Please resume your seat. I will give you the opportunity.

SHRI KAMLAPATI TRIPATHI: Sir, am I allowed to speak?

MR. CHAIRMAN: Yes.

श्री कमलापति त्रिपाठी : मान्यवर, माननीय भूपेश गुप्त जी ने जो सुझाव आपकी सेवा में प्रस्तुत किया है मैं उसका हादिक

समर्थन करने के लिए खड़ा हुआ हूँ। मान्यवर, उन्होंने सुझाव यह दिया है कि रूल को सस्पेंड कर के इस सदन को इजाजत दी जाए कि वह उस कमेटी का निर्माण कर दे कि जिसकी रचना करने का काम इस सदन ने श्रीमान् के सुपुर्द किया था। वह नहीं हो सका और आज आपने यह घोषणा कर दी कि आप उसे नहीं कर सकते। हम लोगों के विचार से मान्यवर, यह सदन का बड़ा भारी अस्मान हुआ और यह सम्भव नहीं है कि जो प्रस्ताव यहाँ दमवीं को स्वीकार किया गया था इस सदन के द्वारा, और जो प्रस्ताव आज तक अपना अस्तित्व रखता है वैसे ही उस प्रस्ताव के रहते हुए हमें दुख है और हम समझते हैं आपकी इस घोषणा से इस सदन के हृदय को ठेस लगती है और उस के सम्मान को धक्का लगता है।

मान्यवर, माननीय पीलू मोदी जी कह रहे थे कि इस सदन की बड़ी भारी शोभा है। मैं कई वर्ष से इस सदन का सदस्य हूँ और उस समय से सदस्य हूँ जब माननीय आडवाणी जी इधर बैठा करते थे और माननीय भूपेश मुत्त जो भी उन के साथ बैठा करते थे...

(Interruptions) ... श्रीमन्, सदन की शोभा थी। मैं बड़ी नम्रता के साथ कहना चाहता हूँ कि इस सदन की शोभा को नष्ट कर देने का सारा उत्तरदायित्व जनता पार्टी और उस की सरकार पर है...

श्री मनुभाई पटेल : बिलकुल गलत।

श्री कमलापति त्रिपाठी : ... और श्रीमन्, माननीय पीलू मोदी जब से आए हैं तब से इस सदन की शोभा को धक्का लगा है; कुछ बढ़ा नहीं है (Interruptions)

SHRI SURENDRA MOHAN: (Uttar Pradesh): This cannot be

tolerated. Sir, he has insulted an hon. Member.

SHRI SHIV CHNADRA JHA: It is contempt of the House. (Interruptions).

SHRI SURENDRA MOHAN: This is most objectionable. He must withdraw what he has said about Mr. Piloo Mody and his physique. (Interruptions).

श्री मनुभाई पटेल : सभापति महोदय, इस सदन में अगर कोई कहने लगे कि अमक आदमी का मुँह, अमक व्यक्ति का चेहरा, बन्दर जैसा है या हाथी जैसा है या उल्लू जैसा है—यह क्या कोई बोल सकता है? अगर हम कहें कि कोई आदमी हाथी जैसा है तो क्या उस को कहने की इजाजत होगी। उन के शरीर के बारे में जो कमलापति जी ने कहा, उन को चाहिए कि अपने शब्द वापिस लें। विरोधी दल का नेता होते हुए ये शब्द प्रयोग करना उन के लिए शोभा नहीं देते। यदि आप यह जारी रखेंगे तो उसका अन्त नहीं होगा और यहाँ से भी जो मन आएगा बोलने लगेंगे, आपकी हाजिरी में या आपकी गैर हाजिरी में, आपकी नीति के बारे में और दूसरी-दूसरी बातों के बारे में इत्जाम लगाएंगे... (Interruptions) ...

श्री कमलापति त्रिपाठी : मान्यवर, मान्यवर... जनता पार्टी की सरकार जिस को ये प्रशासक दल कहते हैं... (Interruptions) ...

