

[Shri A. P. Chatterjee]

on the floor of the House against the Editor, Printer and Publisher of Ananda Bazar Patrika which published a cartoon. When the matter was discussed here, I was not present because my plane touched the Palam Airport at 12 O'clock. I am coming straight from the airport. Therefore, I could not respond when the Chairman called my name. Therefore, Sir, what I am submitting is this that I may be allowed to raise this question of privilege.

SOME HON. MEMBERS : No. No.

SHRI A. P. CHATTERJEE : I am requesting that I may be allowed to raise this question of privilege at the present moment.

MR. DEPUTY CHAIRMAN : All right, let us first complete this business about Mr. Rajnarain. Then we will think about this afterwards.

SHRI A. P. CHATTERJEE : Is it your pleasure that I should raise this question later?

MR. DEPUTY CHAIRMAN : Let this matter be over. Then we will consider your point.

**MOTION DISAPPROVING OF THE CONDUCT OF SHRI RAJNARAIN, SHRI NAGESHWAR PRASAD SHAHI AND SHRI SITARAM SINGH ON THE SOLEMN OCCASION OF PRESIDENT'S ADDRESS TO BOTH THE HOUSES OF PARLIAMENT—**  
*contd.*

SHRI A. G. KULKARNI : Sir, while moving the motion, at the outset I want to appeal to all the political parties, and particularly the Leader of the Opposition, not to consider this as a party question.

AN HON. MEMBER : It is a party question.

SHRI PITAMBER DAS : I reciprocate the feeling of Mr. Kulkarni so far as this thing is concerned and I want to inform the House, through you, Sir, that I have let my Members perfectly free to express their opinion in whatever way they like and to vote in whichever way they like if it comes to voting.

SHRI A. G. KULKARNI : Why I say this is that this matter is not to be examined in isolation. This is a matter Sir, which has far-reaching effects on

the working of the healthy democracy in this country, and to that extent I want to appeal to the Members that they should not assess it like that.

Secondly, I am going to limit myself to the main points and not bring in personal matters and abuse him; I do not want to do that. It is a matter to be discussed at a high standard and you have to see what the merits of my case are. First, I have to explain what happened and why I have brought this motion before this august House. Sir, I was luckily present on that day and my colleague, Mr. Rajnarain was sitting not on the same bench, because he had no place there, but on a chair nearby. There were some two or three or four personal guards of the President standing behind the chair. And as soon as Mr. Rajnarain entered, he started abusing or something like that, saying "Remove them. Why do you have these old traditions of the Britishers?", etc., etc. We said, "It is a solemn occasion. If you want to remove them, let Parliament remove all these British traditions. We do not mind it. But let us maintain the solemnity of the occasion."

SHRI A. P. CHATTERJEE (West Bengal) : Why do you want to imitate British customs? It is absolutely not necessary at all.

SHRI A. G. KULKARNI : Why are you worried? You will get your chance.

(Interruptions)

SHRI A. P. CHATTERJEE : This pomp and dignity is absolutely unnecessary. Why all this pomp and dignity?

(Interruptions)

SHRI SHEEL BHADRA YAJEE (Bihar) : He is an elected President.

(Interruptions)

SHRI A. P. CHATTERJEE : I am saying, the entire ceremony, the President explaining the cause of the summons, the entire pomp and dignity accompanying the President's coming to the Parliament, all that luxury and pomp are absolutely useless.

(Interruptions)

MR. DEPUTY CHAIRMAN : Mr. Chatterjee, you will get your chance. Please do not interrupt.

**SHRI AKBAR ALI KHAN** (Andhra Pradesh) : Sir, he has not seen President Mao. We know that pomp and dignity goes with him.

**SHRI A. P. CHATTERJEE** : I do not want to imitate anybody. I do not want to imitate Mao-Tse Tung also.

(Interruptions)

**MR. DEPUTY CHAIRMAN** : Order, please. Please allow Mr. Kulkarni to continue.

**SHRI A. G. KULKARNI** : Sir, Mr. Yajee ignores the fact that to-day is the last day of the session. After that Mr. Chatterjee has to pass one month in West Bengal. So, he has to talk something like that. This is the last day. Some thing must go into the press so that he can take a prominent place.

(Interruptions)

**MR. DEPUTY CHAIRMAN** : Please continue your speech, Mr. Kulkarni. Otherwise, I would call other Members.

**SHRI A. G. KULKARNI** : Sir, I am developing my points. After the Address was over, we reassembled here. There were points of order raised by Mr. Rajnarain and the Leader of the Opposition also made some statements. He said that the matter was not of such importance and so on. At that very time also, my hon. friend, Mr. Rajnarain uttered some words about the President on which we raised points of order and said that they should be expunged. That history also you know. These are the facts. Then I go on to another aspect of this. The last mid-term elections in this country were looked upon by the whole world as a new experiment and the whole world was expecting that Indians were not mature enough to have these elections and that this would be one of the last elections. But this country has sufficiently demonstrated to the world that it is mature enough and it has voted my party to power with a convincing majority, with a convincing number of seats in the Lok Sabha, and a stable Government has been formed by my party. Political parties might have been frustrated. I do not deny that. They might have been frustrated because they could not achieve success. . .

**SHRI PITAMBER DAS** : I congratulate you for the same.

**SHRI A. P. CHATTERJEE** : Mr. Dhavan, the Governor of West Bengal, said just before the elections in West Bengal, said just before the elections in West Bengal that this may be one of the last elections

**SHRI SHRIMAN PRAFULLA GOSWAMI** (Assam) : Sir, why is Mr. Chatterjee interrupting Mr. Kulkarni like this? We can also interrupt Mr. Chatterjee when he speaks.

(Interruptions)

**MR. DEPUTY CHAIRMAN** : I do not think we can continue the debate in this fashion. I would request all Members to keep quiet while other Members are speaking.

**श्री राजनारायण** : डिप्टी चैयरमैन साहब, ऐसा करिये, अगर इलेक्शन की चर्चा करेंगे तो फिर यह सब बात होगी।

**SHRI A. G. KULKARNI** : My party has won a massive victory. . .

**MR. DEPUTY CHAIRMAN** : Mr. Kulkarni, you should restrict your observations to the Motion.

**SHRI A. G. KULKARNI** : The country voted for a stable Government in the country. The country found in Shrimati Indira Gandhi a leader who can lead this nation with success in the removal of poverty and unemployment and for the realisation of the objectives mentioned in our manifesto.

What I want to say particularly is Mr. Rajnarain's behaviour on that day also resembles two or three instances in the past. There were two or three instances in the previous Lok Sabhas in 1963 and 1968. I do not want to take the time of the House in quoting the legal extracts and all that. But the consensus of the deliberations of both the Committees is this. and I quote :

"The President represents not only the executive authority, he is in a sense the symbol of the Constitution. It is noteworthy that following the practice in the Parliament of U.K., insofar as it is practicable under the conditions, the occasion is treated as a solemn one."

Certain observations were made by the former Speaker, Mr. Ayyangar, about the functions and dignity of the President and the Governors. He said,

"The House of Commons in the U.K. to which powers and privileges and immunity of Parliament . . . are for the time being equated, has always exercised its power in regard to the conduct of its Members who are expected to maintain a standard of behaviour consistent with the tradition and practice of the House." These were the observations of both the Committees and of Mr. Ayyangar. Mr. Ayyangar made his observations at a Conference of the Speakers of the various Legislatures and Parliament. This shows that the behaviour of Mr. Rajnarain was not in conformity with the parliamentary practices and traditions developed in this country as well as in other countries where parliamentary democracy is supreme.

Then I go to another point in this respect. For the last three years I am a Member of this House. I have found from various responsible and senior leaders of various political parties, whenever we discussed about the flouting of the Chair's rulings it was mentioned that this House was being turned into a Rajnarain's House or a fish market. That has been said in this House and also even in the Lobby. Sir, I need not remind you of that because you are getting the taste of the pudding whenever you are in the Chair. Such things happened and are happening I need not remind you of all that.

What I want to say particularly in support of my Motion is at least it will create some healthy conditions of democratic functioning in Parliament. In this connection I draw your attention to the so-called provocation that had taken place on that day. The provocation was that the President started his speech in English. Sir, are there no occasions in this Parliament for any Member to highlight his disapproval of English? There are many occasions in the Parliamentary life of this country for a Member to express his disapproval of this. But on certain occasions, certain Members take the advantage of the privileges enjoyed by them here and resort to abusive languages and unworthy actions amounting to mischief which ultimately lower the dignity of the House. I am more worried about another aspect. In this country, whether we are elected to the Lok Sabha or Rajya Sabha, all of us should strive to see that healthy tradi-

tions are created here so that our work in the House must be considered by outsiders as a model or ideal to the people at large. They should think that here is a forum where people can get their difficulties and grievances redressed. That feeling is particularly very necessary at this time in the light of the lawlessness that we see in West Bengal. It is not only due to the working of one Party or another. It is also due to the frustration created in the minds of youngsters who think that they will get justice nowhere.

In this connection, I want to touch upon one or two other matters which are also very important. Perhaps my colleague Shri Rajnarain thinks that his actions in this House might give him some satisfaction—I do not know what satisfaction he is getting therefrom. The point is that among the public his actions are being criticised very adversely. I will narrate one experience. There was one mock Parliament in a Delhi University college. There, one of the students was misbehaving. Then others asked him: "Why do you misbehave like this?" Then he said: "I am Rajnarain of this House". This is a fact reported in the Press. . . (Interruptions). I am not criticising him. I am referring to a statement in the Press. If such tendency for mischief-mongering is created in the minds of youngsters, what will happen to this country and its new generation?

SHRI S. D. MISRA (Uttar Pradesh): He is an institution, not an individual.

SHRI A. G. KULKARNI: I met a friend of mine. I do not want to name him. I asked him: "What was the record of my colleague, Shri Rajnarain, in U.P.?" I know that the history of Shri Rajnarain is not yet written. If written, I do not know what it will be. So, I asked my friend and he told me. . .

SHRI PITAMBER DAS: I pity the ignorance of Shri Kulkarni. Whatever was Shri Rajnarain's history in U.P. it was widely published in papers.

SHRI A. G. KULKARNI: At that time I was not reading Hindi paper. My friend told me: "What Mr. Kulkarni, don't you know that the post of Marshal in the U.P. Legislature was created for Shri Rajnarain?" He resembled a 'pehlwan'. He cannot be dealt

[Shri A. G. Kulkarni]  
with by others and so they created the post of Marshal. . . *(Time bell rings)*. Another five minutes more. I am now getting my line. What I wanted to say was that the post of Marshal there was created for Shri Rajnarain.

Sir, in this country we have leaders like Shri Goray. We honour him and we have got respect for him. He courted jail on various occasions—all for national causes. We have every respect for him.

Here I have asked who is Rajnarain? In his career he has the maximum expulsions from the Assemblies or Parliament. यह क्या है ? These are the types of persons who are really giving an affront to our President. Sir, I do not want to say anything about the President. But the President is the embodiment of the Constitution and the country's prestige and honour and Mr. Giri is particularly so. Our previous Presidents were high in their own way. But Mr. Giri particularly is so coming from the trade union movement and the common people in the street think that Mr. Giri is their own President. They think that he is their own father. It is Mr. Giri's prestige and what you call, the affability and sympathy has created confidence in the public and here is my colleague who gave an affront to Mr. Giri which is really unworthy of him.

Sir, the last point which I was making is this: I went during the election to Bihar and there, Sir, the SSP Government was working, Mr. Karpuri Thakur or somebody as the Chief Minister. I was sitting there and taking some tea.

MR. DEPUTY CHAIRMAN: You need not mention all the irrelevant facts.

SHRI A. G. KULKARNI: I must mention because the House must know the full facts, Sir. . . *(Interruptions)*. . . I am finishing, Sir.

MR. DEPUTY CHAIRMAN: These incidents cannot prove the issue.

SHRI A. G. KULKARNI: Then, Sir, over a cup of tea, I asked him, "Why in this SSP, somebody is out, someone is in, some one is leaving the party and forming another group?"

AN HON. MEMBER: This is democracy.

SHRI A. G. KULKARNI: This is the democracy of your kind. Sir, he told me a very funny thing. He said that this country must be doubly grateful to Dr. Ram Manohar Lohia. Sir, he told me in Hindi and I will repeat it in Hindi only. He was also a Hindi man. वह ऐसा बोला कि हम राम मनोहर लोहिया जी का भी आभारी हैं क्योंकि वह बोला—कि एस० एस० पी० नहीं निकालती थी। यह सरकार को हर एक डिस्ट्रिक्ट में पागलखाना बनाने की जरूरत थी। एस० एस० पी० के बहुत से निकाले गये और वे उसमें चले गये। यह क्या है बिहार में, पूना में. . .

*(Interruptions)*

SHRI N. G. GORAY (Maharashtra): Sir, . . . *(Interruptions)*. . . This should not be. . .

MR. DEPUTY CHAIRMAN: Order, order, please. . . *(Interruptions)*. . . May I appeal to all the hon. Members that they should not refer to any irrelevant matters? This is a solemn occasion.

SHRI A. G. KULKARNI: O.K., Sir.

MR. DEPUTY CHAIRMAN: We are discussing in this House a very important issue. Therefore, it is not desirable that such a language should be used on such an occasion. . . *(Interruptions)*. Order, please. . . *(Interruptions)*.

SHRI A. G. KULKARNI: What I was pointing out was that party or anything does not work. The point is this: The behaviour of each Member of Parliament must be with decorum so that he can create confidence outside the party.

MR. DEPUTY CHAIRMAN: All right.

SHRI A. G. KULKARNI: So, Sir, I request through you the House that my Motion may be accepted.

SHRI MAHAVIR TYAGI (Uttar Pradesh): Sir before the amendments are moved, I would request that the House hears Shri Rajnarain. It is only after that that we can move the amendments.

SHRI BABUBHAI M. CHINAI  
(Maharashtra): Sir, I move—

1. "That in the Motion, for the words 'and condemns their undesirable, undignified and unbecoming behaviour', the following words be substituted, namely:—

'and reprimands them for their undesirable, undignified and unbecoming behaviour.'"

SHRI SULTAN SINGH (Haryana):  
Sir, I Move:

2 "That in the Motion, for the words 'and condemns their undesirable, undignified and unbecoming behaviour', the following words be substituted, namely:

'and suspends them from the service of the House for a period of one year for their undesirable, undignified and unbecoming behaviour.'"

SHRI PITAMBER DAS: Sir, I move?

"That in the Motion—

3. (i) for the words 'strongly disapproves of the conduct of Shri Rajnarain, Shri Nageshwar Prasad Shahi and Shri Sitaram Singh who created obstruction and showed disrespect to the President on the solemn occasion of this', the following words be substituted, namely:—

'resolves that the matter pertaining to Shri Rajnarain's walk-out on the solemn occasion of the President's and

(ii) for the words 'and condemns their undesirable, undignified and unbecoming behaviour', the following words be substituted, namely:

'be referred to a Committee consisting of seven Members of the House, to be nominated by the Chairman, to consider and report by the first day of the next session.'"

SHRI KRISHAN KANT (Haryana):  
Sir, I move—

4. "That in the Motion, for the words 'and condemns their undesirable, undignified and unbecoming behaviour', the following words be substituted, namely:—

'and suspends them from the service of the House up to the 29th

February 1972 for their undesirable, undignified and unbecoming behaviour.'"

SHRI N. G. GORAY : Sir, I move—

5. "That in the Motion, for the words 'and condemns their undesirable, undignified and unbecoming behaviour', the following words be substituted, namely:—

'and deplores their unbecoming behaviour.'"

*The questions were proposed.*

MR. DEPUTY CHAIRMAN : There are a large number of Members who want to speak, and I would request them to restrict their speeches within 8 to 10 minutes.

श्री पीताम्बरदास : श्रीमन्, मेरा संशोधन यह है कि प्रस्ताव में जो शब्द है :

"... strongly disapproves of the conduct of Shri Rajnarain, Shri Nageshwar Prasad Shahi and Shri Sitaram Singh who created obstruction and showed disrespect to the President on the solemn occasion. . ."

न शब्दों के बजाय यह लिख दिया जाय—

"... resolves that the matter pertaining to Shri Rajnarain's walkout on the solemn occasion of. . ."

और जो शब्द आगे हैं—

"... and condemns their undesirable, undignified and unbecoming behaviour."

इसकी जगह लिख दिया जाय—

"be referred to a Committee consisting of seven Members of the House, to be nominated by the Chairman, to consider and report by the first day of next session."

यह मामला, श्रीमन्, ऐसा है कि राजनारायण जी द्वारा जो व्यवहार राष्ट्रपति के अभिभाषण के अवसर पर हुआ है उस व्यवहार के प्रति प्रस्ताव द्वारा निन्दा और जो एमेडमेंट्स आए हैं उनके जरिए से उसके ऊपर कुछ कार्यवाही करने के बारे में यह सारी बहस है। अदालत में यह देखा गया है कि जब किसी के ऊपर कोई मुकदमा चलता है तो उसके साथ अन्याय न हो जाय यह देखने के लिए कई बार सरकार

[श्री पीताम्बर दास]

की तरफ से ही एक वकील दे दिया जाता है जो उस मुकदमे में बचाव पक्ष के पहलू अदालत के सामने रख सके। हमारा न्याय करने का तरीका यही है कि हम कभी यह नहीं चाहते कि किसी बेकसूर आदमी को सजा मिल जाय, अगर ठीक कसूरवार आदमी बिना सजा के छूट भी जाय तो वह छूट जाना हम पसन्द करते हैं बनिस्बत इसके कि किसी बेकसूर आदमी को सजा दे दी जाय। जो ब्रिटिश सिस्टम आफ जूरिस्प्रूडेस है उसमें यहाँ तक कहा गया है

"It is better that 99 guilty persons are acquitted than one innocent person is convicted."