श्री वी० सत्यनारायण रेड्डी (आंध्र प्रदेश) : सदन की शोभा बढ़ाने के लिए पहले जो यहाँ बैठे हुए हैं (Interruptions) कांस्टीट्यूशन पर जिन्होंने हमला किया, इमरजेंसी के जो निर्माता हैं, उन को पहले बदलना होगा। जब तक उनको नहीं बदलेंगे तब तक इस हाउस में आर्डर नहीं होगा। (Interruptions)

SHRI SURENDRA MOHAN: I am on a point of order. I want you to find out whether the Leader of the Opposition has referred to Mr. Piloo

[Shri Surendra Mohan]

Mody's physique or not, and, if he has, I would request you to find out whether it is Parliamentary or not and whether it adds to the dignity of the House. I would also request you to give a ruling on deletion of this word....

SHRI N. P. CHENGALRAYA NAIDU (ANDHRA PRADESH): The Opposition Leader who has come from Varanasi should speak well, not go to the gutter level.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : शायद पंडित जी को अपनी जवानी याद आ गयी। अब तो आप बूढ़े हो गये हैं। वह जवानी भूल जाइये।

श्री कमलापति त्रिपाठी : मान्यवर, मैं बोल रहा था...

SHRI SURENDRA MOHAN: What about my point or order?

MR. CHAIRMAN: I will look into it.

श्री कमलापति त्रिपाठी : अब आप बहुत बोल चुके। आप की चीत्कार से मेरी वाणी बन्द नहीं हो सकती।

श्री मनुभाई पटेल : दुरवाणी बन्द करेंगे, वाणी चलती रहे उस में एतराज नहीं।

श्री कमलापति त्रिपाठी : शासक दल की कुर्सियों पर बैठने के बाद जिस तरह का व्यवहार आप कर रहे हैं वह आप के लिये शोभा की बात नहीं है।

श्री मनुभाई पटेल : आप ने जनता को गुलाम बनाया था। जनता को कुचला था। वह व्यवहार हमारा नहीं था। आप का मुंह बन्द हो गया था। आप बोल नहीं पाते थे। आज आप गोल पाते हैं तो जनता की वजह से।

(Interruptions)

श्री कल्प नाथ राय : चार दिन की चांदनी फिर अंधेरी रात।

श्री सुरेन्द्र मोहन : आप के भ्रष्टाचार की कहानी किस को मालूम नहीं है। पूरे देश को मालूम है।

श्री जगदीश प्रसाद माथुर : हत्याकांड याद है पंडित जी को। लोकपति ने क्या किया था वह याद है आप को?

(Interruptions)

श्री कल्प नाथ राय : भ्रष्टाचारी मंत्री चुप रहो।

श्री कमलापति त्रिपाठी : मान्यवर,

(Interruptions)

श्री कल्प नाथ राय : गांधी जी के हत्यारों चुप रहो। भ्रष्टाचारियों चुप रहो।

श्री कमलापति त्रिपाठी : मान्यवर,

(Interruptions)

श्री हरि शंकर भाभड़ा (राजस्थान) : कल्पनाथ जी की यह धांधली हम नहीं चलने देंगे। वह सदन का समय नष्ट करते हैं बेहूदा बातें कर के और सदन न चलने देने के लिए जो उन की प्रक्रिया महीनों से चल रही है वह आपत्तिजनक है।

(Interruptions)

श्री देवेन्द्र नाथ द्विवेदी (उत्तर प्रदेश) : आडवाणी जी, जरा समझाइये इन लोगों को। आस्क देम टू बिहेव।

श्री कमलापति त्रिपाठी : मान्यवर, मैं यह कहना चाहता हूं कि...

SHRI BHISHMA NARAIN SINGH (BIHAR): Mr. Advani, the Leader of the House, should tell them.