इसलिए राजनारायण जी के मामले को हम इस दृष्टि से देखें कि वह क्या कुसूर है जिसकी हम उनको सजा देना चाहते हैं। गहराई के साथ यह सारी बातें देखने की, हैं इसीलिए मैंने 7 आदमियों की कमेटी का सुझाव दिया है। इस सारे मामले में कई पेचोदगियां हैं जिनके ऊपर बहुत गम्भीरता से विचार करने की आवश्यकता है। प्रेसिडेंट साहब को जो अधिकार है दोनों हाऊसेज को एड्रेस करने का वह आर्टिकल 86 और 87 में है कांस्टीट्यूशन के। 86 और 87 आर्टिकल में दोशब्द इस्तेमाल किए गए हैं — "Both Houses assembled

together..." परन्तु जब दोनों हाऊसेज की जोइंट सिटिंग होती है तो आर्टिकल 100 और 108 में "... Joint sitting of the Houses"

शब्द इस्तेमाल किए गए हैं जबकि आर्टिकल 86 और 87 में "both Houses of Parliament assembled together..." शब्द इस्तेमाल किए गए हैं।

कुलकर्णी साहब ने जो रिजोल्यूशन पेश किया है उसमें भी "Both Houses of Parliament assembled together..." शब्द इस्तेमाल किया गया है। "Joint sitting..." के बारे में आर्टिकल 100 में और आर्टिकल 108 में कुछ प्रोसीजर भी बता दिया गया है कि 'joint sitting' में मैक्यु कया चीजे बरती जायं यानी उसका क्या प्रोसीजर होगा, लेकिन यह जो "Both houses

of Parliament assembled together..."

इसके प्रोसीजर के बारे में कहीं कोई जिक्र किसी किस्म का नहीं है। हम अपने कौंसिल आफ स्टेट्स के रूल्स आफ प्रोसीजर को देखें तो मालूम होगा कि कितनी छोटी छोटी बातों का भी उसमें जिक्र किया गया है। संविधान के आर्टिकल 87 (2) में केवल यह लिखा है—

"Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address."

"Both Houses of Parliament assembled together..." के बारे में कोई प्रोसीजर निश्चित किया जाएगा, संविधान में इसका कोई जिक्र नहीं है और वह प्रोसीजर भी कहीं नहीं है, जब कि छोटी से छोटी बातों का जिक्र किया हुआ है रूल्स आफ प्रोसीजर एंड कांडक्ट आफ बिजिनेस इन दी कौंसिल आफ स्टेट्स में। हम अगर देखें तो रूल 235 में इस बात तक का जिक्र कर दिया गया है कि मेम्बर लॉग किन किन बातों का ध्यान रखें। छोटी से छोटी बात का जिक्र है इसमें :

"shall bow to the Chair while entering or leaving the Council, and also when taking or leaving his seat; shall not pass between the Chair and any Member who is speaking; shall always address the Chair; shall maintain silence when not speaking in the Council; shall not obstruct proceedings, hiss or interrupt and avoid making running commentaries when speeches are being made in the Council."

यानी छोटी से छोटी चीजों का जिक्र है कि कैसा व्यवहार कौंसिल में सदस्यों के द्वारा होना चाहिए। फिर यहाँ तक जिक्र किया गया है रूल 243 में चेयरमैन के बारे में :

"Whenever the Chairman rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down."

“बोय हाउसेज असेम्बल टुगेदर” के बारे में कहीं कोई चीज एसी लिखी हुई नहीं मिलेगी आपको। फिर चेयरमैन को पावर्स कितनी दे दी गई हैं राज्य सभा के बारे में, रूल 255 और 256 में चेयरमैन को यह पावर्स दी गई हैं :

“The Chairman may direct any member whose conduct is in his opinion grossly & disorderly to withdraw immediately from the Council...”

256 में यही तब कह दिया है :

“The Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules...”

यानी छोटी से छोटी चीज के बारे में स्पष्ट प्रोसीजर लेड डाउन है कि किस तरीके का व्यवहार हाउस के अन्दर किया जाएगा और जब उन रूल की अवहेलना होती है, या उनके विपरीत व्यवहार होता है तब फिर यह हाउस प्रिविलेज कमिटी के द्वारा अपने तरीके से उस मेम्बर के व्यवहार को सेंसर कर सकता है। यहाँ तक कि अगर रूल में किसी चीज के बारे में नहीं भी जिक्र तो उनको रेजिडुअर पावर्स चेयरमैन को दे दी गई हैं। रूल 266 यह कहता है :

“All matters not specifically provided in the rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Chairman may, from time to time direct.”

तो ये हमारे हाउस के रूल्स आफ कांडक्ट हैं, और जब इनके बरत में कोई कुछ करता है तो यह कहा जा सकता है, कि उसका कांडक्ट रूल के अगेंस्ट है, अनरूली है, अनबिकमिंग है, अनसालियामेरी है, अनडिगनिफाइड है। हम उसके बारे में कुछ भी कह सकते हैं। डिगनिटी और सारा सारी चीजों को नापने के लिए हमारे पास रूल्स आफ प्रोसीजर है, as to how the matters will be conducted in the House. मेम्बर से जो भी आशा की जा सकती है वह सब रूल के अन्दर मौजूद है। इसी तरीके से आप देश में देखें। कानून

मौजूद है। इंडियन पेनल कोड है और बांकी कानून है जिनसे पता चला जाता है कि एक नागरिक से किस प्रकार के आचरण की आशा की जाती है। जब कोई उस प्रकार का व्यवहार नहीं करता और कानून की अवहेलना करता है तब उसको पकड़ कर अदालत के कठवरे में खड़ा कर दिया जाता है जो उसकी सजा होती है वह उसको दे दी जाती है। यह रूल में बता दिया गया है कि एक मेम्बर को कैसा व्यवहार करना चाहिए और जब उस व्यवहार के प्रतिकूल कुछ होता है, या उसके विपरीत कोई मेम्बर आचरण करता है तो फिर उसको यहाँ सजा दे देते हैं। टु हाउसेज असेम्बल टुगेदर” इसके बारे में कहीं कोई प्रोसीजर लेड डाउन नहीं है, कौन उसका अध्यक्ष होगा, उसके प्रति हम क्या कह सकते हैं, क्या नहीं कह सकते हैं। प्रेसिडेंट के बारे में भी यहाँ तक लिखा हुआ है कि उसका कांडक्ट हाउस में डिस्कस नहीं किया जा सकता लेकिन “टु हाउसेज असेम्बल टुगेदर” इसके बारे में कहीं कुछ लेड डाउन नहीं है। राज्य सभा में भी जहाँ इतनी सारी चीजें एक एक कर के गिना दी गई हैं अगर चेयरमैन के किसी कार्य के प्रति कोई सदस्य वाक आउट करता है तो हमने कभी उसको सेंसर करने की कोशिश नहीं की हालांकि उसके बारे में रूल लेड डाउन है तो जिस के बारे में कोई रूल भी लेड डाउन नहीं है, जिस के बारे में यह भी पता नहीं है कि What will be deemed to be disrespect for the President. वहाँ वाक आउट करने के ऊपर हमारे दोस्त चले आ रहे हैं यह प्रस्ताव लेकर और बयान शब्द इस्तेमाल किये हैं अमेंडमेंट्स में “Strongly disapprove.” “suspend”, “reprimand”, “deplores” यानि किसके बारे में for the conduct of Shri Rajnarain यहाँ जो रूल बनाये हैं उन पर लिखा हुआ है “रूल्स आफ प्रोसीजर एंड कांडक्ट आफ बिजनेस इन दी कौंसिल आफ स्टेट्स”। यानी कांडक्ट क्या होना चाहिए हमारा और क्या आशा की जाती है हम से, हमारे व्यवहार को अच्छा या बुरा कहने

[ श्री पीताम्बर दास ]

लिये ये क्लस एक कसौटी है जिस पर कस कर व्यवहार देखा जा सकता है। उन्हीं से मान, अपमान नापा जा सकता है। "Both Houses assembled together" के बारे में न कोई कसौटी है न कोई मापदंड। कुलकर्णी जी ने कहा कि बड़ा अपमान किया है। उनको भारी बहुमत से चुन कर भेजा गया है इसके लिए मैं उनको और उनकी पार्टी को बवाई देता हूं, श्रीमती इन्दिरा गांधी को भी कि जिन के नाम के पीछे दीवानी हो कर जनता ने उनको इतना बहुमत प्रदान किया है। इस के अतिरिक्त आप क्या चाहते हैं। Do you want a pound of flesh for all this? चूंकि कुलकर्णी जी को बहुमत मिल गया है तो क्या वे किसी के लिये भी कह देंगे कि उसका कंडक्ट अनडिग्नीफाइड है, अनडिजायरेबल है, अनबिकमिंग है? क्या यह कहने का अधिकार हम दे देंगे? वह कसौटी क्या है कि जिस पर वे इस बात का अंदाजा लगायेंगे। श्रीमन्, इस लिए मैं ने यह संशोधन दिया है कि आप एक सात आदमियों की कमेटी नियुक्त कर देंगे। वह इस मामले पर गंभीरता से विचार कर लें। और इन बातों पर विचार कर के जो ठीक समझे वह हाउस को रिपोर्ट कर दें। हाउस को अधिकार है कि वह कभी भी कुछ भी कार्यवाही कर सकता है। मैं कुलकर्णी जी की इस बात की बहुत कद्र करता हूं कि इस प्रश्न पर पार्टी फीलिंग से ऊपर उठ कर विचार करना चाहिए। यह किसी पार्टी का सवाल नहीं होना चाहिये। न यह गवर्नमेंट का सवाल है और न अपोजीशन का सवाल है। मैं समझता हूं कि हर पार्टी की नीति यह होगी कि प्रेसीडेंट की इज्जत की जाय, चेयरमैन की इज्जत की जाय और पार्लियामेंट के मान और मर्यादा की सुरक्षा की जाय। लेकिन अगर हम बड़े से बड़े आदमी के प्रति आदर दिखलाना चाहते हैं उसका मान सम्मान करना चाहते हैं तो भी हम अपने जो प्रजातांत्रिक अधिकार हैं, जो हम को दिये गये हैं, क्या उन अधिकारों को कुचल दिये जाने की कीमत पर

वह सब को तैयार हैं? तो यह सारी चीजें देखने की हैं। कैंट्रस के बारे में इसीलिए मैं ने कुछ भी जिक्र नहीं किया। जहां तक पार्टी का सवाल है, हर एक पार्टी चाहेगी कि राष्ट्रपति का आदर होना चाहिए, परन्तु राष्ट्रपतिजी ने क्या कहा जब राजनारायण जी ने कुछ कहा था, उन सब बातों को भी देखना पड़ेगा, उन वाक्यात की तह में जाना पड़ेगा। मैं इस समय उन में जाना नहीं चाहता। कुलकर्णीजी ने भी उसका जिक्र नहीं किया। राजनारायण जी शायद उसका जिक्र करें। मैं कुलकर्णी जी की यह बात मानता हूं कि हमारे राष्ट्रपति महोदय "represents the people in the streets, he represents the common man in the street". But that does not entitle him to behave like a common man in the street when he is addressing the two Houses of Parliament assembled together. यह विचार करने की बात है और इसलिए जब सारे वाक्यात सामने आयेंगे तब कोई अजमेंट दिया जा सकेगा। राजनारायण जी ने क्या कहा, उसके बदले में राष्ट्रपति जी ने क्या कहा और फिर राजनारायण जी ने क्या किया, यह सब जानने के बाद ही कुछ कहा जा सकता है। इसलिए श्रीमन्, मैं आपके द्वारा हाउस से प्रार्थना करूंगा कि इन सब बातों को गंभीरता से देखने, सुनने और विचार करने के लिए आप एक सात आदमियों की कमेटी नियुक्त कर दें। उसका यह काम होगा कि वह जिन जिन चिजों की छानबीन करना चाहेंगे उन सबको देख लेंगे और शान्त वातावरण में बैठ कर उन पर विचार कर लेंगे और अपनी रिपोर्ट हाउस में ले आयेंगी फिर उसपर जो ऐक्शन भी हम चाहेंगे ले सकते हैं। यह हाउस सर्वोच्च अधिकार सम्पन्न है और हम यह पसंद नहीं करते कि राष्ट्रपति का अपमान हो या चेयरमैन का अपमान हो या सदन का गौरव कम हो। मैं आप के द्वारा हाउस से प्रार्थना करूंगा कि मेरे संशोधन को स्वीकार किया जाय।

SHRI TRILOKI SINGH: Sir, I have a point of order. Out of the five amendments that have been moved by five Members, the amendments moved



by Shri Sultan Singh, Shri Krishan Kant and Shri Babubhai Chinai are out of order. My reasons are two. One is that this House has got power to punish any Member or anybody whatsoever, even an outsider under article 105(3) of the Constitution wherein it has been laid down that the powers, privileges and immunities of each House of Parliament—I would like to stress upon the words “each House of Parliament” and of the Members and the Committees of each House shall be such as may, from time to time, be defined by Parliament has not defined anything so far or laid down law—and until so defined, shall be those of the House of the Commons of the Parliament of the United Kingdom. It follows, Sir, that this august House can punish anybody by expulsion or suspension from service or reprimand anybody only under the powers conferred upon it by article 105(3) of the Constitution. Here in this case the allegation is, and it is admitted on all hands, that three Members of this august House are alleged to have misbehaved when the President of India had summoned the House and had gone there to address it under article 87(1) of the Constitution. As rightly pointed out by the hon. Leader of the Jana Sangh Party there are no rules in so far as proceedings of the two Houses assembled together are concerned. It may be a lacuna in the Constitution. In their absence nobody can say that if when the two Houses are assembled together, any Member misbehaves, his misbehaviour attracts the provisions of article 105(3). I would most respectfully submit and, as rightly pointed out by the hon. Mover of this motion himself and also reciprocated and supported by the hon. Leader of the Jana Sangh party, matters of privilege have never been party question; and this matter, as rightly pointed out by the hon. Mover should also not be treated as a party question. I would therefore submit that in so far as these three amendments are concerned, the Chair should rule them out of order. In so far as discussion on the other two amendments is concerned, it may be allowed to continue.

MR. DEPUTY CHAIRMAN : What is your point please?

SHRI TRILOKI SINGH: Shall I repeat again?

MR. DEPUTY CHAIRMAN: Your point is that there is no provision in the Constitution?

SHRI TRILOKI SINGH: My point is, this House can punish a Member only under the provisions of article 105(3) of the Constitution of India and that provision applies to the House as such and not to the two Houses assembled together. It applies to the House, the Council of States, or any Committee of the Council of States but not to the proceedings in the two Houses assembled together as laid down in article 87(1). What the hon. Shri Rajnarain and the two other hon. Members are reported to have done relates to their action in the meeting of the two Houses assembled together and not to any meeting of this House or a Committee of this House or to anything which comes within the purview of breach of privilege or contempt of the House. Therefore if you permit discussion on these three amendments—of course discussion would include voting on them—it would be something not warranted by law and out of order.

Thank you.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Mr. Deputy Chairman, Sir, I agree with Mr. Triloki Singh that there is no provision in our rule but he has wrongly quoted the Constitution because the President is part and parcel of Parliament. If he has gone through the Constitution he will find that Parliament means both Houses of Parliament plus the President.

SHRI TRILOKI SINGH : But the privileges are for each House of Parliament.

SHRI CHANDRA SHEKHAR: It means it is a comprehensive provision by which not only the Members but even the Secretary and the staff of each House of Parliament are covered. It is not only the Members of Parliament, but the watch and ward, the steno and everybody who helps in the functioning of Parliament has got the protection of this provision. If a clerk of the House of Parliament is protected by that provision I am shocked and surprised that an experienced person like Mr. Triloki Singh should say that the President has not got the protection of this provision. Mr. Deputy Chairman, whatever may

[Shri Chandra Shekhar]

be the views on other points, this constitutional point is invalid and without any foundation. No one can say that the President has not got that protection which any ordinary person working in the House of Parliament has got.

**SHRIMATI YASHODA REDDY:** Mr. Deputy Chairman, on the point of order I would like to say one word. As very rightly pointed out by Mr. Chandra Shekhar, Parliament means both Houses of Parliament plus the President. Neither by law nor in specific words it has been laid down as to who conducts the joint Session presided over by the President. If it is a joint Session, the Speaker conducts and regulates it, but when the President addresses Members of Parliament who regulates and controls it has the Chairman? I have got only a slight difference from Mr. Chandra Shekhar and it is this. Though it has not been put in so many words in the Constitution, my humble appeal would be by legal assumption and fiction, when both the Houses are being addressed by the President, both the Vice-President and the Speaker preside over that.

**SOME NON. MEMBERS:** Both cannot be.

**SHRIMATI YASHODA REDDY:** What I am trying to say is this. When the President is addressing, who is presiding?

**SHRI LOKANATH MISRA (Orissa):** Jointly and severally.

**SHRIMATI YASHODA REDDY:** I want a clarification.

**SHRI BHUPESH GUPTA (West Bengal):** There is nothing in the Constitution which prevents you even from presiding.

**SHRIMATI YASHODA REDDY:** I want a clarification from the Law Minister and the Chairman. When there is a joint Session, the Speaker regulates the proceedings. When there is a joint Session of both the Houses, the Speaker regulates the conduct of the Session.

**SOME HON. MEMBERS:** No, no.

**MR. DEPUTY CHAIRMAN:** I have understood the point and I am prepared to give my ruling. I will not allow anybody else to speak now.

**SHRIMATI YASHODA REDDY:** One minute. They are mistaking me.

When we had a joint Session of both Houses a few years back the presiding officer was the Speaker. The Speaker conducted the joint Session of both the Houses. But who presides when the President addresses Parliament is a thing which is rather vague in my opinion. As for the other argument of Mr. Chandra Shekhar, the House has a right, because it is a part of Parliament. We have every right to move this motion, but the question is who presides over the joint Session when the President is addressing and whether any right can be given to him legally.

**SHRI BHUPESH GUPTA:** I want to say. . .

**MR. DEPUTY CHAIRMAN:** Let us not continue this discussion.

**SHRI BHUPESH GUPTA:** No, Sir. Why not?

**MR. DEPUTY CHAIRMAN:** Let me dispose of his point of order. I have understood the point of order and I do not want to listen to any other Member now.

**SHRI A. P. JAIN:** I will take only two minutes.

**MR. DEPUTY CHAIRMAN:** I am clear about the point of order raised by Mr. Triloki Singh. If you want to raise another point of order, you may do so, but let me give my ruling and then you can raise another point of order.

**SHRI A. P. JAIN:** I want only to state. . .

**MR. DEPUTY CHAIRMAN:** No, please. If I give you a chance, then I will have to give chance to other Members as I will not be in a position to discriminate against them. Therefore, I would request you not to press, because I have understood the point of order and I am going to give my ruling. I would appeal to you to please sit down.

**SHRI A. P. JAIN:** I just want to say this. . .

**MR. DEPUTY CHAIRMAN:** Because there are other Members who desire to speak I will have to allow others also to speak. When I have understood the point of order I do not require the assistance of hon. Members to clarify the point of order.

SHRI A. P. JAIN: Mr. Deputy Chairman, this is a very important point of order.

MR. DEPUTY CHAIRMAN: You can raise your point of order, but let me dispose of this point of order.

SHRI A. P. JAIN: Kindly listen to me.

MR. DEPUTY CHAIRMAN: You can raise another point of order. I am not denying a chance to you to raise your point of order.

SHRI LOKANATH MISRA: He is an ex-Governor also. So you should listen to him.

SHRI A. P. JAIN: This is a very important point of order. I want you to listen to different points of view before you form your opinion. I got up and then you said "give precedence to the lady". I sat down and obeyed you. I want to press my claim that I may be permitted to say a few points on this point of order. I am not very fond of speaking. In fact mostly I sit quiet.

MR. DEPUTY CHAIRMAN: All right. Make your point.

SHRI A. P. JAIN: The Constitution contemplates three possibilities: one is separate sittings of the Houses; second, joint sitting of the Houses; third, the provision which is contained in articles 86 and 87, namely, the President calls the Members of both the Houses together. These are all different things. We have to see whether what holds good for the separate sittings of the Houses also holds good for the other things. So far as the joint sitting of the Houses is concerned, I have nothing to say because that is a matter which is not concerned here. Mr. Triloki Singh bases his argument on article 105(3), and Mr. Chandra Shekhar said that the sitting of Members of the two Houses together was a Committee of Parliament.

SHRI CHANDRA SHEKHAR: I never said that I said any act which supports the functioning of Parliament is protected by that provision. Even a clerk who is doing something for Parliament is protected, and joint address was a part of the functioning of Parliament, and any obstruction in this respect or misbehaviour in the functioning of Parliament is covered by that.

SHRI A. P. JAIN: I am one with him that the dignity of the President should be protected in all circumstances. But here we are governed by law and we have to look into the text of the law. What does article 105(3) say? "In other respects, the powers, privileges and immunities of each House of Parliament"—it does not mention joint meeting; or a meeting where Members of both the Houses have been called—then we come to the Committees: "and of the members and the committees of each House" etc. This House and the Lok Sabha can set up Committees and there the powers, privileges and immunities of such Committees will be the same as of each House of Parliament. But the sitting under discussion was not a Committee set up by either of the two Houses. Therefore, it is not covered by that. It is well established, I can give you juristic authority that on meetings called under articles 86 and 87, nobody presides, there are no rules and regulations about them. Therefore, it would be a travesty to include this meeting as covered by article 105(3), and the privileges of the House of Commons will not apply to this meeting, it is quite another thing. I am one with Shri Kulkarni's resolution. It is in proper form but if you stretch it to the extent and want to treat it as a breach of privilege and include a punishment in the resolution, I would submit that it would be completely violating the provision of article 105(3).

SHRI BHUPESH GUPTA: Sir, my submission is this. These are important things which you should consider because the whole country would be watching how you deal with this matter. Article 105 has been referred to. There are two things. Will you kindly listen? Whom am I addressing?

MR. DEPUTY CHAIRMAN: I am listening.

SHRI BHUPESH GUPTA: I am very glad you are listening. Two issues are involved. One is admissibility of the resolution. This House is sovereign within its own sphere. It is for the House to decide and on behalf of the House for the Chairman to decide as to what should be or should not be admitted. Nothing comes in there. It is entirely for us; nothing prevents a Member of the House from bringing forward a resolution that the conduct

[Shri Bhupesh Gupta]

of Mr. Bhupesh Gupta should be disapproved because he does not know how to speak. Sovereign right we have I am giving an extreme point to show that we have a sovereign right subject to the rules of the House. Even the rules can be waived. Of course on behalf of the House the Chairman decides the admissibility or not.

It is open to us to request you to reconsider the decision when you have admitted the motion. I do not know how it has been done here. It should be done if somebody wants. This question should not be confused with the other question of article 105. As far as the admissibility is concerned, once it is decided, the House proceeds with the matter. With regard to article 105, I am not in agreement with Mr. Chandra Shekhar nor with Mrs. Yashoda Reddy but I am inclined to agree with the ex-Governor, Mr. A. P. Jain. What I say is this. The Joint Session is provided for nothing except the President's Address. Yes, the President is a part of Parliament. It is there. Now, Sir, that does not settle the question as to who should preside. That lacuna is there. And my friend, Mr. Rajnarain, has a knack of creating crisis of conscience, crisis of Constitution, crisis amongst us here. Therefore, there was no president, no presiding officer. Which rule says that? The rules and regulations must be of a separate kind. Our rule does not apply, the Lok Sabha rule does not apply. Even if the President is flanked by the Speaker on the one side and by the Chairman on the other side, it does not mean that two sets of rules come in and we go by them. Not at all. Therefore, who is the president? Who presides over the Joint Session? Our Constitution has not settled it, the rules of the Houses have not settled it. The Speaker and the Chairman have not settled it. I hope that some day they will settle it. Coming from the Lok Sabha, Mrs. Yashoda Reddy, nostalgically a little, says that the Speaker should preside.

**SHRIMATI YASHODA REDDY :** When we have a Joint Session of both the Houses as we have had, I asked who presides in a Joint Session.

**SHRI BHUPESH GUPTA :** You remember, we had a Joint Session on the Dowry Bill. It was decided as to who should preside. The President did not come there. By agreement between

the Chairman and the Speaker of the House, a decision was taken as to who should preside. Certain rules were also settled for the conduct of that Joint Session. Nothing of the kind was done in this case. Neither has it been settled as to who should preside nor are there any rules about it. We were in a vacuum. A vacancy was there.

Now, the question arises about precedents and other things. I need not go into those things. And as far as Mr. Chandra Shekhar's point is concerned that the Constitution protects the President, who is there to protect, under which rule? In what manner? Who makes the laws of protection of authority? Surely, not the President. These matters have to be gone into. Some day you should decide. We do not approve of my friend, Mr. Rajnarain's conduct. It is a different matter. But that should not be confused with the other things, Sir, I should like to know in a joint session of the British Parliament, is it the Queen who presides? The Queen, the Sovereign, comes and delivers the Address. Which provision says that the Sovereign or the Queen making the Address presides? And yet, under our Constitution, till the House has got its own rule, till we have got our own rule, normally British Parliament's rules are supposed to be operative. It is absolutely clear. Our Constitution and the rules and conventions have not decided categorically as to who should preside. I hope that some day it would be settled. At a meeting with the leaders of the Opposition, I suggested that the Chairman should preside.

**SHRI CHANDRA SHEKHAR :** The Constitution has given a clear provision. There is no need of a presiding officer. The President summons and address the Parliament. That is the provision in the Constitution. And this has happened in British Parliament also. You are bringing an entirely new thing.

**SHRI BHUPESH GUPTA :** May be, Mr. Chandra Shekhar may take that view.

**SHRI CHANDRA SHEKHAR :** I am not taking any view. That provision is quite clear and categorical in the Constitution.

3 P.M.

**SHRI BHUPESH GUPTA :** Mr. Chandra Shekhar, I tell you, you are wrong. Kindly try to understand the point of view . . .

**SHRI CHANDRA SHEKHAR :** You are bringing in a new factor. If your view is accepted, then we have to accept that all the Joint Sessions were *ultra vires* and without any purpose. Let us not take a view which is quite absurd...

**SHRI BHUPESH GUPTA :** My friend, Mr. Chandra Shekhar, is unnecessarily...

**MR. DEPUTY CHAIRMAN :** Order, please. You have already stated your point.

**SHRI BHUPESH GUPTA :** I have not.

**MR. DEPUTY CHAIRMAN :** How long will you take to clarify your point?

**SHRI GODEY MURAHARI :** He has not said what Mr. Chandra Shekhar said he was saying.

**SHRI CHANDRA SHEKHAR :** What did he say?

**SHRI GODEY MURAHARI :** I will explain to you. Mr. Chandra Shekhar says that by implication Mr. Bhupesh Gupta means that the convening of a session of both the Houses by the President is unconstitutional. Where does it say that the President is given all the powers... (*Interruption by Shri Chandra Shekhar*) Do you want to listen or not? The President has got all the powers under the Constitution to convene it. He has got all the powers to address it. But it is nowhere laid down in the Constitution that there should be somebody to preside over the Session... (*Interruption by Shri Chandra Shekhar*).

**SHRI BHUPESH GUPTA :** I am back to my subject. I am sorry it was suggested as if I had said that the President's Address is *ultra vires*. Not at all. The President is enjoined by the Constitution to make an Address, and he has made an Address which is absolutely within the law and Constitution. We are discussing the question of procedure and the conduct of the Joint Session. That is what we are concerned with. Here the President does not come in. As far as I see, the question of presiding officer for the Joint Session does not come in. But it should be there; otherwise who orders whom to do what? These are separate questions. Therefore, I say there should be no confusion. The President does not need my protection. The

President, apart from having a body-guard, has got many other things to protect himself.

All that I want to say here is that this motion stands on its own footing and the House is still competent to deal with it. Therefore, other things need not come in at all.

As far as the conduct of the President is concerned, still the Rule remains valid. We cannot discuss the conduct of the President except on a substantial motion. That is the direction given under the Constitution to the President, and that is for you to decide. Therefore, I say that these points are absolutely not very relevant as to what is happening there. Since these points had been raised I would request you, since you are the Deputy Chairman, to kindly settle the question of how to conduct the Joint Session and who could be the presiding officer and what are the rules.

**SOME HON. MEMBERS :** Sir...

**SHRI JAIRAMDAS DAULATRAM (Nominated) :** Could you kindly give me one minute before you call somebody else?

**MR. DEPUTY CHAIRMAN :** As Mr. Triloki Singh has raised a point of order about the amendment of Mr. Krishan Kant, I think I will allow Mr. Krishan Kant to reply to the discussion. We have had enough discussion on this. After that I will give my ruling.

**SHRI TRILOKI SINGH :** Mr. Krishan Kant, Mr. Sultan Singh and Mr. Babubhai Chinai's object is rather the same.

**MR. DEPUTY CHAIRMAN :** Mr. Krishan Kant, if you want to say anything about the point of order you may say, in brief. After that I will give my ruling.

**SHRI KRISHAN KANT :** Mr. Deputy Chairman, honourable Mr. Triloki Singh has referred to article 105(3) of 1971.

**श्री जगदम्बी प्रसाद यादव (बिहार) :** जब आपने रूलिंग दे दिया, फिर उसको री-ओपन की क्या जरूरत है ?

**श्री उपसभापति :** रूलिंग कहाँ दिया ? कैसे कहते हैं ?

SHRI KRISHAN KANT : It says :

"In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

"Sir, when we discuss the question of privileges of members, it also depends on the conduct of the members. And the conduct of members of Parliament in the United Kingdom is judged not merely when it is related to their sitting in either House of Parliament, but wherever they act, either inside the House, or outside the House, if it relates to their duty as members or conduct as members, I shall read from what Morrison said in the House of Commons on the 30th October, 1947 in connection with Allighan's case when he did certain things outside the House which reflected on his conduct as a member of the House and related to his duty as a member of the House. He said :

"I do not think there is any doubt as to the right of the House to judge the conduct of members outside or inside the House, to come to conclusions about standards and to decide whether their conduct is such that brings contempt on the House in its corporate capacity."

Here the motion has come because the behaviour of the hon. Members, Mr. Rajnarain and others, is viewed as contempt of the Rajya Sabha in its corporate capacity. So, I think my amendment is valid. Then, May's Parliamentary Practice, 16th Edition, pages 105 and 106, says—I will not read out the entire thing—"members have been expelled as being in open revolt . . . for conduct unbecoming the character of an officer or a gentleman"—Mr. Chandra Shekhar referred to this—and "contempts, libels and other offences against the House itself." So, in the House of Commons case, when the committee recommended suspension for six months, the House unanimously decided to expel him ; and his seat was rendered vacant. That was the maximum punishment that was given. In view of these things and in view of the

fact that the Constitution says that we will follow the House of Commons practice, my amendment is very relevant and very correct.

SHRI JAIRAMDAS DAULATRAM : Sir, . . .

MR. DEPUTY CHAIRMAN : Please sit down.

SHRI SALIL KUMAR GANGULY (West Bengal) : Sir, we have here rules for suspension of a member.

MR. DEPUTY CHAIRMAN : Please sit down. We have had a discussion on the point of order raised by Mr. Triloki Singh. Mr. Triloki Singh has mentioned that there is no such provision in the Constitution and so all these three amendments moved by Mr. Babubhai Chinai, Mr. Krishan Kant and Mr. Sultan Singh are *ultra vires* the Constitution. The points have been made very clear by Mr. Chandra Shekhar and by Mr. Krishan Kant also. Parliament consists of the President and both Houses of Parliament, i.e. Lok Sabha and Rajya Sabha. Under article 87, the President has got a constitutional obligation to address both the Houses at the beginning of every session in the new year and immediately after elections to the Lok Sabha are held. Under this constitutional obligation, the President came to the Central Hall and addressed the Members assembled from both Houses. You know that when the President comes to address both Houses, that occasion is a solemn occasion and on such occasions everybody expects that the Members of both Houses will be behaving in a dignified manner. Therefore, the question whether there is any provision in the Constitution, whether we have framed any rules regarding the Joint Sitting, or if it is not a Joint Sitting then regarding assembling of members from both Houses, whether there are any rules to deal with any misbehaviour or misconduct on the part of a Member of Parliament, is not so much relevant here. This point has been made very clear by Mr. Krishan Kant that it is the responsibility of every individual Member of the House to maintain the dignity of the House as well as of his own, whether he is behaving or whether he is speaking or acting in the House or whether he is acting outside the House—whether he is behaving in the Central Hall or within the precincts of Parliament or

even outside Parliament, and his conduct can always be questioned in the House. And therefore, this question does not relate to the privilege of an individual Member or the privilege of the House. It relates to the conduct of an individual Member of Parliament. Therefore, this House is competent to discuss this question and take its own decision. I do not want to tell the House what kind of a decision it should take. The House is completely at liberty to take any decision and to take any action regarding the conduct of the Members of this House I can only say that as the Members have to behave in the House as well as outside the House in a dignified manner, if any honourable Member's conduct is questioned in the House, the House has got inherent powers to consider that question and to take any action and to punish the honourable Member as the House wants. Therefore, there is no point of order, and the point of order is ruled out. I would like to appeal to honourable Members to proceed with the discussion now.

**SHRI KRISHAN KANT :** Sir, I rise to support the Motion along with the amendment which I have given. As rightly pointed out, I would say that this occasion is a solemn occasion. Parliamentary democracy, democracy itself, has imposed certain restrictions on itself not to be rough-shed and to discipline itself. So this is one moment where members themselves have the responsibility towards the parliamentary democracy so that undignified things do not take place, so that the dignity of democracy, the dignity of Parliament, remains enshrined in the hearts of the people. That is one of the basic factors for running a democracy. As you rightly said, it is not a question of breach of privilege, it is the right of the House to judge the conduct of its Members inside and outside the House and to come to a conclusion about the standards and to decide whether the conduct is such that it brings contempt to the House in its corporate capacity. Some points were raised by Mr. Pitamber Das and our friends here including Mr. Ajit Prasad Jain. Mr. Jain said the provisions of the Constitution do not mention about it, the Rules of Procedure of the Rajya Sabha do not mention about it. Here I would refer to May's Parliamentary Practice. May's Parliamentary Practice

"Suspension from the service of the House was a punishment employed by the House of Commons under its power of enforcing discipline among its Members, and it can still be imposed at the discretion of the House although, of course, not under the summary procedure authorised by their Standing Order No. XXIV."

Rule 256, to which my friend has made a reference, refers to a summary procedure as adopted in the House of Commons where the Speaker or the Chairman names the Member and a motion is moved by the Leader of the House and then it is adopted. That is a summary procedure...

**SHRI SALIL KUMAR GANGULY :** I would say that it is only a procedure for suspension.

**SHRI KRISHAN KANT :** This is what May's Parliamentary Practice says. I will read it out again for you—

"Suspension from the service of the House was a punishment employed by the House of Commons under its power of enforcing discipline among its Members, and it can still be imposed at the discretion of the House although, of course, not under the summary procedure authorised by their Standing Order No. XXIV."

And that Standing Order is equal to our Rule 256. May's Parliamentary Practice itself says that you cannot suspend or do other things under the Standing Order or the Rule. But under the various standards and various procedures that the House of Commons has adopted for centuries, they can suspend a Member by bringing forward a motion. If he likes, I can read that Standing Order. It is Standing Order No. 24 which is equivalent to the Rules of Procedure and Conduct of Business in both the Rajya Sabha and the Lok Sabha.

**SHRI SALIL KUMAR GANGULY :** The hon. Member is forgetting that we work under a written Constitution and not under an unwritten Constitution as in Britain where the Parliament is really supreme. In our Rules that have so far been made for the Rajya

[Shri Salil Kumar Ganguly]

Sabha, there is no procedure for suspension except that...

MR. DEPUTY CHAIRMAN : That is regarding the summary procedure.

SHRI KRISHAN KANT : When there is no provision either in the Constitution or in the Rules, we are guided by the House of Commons practices, and I was quoting their practice...

MR. DEPUTY CHAIRMAN : One is summary procedure. Supposing a Member of this House persists and insists on creating trouble and does not allow the business of the House to be carried on, then the Chair can take action. And that action can either be suspension or expulsion. That is a sort of summary procedure. So far as other behaviour of hon. Members is concerned, motions can also be brought forward and the House can take action.

SHRI GODEY MURAHARI : Where is it laid down in the Rules of Procedure that such motions can be brought before the House except that Rule 256 lays down that the Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair? First of all, he has to name the Member if he disregards the authority of the Chair by persistently and willingly obstructing the business thereof. Then it says :

If a member is so named by the Chairman, he shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, that the member (naming him) be suspended from the service of the Council for a period not exceeding the remainder of the session.

It is specifically stated that a Member cannot be suspended for any period exceeding the remainder of the session. Therefore, I do not see any provision in the Rules of Procedure for allowing this kind of motion. Therefore, on the very face of it, I think it should be ruled out of order.