SHRI DEVENDRA NATH DWIVEDI: Ask them to behave.

SHRI ANANT PRASAD SHARMA: He is leader of one of the groups. How can he do so?

SHRI SURENDRA MOHAN: I want to ask you: How did you behave? You must remember that the Leader of the House has also the right to speak.

श्री कल्लापति त्रिपाठी : मान्यवर, मैं यह आपसे निवेदन कर रहा था कि इस सदन ने मुझको विरोधी दल का नेता माना है। अगर विरोधी दल के साथ इस प्रकार का बर्ताव किया जाएगा, उसके नेता के साथ अगर इस तरह का व्यवहार . . .

(Interruptions)

श्री भगुभाई पटेल : किस नेता की बात कर रहे हैं आप ? . . .

(Interruptions)

श्री कल्लापति त्रिपाठी : मान्यवर, मैं कह रहा था . . .

(Interruptions)

श्री भोष्म नारायण सिंह : आप याद रखिये इस बात को, यदि आप बोलने नहीं देंगे तो कोई नेता आपका बोल नहीं सकेगा . . .

(Interruptions)

एक माननीय सदस्य : आप भी ऐसा ही कर रहे हैं।

(Interruptions)

SHRI KAMLAPATI TRIPATHI: If they behave like this, they will not be allowed to speak in the House, I tell you. (Interruptions)

MR. CHAIRMAN: Now, let him speak. Why are you creating trouble?

(Interruptions)

SHRI PILOO MODY: We recognise only Mr. Kalp Nath Rai as the Leader of the Opposition.

MR. CHAIRMAN: Mr. Mody, kindly be quiet for a few minutes. (Interruptions) Sharmaji, let him speak.

SHRI ANANT PRASAD SHARMA: He is saying Mr. Kalp Nath Rai is the Leader of the Opposition. I am

saying then Mr. Piloo Mody will be the Prime Minister of India.

SHRI PILOO MODY: I accept.

श्री कल्लापति त्रिपाठी : मान्यवर, माननीय मोदी जी के बारे में मैंने जो कुछ कहा इस पर इतने आवेश की आवश्यकता नहीं। वह हमारे बड़े पुराने मित्र हैं और बराबर बोलते रहते हैं। हर व्यक्ति जो बोलता है उसमें टोकते रहते हैं। इतना सौजन्य भी नहीं है कि खड़े होकर बोले। बोलने रहते हैं बैठे हुए। उनके सम्मान में अगर हमने कुछ कहा है तो उसमें इतने आवेश की आवश्यकता नहीं है . . .

(Interruptions)

मान्यवर, मैं आप से निवेदन करूंगा कि आप रेकार्ड को देख लीजिएगा। अगर आप की समझ में यह आये कि उनकी शोभा और उनके सौंदर्य के प्रति अपने विचार अच्छे व्यक्त करने के फलस्वरूप अगर वह अन-पार्लियामेंटरी हो गया हो तो उसे निकाल दीजिएगा। मान्यवर, मैं तब भी उनके सौंदर्य का कायल था। मान्यवर, मैं यह कह रहा था कि उनकी बुद्धि का भी मैं कायल हूँ।

(Interruptions)

SHRI PILOO MODY: They are so used to interrupting (Interruptions)

SHRI KAMLAPATI TRIPATHI: Thank you very much, because you have got up already.

SHRI PILOO MODY: I hope you will show me the same consideration and sit down.

श्री सीताराम केसरी (बिहार) : जब पंडित जी ने इस तरह की बात मोदी जी के बारे में कही तो आपको शर्म आनी चाहिए। इस तरह की बात कहे जा रहे हैं जैसे इसमें गरिमा है। यह क्या बात है? सत्ता में रहने वाले व्यक्ति को सुनना चाहिए।

(Interruptions)

मिनिस्टर उछालें मारते हैं ! अगर मिनिस्टर उछाले मारेंगे तो क्या होगा ? . . .