MR. DEPUTY CHAIRMAN : Rule 256 only refers to the summary action. Immediate action can be taken under that provision. That particular Rule refers only to the conduct of the business in this House and it says that it

should be orderly and if any hon. Member does not allow that business of the House to continue, then the Chairman has to take immediate action and Rule 256 provides for what action can be taken in such instances. Rule 256 says that the Chairman can name the person and a motion has to be moved and after that he can be expelled. That Rule only refers to the unruly behaviour of the hon. Member and provides how such cases or instances can be dealt with. There may not be any Rules in the Rules of Procedure regarding other cases. In such cases the House is competent to deal with any hon. Member even if he misbehaves in his own town or residence if that behaviour is unbecoming of a Member of Parliament. That question can also be discussed in the House... (*Interruptions*). Please listen. There may not be any Rule here. But the House has got the inherent right in exercising that power...

(*Interruptions*)

SHRI GODEY MURAHARI : Before you give a Ruling, please listen to me. Let me make my point clear...

SHRI BHUPESH GUPTA : Quite apart from the fact, we will have our views on the subject, you are now talking of inherent right. Where is that inherent right? Nothing is inherent. Please do not arrogate to yourself... (*Interruptions*). Sir, the House can express its opinion, disapproval and other things. I am not objecting to that. But the moment you come to the question of disciplinary action, denial of the right of a Member to participate in the House as a Member, you have to go by the Constitution and by the Rules.

SOME HON. MEMBERS : Yes.

SHRI BHUPESH GUPTA : Therefore, Sir it is not a question here of an inherent right. We have an inherent right of killing Rajnarain or Bhupesh Gupta just because you pass a Resolution? Therefore, there is no such inherent right. The doctrine of inherent right is a preposterous thing in parliamentary democracy. Then, every majority in every parliament will say, "By a majority this is my inherent right" and the Constitution will be blown sky-high, the conventions will be thrown away



and in the name of parliamentary democracy, parliamentary dictatorship will come. We are not going to be a party to this kind of thing. . . (*Interruptions*). Sir, I beg of you. Kindly take this into account. . . (*Interruptions*). . . Kindly take. . .

MR. DEPUTY CHAIRMAN : I have understood your point. Please sit down.

SHRI BHUPESH GUPTA : Sir, in the Constitution you cannot punish a man without the due process of law subject to certain provisions in the Constitution. The same thing applies here in Parliament if it is a question of formal punishment as distinct from condemnation or other such things. But, then, Sir, it is punishment or denial of membership Mr. Krishan Kant wants it to be taken away. Now, is a capital punishment for a Member of Parliament and you think that there is an inherent right of giving capital punishment without the Indian Penal Code, without evidence, without the Criminal Procedure Code, without the proceedings in a court of law? Sir, you are developing a doctrine of dangerous consequences. Sir, I tell you let us go by the Resolution, let us discuss the original Resolution and give our opinion. Mr. Krishan Kant has expressed his anger and indignation. . . (*Interruptions*.)

MR. DEPUTY CHAIRMAN : All right. Please sit down.

SHRI BHUPESH GUPTA : The Chairman cannot create a new rule. . . (*Interruptions*.)

SHRI PITAMBER DAS : Sir, I want to put this thing. . . (*Interruptions*.)

SHRI JAIRAMDAS DAULATRAM : Sir, may I draw your attention?

MR. DEPUTY CHAIRMAN : One minute, please. . . (*Interruptions*.)

SHRI JAIRAMDAS DAULATRAM : Sir, may I draw your attention? . . . (*Interruptions*.) . . . Sir, may I draw your attention to Rule 266? It is this :

"All matters not specifically provided in these rules and all questions relating to the detailed working of these rules—that is, both these things—shall be regulated in such manner as the Chairman may from time to time direct."

SOME HON. MEMBERS : What does it mean? What does it mean?

SHRI PITAMBER DAS : Sir, I see this question like this: The House may have certain right, may have certain inherent rights. But the point is how those rights have to be exercised, and the way in which rights are exercised is known as the procedure. For instance, the Government has a right to prosecute a person. But how to prosecute is laid down in the Cr. P.C. and how the Civil suits are to be filed is laid down in the Civil Procedure Code. So, even if this House has some inherent rights, the rights have to be exercised in a particular way and that particular way we have laid down in the "Conduct of Business and Rules of Procedure", so that if it does not lay down how this right is to be exercised, it cannot be exercised at all even if it is there.

श्री राजनारायण : श्रीमन्, एक बात. . .

श्री उपसभापति : श्री राजनारायण जी आप बैठिये। आपकी वकालत करने वाले काफी हैं। आज आप शान्त रहिये। मैं आप से प्रार्थना करता हूँ कि आज आप शान्त रहिये।

श्री डाह्याभाई व० पटेल : इसमें राजनारायण जी की वकालत नहीं है।

MR. DEPUTY CHAIRMAN : When I said "inherent rights," I meant that the House is competent to discuss and consider the conduct of every individual member, and it is unbecoming the House can take any action against the member. . . (*Interruptions*.)

SOME HON. MEMBERS : No. no. . . . (*Interruptions*.) . . . How can it be? (*Interruptions*.)

MR. DEPUTY CHAIRMAN : I have heard everybody's point of view. . . (*Interruptions*.) Please sit down. I have understood everybody's point of view. Please sit down. . .

SHRI A. P. CHATTERJEE : You are complicating the whole matter by your contradictory ruling. . .

MR. DEPUTY CHAIRMAN : No contradictory ruling at all.

The privileges of members of both the Houses are governed by Article 105.

[Mr. Deputy Chairman]

They are not defined. We have to follow the precedents and the privileges of the British Members of Parliament.

(Interruptions.)

SHRI BHUPESH GUPTA : Not in this case. I tell you that you have quoted a thing without knowledge. Do you know what Article 105 says? Our House appointed the Rules Committee. We formulated our Rules. Lok Sabha had not done. Article 105 applies to the Lok Sabha, not here. You have given a wrong ruling.

श्री राजनारायण : श्रीमन् मैं एक निवेदन करना चाहता हूँ विनम्रता से आधे मिनट में, सुन लीजिए। यदि आपकी व्यवस्था साधु व्यवस्था है तो मैं यह चाहूंगा कि श्री कृष्णकान्त जी को मैं यह सलाह दूँ कि वे अपने इस एमेंडमेंट को इम्पूव करें और यह कहें कि राजनारायण, सीताराम सिंह और नागेश्वर शाही के सम्बन्ध में यह सदन निर्णय करता है कि भविष्य में तो वे लोक सभा के कैंडीडेट बन सकते हैं और न राज्य सभा के। धन्य ज्ञाना है।

MR. DEPUTY CHAIRMAN : As I was saying, the privileges of this House are not defined by the law up till now, and apart from that there are certain precedents in Madhya Pradesh, in Maharashtra and in Rajasthan. Some members. . . (Interruptions.)

AN HON. MEMBER : There is only one House there.

MR. DEPUTY CHAIRMAN : In Maharashtra there are two Houses.

श्री राजनारायण : आज यू० पी० क्यों छोड़ते हैं अहं, गिरी साहब स्वर्णर रहे हैं ?

MR. DEPUTY CHAIRMAN : Whatever it is, I was saying that the House is competent to take any action against erring members for misbehaviour or misconduct. It was upheld by three High Courts—Rajasthan High Court, Madhya Pradesh High Court and the Bombay High Court. Let us now continue this discussion, and I will ask Mr. Krishan Kant to continue. . .

SHRI GODEY MURAHARI : Action taken should be under Rules of Procedure. I am not questioning the authority of the House to take action. It should be governed by the Rules of Procedure. You cannot take any action arbitrarily. . .

MR. DEPUTY CHAIRMAN : I have heard that.

SHRI LOKANATH MISRA : When you are making a reference to certain happenings in Madhya Pradesh or Maharashtra or Rajasthan Assemblies, you must be conversant with the rules of those Assemblies also. We do not have before us the Rules of those Houses. If you refer to these rules and these happenings, it is not a very healthy precedent. Sir, if the interpretation that you are giving to the Rules of Procedure is really resorted to by the ruling party, the entire Opposition would be liquidated in no time. . . (Interruptions.) democracy. . . (Interruptions.)

SHRI B. K. KAUL (Rajasthan) : Not all. One by one.

SHRI LOKANATH MISRA : One by one. When you say that the House has the inherent right to take any action, do you mean to say, Sir, that for some action of a Member of Parliament you can even hang him—because you have the inherent right to take any steps you like in the House? There must be some rule of Procedure. It must be confined to the Rules of Procedure. . . (Interruptions.)

SHRI PITAMBER DAS : Putting it more simply, what you said amounts to this. I have a freedom of speech. But that freedom is regulated by Rule 238 of the Rules of Procedure. I mean, whatever freedom I have or whatever rights I have, I have to exercise them according to the rules laid down here. Even my freedom of speech is regulated by Rule 238 that while speaking I will take care of these things. So, if the House wants to exercise that particular right it has to exercise it in a particular manner and that manner would be according to the rules laid down. So, I would like to know how the House wants to exercise it—under what particular rule and in what particular way?

**SHRI KRISHAN KANT :** I have made that point clear. The Report of the Committee says :—

“The Committee recommend that if in future any Member of Lok Sabha interrupts or obstructs the President's Address to both Houses of Parliament assembled together, either before, during or after the Address, while the President is in the Hall, with any speech or point of order or a walkout or in any other manner, such interruption, obstruction or show of disrespect may be considered as a grossly disorderly conduct on the part of the offending Member and dealt with by the House subsequently on a motion moved by a Member”

The Committee further recommended...

(Interruptions.)

**श्री पीताम्बर दास :** मैं यह जानना चाहता हूँ कि यह कौन सी कमेटी थी।

**श्री उपसभापति :** यह 1968 में बनी थी।

**श्री पीताम्बर दास :** वह कौन सी कमेटी थी? क्यों बोली? इसीलिये मैंने अपना अमेन्डमेंट दिया कि एक कमेटी बनाई जाय क्योंकि लोकसभा ने भी इस समय एक कमेटी अप्वाइंट की है। यह कौन कमेटी थी जिसका श्री कृष्ण कांत जिक्र कर रहे हैं?

**श्री कृष्ण कांत :** यह 1963 की कमेटी है।

**SHRI GODEY MURAHARI :** It was appointed by the Lok Sabha for the conduct of the Lok Sabha Members and that is precisely what Mr. Pitamber Das want to be done for the Rajya Sabha also through this amendment.

**MR. DEPUTY CHAIRMAN :** He is referring to the 1963 case. His point is that during that instance the Lok Sabha took some action against the Members. In the second instance when...

(Interruptions.)

**SHRI PITAMBER DAS :** A Committee was appointed. The Committee looked into the affair and it took an action. I also want you to appoint a

Committee like that. It is exactly what I want you to do.

**SHRI GODEY MURAHARI :** The Lok Sabha again appointed a Committee. Even for the incident which occurred this year, the Lok Sabha again appointed a Committee.

**MR. DEPUTY CHAIRMAN :** The Lok Sabha wanted to go into the matter. That Committee wanted to examine the factual position. That Committee did not frame any rules—no particular rules and no particular procedure. They came to the conclusion...

(Interruptions.)

**SHRI PITAMBER DAS :** For your information, Sir, on that particular incident a Committee was appointed in the Lok Sabha which inquired into the incident and on the basis of their experience they laid down certain rules for future, which you are reading here. I want you to do exactly the same. Appoint a sevenman Committee. They will go into the merits of the case and lay down a procedure for the future.

**SHRI LOKANATH MISRA :** And to add to it, even in spite of the recommendation of the Committee appointed for this purpose in the Lok Sabha, the Government was not serious even to incorporate it in the Rules of Procedure in the Lok Sabha.

(Interruptions.)

**MR. DEPUTY CHAIRMAN :** So far as that question is concerned—whether the House desires that the matter should be referred to a Committee—I leave it to the House. Let the House decide; I have no objection. But what I mean to say is that you cannot say that the House cannot proceed with the motion and the amendments. It is quite in order and we can continue. Let the House decide whether they want to refer this matter to a Committee; I have no objection. Let the House decide.

**श्री बी० एन० मंडल (बिहार) :** यहाँ 1963 का जो जिक्र किया गया है उस में हम भी एक एक्जुज्ड थे और वहाँ जो प्रोसीजर रहा उस में यह किया गया था कि लोकसभा की एक कमेटी बनी थी जिस में हर पार्टी के मेम्बर थे एक एक बार उन लोगों ने पहले इवेस्टीगेशन किया और इवेस्टीगेशन में बुला कर

[श्री बी० एन्० मंडल]

हम लोगों को एशोडेंस ली। उसके बाद उस कमेटी ने अपनी रिपोर्ट तैयार की। उस रिपोर्ट के आने के बाद चार्ज शोट हुई और फिर मार्जिनमेंट बैठी और उसमें पब्लिक प्रोसीक्यूटर, जो वहां के डिप्टी स्पीकर थे उन्होंने हम लोगों पर चार्ज लगाया और फिर हम लोगों से डिफेंस मांगा गया और हम ने अपना डिफेंस दिया। तो वहां यह सब बातें हुई हैं।

SHRI A. P. CHATTERJEE : I may point out also that a similar S.S.P. Member of the Lok Sabha also, along with Shri Rajnarain, walked out on that day and the present Lok Sabha has considered that question and has appointed a Committee.

MR. DEPUTY CHAIRMAN : That is what I say. If the House wants to appoint a Committee, I have no objection. Let this House adopt that procedure.

SHRI A. P. CHATTERJEE : On that precedent, I am making an appeal to Mr. Om Mehta and the Members on that side to follow the precedent laid down the other day by the Lok Sabha. Let a Committee be appointed with some Members to go into this question as they are going into the matter of conduct of that Member of the Lok Sabha.

श्री पीताम्बर दास : एक अपील करना चाहता हूं।

(Interruptions)

श्री अवधेश्वर प्रसाद सिंह (बिहार) : आप ही बोलते रहेंगे क्या? क्या आप पसंद करेंगे कि कोई दूसरा भी बोले?

श्री पीताम्बर दास : श्रीमन्, मैं यह अपील करना चाहता हूं कि उस लोक सभा ने कि जिस में अभी अभी नये एलेक्शन में....

SHRI AWADHESHWAR PRASAD SINHA : On a point of procedure. When this gentleman finishes, he may speak. He cannot have a running commentary when he is speaking. This is a novel procedure to which I object.

श्री पीताम्बर दास : तीन साल में एक ही दिन मैं इतना बोला हूं। मुझे अगर ख्याल

होता कि मेरे बोलने से आप को नाराजगी होगी तो मैं आज भी चुप बैठा रहता।

मैं केवल इतनी बात कहना चाहता हूं कि उस लोक सभा में जिसमें सत्तारूढ़ दल को दो-तिहाई से भी ज्यादा स्थान प्राप्त हुए हैं एक कमेटी अप्वाइंट कर दी गई परंतु इस हाउस में कि जिसमें बहुमत का मार्जिन भी सरकार के पास नहीं है हम कमेटी अप्वाइंट नहीं कर रहे हैं। क्यों?

श्री चन्द्रशेखर : उसकी वजह यह है कि उस लोक सभा में श्री रामदेव सिंह जी को लोग जानते नहीं थे और वहां के सदस्य भी एक दूसरे को नहीं जानते हैं। हम लोग एक दूसरे को जानते हैं।

SHRI KRISHAN KANT : I do not know why, when I was quoting, he was interrupting every time. What was done was this. The misconduct or bad behaviour of the Members of either the House of Commons or the Lok Sabha was commented upon and I am telling you what they recommended as a punishment for such a thing. Even in the Lok Sabha they said that the punishment can be suspension up to one year. Even in the Madhya Pradesh Assembly, where the Rules of Procedure or Conduct did not contain any such thing, when a Member interrupted the Governor he was expelled and suspended and that Member went to the court. The High Court judgment upheld the right of the Assembly to suspend or expel a Member, in spite of the fact that the Rules of Procedure...

(Interruptions)

SHRI LOKANATH MISRA : They may be having that in the Rules of Procedure.

SHRI KRISHAN KANT : They were not having. The High Court, in its judgment said:

"Since the House of Commons exercises the power of expelling a Member not because it has the power to regulate its own proper constitution but because it finds it necessary for its proper functioning, protection and self-preservation, to expel a Member offering obstruction to the deliberations of the House during its

sitting, the same power cannot be denied to a Legislative Assembly of a State on the ground that it has no power to regulate its own constitution."

It means it was not in the Rules of Procedure but they did because the Assembly and the Parliament thought it inherent in the discipline of the House. So this House has full powers to take disciplinary action in this matter. Sir, when did this whole situation arise? The difficulty was that some Members are in the habit of persistent misconduct and when this aggravates, then the House, the democracy, everything is in danger because they set bad examples of not allowing democratic institutions to function. What is the gravamen of the charge today? Mr. Rajnarain and some others said that the President should speak in Hindi.

SHRI GODEY MURAHARI : Not Hindi alone; neither Hindi or mother-tongue.

SHRI KRISHAN KANT : Under article 120 of the Constitution the business of Parliament has to be conducted either in English or in Hindi and a Member is free to speak in any language.

AN HON. MEMBER : Member.

SHRI KRISHAN KANT : That includes the Presiding Officer or the Chairman also. So Mr. Deputy Chairman, the President was completely right in using whatever language he wanted. And there are precedents. Dr. Radhakrishnan used to speak in English and Dr. Zakir Husain used to read out the Hindi version later. It was the same thing that was being done. The difficulty here is, our friends do not know that they are doing a lot of harm to the cause of Hindi by such obstructions and by not allowing the functioning of democracy. They are not helping Hindi to grow because their stubbornness and their bad behaviour recoil and make the people who are not speaking Hindi become anti-Hindi. It is very difficult I know to support a motion of this kind against our colleagues who have been with us and with whom we have been working for some time but we have to make a decision as between individuals and the institution and sometimes with a heavy heart we have to take the decision of suspending them.

Now in my amendment I have mentioned 29th February, 1972. They misbehaved at the time of the President's Address and I want them to be punished till that date so that they cannot attend the next President's Address. They can be allowed to come after the 1st March. I only want that these Members who misbehaved before the President should not be allowed to attend the President's Address next year so that the people and the country know that if any Member of Parliament misbehaves in this manner Parliament has got the strength to regulate parliamentary democracy and create a better image in the country of parliamentary democracy as such and that we are capable of making it a model for others. With these words I support the motion and I request the House to accept my amendment as well.

श्री मानसिंह वर्मा (उत्तर प्रदेश) : अभी तक यह क्लियर नहीं हुआ है कि किस रूल आफ प्रोसीजर के अन्तर्गत यह हुआ, कौन से रूल आफ प्रोसीजर से आप...

श्री उपसभापति : हमने कहा है कि यह आर्डर में है।

SHRI MAN SINGH VARMA : It is not clear. यह बताये कि कौन सा रूल है। यह हमें बतायें कि कौन सा रूल है।

MR. DEPUTY CHAIRMAN : I have said that the motion and the amendments are quite in order and I have allowed discussion on them.

SHRI MAN SINGH VARMA : Under what rule?

श्री उपसभापति : जो कहा है वह है बराबर। बराबर चल रहा है।

श्री मानसिंह वर्मा : वही मैं पूछ रहा हूँ।

श्री उपसभापति : एक मेम्बर ने मोशन दिया है, मोशन के जो रूलस होते हैं उसके मुताबिक यह मोशन यहाँ पर डिसकस हो रहा है। यह मोशन है।

श्री मानसिंह वर्मा : इस कांडिडेट के लिये इसमें कहीं नहीं है।

**MR. DEPUTY CHAIRMAN :** This is a motion, a motion can be regarding any subject.

**SHRI BABUBHAI M. CHINAI :** Mr. Deputy Chairman, I have been listening to my friends in the House and I must admit that I am greatly distressed.

**श्री मान सिंह वर्मा :** घाघलेबाजी है जो चाहे सौ किये ।

**SHRI BABUBHAI M. CHINAI :** I also want to bring to the notice of the ruling party members that they ought to have selected a more sober person for moving the motion which my friend, Mr. Kulkarni, has moved. While moving it, my friend, Mr. Kulkarni, made a mockery of the motion and the dignity for which he was fighting has been lost by his quoting instances out of context and irrelevant. Several extraneous matters were brought in. My only sorrow is that when we are trying to preserve the dignity of the highest person in this country, a motion has been allowed to be moved. A good case has been very badly handled by the Mover of the Resolution. I for one have moved an amendment and that is for a reprimand of my colleagues Shri Rajnarain and others. Having heard a cross section of the House I myself feel so shattered and I am justified in moving this amendment. For the way in which a personal attack has been made on one of our colleagues, Mr. Rajnarain, I express my sincere regret. It could never be our desire in this House that we should attack each other. If anybody has not observed any rules and regulations and the dignity of the House, no doubt this House has got a right to reprimand him. No doubt this House has got a right to condemn him, but this is not the way, the way in which we were conducting during the last two hours. I have a brief submission to make and it is this and I make it with a very heavy heart.

It is not lightly that I have chosen to make an amendment to the motion which is for consideration before this august House. While I am in agreement with the substance of the motion, I believe that the condemnatory part in it should be replaced by a reprimand. Before I spell out my reasons behind my amendment, I think I should explain as to why I am broadly in agreement with the motion, although it has been

tabled by hon. Members who belong to political parties other than mine. My conscience and conviction say that there are some matters which are common to humanity and they are not the exclusive privilege of this political system or that or this religion or some other. One such matter is polite conduct. I, for one, would rate it higher than all the other virtues, old or new. It brings me to the very spirit of democracy. This spirit, while acknowledging that all types are needed to make a society, postulates that all should be given a reasonable chance to express themselves freely. No one can express himself so, unless society allows that liberty; and the society which allows the most liberty is democracy. On this premise, I would give the greatest latitude to everyone to express his or her opinion freely, forcefully and vividly, but certainly not, with egoistical recklessness, or in a disrespectful fashion. The Rules of Procedure to be observed by Members are clearly intended to ensure freedom of speech, and there is the specific provision that a Member shall not interrupt any Member while speaking by a disorderly expression of voices or in any other disorderly manner. If this is what is sought to be secured *inter se* Members, it is hardly necessary to say that more than such courtesy should be extended when the President of India addresses the joint sessions of Parliament.

When any hon. Member of this august House should take into his head to misbehave in the presence of the first citizen of India, and that too under the roof of Parliament, which is the symbol of freedom, as well as social discipline, the misbehaviour cannot be allowed to pass without comment or censure. After all Members of Parliament owe to themselves and to the country to conduct themselves in a befitting manner. In a democracy there are no—and there should not be—any privileged class or classes, but there must always be an elite, and hopefully one expects the representatives of the people to belong to this elite to set healthy standards. The behaviour of some Members, whose names I need not mention, for they are well known, is predictable, especially when they carry so many bees as it were in their bonnet. To change the metaphor, any kind of a rag, not necessarily red, makes them react like a bull in a China shop. Language is one such bee or rag.

It is most unfortunate that after a quarter of a century of political independence, there are still people in our country who have not come to realise that a language cannot be imposed. In addition, there is considerable obscurantism in the opposition to English, even while English is being used in many countries and has become the universal medium of the international community. I do not see as to why there should be any opposition to English as such. Is it that some Members are afraid that such an acceptance will once again bring India under the political hegemony of Britain? Do they mean to say that only those who stick to Hindi are patriots? All this, to say the least, is fantastic.

While saying all this, I am aware human beings differ in their intellectual and emotional outfits. Also, no one is perfect; indeed, all of us have failings, perhaps some more and some less. We are all human to this extent. It must be our endeavour to accept diversity and with it develop tolerance and understanding. This does not mean that we should rate all values alike and accept all transgressions or, on the other hand, outright condemn some people beyond redemption. We must, however, endeavour to struggle against what we think wrong. In modern times as this, the endeavour must be to try to reform rather than condemn, to persuade rather than castigate. The most we should go to is to reprimand, and the degree of reprimand must be related to the nature of the offence and the persistency with which it is committed.

I said a moment ago that we cannot impose any language on the people, and I may add that culture also cannot be imposed on so diverse a population which inhabits our country. What is happening in the eastern part in our sub-continent where cataclysmic events of great magnitude are taking place should open the eyes and the minds of all people in our own land.

I hope I have been able to explain the reasons for my amendment to the Motion, and I request Members to support it.

Before I close I want to make one more point and it is this, that my friend Mr. Pitamber Das has suggested in his

amendment that a Committee may be appointed to go through the whole procedure. Since it has been suggested by many Members here that the motion and the amendments do not fall in line with the rules and regulations framed, I suggest that my friends opposite also may have a second thought on this and agree, as the Lok Sabha has done, that a Committee may be appointed, and for the future we must find out as to what Members are supposed to do, what are their rights, and in circumstances in which persons like Shri Rajnarain behave what rules of procedure should be there to take cognisance of the person concerned so that this House can take action.

I thank you.

**SHRI DEV DATT PURI (Haryana):** Mr. Deputy Chairman, a point has been made here that while this House is competent to refer this matter to a Committee, this House is not competent to deal with the matter on its own. Shri Pitamber Das, I counted, rose nine times to make that point even after you had given your unequivocal ruling that not only the motion was moved but the amendments were in order, as you rightly pointed out. If this House is competent to refer this matter to a Committee, this House is certainly competent to deal with the matter on its own. A point has been raised by Shri-mati Reddy that it is not very clear, when the President in discharge of a constitutional obligation addresses a meeting of both the Houses assembled, which is quite different constitutionally from a joint session of the Houses, as to who is the presiding officer in that particular session. My respectful submission is that so far as the matter before the House at the present moment is concerned this matter is wholly irrelevant. As to who will preside I think is a matter which should be gone into, it has been gone into by the Rules Committee of some States. But is it seriously contended that since it has not been specified as to who shall be the Chairman of that meeting the President is without any protection at all, that anyone can do anything that he likes, that he can abuse the President simply because it is not specified as to who will be the presiding officer in that meeting? The point I am making is this. That point that I am making out is that it is wholly irrelevant for the matter that we have before us that dis-

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respect and indignity have been committed to the person of the President. There is no question of who was presiding over the meeting. We are not competent to take note of it now. That is my second point. . . (Interruptions.) I will deal with the point as to what was done amounted to an abuse or not. I will deal with it presently. But the matter that we are dealing with now is, the mere fact that it is not clear as to who is to preside over the meeting has nothing to do with the matter that is before the House. This is the limit of the question that we are dealing with at the present moment. Even if there are no direct rules before, we fall back upon the procedure of the House of Commons. Let us examine very briefly as to what is the position of the President under our own Constitution. Sir, it has been stated again and again, and I am only quoting what Dr. Ambedkar has said—

“Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the Head of the State but not of the Executive. He represents the Nation but does not rule the Nation.”

Again, Sir, the Supreme Court has held—

“Under article 53(1). . . the executive power of the Union is vested in the President, but under article 75(c) there is to be a Council of Ministers. . .” etc.

Sir, this matter has been referred to by Mr. Krishan Kant. The Lok Sabha had gone into some detail when an incident similar to this one occurred in 1963, and the Lok Sabha at that time appointed a Committee which has dealt with practically all the points that had been raised. It has even dealt with the matter whether the President was within his right when he addressed the Houses in English, whether the conduct of a Member when the President was addressing the Houses in English in interrupting him or even walking out of the House was not indignity offered to the person of the President and therefore to Parliament. All those matters have been dealt with, and I will crave leave of you to permit me to read some of the findings of the Committee, which were accepted by the Lok Sabha, Sir,

here it has been stated—

“The reference to the Committee was :

‘to investigate the conduct of Sarvashri Ram Sewak Yadav, Mani Ram Bagri, B. Singh Utiya and B. N. Mandal and Swami Rameshwaranand in connection with the disorder created by them at the time of the President's Address to both Houses of Parliament assembled together under article 87 of the Constitution on the 18th February, 1963 and to consider and report whether such conduct of the said Members was contrary to the usage or derogatory to the dignity of the occasion or inconsistent with the standards which Parliament is entitled to expect from its Members and to make such recommendations as the Committee may deem fit.”

Those were the terms of reference in an incident arising almost on all fours with the facts of the case with which we are dealing at the moment. The Committee went into the whole matter, gave an opportunity to the Members. And then the Committee has also dealt with the rules in the United Kingdom and they have come to the conclusion that—

“By their conduct these Members have defied that convention. Not only that, Sir. The President is also a part of Parliament. In fact article 79 reads that Parliament in India consists of the President and the two Houses of Parliament. Any indignity and disrespect offered to the President is a disrespect to the Parliament. Not only that. He is a symbol of our Constitution. He is not only head of the State and head of Parliament; he is the symbol of our Constitution. As such, hon. Members are expected to behave, while he is addressing the two Houses of Parliament, in a manner befitting the conduct of Members of Parliament.”

This is number one.

Then again, they have gone on to state in regard to the President—whether there is any impropriety involved in the President addressing the Houses in English. Further article 343 (2) says, after saying that Hindi shall be the official language, that “for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used for



all the official purposes. . .” The President was perfectly within his constitutional rights to address the joint sitting of the two Houses in English. So the Committee considered all 4 P. M. these circumstances, etc. and came to the conclusion that a gross indignity and disrespect had been committed. I will just beg leave of you to read out what the late Prime Minister, Pandit Jawaharlal Nehru, said on the occasion. He said :

“Sir, we are considering an unfortunate and a highly undesirable incident that occurred at the joint session. The first reaction of this House to it was strong disapproval of it and we requested you to appoint a committee consisting of representatives of various parties to consider it. Now, therefore, first of all we are considering a specific matter which took place on that day. Certainly we are considering it by itself, but also with a certain background not so much the background in this House but elsewhere, that was happening in other Assemblies too.

Secondly, we are not considering, and the question is not before us, of the importance of Hindi. That is a separate matter which, if it comes up and in the shape it comes up, will be considered.”

I will not read out the whole speech. Then he goes on to say :

“I submit, therefore, that we should, in the present instance, adhere to the Committee's report and fully carry out their recommendations, making it quite clear that if in the future any such thing happens or anything in the nature of indecorous behaviour on a solemn occasion occurs, we shall have to consider it then and take such action as the House considers proper. And, in view of the present view of the House as exhibited in this debate and previously, no doubt, if this is repeated, we shall have to take a very serious view of it. But for the present, I would submit to you, Sir, and to the House, that the best we can do is to accept this and thereby give an indication. . .” etc., etc.

Now, Sir, the net result of the debate was that the matter was gone into in all its aspects, whether it was proper or not. Since that was the first occasion

that had happened, the matter allowed to rest with a reprimand from the Speaker and the words used were that the conduct was undesirable नामुनासिब गौरवहीन व अशोभनीय Those were the words used for this conduct.

Sir, the points that arise out of the precedent are (1) that the President is essentially a part of Parliament, (2) that the indignity and disrespect to the President is indignity and disrespect to Parliament, and (3) that the President is perfectly within his right to address the Houses in English.

I would like to add a word here. Fortunately or unfortunately, in the present generation there are quite a few of us, especially our brethren coming from the South, who are unable to express themselves in Hindi. Is it very seriously suggested that such a person, who is unable to address himself in Hindi, is not competent to be the President of this country for that alone is the logic? That is the line of reasoning that seems to have been taken by my friend, Shri Rajnarain.

Sir, I would say this. Sometimes we feel very, very strongly about certain matters. We from Haryana felt very strongly about the decision in regard to Chandigarh or the delay in the transfer of Fazilka. There are certain matters on which we have very strong feelings. But the question arises: however deep may be the strength of a feeling, does it entitle us to show disrespect to the symbol of the Constitution? Does it entitle us to obstruct the proceedings of the House? That cuts at the very root of democracy. Democracy does not mean that I shall interpret the rule of law and shall disregard how the rule of law is being interpreted by the supreme body, Parliament, that I shall obstruct the proceedings of Parliament till such time as my own interpretation of the rule of law is accepted by Parliament. That, I respectfully submit, cuts at the very root of democracy. It means we are not fit for a democratic process. Unless we are prepared to accept that the rule of law is not only what I think of such rule of law, however strongly, sincerely and honestly I may feel, I have to bow myself before the rule of law as interpreted by those who are competent to interpret the rule of law by the courts or by the supreme body which is, in certain respects, far more superior to any court. If this

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body interprets the rule of law in a certain manner, my respectful submission is, however deeply we may feel about the matter, we are not entitled to obstruct the proceedings or show any disrespect.

Sir, another point has been urged that when a person has received punishment for an offence once, he cannot be called to the bar for a second time. To that my reply is, all that the President did was to remove a physical obstruction to the duty that was enjoined upon him by the Constitution to perform. All that he said was, "If you do not want to hear me, you please go out." This is not a punishment at all, and in any case it does not bar this House from expressing a view about the matter that is before it. These, Sir, are the broad principles. I support the amendments moved by Mr. Sultan Singh and I do it with a heavy heart because I want that this kind of thing should stop. Who is safe and whose self-respect is safe if disrespect can be shown even to the President when he is performing one of the most solemn duties enjoined upon him by the Constitution? Where is your self-respect and how will this House function or how will the Government function if disrespect can be shown even to the President, who is the symbol of the Constitution and who is the symbol of democracy itself as we understand it in this country?

**SHRI M. RUTHNASWAMY** (Tamil Nadu) : Mr. Deputy Chairman, let me straightway say that I am against the main motion and the amendments that have been proposed because the offence in question was committed outside the precincts, outside the jurisdiction, of this House. A joint meeting of the Houses is an outside body in relation to this assembly. And this assembly has jurisdiction only over the conduct of members of this assembly within the precincts of this assembly. The offence in question was committed in the joint assembly. I shall not analyse the character of that offence because I was not there, having been prevented from coming here by the lock-out in the Indian Airlines. But it was nothing new. This is not the first time that a member or group of members present in a joint meeting protested against the President speaking in English. It happened in Dr. Radhakrishnan's time and it happened also, I think, in Dr. Zakir Husain's time. But

no action was taken against such offence, against such offenders. I am against even the committee that has been proposed by the respected leader of the Jan Sangh Party because that also wants to probe into this particular offence and is not in regard to the control of the conduct of members in the joint assembly, not in regard to the procedures that should be adopted in the joint assembly. If the motion was for the appointment of a joint committee of both Houses to frame rules of procedure for the conduct of business in the joint assembly, I would have agreed to it. But here is a probe into an offence committed outside this House, outside the precincts of this House. Especially the amendment reminds me of the process of proceedings known as "straining at a gnat and swallowing the camel". The conduct of the proceedings in this House now in which the Member in question has been involved is the other way, "Swallowing the camel and straining at a gnat." In this House the Presiding Officers of this House, have been swallowing not one camel but a caravan of camels during all the time that the honourable Member was in possession of the House. Not once, not twice, but almost everyday he has been infringing one or the other of the Rules of Procedure, flouting the Chairman, refusing to obey the Chairman. On one occasion he even went to the extent of asking the Presiding Officer, "Who are you to ask me to sit down?" and this was tolerated by the majority, by the ruling party, in this House. Why, on a notable occasion in the forenoon a resolution was passed by the ruling party, by the majority of the House suspending the Member in question from the service of the House for a certain period. And immediately after lunch—it must have been very demoralising for them—another resolution was passed restoring the Member to the service of the House. How can anybody, an offending Member, have any respect for the Rules of Procedure, for the action taken by the majority, if they act in this irresponsible manner? So on this single point I would say that this offence was not committed in this House, that many offences committed by the Member in question have been condoned, have been tolerated, without any protest from any side of this House. None of the Rules of Procedure—and there are enough rules to check and control the conduct of un-

ruly Members—has been put into operation. With such a record can any section of this House come today and ask for a reprimand or even the extreme sentence of suspension of the Member from the service of the House? When you indict a person, you must come with a clean hand. You have no right to come here now, after having condoned his conduct in this House, to ask to indict him or even to reprimand him for an offence committed outside the jurisdiction of this House. Although it may or may not be in order, it is entirely out of place to move this resolution. If at all a committee is to be appointed, it should be a Joint Committee of both Houses to consider what rules of procedure should be framed in order to govern the conduct of the Joint Assembly.

Much has been made about the insult, the injury, to the dignity and honour of the President. Granting that the honour and dignity of the President can be written down or written off or spoken down by anybody, the honour and dignity of the Joint Assembly has been offended and there is no provision to deal with such an offence. After all, what did his offence consist in? It consisted only in a protest against the President speaking in English and not in Hindi. I do not know how he conducted himself in making this protest...