(Interruptions)

SHRIMATI AMBIKA SONI (Punjab): Sir, I have a point of order. I never interrupt the House. I want to say to the Chair that there are some Members of this House who would like the proceedings of the House to be carried on in a dignified way. The people of the country are looking to this House. I have a suggestion. Why don't you put the proceedings of the House on radio and television? Let the people of the country know what their representatives are doing here.

श्री कमलापति त्रिपाठी : मान्यवर, मैं यह निवेदन कर रहा था कि एक रास्ता माननीय भूपेश जी ने आपको सुझाया है और इस सदन के सामने रखा वह एक ऐसा रास्ता है जिसे यदि आप कृपा कर के स्वीकृति प्रदान कर दें तो शायद यह वातावरण शान्त हो जाए इस सदन में जिसकी छत्रछाया में बैठकर हम इस सदन का कार्य अच्छी तरह से संचालित कर सकें।

उस सुझाव को स्वीकार करने के बाद मैं ऐसा समझता हूँ कि संविधान संशोधन जो प्रस्तुत है जिसके कारण हमारे विधि मंत्री जी यहां बैठे हुए हैं, उस पर एक अच्छे एटमास्फीयर में, एक अच्छे वातावरण में, एक अच्छी स्थिति में, परिस्थिति में विचार हो सकेगा। यह परिस्थिति पैदा क्यों हुई है ?

17 जुलाई से यह सदन चल रहा है और अब करीब-करीब छः सप्ताह हो रहा है इस सदन को चले हुए। आपको स्मरण होगा फिर भी आपको याद दिलाना चाहता हूँ कि पहले दिन जिस दिन इस सदन का अधिवेशन आरम्भ हुआ आपने इजाजत दी, मेरे ऊपर कृपा की स्पेशल मेशन प्रस्तुत करने की। मैंने इस सदन के सम्मुख स्पेशल मेशन उपस्थित किया। उसके बाद मामला बढ़ा और कॉलिंग प्रेंटेशन पेश हुआ। जिस मामले को लेकर इस सदन में चर्चा हो रही है उस मामले को हम लोगों ने नहीं उठाया। वह मामला उठाया है जनता

पार्टी के नेताओं ने जनता पार्टी के नेताओं के खिलाफ। मान्यवर, मामला यों उठा कि हमारे तत्कालीन गृह मंत्री जी ने समाचार पत्रों को अपना वक्तव्य दिया।

डा० भाई महावीर : यह तो सारी कहानी दोहरा रहे हैं।

श्री कमलापति त्रिपाठी : उस वक्तव्य में उन्होंने कहा कि मैं भ्रष्टाचार मंत्रियों से घिरा हुआ हूँ और जब से मैं निकल आया केबीनेट से तब से मुझे बहुत राहत मिली है।

डा० भाई महावीर : उन्होंने मंत्री नहीं कहा।

श्री कमलापति त्रिपाठी : यह अखबारों में छप चुका है कि यह सरकार शेडो आफ करप्शन में काम कर रही है। उन्होंने यह भी कहा कि मुझ से इस्तीफा मांगा गया है इसलिए कि कांति देसाई के खिलाफ कमीशन कायम करने की मांग मैंने प्रधान मंत्री जी से की थी। यह मामला अखबारों में आ चुका है। मामला उठाया है जनता पार्टी के नेताओं ने और ऐसे नेता ने जो गृह मंत्री थे और केबीनेट में नम्बर दो पर थे।

हमारे लिये यह सम्भव नहीं था और मैं समझता हूँ कि किसी के लिए भी सम्भव नहीं हो सकता, इस सदन के लिए भी सम्भव नहीं हो सकता कि जो दल आज शासन में मौजूद है उसके शासक एक-दूसरे के ऊपर यह अभियोग लगाये कि हम भ्रष्टाचारियों से घिरे हुए हैं और कांति देसाई के खिलाफ कमीशन की मांग इसलिए इस्तीफा मांग लिया गया तथा यह सरकार शेडो आफ करप्शन में काम कर रही है तो इन प्रश्नों की कैसे, यह गदन, इस देश की जनता और जब किसी को भी इस देश के प्रति स्नेह है, प्रेम है, उपेक्षा कर सकता है।