**SHRI ARJUN ARORA** (Uttar Pradesh) : You should have known that before you started speaking.

**SHRI M. RUTHNASWAMY** : Sometimes his very attitude is offensive. But looking at the reports of the incident, I do not think it has been of such a grave character, and it is not the first time, it is not the first offence. In all the previous offences, the offenders have been let go. Then why should the conduct of this Member be taken into consideration? Not that I am preventing Members from proceeding against the Member in question. He will give you plenty of opportunities in future also for moving against him, for censuring his conduct, for bringing into operation all the Rules of Procedure. A child of nature, spoilt by the refinement or the considerations of the society or social conventions, you may expect him to offend every rule of the House in future also. Wait for such an opportunity and take action when and where necessary. Otherwise, if we take action against him for an offence

committed not for the first time, but committed previously also and condoned by the previous sessions of the joint assembly, and if we proceed against him in this manner and for this offence, we should only make ourselves the laughing stock of all the legislative assemblies of the world.

**श्री उपसभापति** : राजनारायण जी, आप अब बोलेंगे या बाकी सदस्यों को सुनने के बाद अखीर में बोलेंगे ?

**श्री राजनारायण** : सुन लेने दीजिए । जैसा आप उचित समझें ।

**SHRI S. G. SARDESAI** (Maharashtra) : Mr. Deputy Chairman, as was to be expected the discussion on this Motion has gone beyond the very specific issue which has been mentioned in the Motion. I have myself expected it and I am happy that it has been broadened. A point has been brought in very correctly that this question involves the very democratic functioning of Parliament. What is our responsibility to the people outside and how are we going to conduct ourselves in this Parliament? Similarly, to be very frank, the question of the motive of the ruling party in bringing forward this Motion—on the face of it, it is obviously very innocuous and proper—has also been raised. I am certainly going to express myself on the issue of the behaviour of our friend Shri Rajnarain on that day. I do want to express myself on that question. But that is the last thing I am going to do, for certain very specific reasons.

[**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN)** in the Chair.]

One reason is this: The very mover of the Motion very correctly said that this should not be considered as a party question. This is a question of the entire House involving the responsibility and obligations of the parties in the House towards the people outside. But may I know from the Mover of the Motion and also from the ruling party that if this was the sincere conviction that it pertains to the obligations of each one of us here, why they did not consult all the opposition parties before they brought forward this Motion? Surely, if what is involved is the dignity of the President himself, is that dignity less dear to us than to you? If something offensive has been done to

[Shri S. G. Sardesai]

the President of the Indian Republic, that at least is a question on which all of us should have been consulted so that we come to a common conclusion. But you go about it almost as if it is your own party affair and then you come and appeal to others : "Please do not consider it as a party question." This is not the way to go about it. All of us have been long enough here to understand that sometimes good proposals are made not with very good intentions. I want the ruling party to understand one thing. Today you are a majority party. There are so many differences among ourselves in the Opposition. And yet there is a feeling and I must be frank in telling you what that feeling is. The feeling is that this big majority of the ruling party is being used to steamroll the democratic rights of the Opposition . . .

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : We are not in majority here. We are a minority.

SHRI S. G. SARDESAI. I am not thinking of that majority now.

SHRI OM MEHTA : In the Rajya Sabha we do not have majority.

SHRI S. G. SARDESAI : I am not speaking of Rajya Sabha. But there is a new situation and a new spirit in the country today as a result of your gaining a huge majority in the Lok Sabha. These are facts which are facts of life. The other day Shri Chitta Basu moved a Bill relating to bonus. In an earlier session, the ruling party had said that in principle it was right that the bonus formula should be gone into once again. And, now in a different situation you go back upon it. That is something very shocking for us. Something pertaining to the interests of the working classes has been accepted in principle by the government and in a different situation you quietly go back on it. The other day the Finance Minister was replying to the criticism of the budget. Innumerable concrete and specific suggestions have been made by Members of the Opposition : "Please do this, do this, do this, one, two, three, four, five, six, etc. etc." and then the Finance Minister just gets up and says, "No, no, this is a general thing." Why are you telling this? I am saying this because a new situation is there; I am saying this because common responsibilities are being brought in and surely

we want to recognise our responsibility and we shall recognise our responsibility and there is no doubt about it. What I say is that while we respect the President, you should also act in a fashion that convinces us that you respect democracy really and not when it suits your purpose. This is the feeling many of us have, I must be frank and say this. I have spoken in the House on earlier occasions. The ruling party knows my attitude towards these questions. Frankly, what is happening during the last few days pains me and gives me deep anguish as to how things are going to happen. Having said this I should also like to say that it was surely regrettable, the manner in which our friend, Rajnarainji, acted, I mean, the method of protest. I could have understood if he had said, "Please address us in Hindi. Please do this." I can understand that. But, when the President is speaking—on that point I agree—no procedural rules are needed. The leader of the Jana Sangh said, "Is it under this rule or under that rule?" I have not been a lawyer and I do not mind what a lawyer says. But the elementary fact is that he is the President; the elementary fact is that we are sitting in a common House and elementary courtesy is needed and no procedural rule is needed. Let us not bother about procedural rules. That is not necessary. And, if he does not listen, you can surely put forward your point of view and go ahead. Is it or is it not a fact that last year on a number of occasions similar incidents took place not only in respect of Mr. Rajnarain, but a number of other things and when I was very new to the House, I was shocked, frankly speaking. I said, "If this is the way we conduct ourselves here, how shall we go and explain to the people?" Once I sat with the Chairman in his Chamber and I had a long talk with him. I said, it is a question of life and let us see how things are properly done and surely, as Members of the Opposition we will take a sort of moral collective responsibility that all of us behave properly. I am prepared to take that responsibility provided it is collectively shared also by the ruling party. It cannot be a one-way traffic; it cannot be as if something is going wrong and the ruling party wants it to be rectified. If it does not, it is going to be ignored. It is a question of definite democratic principles. Let us all stand by it, not when

it suits us, but where it suits others also. I hope the members of the ruling party will not be offended. I am new to this House, but I am bold enough to say this sort of thing, frank enough to say and I hope it will be taken in the same spirit. Surely, after the new elections in the country, we want plenty of things. But the question of attitude is important. Please do not forget it and the attitude must be above board. Caesar's wife must not only be pure, she has to be above suspicion also. If that is so, even now I will say, let us all sit together and do. In principle I do not disagree with the proposition which has been made. Once again, I am not speaking as a lawyer. But let all the Members sit together. You can surely reprimand Shri Rajnarain. I am explaining bluntly and frankly. Please do not repeat this. . . (Interruptions.). Very often things which have been done in private meetings are more effective. . . (Interruptions.). Please listen to me. My point is, the idea is, that if this thing recurs in future. . . (Interruptions.). . . Please listen to me. If this thing recurs in future, it will be more effective if all of us sit together and convey to him, not pass a legal and formal resolution because formal resolutions often offend. If the idea is to improve, to rectify, then let us do it in the manner in which rectification really comes. And let us not do it in a manner that gives the feeling that you may be technically right but something keeps on ranking in the minds of others. This ranking should not remain. If this collective responsibility is to be taken, if collective rectification is to be done, I am prepared to come forward with a co-operative spirit and see that things are done properly. But do not talk in the name of the entire House, in the name of democracy, and then act in a partisan manner.

**श्री सुलतान उद्द :** वाइस चेयरमैन साहब कुलकर्णी जी ने जो मोशन मूव किया और उसमें मैंने जो संशोधन दिया वह संशोधन देते वक्त मैं अपने आपको बड़ा दुबो महसूस करता था और वह इसलिए कि मैं इस हाउस का एक नया मेम्बर और राजनारायण जी इतने पुराने, इतने सीनियर मेम्बर, इनके खगफ जो प्रस्ताव आया और उसमें मैंने संशोधन दिया उनको एक साल तक इस हाउस से बाहर रखने का तो

कुदरती तौर पर एक इतने सीनियर मेम्बर के खिलाफ ऐसी बात हुई तो मेरा जी दुखी होता था, लेकिन अफसोस से कहना पड़ता है, आप अच्छी तरह जानते हैं और सदन के वे मेम्बर जो हमसे दूसरी तरफ बैठे हैं उनको भी इस बातका इल्म है कि राजनारायण जी का तरीका बोलने-चलने का जो है उससे चेयर ही नहीं, केवल ट्रेजरी बेचेज के लोग ही नहीं, सदन के उस तरफ बैठने वाले लोग भी यह महसूस करते हैं कि राजनारायण जी सारी मर्यादाओं को भंग करके इस हाउस के टाइम को खराब करते हैं।

मिस्टर वाइस चेयरमैन, भारत के राष्ट्रपति इस देश के प्रतीक हैं, इस देश की डेमोक्रेसी के सिम्बल हैं और राजनारायण जी और उनके साथियों ने जो व्यवहार वहाँ पर किया मैं समझता हूँ कि अगर राजनारायण जी अपने गिरेबान में मूह डालें तो वे खुद महसूस करेंगे कि जो इन्होंने वहाँ किया वह इनके करने के लायक नहीं था। इसके अलावा जब मैं इनके खिलाफ बोल रहा हूँ तो मुझे इस बात का भी दुख होता है कि ये उस पार्टी से ताल्लुक रखते हैं जिस पार्टी को बढ़ाने में आचार्य नरेन्द्र देव, ब. वृ. जय प्रकाश नारायण, पटवर्धन साहब और उन क्रान्तिकारी लोगों का हाथ था जिन्होंने इस देश की आजादी के लिए खून बहाया था और जिन्होंने इस देश के अन्दर लोकतंत्र कायम करने के लिए अंग्रेज की जेलों के दरवाजे खटखटाये थे। मुझे दुख होता है कि राजनारायण जी ऐसी पार्टी से ताल्लुक रखें और ऐसी पार्टी से ताल्लुक रखते हुए—वह बेशक स्वतंत्र पार्टी के साथ में हैं, वह बेशक जनसंघ के हाथ में हैं—उन्हें अपने इतिहास को नहीं भूलना चाहिए। यही राजनारायण जैसे लोगों की मेहरबानी है कि उस पार्टी की यह हालत है। इन्होंने एक आदत बना ली है, एक तरीका पकड़ लिया है। मैं सुनता हूँ जब अखबार वाले हमारे पास बैठते हैं, एक कहता है आज कोई खबर नहीं आई तो दूसरा अखबार वाला कहता है कि

[श्री सुलतान सिंह]

चलो राजनारायण के पास उन्हें उकसा कर कोई बात पैदा करेंगे, कल के लिए खबर हो जायगी। एक इतना सीनियर मेम्बर, इतना पुराना हमारा साथी, जिनका एसो-सिएशन एक ऐसी पार्टी के साथ हो, वह इस सदन को और अपने आपको अखबारों के लिए मजमून का जरिया बनाएं, यह बड़े शर्म की बात है। (Interruptions)

उपाध्यक्ष महोदय, आप जानते हैं कि इस देश के अन्दर दुनिया का सबसे बड़ा लोकतंत्र है, 56 करोड़ लोगों ने कितने आराम के साथ चुनाव किए, कितनी शान के साथ इस देश के अन्दर चुनाव हुए, दुनिया के किसी देश के अन्दर इतनी बड़ी जम्हूरियत नहीं है, लेकिन राजनारायण इस हाउस के अन्दर, तमाम दुनिया के अन्दर उस जम्हूरियत का मजाक उड़वाना चाहते हैं। उपाध्यक्ष महोदय मैं आपकी मार्फत उस तरफ बैठे हुए महानुभावों से प्रार्थना करता हूँ कि यह जरूरी नहीं कि प्रस्ताव इधर से आ गया, इधर से कोई प्रस्ताव आता है तो उसके माने यह नहीं है कि वह प्रस्ताव केवल किसी कांग्रेसी नजरिए से पेश हुआ, वह प्रस्ताव केवल किसी पार्टी के नजरिए से पेश हुआ बल्कि आप सबकी आत्मा जानती है क्या राजनाराय जी इस हाउस के अन्दर बैठ कर धींगामन्ती नहीं करते, क्या राजनारायण जी इस हाउस में बैठकर इस हाउस का घंटों टाइम बर्बाद नहीं करते, क्या राजनारायण जी इस हाउस में बैठ कर अखबारों के लिए एक मजाक का मजमून नहीं बनाते। अगर हम थोड़ी देर के लिए उनकी इन बातों को बर्दाश्त करते चले गए तो, क्या इसके माने यह है कि जिस 56 करोड़ जनता की आशाएं इस जम्हूरियत के साथ इस हाउस के साथ बंधी हुई हैं उनको हम भुला दें ? तो मैं आपकी मार्फत हाउस के मेम्बरान से दरखवास्त करता हूँ कि राजनारायण जी के लिये नहीं, कांग्रेस पार्टी के लिये नहीं, डेमोक्रेसी के लिये कम से कम

एक मर्यादा हमें कायम करनी चाहिये, एक तरीका अख्तियार करना चाहिये कि जो मेम्बर इस तरह से सदन के कानून कायदों का उल्लंघन करे, जो मेम्बर इस तरह से हाउस के वक्त को खराब करे और जो प्रिविलिजेस मेम्बर्स को हाउस के अंदर मिली हुई है उन प्रिविलिजेज को जो मेम्बर अखबारों के लिये मजमून बनाये या उन प्रिविलिजेज को बेचे, मैं समझता हूँ कि उससे बड़ा पाप कोई नहीं हो सकता। मैं राजनारायण जी से बड़े अदब से प्रार्थना करता हूँ कि वे थोड़ी देर के लिये खुश होते होंगे जब उनका नाम अखबारों में पहले सफे पर छपता होगा, थोड़ी देर के लिये उनकी आत्मा खुश होती होगी जब रेडियो पर उनका नाम आता होगा। लेकिन राजनारायण जी मैं आपसे एक दरखवास्त करना चाहता हूँ कि आपका ताल्लुक 1942 के मूवमेंट से है, आप का ताल्लुक उस पार्टी से है जिस पार्टी के नेताओं ने इस देश के लिये बड़ी भारी कुर्बानी की। अगर आपका यही व्यवहार रहा तो यह पार्टी घटते घटते आज जहां पहुंची है, यह पार्टी वहां भी नहीं रहेगी। आप केवल हिन्दुस्तान में प्रजातंत्र को तबाह नहीं कर रहे हैं बल्कि अपनी पार्टी को भी तबाह कर रहे हैं, अपने नेतृत्व को भी तबाह कर रहे हैं।

चेयरमैन साहब, मैं उनसे आपकी मार्फत प्रार्थना करता हूँ कि वे बाजार में जा कर देखें, तांगेवाले अगर आपस में लड़ते हैं और एक अगर ज्यादा हल्ला करता है तो दूसरा बोलता है कि भाई, तुम तो राजनारायण से भी बढ़ गये। आज वे एक मजाक का मजमून बन गये हैं। गली के अन्दर बाजार के अन्दर जहां जहां आप हल्ला-गुल्ला की बात मुनें, अगर एक ज्यादा जोर से बोले, ज्यादा जोर से चिल्लाये तो दूसरा कहता है कि भाई, माफ करो, तुम तो राजनारायण से भी बढ़ गये हो अगर इस तरीके से इस सदन के एक मेम्बर का अपमान हो बाजार के अन्दर तो हम को दुख होता है। अगर अखबार वाले

उनका मजाक उड़ाये तो हमको दुख होता है क्योंकि वे सीनियर मेम्बर हैं हमारे हाउस के और उनका अपमान हमारा अपमान है। तो राजनारायण जी, आप मेम्बर बनने की कोशिश करें, आप जोकर बनने की कोशिश न करें। यह इरादा दुनिया आपने देख ली कि कहां शुरू किया था सोशलिस्ट पार्टी ने और आप की कृपा से आज वह कहां आ गई है। आप अब भी अगर नहीं सीखे तो फिर कब सीखेंगे।

तो मैं आप की मार्फत सारे सदन के मेम्बरों से यह प्रार्थना करना चाहता हूँ कि प्रजातंत्र के लिये अगर राजनारायण जी खुद न सीखें, तो हमारा भी फर्ज है कि अपने बड़े नेता को हम कुछ पढ़ाये, हम कुछ सिखायें। बस मुझे इतना ही आप से निवेदन करना था।

**SHRI MAHAVIR TYAGI:** There are other items also. Will the House rise at 5 O'Clock? Rajnarain does not mean that the House will go on up to 8 or 9 O'Clock.

**SHRI ARJUN ARORA:** At 6 O'Clock there is a half-an-hour discussion.

**श्री गोडे मुनाहरि :** उपसभाध्यक्ष जी, मैंने जो शुरू में वैधानिक आपत्तियां उठायी थीं इस प्रस्ताव के बारे में वह ज्यों की त्यों हैं, फिर भी मैं जो घटना उस दिन घटी उसके बारे में कुछ कहना चाहूंगा।

उस दिन राष्ट्रपति जी दोनों सदनों को संबोधित कर रहे थे और संबोधित करते वक्त उन्होंने अपना अभिभाषण अंग्रेजी में शुरू किया। आप देखें कि हमारा संविधान क्या कहता है। हमारे संविधान में साफ लिखा है कि :

"The official language of the Union shall be Hindi in Devnagari script."