इन प्रश्नों को हमने उठाने की चेष्टा की। आपने हमें अधिकार दिया स्पेशल मेशन के द्वारा इन्हें उठाने के लिए। हम आपके कृतज्ञ हैं कि आपने कालिंग-अटेंशन की भी परमिशन दी और फिर हमारे प्रस्ताव को जिसे हमारे माननीय साल्वे जी ने पेश किया था उसे स्वीकार कर के प्रस्तुत करने की आज्ञा दी। इस सदन ने उसे स्वीकार किया। माननीय भूपेश गुप्त जी के संशोधन के साथ। मान्यवर, प्रस्ताव हमारे सामने खड़ा है। हमारे नेता सदन में यह कहा कि हमारे सभापति को, उनकी गरिमा, उनके बड़प्पन, उनके उच्च स्थान के प्रति कभी इस प्रकार की बात नहीं कहनी चाहिये जो अणोभनीय हो, असम्मानजनक हो।

मान्यवर, उनकी इस बात से कोई भी सहमत नहीं हो सकता है। हमारे सदन की सुरक्षा आपके हाथ में है। आप इस सदन के अधिकारों के रक्षक हैं। आप इस सदन के सदस्यों के अधिकारों के भी रक्षक हैं। इस सदन में जो प्रश्न उपस्थित किये जाते हैं, उन प्रश्नों पर मुचारू रूप से यहां पर विचार किया जा सके, इस स्थिति के परिचालक आप हैं। आपके सम्मान के विरुद्ध हम कुछ नहीं कर सकते हैं और न ही आपके सम्मान के विरुद्ध किसी को कुछ करना चाहिए। मैं बड़ी नम्रता के साथ यह निवेदन करना चाहता हूं कि आज इस कठिन स्थिति में इस सरकार ने आपको डाल दिया है। यह सब स्थिति आज आप देख रहे हैं। इस सदन ने एक प्रस्ताव पास किया और वह प्रस्ताव सामने आया तो इस सदन के नेता महोदय ने उसकी यह व्याख्या की कि यह प्रस्ताव सरकार के लिए मैनडेटरी नहीं है और न ही सभापति के लिए यह मैनडेटरी है। इस व्याख्या को आपको स्वीकार करना पड़ा। किस कारण स्वीकार करना पड़ा, यह मैं नहीं जानता। आप इसको जानते होंगे कि आपने उनकी व्याख्या क्यों स्वीकार किया...

(Interruptions)

MR. CHAIRMAN: You are repeating the same thing.

श्री कमलापति त्रिपाठी : श्रीमन्, मैं समझता हूं कि इस सदन की मर्यादा उस प्रस्ताव को स्वीकार करने में मुरक्षित होती है। मैं मान चुका हूं और कह चुका हूं कि हमारा यह प्रस्ताव सरकार की समझ से रिकमैण्डेटरी रहा हो, लेकिन हमारे विचार में यह प्रस्ताव हमारे सभापति के लिए और इस सरकार के लिए मैनडेटरी रहा है। इसको उन्हें मानना चाहिए, लेकिन उन्होंने इसको स्वीकार नहीं किया। आज इस सदन को और हमारे सभापति महोदय को कठिन परिस्थितियों में डाल दिया गया है। इसका सारा उत्तरदायित्व किस पर आता है? मैं समझता हूं कि इसका सारा उत्तरदायित्व शासन पर आता है। सरकार को इस प्रस्ताव को स्वीकार करना चाहिए था। यह प्रस्ताव इस सदन का प्रस्ताव रहा है। इस प्रस्ताव को न स्वीकार करके इस सदन का अपमान किया गया है प्रजातंत्र का गला घोंटा है। इस अत्यन्त आदरणीय सदन की उपेक्षा की गई है, उसकी अवहेलना की है। आपने अत्यन्त कठिन परिस्थिति में हमारे सभापति महोदय को डाल दिया है। आपने उस चीज को स्वीकार न करके एक तरह से इस सदन की मर्यादा को नष्ट किया है। ऐसी स्थिति में एक प्रस्ताव श्री भूपेश जी ने सम्मानपूर्वक आपके सामने रखा है।