और बाद में उन्होंने भाषा के बारे में संविधान है उसमें साफ लिखा है कि हिन्दी की ज्यादा से ज्यादा बढ़ोत्तरी देने का काम संवि-

धान का है और संविधान का जो सबसे बड़ा रक्षक होगा, जो राष्ट्रपति है उसका सबसे पहला काम यह होगा कि जो भाषा की नीति हिन्दुस्तान में चलायी है, जो हमारी राष्ट्रभाषा है हिन्दी उसको लागू करने के लिए जितने भी कदम हो सकें यह राष्ट्रपति को लेना है। लेकिन वही खुद जब अपने अभिभाषण देते हैं, तो वे अंग्रेजी में बोलने लगते हैं तो वह संविधान की क्या रक्षा करेंगे ? इसलिए ही राजनारायण जी उस दिन खड़े हुए और कुछ बोले भी। हम लोग भी खड़े हुए और हम लोग वहां से वाक आउट कर के बाहर आ गये। लेकिन जैसा कि राजनारायण जी हमेशा करते हैं और यहां भी कई बार करते हैं, यानी जो कुछ भी उन को कहना होता है उसको वह जरा जोरदार ढंग से कहते हैं, वैसे ही उन्होंने वहां भी किया। कुछ प्रेस रिपोर्ट्स ने पूछा कि आप की नीति क्या है? राजनारायण जी ने जो कहा वह क्या पार्टी की नीति है। हमने कहा कि पार्टी ने फैसला किया था कि हम वहां भाषा के प्रश्न को उठावेंगे और उसके बाद हम सभा से निकल जायेंगे। और राजनारायण जी ने जो किया, वह उस चीज को उन्होंने अपने ढंग से वहां पर रखा और उसके दूसरे दिन भिन्न-भिन्न मत के शीर्षक देकर पत्रों ने उसे प्रचारित किया। तो उस से कुछ नहीं होता है। लेकिन मैं कहना चाहता हूँ कि जो हमारी संयुक्त सोशलिस्ट पार्टी की नीति है, वह यह है कि इस देश में हिन्दी की बढ़ोत्तरी तो होती ही रहे, लेकिन साथ ही साथ जो हमारी और देशी भाषायें हैं, उनकी भी बढ़ोत्तरी हो। इस बात को हम हमेशा हर वक्त सामने लाना चाहेंगे और देश के, सामने जब ऐसे मौके आते हैं कि जब राष्ट्रपति खुद अभिभाषण देते हैं और सरकार जो नयी बनी है उसकी पालिसी को देश के सामने रखते हैं तो उस वक्त उनको चाहिये कि जो संविधान में लिखा हुआ है उसकी रक्षा करें। उनको चाहिए था कि वे हिन्दी में बोलते और अगर उन को हिन्दी बोलना

[श्री गोडे मुराहरि]

नहीं आता है तो वह अपनी मातृभाषा में बोलते, लेकिन ऐसा नहीं हुआ। और उन्होंने अपना भाषण अंग्रेजी में शुरू किया और इसलिए राजनारायण जी ने अपना मत वहां रखा। मैं उस वक्त वहां पर था। आप देखें कि उस वक्त राष्ट्रपति जी ने क्या कहा। यहां पर प्रस्ताव यह आया...

श्री महावीर त्यागी : उसका जिक्र मत करिये।

श्री गोडे मुराहरि : उसका जिक्र मैं नहीं कर रहा हूं। इस प्रस्ताव में यह है कि अन-बिकमिंग, अनडिजायरेबिल, अनडिग्नीफाइड बिहेवियर वगैरह वगैरह के लिए...। तो जब राजनारायण जी या अन्य दो सदस्यों, श्री सीताराम सिंह जी और श्री नागेश्वर प्रसाद गहड़ी जी के बिहेवियर के बारे में आप लोग इमतरह की बातें करेंगे तो वहां जो सारी घटना हुई उसके बारे में भी आपको सोचना चाहिए कि वह सारी घटना क्या विकमिंग थी? चाहे यह राष्ट्रपति जी हों या कोई दूसरे हों, मैं उनके बारे में कोई बात नहीं कहता, लेकिन जो भी सदस्य वहां पर उपस्थित रहे होंगे उनको साफ पता लगा होगा कि वह केवल राजनारायण जी या अन्य दो सदस्यों, जिनका नाम लिया गया है, उनके बिहेवियर का ही मामला नहीं था। हमको उस सारी घटना के बारे में सोचना चाहिए। अगर कोई प्रस्ताव करना है तो सारी घटना के बारे में प्रस्ताव कीजिए, जिसमें सभी आ जाएं जिसमें किसी ने क्या कहा तुम बैठो या निकल जाओ, उसके बारे में भी जिक्र हो।

SHRI MAHAVIR TYAGI : On a point of order. I want a clarification of one thing. In the House where Members of both the Houses were meeting together to listen to the President—and we have had a discussion for some time about it—no presiding officer is defined. Who presides nobody knows. Under those circumstances, for the President to ask one of the Members to get out, is the President authorised to do so? This is a matter...

SHRI ARJUN ARORA : He is making a speech.

SHRI MAHAVIR TYAGI : I want a clarification. I do not want to comment but then as Members of Parliament, we go with some privileges. Is anybody authorised to ask the Members to get out?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : It is not a point of order. I rule it out.

श्री गोडे मुराहरि : तो जैसा त्यागी जी ने कहा यह भी एक सवाल है। इसलिये मैं कह रहा था कि अगर कोई प्रस्ताव इस सदन में करना है तो सारी घटना के बारे में पेश करें। वहां जो भी इनवालव्ड हो और जो वहां सारा डिग्नीफाइड और अनडिग्नीफाइड बिहेवियर रहा हो उसके बारे में प्रस्ताव कीजिये तो मुझे कोई आपत्ति नहीं होगी और तब फिर उस पर बहस भी हो जायगी कि कैसा कौन अनडिग्नीफाइड था या कैसा व्यवहार किया। तो मेरा कहना है कि यह सारा प्रस्ताव जो यहां लाया गया है यह बिल्कुल कोई मतलब का प्रस्ताव नहीं है यह अनुचित है, इसको आना ही नहीं चाहिये था।

वहां पर जो कुछ हुआ मेरी समझ से बहुत उचित हुआ; क्योंकि राजनारायण जी ने राष्ट्रपति जी को यह याद दिला दी कि संविधान का जो मकसद है उसकी उनको पूर्ति करना है, तो उन्होंने कोई गुनाह नहीं किया। अगर राजनारायण जी वहां से वाक-आउट नहीं करते, हल्ला करते, तो दूसरी बात थी, उसके बारे में सोचा जा सकता था, लेकिन उन्होंने केवल उनका ध्यान खींचा और जैसी कि हमेशा की उनकी आदत है कुछ उंचा बोलने की तो वह कुछ जोर से बोले और उसके बाद वहां से वाक-आउट किया। तो मेरे खयाल से उस घटना को लेते हुए वहां पर कोई ऐसी चीज नहीं हुई कि जो राजनारायण जी और जो दो सदस्य हैं उनके ऊपर किसी तरह का निन्दा का प्रस्ताव हम कर सकें। इसलिये यह प्रस्ताव तो मेरे खयाल में बहुत ही बेमतलब है और जैसा कि मरदेसाई साहब ने कहा कि अभी आपका बहुमत है, कोई भी प्रस्ताव कर लीजिये, आप अपने बहुमत से पास करा लेंगे...



श्री ओम् मेहता : बहुमत यहां कहां है ।

श्री गोडे मुराहरि : आपका वह तो हो जाता है बहुमत । हम जानते हैं कि राज्य सभा में भी कैसे बहुमत हो जाता है आप लोगों का ।

इसलिये इस ढंग का प्रस्ताव को पास करना उचित नहीं है । जब लोक सभा में भी इसी घटना के बारे में चर्चा हुई तो वहां पर एक कमेटी बन गई, तो यहां पर कौन सा बड़ा सवाल हो गया, कौन सी दूसरी घटना हुई, जिसको लेकर हम लोग एक अलग चीज कर रहे हैं या कोई अलग प्रस्ताव कर रहे हैं । वहां पर जो कुछ हुआ कि एक कमेटी बनाई गई वैसे कमेटी यहां पर भी बना दी जाय तो वह हमें समझ में आता है । लेकिन वह कमेटी भी नहीं बने, तो इसलिये मैं तो चाहूंगा कि यह जो प्रस्ताव है, इसको गिरा दिया जाय । साथ-साथ यह जो यहां पर एक साल के लिये निकालने की बात है और जो अमेंडमेंट्स इस तरह के आये हैं उसके बारे में मैं कुछ कहना हो नहीं चाहूंगा; क्योंकि वह अपने आप में सिद्ध करता है कि किस दिमाग और किस नीयत से उस तरह का अमेंडमेंट आया है । वह तो सारे देश को पता चल जायगा कि कांग्रेस पार्टी या जो सत्ता-रुढ़ि पार्टी है वह किसी एक मेम्बर को यहां से निकालने की साजिश कर के, उनको यहां न बोलने दिया जाय ऐसी कोई मनोवृत्ति रख कर के इस तरह का अमेंडमेंट लाती है । ऐसा ही सिद्ध होगा । यह तो सभी लोग समझ जायेंगे । इसलिये मुझे उस पर कुछ नहीं बोलना है, लेकिन उस घटना के बारे में और उस नीति के बारे में जिसके लिये राजन रायण जी ने याद दिलाई उन दोनों के बारे में औरदार शब्दों में कहूंगा कि संयुक्त सोशलिस्ट पार्टी का हर एक मेम्बर जो भी होगा वह उस नीति के बारे में अभी हो नहीं बल्कि आगे भी याद दिलाता रहेगा, राष्ट्रपति हो या यह नदन हो या कहीं भी हो, उसका यह फर्ज है कि भाषा-नीति ऐसी हो कि हिन्दुस्तान में जो जन-भाषायें हैं, उनकी अभिवृद्धि हो और ऐसी चीज हर सदस्य करता रहेगा चाहे सदन में हो या बाहर हो, इसलिये उसके

बारे में हमें कोई चिन्ता नहीं है; हम तो उसकी याद दिलाते रहेंगे । राष्ट्रपति का फर्ज है कि वह जो संविधान की रक्षा करते हैं, उसके मुताबिक अपना काम करें और इसलिये मैं चाहूंगा कि सदन उस दिन की घटना के बारे में सोचे और इसके बारे में सोचना चाहिये कि हम क्या जो नीति संविधान में हमने बनाई है उसको ठीक से लागू कर रहे हैं या नहीं । मैं तो यह कहना चाहूंगा कि हिन्दुस्तान की जो सरकार है वह इस नीति को लागू करने में असफल रही है और उसको हर वक्त लागू करना तो अलग रह गया, बल्कि उसके अलावा जो अंग्रेजी है उसको बढ़ोत्तरी दे रही है । यह चीज बन्द होनी चाहिये और यह जितनी जल्दी बन्द हो उतना ही अच्छा है । देश का कल्याण होगा, अगर हिन्दुस्तान की जो भाषायें हैं वह आगे आती हैं ।

आज बंगला देश में क्या हो रहा है, मैं पूछना चाहूंगा । बंगला देश का जो सारा मामला है, जो वहां की लड़ाई है वह भाषा को लेकर के है । बंगाली भाषा और बंगला लोगों का और जो वहां भाषा का अलगाव है और उस भाषा को जो पाकिस्तान ने दबाना चाहा उसको लेकर के इतना बड़ा वहां पर मूवमेंट खड़ा हो गया है । इसको भी हम लोगों को नज़र में रखना चाहिये । मैं तो शेख मुजीबुर्रहमान को सलाम कहूंगा कि उन लोगों ने अपने मजहब को और इस तरह की चीजों को भुला कर अपनी भाषा को ऊपर लिया और भाषा के आधार पर जो वहां बंगला देश बनाने का उनका प्रस्ताव है, उसके लिये उन्होंने ऐसा बहुमत वहां प्राप्त किया जो कि दुनिया के लिये एक अनोखी मिसाल होगी । अब तक किसी और देश में शायद इस तरह का किसी को बहुमत नहीं मिला और वहां पर जो भी हो रहा है वह हम लोगों के लिए उदाहरण होगा कि हिन्दुस्तान में भी अगर कोई विदेशी भाषा से काम चलाएंगे तो ज्यादा दिन काम नहीं चल सकता । आज कल जनसाधारण अपना हक, अपना अधिकार चाहता है और अधिकारों के लिए लड़ना भी शुरू कर देता है और करना चाहिए । आज आप लोग अंग्रेजी का बहिष्कार नहीं करेंगे, लेकिन हो

[श्री गोडे मुराहरि]

सकता है पांच साल के बाद यही जनता जिसने आपको इतने वोटों से जिताया, वही जनता भाषा के प्रश्न को लेकर आपको अपदस्थ करेगी। इसलिए मैं तो चाहूंगा इस प्रस्ताव को सरकार वापस ले तो बहुत अच्छा हो, अगर वापस नहीं लेते हैं तो मैं सदन से दख्खास्त करूंगा इसको गिरा दें...

SHRI NIREN GHOSH (West Bengal) : I want you to make one point clear. Is it your Party's stand that all the languages in the Eighth Schedule should be made the Union languages, and not Hindi only.

श्री गोडे मुराहरि : मैं यह साफ करना चाहूंगा देश को जितनी भी जन-भाषाएं हैं...

SHRI NIREN GHOSH : You make Hindi an imposition on the people of India.

श्री गोडे मुराहरि : नहीं, नहीं। कोई हिंदी का सवाल नहीं है। मैं नीरेन घोष साहब को यह पक्का बता देना चाहता हूं, यह कोई हिन्दी का सवाल नहीं है। यह देश की जन-भाषाओं का सवाल है, देशवासियों की जो भाषाएं हैं उनको ऊपर लाने का सवाल है। मैं दक्षिण से आता हूं, मैं हिन्दी बोल लेता हूं, लेकिन मुझे अपनी भाषा से भी प्यार है। इसलिए मैं चाहता हूं देश की भाषाएं आप बने, मुझे हिन्दी से ही कोई विशेष मतलब नहीं है। हिन्दी को लादना नहीं है किसी के ऊपर। हिन्दी अपने आप देश की भाषा हो जाती है तो बहुत अच्छा है, वैसे हिन्दुस्तान की एक भाषा हिन्दी ही हो सकती है, मैं जानता हूं आगे चल कर वह अपने आप हो जाएगी। लेकिन आज तो हमारा कर्तव्य है जन-भाषाओं को ऊपर लाना, जन-भाषाओं में सारा काम काज करना है।

इसलिए मैं समझता हूं इस तरह का प्रस्ताव लाकर निंदा करना तो अपने आपकी निंदा करना होगा।

SHRIMATI YASHODA REDDY : This is not a party matter. You should give everybody a chance, not party-wise.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : First, let me finish party representatives and then only others.

(Interruptions)

SHRI S. D. MISRA: Mrs. Yashoda Reddy has no party.

SHRI BHUPESH GUPTA : Mrs. Yashoda Reddy was in the Organisation Congress. Now, she has been orphaned politically and so you must call her.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You need not recommend her.

SHRI A. P. CHATTERJEE : Mr. Vice-Chairman, Sir, the motion moved by Mr. Kulkarni is based upon the question of the conduct of Mr. Rajnarain and it has been said that the conduct of Mr. Rajnarain was derogatory to the dignity of Parliament or the President or both. Now, Sir, I could have understood all this very well and I could have perhaps also appreciated the stand taken by the Members of the ruling party if the question of the dignity of Legislatures or for that matter of Parliament were properly dealt with by the ruling Congress everywhere in the same fashion and in the same manner. I have to say with a great deal of regret that whereas people on the other side are crying hoarse about the dignity of Legislatures, we are having a situation in West Bengal where we find that the dignity of Legislatures has been thrown to the winds. Sir, as you know, under the Constitution the Council of Ministers is responsible to the Legislature, but then, Sir, we are finding in West Bengal an unprecedented thing. I do not know whether there is any precedent for it anywhere in the world where bourgeois democracy prevails. I am not talking of socialist democracy. That is too strong for them and I will not talk about it. As far as bourgeois democracy is concerned, a very unprecedented thing is happening in West Bengal. We are finding that a Council of Ministers has been set up, but as far as the Assembly is concerned, the elected representatives of the Assembly have been kept out of the Assembly. It is said that the Assembly will meet in June. Under article 163 as well as article 164 of the Constitu-

tion it is true that the Governor nominates the Chief Minister and appoints the other members of the Cabinet on the recommendation of the Chief Minister. But then it is also in the Constitution that the Council of Ministers shall be responsible collectively to the Legislature. Where is the Legislature? The Legislature of West Bengal does not know even who are the Council of Ministers how they had been elected or selected. I am saying this that in West Bengal the dignity of the elected members of the West Bengal Legislature is being flouted, is being violated, is being brought into disrepute, is being brought into disrespect. Therefore...

THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN): This is irrelevant to the present discussion.

(Interruption)

SHRI NIREN GHOSH: Is it inconvenient to the ruling party?

SHRI A. P. CHATTERJEE: I am saying it does not behove the members of the ruling party to speak in the name of the dignity of the Legislature or Parliament. The dignity of the Legislature has no geographical frontier. We shall not give dignity in West Bengal and we shall cry hoarse about dignity in Delhi. You only pay lip sympathy to the dignity of the Legislature. You must give dignity in West Bengal as well as here.

Therefore, what I am saying is this that this motion is a hollow motion, is a hypocritical motion, it is a motion not based on any concern for the dignity of the Legislature, it is a motion raised by a Member of the ruling party because the ruling party wants to punish a Member of the Opposition by hook or crook because by some questionable methods or by some methods may be dishonest or may be indirectly dishonest they have come in a landslide victory to Parliament and therefore they think that they must...

SHRI NIREN GHOSH: With a minority vote.

SHRI A. P. CHATTERJEE: Forty per cent vote. Therefore, they think they must teach a lesson to the Members of the opposition. That is the mentality behind this motion. There-

fore, I am saying this that as far as the dignity of the Legislature is concerned, let that slogan be not raised by Members of the ruling party. That is my first point.

My second point is this. Why this discrimination? It is true that Mr. Rajnarain raised a question on the floor of the House when the joint session was going on. But we were also present in the House. Mr. Om Mehta was also present on that occasion, was he not? I know I have heard certain Members of the Congress Party including Mr. Sashi Bhushan who even out-Heroded Herod, out-Indiraed Indira in protestations of socialism. These Members including Mr. Sashi Bhushan uttered unspeakable words—I cannot utter those words—against Mr. Rajnarain within the hearing of everybody.

(Interruption)

SHRI MAHITOSH PURAKAYASTHA (Assam): Sir, on a point of order. Mr. Sashi Bhushan is a Member of the Lok Sabha. Is it proper for the hon. Member to mention the name of Shri Sashi Bhushan and attribute things to him which he has not said?

SHRI A. P. CHATTERJEE: It was a joint session.

SHRI MAHITOSH PURAKAYASTHA: He cannot bring in the name of Shri Sashi Bhushan.

SHRI NIREN GHOSH: Why not? It was a joint session. Why should he not say it? I will do it again against a Member of the Lok Sabha. I warn you that I will do it again and again.

SHRI A. P. CHATTERJEE: What I am saying is this. I have got some culture. I have got some decency. I have not descended to the culture of Mrs. Indira Gandhi's supporters. So, Sir, it is not possible for me to repeat those words which Shri Sashi Bhushan and others spoke on the floor of the House. (Interruption). The Members of the Congress used those words on the floor of the House when the joint session was going on. I cannot repeat those words because I have got some culture. But if the Chair wants it, I can go to the Chamber and repeat those words which certain Members of the Congress said against Shri Rajnarain I am saying this...