श्री कुलकर्णी जी ने आज सुबह एक उपदेश दे दिया। मान्यवर, इस सदन को यह देखना है कि उसके सम्मान की रक्षा कैसे होती है। जैसे उसके सम्मान की रक्षा होगी वही कार्य हम करेंगे। हम इस मामले को इस प्रकार से छोड़ने वाले नहीं हैं। जो प्रस्ताव आपके सामने रखा गया है उस पर आप विचार करें। इस सदन की सम्मान की रक्षा के लिए हमारे मित्र श्री भूपेश जी हने जो प्रस्ताव रखा है, मैं समझता हूं कि वह हमें एक मार्ग दिखाता है कि आप इसको स्वीकार

[श्री कमलापति त्रिपाठी]

कर लें और उससे यदकिचन इस सदन का सम्मान भी रह जाएगा और एक उचित वातावरण पैदा होगा। मैं यह भी निवेदन करना चाहता हूँ कि सरकार के इशारों पर यह सदन नहीं चल सकता है। मान्यवर, आप भी यह जानते हैं कि उनके इशारों पर हमारे सभापति को भी नहीं चलना चाहिए। आपसे मेरी प्रार्थना है कि... (Interruptions) श्रीमन्, मैं आपसे यह निवेदन कर रहा था कि सरकार ने जो यह कुचक्र रचा है और उन्होंने जो षडयंत्र किया है उससे आप इस सदन को उबारें और सदन के सम्मान की रक्षा करें, उसके अधिकारों की रक्षा करें। मैं बड़ी नम्रता के साथ और सम्पूर्ण आदर प्रकट करते हुए यह कहना चाहता हूँ कि श्री भूपेश गुप्ता के प्रस्ताव ने एक सुन्दर मार्ग प्रस्तुत किया है। उसको अगर सदन स्वीकार कर ले तो हाउस का वातावरण शुद्ध हो जाएगा और सदन की कार्यवाही सुचारूप से चल सकेगी। इन शब्दों के साथ मेरा आपसे निवेदन है कि आप उनके प्रस्ताव को स्वीकार कर लें।

SHRI BHUPESH GUPTA: Sir, we are grateful to the Leader of the Opposition.... (Interruptions)...

SHRI HARKISHAN SINGH SURJEET: Sir,...

SHRI BHUPESH GUPTA: ...for the kind support... (Interruptions)

SHRI HARKISHAN SINGH SURJEET: Sir,...

SHRI BHUPESH GUPTA: ...to our proposal. We have considered the issue and protest against your deci-

sion. We register our protest and I am walking out of the House.

(At this stage, some hon. Members left the Chamber)

SHRI HARKISHAN SINGH SURJEET: Sir, yesterday, ...

श्री कमलापति त्रिपाठी : मान्यवर, आपने हमारी करबद्ध प्रार्थना स्वीकार नहीं की और इसलिए आज बाहर जाना चाहते हैं और आपसे यह कहना था कि अब हम इस पर विचार करेंगे और तुरन्त उसकी घोषणा आपके सामने करेंगे कि ऐसी स्थिति में हमको क्या करना है और इस सदन के सम्मान की रक्षा के लिए हम कौन से कदम उठाने जा रहे हैं।

(At this stage, some hon. Members left the Chamber.)

MR. CHAIRMAN: Yes, Sardar Saheb, you speak now.

SHRI HARKISHAN SINGH SURJEET: Sir, yesterday, ... (Interruptions)

SHRI ARVIND GANESH KULKARNI: Sir, the train has been delayed by two hours.

SHRI HARKISHAN SINGH SURJEET: Sir, yesterday, it was agreed, and the House was also assured, that there would be no effort to stall the passage of the Constitution (Amendment) Bill. Comrade Bhupesh Gupta told here that after 12 o'clock we would not take up any other item except the Constitution (Amendment) Bill.

MR. CHAIRMAN: That is right.

SHRI HARKISHAN SINGH SURJEET: But now again, Sir, as I already stated the other day, efforts are there and some people are interested more in raising these issues and they are raising them continuously every day and are not interested in

the passage of the Constitution (Amendment) Bill, because they are a party to the Constitution (Forty-second Amendment) Bill which butchered democracy in our country. (Interruptions). Therefore, I would request you to ask them to find out a legal remedy. They can give their opinion and they can opine on this and they have opined on this for more than a month and now they can find out any legal remedy. But this should not be allowed. This is the most important item on the agenda, the passage of the Constitution (Amendment) Bill and no effort should be allowed to stall that Bill, because, as I said on that day also, they can do something here, but the people of India will not forget them and they will not forgive them for this. That is why I say that any effort...

SHRI DEVENDRA NATH DWIVEDI: What is the point of order in this?

SHRI HARKISHAN SINGH SURJEET: This is the point of order. No effort to stall this Bill should be allowed. The point of order is this: Yesterday, you agreed that during the first one hour you would raise any question and debate over it, but the rest of the time should be devoted to this. Sir, we should adhere to that decision and proceed with the Bill.

MR. CHAIRMAN: Yes. Thank you.

SHRI HARKISHAN SINGH SURJEET: ...so that we can finish them without delay.

SHRI DINESH GOSWAMI (Assam): Sir, the leaders of the Congress (I) Party and the Communist Party have made certain statements. On behalf of my party also, Sir, I want to put the record straight and I want to put make a submission now. Sir, the situation today is that you have given a ruling over which our leader has expressed his views and we have walked out also. The present position is that there is a Resolution of the House and the Government is not prepared to accept that Resolution

and, obviously, it seems that a confrontation has arisen between the Government and the House and also between the Chair and the House and the House wants to maintain its own dignity, because the Resolution of the House has been made impotent by your ruling... (Interruptions).

SHRI SUNDER SINGH BHANDARI (Uttar Pradesh): This is factually wrong, Sir.

SHRI DINESH GOSWAMI: This is my opinion.

SHRI SUNDER SINGH BHANDARI: This is factually wrong. (Interruptions).

SHRI DINESH GOSWAMI: Sir, if it is unparliamentary, you can strike it down.

SHRI SUNDER SINGH BHANDARI: This is wrong.

SHRI DEVENDRA NATH DWIVEDI: He need not take permission from you before speaking.

SHRI DINESH GOSWAMI: Sir, this is our feeling that the Resolution of the House has been made impotent by your ruling. If it is unparliamentary, please strike it down. We do not want the situation to continue. On behalf of our party, Sir, it has been made amply clear that we want the Forty-fifth Amendment Bill to go through. That is why I have already tabled before the House, before the Secretary-General, a motion in which...

MR. CHAIRMAN: You should not say all those things.

SHRI DINESH GOSWAMI: I am only giving the gist of it.

MR. CHAIRMAN: How can you give a gist of it now?

SHRI DINESH GOSWAMI: Please listen, I have tabled it already... (Interruptions) Please listen, I think they will like what I have said. What I have said in the motion is... (Interruptions) Let me read out for their consideration. It will take one minute. The motion is:

"Having noted with regret, the decision of the Government in respect of the motion adopted in the Rajya Sabha on the 10th of August, 1978, this House resolves that the Government refer forthwith all the allegations of corruption made on the floor of the House against family members of the Prime Minister and the family members of the former Home Minister, Shri Charan Singh, during the debate on the motion on August 10, 1978, and whatever additional allegations of corruption against the same persons that may be submitted in writing to the Prime Minister within 15 days from this day, to the Chief Justice of the Supreme Court for scrutiny and examination and for his findings as to which allegation or allegations referred to above call for the appointment of the Commissions under the Commission of Inquiry Act, 1952, and if the findings are positive, the Government shall take immediate steps to appoint two Commissions of Inquiry under the said Act, one against the family members of the Prime Minister and the other against the family members of the former Home Minister.

"It is further resolved that Government report the findings of the hon. Chief Justice to the House immediately after the receipt of the same."

Sir, I will only submit that in view of the position in which the House has arrived you will consider this motion carefully and give me consent to raise this motion by waiving the Rules, though I have stated that the question of the waiver of the Rules does not arise.

SHRI BIPINPAL DAS (Assam): Sir, I want your decision on this.

MR. CHAIRMAN: There is nothing in writing to me.

SHRI DINESH GOSWAMI: It has been given... (Interruptions)

MR. CHAIRMAN: It is not possible.

SHRI BIPINPAL DAS: I want to know when you will give a decision.

MR. CHAIRMAN: Without examining, without seeing, how can I give a decision like this?... (Interruptions) I have not read it. I have not examined it... (Interruptions)

PROF. D. P. CHATTOPADHYAYA (West Bengal): Patently unfair.

AN HON. MEMBER: We will wait till 5 o'clock, we will wait till 6 o'clock... (Interruptions) Are you not going to admit the motion?

MR. CHAIRMAN: Let me examine it. Before examining, how can I give my ruling and all that?

SHRI BIPINPAL DAS: We want to know when you are going to give your decision. I want to know the time when...

MR. CHAIRMAN: Let me see.

SHRI MOHAMMAD YUNUS SALEEM (Andhra Pradesh): It does not require any consideration. It is such a simple matter that you can dispose it of now... (Interruptions)

MR. CHAIRMAN: Mr. Kalp Nath Rai, don't make allegations... (Interruptions) What did you say?

SHRI KALP NATH RAI: I have said that you want to consult the Government.

MR. CHAIRMAN: Is it correct? I am not consulting anybody. I have got my own judgment. I will have to examine it. Am I not to examine it and see what are the implications and all that? I don't understand all this. If you ask me to give my decision immediately, within one or two minutes, how can I? (Interruptions)

SHRI BIPINPAL DAS: You can give us the time.

SHRI S. W. DHABE (Maharashtra): Sir, it is the most reasonable thing. If you want to examine it carefully, you can give us the time.

MR. CHAIRMAN: I have not said anything for or against. I am only saying that let me examine it and understand what it is. You are not prepared to give me that time also.

SHRI BIPINPAL DAS: We understand that you need time to examine it. But you must give some indication

of time that today at such and such time, before the House adjourns, you will give your ruling. Sir, how much time do you need to examine it?

MR. CHAIRMAN: Whatever time is necessary, I will take.

SHORT NOTICE QUESTION AND ANSWER

Flights of Aircraft Owned By the State Governments and Private Parties to Kathmandu.

6. SHRI PRAKASH MEHROTRA: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether it is a fact that a number of aircraft owned by the State Governments and private parties were given clearance by the Department of Civil Aviation for flights to Kathmandu between March and July, 1978; and

(b) if so, what was the number of such aircraft, what are the names of the persons who travelled in them and what was the purpose of their visit in each case?

THE MINISTER OF TOURISM AND CIVIL AVIATION (SHRI PURUSHOTTAM KAUSHIK): (a) Yes, Sir. Four (4) flights were cleared.

(b) I lay a statement on the Table of the Sabha giving the requisite information.