**SHRI MAHAVIR TYAGI :** Were they obscene?

**SHRI A. P. CHATTERJEE :** Mr. Om Mehta is not thinking of those Members of the Congress.

Thirdly, I have seen with my own eyes and others have also seen with their own eyes that certain Members of the Congress...

**SHRI MAHITOSH PURAKAYASTHA :** Hearing with your own eyes?

**SHRI A. P. CHATTERJEE :** You have not been given a Cabinet post, not even a Deputy Ministership. Now, certain Members of the Congress made a physical rush at Mr. Rajnarain when the President was inside the House in order to assault him. Why is not a privilege motion or such a Resolution have being brought against those Members? I am saying this that this is a vindictive motion brought by certain Members of the Congress—by a particular Member of the ruling party—in order to punish a Member of the Opposition. That is the only reason. It is a *mala fide* motion.

I shall take up the other points also. Under article 105 it is said that the privilege—of the House of Commons is our privilege. Is there not any precedent in the House of Commons that the King was interrupted there? Have the Members of the House forgotten history. Sir, go back to 1641. Charles I called the Parliament and Parliament refused to listen to him, refused to give the mandate that he sought. And at that time Charles I dissolved the Parliament and there was the civil war, and Charles I was beheaded.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) :** It is ancient history.

**SHRI A. P. CHATTERJEE :** Therefore, it cannot be said that there is no precedent in the House of Commons. Article 105 of the Constitution says that the privilege of our House will be the privilege of the House of Commons. Has May's Parliamentary Practice or any other book on parliamentary practice said that what happened at the time of Charles I was unparliamentary? Parliamentary democracy in England began from that time when the Members of the House of Commons refused to listen to Charles I, and they organised an army and beheaded King Charles I.

From that time parliamentary democracy of England began. Therefore, it cannot be said that the privilege of the House of Commons is devoid of this precedent that the King was not listened to.

Next, as far as this question of the interruption of the President's Address is concerned, I do not know why the Members of the ruling party are so much worked up over this. It has happened in West Bengal, Sir. We have done this when Miss Padmaja Naidu was the Governor. Miss Padmaja Naidu was reading her speech there and at that time—the revisionist party was unfortunately with us at that time—we also prevented her, the Governor of West Bengal, from reading her speech.

**SHRI SASANKASEKHAR SANYAL :** I was there.

**SHRI A. P. CHATTERJEE :** Mr. Sanyal was there when Miss Padmaja Naidu was prevented from making her speech there. There was no such foolish, vindictive and sychophantic Resolution which would pander to the wishes of the Prime Minister. No such Resolution was brought there that the Members of the Legislature of West Bengal had committed any affront to the dignity of the Governor there. That never happened there. Secondly, in 1969 also we were in the United Front—at that time, of course, we had divested ourselves of the baser elements; 'baser elements' means the elements belonging to that Bench. But willy-nilly we were in the United Front in 1969—when that notorious Governor—I mean Dr. Dharma Vira—read a speech which was not dictated by the Chief Minister at that time. The Chief Minister then had made a speech for him but he refused to read that speech; he interpolated two passages of his into that speech. When 5 P.M. Mr. Dharma Vira came into the House, the Members of the Assembly, including Members of the Opposition party there, refused to stand up also in honour of the Governor. Secondly, they did not allow Mr. Dharma Vira to read those two passages which he had interpolated therein...

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) :** Not a healthy precedent.

SHRI A. P. CHATTERJEE: . . . without the Chief Minister's permission. That, Sir, never raised a question of affront to the dignity of the House. (*Time bell rings.*) Why are you not allowing me to continue? There are so many persons . . . (*Interruption*) I belong to a party which is not a sychophantic party of Mrs. Indira Gandhi. We are the only party which stopped the victory march of Mrs. Indira Gandhi in West Bengal. So I must be allowed to speak.

SHRI S. D. MISRA: He should be allowed to speak.

SHRI A. P. CHATTERJEE: Why are you not allowing me? I am not taking more time.

SHRI PITAMBER DAS: Time apart such fine speeches are rarely heard in the House. Please allow him.

SHRI A. P. CHATTERJEE: Sir, may I say that apart from this, dignity is not a formal matter. Dignity is a matter of substance. It is not a matter of form. What is the dignity of the President nowadays or, for that matter, of the Indian Government? Today when the question of giving material help to Bangla Desh is urgent and every day that question is being raised, Sir, what do we find? Mrs. Indira Gandhi and her government are looking to the President of the United States to know what he says.

SOME HON. MEMBERS: Shame, shame.

SHRI NIREN GHOSH: Shame to Indira Gandhi Government for betraying the people of Bangla Desh. Shame, shame.

I dub this Government as traitors.

SHRI A. P. CHATTERJEE: She is looking now to what Mr. Kosygin will say. She is looking to what the British Government will say. She has no policy of her own. She has no strength of her own. She has no backbone. She has no spine. She must look to others for help or for guidance. This is the Government of India. If this is the Government of India, no doubt, Sir, that this is the lack of dignity from which this Government of India suffers. That must have a reflection in the Parliament or in the joint session. And there is no doubt that if the Government of India lacks this dignity, this lack of

dignity must be expressed in some form or the other. Mr. Rajnarain's words only showed what little dignity the Government of India has in the eyes of the people of India.

There is another thing. I do not know why we are aping the British Government and the House of Commons. In the House of Commons what happens? The Members who assemble in the House, go to the door of the House of Lords to know for what purpose the King or the Queen had called them. Here, what is happening? The President at the end of the year, when the session begins, gives a kind of speech. In that speech he gives an outline of what he is doing, or what he is not going to do. Generally, in this speech on what he is not going to do, if, for example, there is communal carnage or if some working class people are shot down as was done in Bengal when the police had shot down some youngmen at point-blank range in the streets of Calcutta, and if the President's Speech does not refer to all these things, will we sit silent and bow to the normal decorum of Parliamentary, bourgeois democracy and listen to the President with rapt attention? We have every right to interrupt the President. We have every right to tell him, "Your Government is a blackguard Government. Your Government is not looking to the problems of the country." We have every right to say, "Your Government is incapable of solving any little problem of the country." Therefore, Sir, it is a fundamental right of the Members present there to interrupt the President if the President's speech does not lay its fingers upon the problems of the nation.

Finally, Sir, I do not take my stand upon the question whether the House has the right to expel or the right to suspend. These are formal questions. Being a Marxist, I am not concerned with formal questions. I am not concerned with questions of form. I am concerned with questions of substance. But, after all, when the representatives of the people go to listen to the address of the President and when the President's Address is a summary of the activities or non-activities of the Government, when it is a summary of what the Government is not going to do, when it indicates the absence of any good measures that can be expected from the Government, then, Sir, as representatives of the people . . .

**SHRI SUKHDEV PRASAD (Uttar Pradesh)** : Sir, on a point of order.

(Interruptions)

**DR. K. MATHEW KURIAN** : This is a point of disorder.

(Interruptions)

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN)** : Order, please. What is your point of order?

**श्री सुकदेव प्रसाद** : प्वाइट आफ आर्डर । श्रीमन्, आज यहां पर जो हमारा रेजोल्यूशन रखा गया है कि उनके मिसबिहेवियर के लिए रखा गया है और यह सारी स्पीचें जो हो रही हैं वह केवल पार्टी प्रोपेगन्डा के लिए हो रही हैं और एक भी स्पीच इस विषय पर नहीं है ।

(Interruptions)

**DR. K. MATHEW KURIAN** : This is no point of order.

**श्री सुकदेव प्रसाद** : आपने कई बार घंटी बजायी है और उसके बाद भी वे बोलते चले जा रहे हैं । (Interruptions) तो मैं जानना चाहता हूँ कि आखिर चेयर का क्या फर्ज होता है । मैं पूछना चाहता हूँ कि क्या हम लोगों के लिए समय नहीं बचेगा । आप की घंटी कई बार बज चुकी है और इसलिए मैं यह चाहता हूँ कि यह जो पार्टी प्रोपेगन्डा हो रहा है वह बंद किया जाय और हम लोगों को समय दिया जाय ।

**SHRI A. P. CHATTERJEE** : Mr. Vice-Chairman, we know the double standards of the Congress. Whereas in Orissa Harekrishna Mahatab was called by the Governor because he was the leader of the single largest party, in West Bengal, Jyoti Basu was not called by the Governor. This is the way in which the Congress is indulging in double standards. What I am saying is, interruption is a parliamentary procedure by which the Opposition expresses its disapproval. Interruption is a well recognised procedure by which the Opposition Members in Parliament express their disapproval of Government measures. If the President's speech contains something to which the Members of the Opposition take exception, they can interrupt. After all, the Presi-

dent is not King. It cannot be said that the President cannot do any wrong just as it is said the King cannot do any wrong. It may be said in the case of the King's speech, but that analogy cannot be brought here. As far as the President is concerned, it cannot be said here. So when the speech of the President is full of wrong things, full of wrong statements, full of mis-statements, full of distorted statements, then Members of Parliament belonging to the Opposition have the right to exercise their privilege of interruption, and that privilege of interruption has been exercised by Mr. Rajnarain. Of course, how he exercised that privilege is a different question. But we are on the fundamentals here. Speaking of fundamentals here on this resolution of the ruling party, the ruling party which is killing democracy in West Bengal where it has set up its stooge, Mr. Ajoy Mukherjee . . .

(Interruptions)

**SHRI NIREN GHOSH** : Shrimati Indira Gandhi will never ask you to put your socialism into practice.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN)** : Mr. Niren Ghosh, you cannot stand up when Mr. Chatterjee is speaking.

(Several interruptions)

Order, order please. Mr. Chatterjee, please conclude your speech.

**SHRI A. P. CHATTERJEE** : I am finishing. What I am asking is this : Have you ever experienced or have you witnessed any country in which a party which had lost 132 deposits and could send only five Members to the Legislative Assembly, from that party the ruling party chooses the Chief Minister? Have you ever witnessed a country like that? They ought to be ashamed of it . . .

(Interruptions by Shri Sheel Bhadra Yajee, Shri Niren Ghosh and several other hon. Members)

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN)** : Mr. Yajee, Mr. Niren Ghosh, you all please sit down. Do not interrupt. Please sit down. I think we cannot conduct the proceedings in this fashion. (Continued interruptions by Shri Niren Ghosh) Mr. Niren Ghosh, I am warning you, you should not stand up and interrupt when

a Member of your own party is speaking. Please sit down. Mr. Chatterjee, please wind up.

SHRI A. P. CHATTERJEE : Yes, I am winding up . . .

(Interruptions)

SHRI GODEY MURAHARI : Even at this stage I propose that they withdraw the resolution because we have had a very good example of a dignified behaviour.

SHRI A. P. CHATTERJEE : I am, therefore, saying that as far as the dignity of the Legislature is concerned, it is a hollow phrase. It has been created, manufactured, here by the Congress Party in order to punish a Member of the Opposition. I, on behalf of my group, severely, seriously and sternly oppose this motion which is a vindictive Motion, which is a vindictive resolution and which wants to bring grist to the mill of these people. I know some persons have waxed eloquent over this. I do not know for what purpose. They are all pondering to the wishes of one single person. Everybody is trying to curry favour of that particular person. You know whom I mean—the Prime Minister. In order to do that they are perhaps exhilarating in their overzealousness . . .

SHRI AWADHESHWAR PRASAD SINHA : I am on a point of order, Sir . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : He is finishing. Let him finish.

SHRI AWADHESHWAR PRASAD SINHA : No, my point of order has to do with his speech. It has to do with the remarks of my friend, Mr. Chatterjee. He referred to two points. He said that the hon. Member has a right to interrupt the President. But the President had not started his speech. Before that there was interruption. That is my first submission. Secondly, the Prime Minister has nothing to do with this Motion. She is not even a Member of this House. It is not fair to . . .

(Interruptions)

DR. K. MATHEW KURIAN : What is the point of order . . .

(Interruptions)

SHRI AWADHESHWAR PRASAD SINHA : He is very young . . .

(Interruptions)

Let him play the role of a gentleman . . .

(Interruptions)

SHRI GODEY MURAHARI : Why is the Congress Party so intolerant of criticism? . . .

(Interruptions)

SHRI A. P. CHATTERJEE : I know Members there are supporting this Motion on the ground of dignity of the House. But can there be a dignity of the House divorced from the dignity of the Members? Shri Rajnarain interrupted the President. But the President, in my submission, . . . (Interruptions). The President had no jurisdiction to shout at him . . . (Interruptions)\*\*\*

Therefore, I am submitting that this Motion is a vindictive Motion . . .

(Interruptions)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : All the remarks about the President be expunged . . .

(Interruptions)

[MR. DEPUTY CHAIRMAN IN THE CHAIR]

DR. K. MATHEW KURIAN : Why should they be expunged?

SHRI A. P. CHATTERJEE : The President had no right to shout at Shri Rajnarain and ask him to get out . . .

(Interruptions)

SHRI NIREN GHOSH : On a point of order. On what basis the Vice-Chairman, who has now taken his seat there, ordered expunction of certain words? The House has a right to know and I also want to know that. If the Congress Party brings a President of the so-called democracy with imperial splendour, the entire Indian people are insulted . . . (Interruptions). We are not going to submit to the order of expunction, unless the basis is explained. Unless it is explained to the House, the House proceedings cannot go on and we will see to it that it does not go on.

\*\*\*Expunged as ordered by the Chair.

**SHRI GODEY MURAHARI :** My point of order is very specific. The Vice-Chairman was sitting in the Chair. When he had vacated his Chair and on his way back to his seat, he gave a ruling saying that whatever remarks Shri Chatterjee has made about the President should be expunged. I think, the Member should be condemned for this kind of behaviour because he was no more the Vice-Chairman and he had no right to expunge the remarks. Whatever Shri Akbar Ali Khan said after he has vacated the Chair has no relevance to the proceedings of the House... (*Interruptions*). I am still to finish.

**SHRI S. D. MISRA :** His name should be removed from the panel of Vice-Chairmen.

**SHRI GODEY MURAHARI :** Shri A. P. Chatterjee has said that the President had violated the dignity of the Members of the House by ordering one Member to get out. There is nothing wrong in this. If the position is accepted... (*Interruptions*). Why don't you listen?

Sir, I would like to know who was presiding over that meeting. If the President was not presiding, he had absolutely no right to ask any one to get out. He should have asked either the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha to take care of the Members. But he himself did not have the right to ask anybody to go out. He has only the right to summon and address. According to the Constitution, he has been given the right under this Section to summon the two Houses and address the two Houses.

(*Interruptions*)

**MR. DEPUTY CHAIRMAN :** Please sit down.

**SHRI GODEY MURAHARI :** He has no right to ask any Member to go out. I would like to know under what rule Mr. Akbar Ali Khan said...

(*Interruptions*)

**MR. DEPUTY CHAIRMAN :** I understand your point. Please sit down.

**SHRI GODEY MURAHARI :** I would like to know under what rule Mr. A. P. Chatterjee's remarks were asked to be expunged from the pro-

ceedings. Mr. Akbar Ali Khan has no right once he has vacated the Chair...

(*Interruptions*)

**SHRI A. P. CHATTERJEE :** Sir, I am on a point of order. According to Article 79, the President is a part of Parliament. Now, Sir, the President has no such status as the King of England and all that. Therefore, if any part of Parliament, any Member of Parliament violates the dignity of the House, then we have every right to say that a Member has violated the dignity of the House. The President, by asking Shri Rajnarain to get out, has violated the dignity of this House also and why should not a motion be brought against him in the House? That is the question.

**MR. DEPUTY CHAIRMAN :** According to the Constitution, we cannot discuss the conduct of the President in this House unless, as pointed out by Shri Bhupesh Gupta on a number of occasions, there is a substantive motion on that... (*Interruptions*). Therefore, Mr. Akbar Ali Khan, when he was presiding over the deliberations of this House, thought it fit to expunge certain observations and those observations will be expunged.

**SHRI GODEY MURAHARI :** Sir, I am on a point of order.

**THE LEADER OF THE OPPOSITION (SHRI M. S. GURUPADASWAMY) :** Sir, I am on a point of order.

**SHRI GODEY MURAHARI :** We are not discussing the conduct... (*Interruptions*)... we are not discussing the conduct of the President. But what we were discussing was the happenings in a combined session of the Houses.

**SHRI MAHAVIR TYAGI :** The conduct of the President cannot be discussed in Parliament and I can understand that. But the factual position is that... (*Interruptions*)... the President asked a Member to get out and those words should also be expunged... (*Interruptions*). I want to know this.

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

**SHRI MAHAVIR TYAGI :** Is that also to be expunged?



**SHRI M. S. GJERUPADASWAMY :** Sir, I would like to ask whether we are building up a new theory of divine right for the President. We are not discussing the conduct of the President. But what is being done is about what happened during the joint session of both the Houses. The speeches have been recorded and the Members have been quoting those incidents. I think unless and until you take all the incidents together, you cannot form a judgment on anything. The whole thing has to be taken, the reaction and the protest and the action, everything has got to be taken and the behaviour of other Members. You cannot single out a person and stigmatise him. Therefore, my appeal to the Chair is that while we are not. *(Interruptions)* . . . My submission to the Chair is that while we are not discussing the behaviour of the President, at the same time we are not building up a new theory of divine right for the President and there is no divine right theory at all and you are saying that by referring to the President we are going to violate the Constitution. It is not the case and we are not abusing the President or criticising the President. We are referring to the matter. Therefore, Sir, let us draw a line, let us now draw a line between the behaviour of the President and what took place in the joint session.

**MR. DEPUTY CHAIRMAN :** Mr. Advani.

**SHRI LAL K. ADVANI (Delhi) :** Sir, the issue before us. . . *(Interruptions)*. I would only confine myself to the Vice-Chairman's decision to expunge certain remarks of Mr. Chatterjee. The rule pertaining to expunction of remarks is Rule 261, which says:

"If the Chairman is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary . . ."

I think that neither of these words . . .

*(Interruptions)*.

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

**SHRI LAL K. ADVANI :** It cannot be undignified. What Mr. Chatterjee said is not covered by any of these words. Is it at all intended that we cannot even

refer to the President? I can point out Rule 238, which says.

"A member while speaking shall not —

(i) . . . .

(vi) use the President's name for the purpose of influencing the debate; . . . ."

Mr. Chatterjee has not used the name of the President for the purpose of influencing the debate.

Sir, in this House there are procedures where the President's actions have been referred to, even in critical terms. Take, for instance, the case of U.P. But I do not recall any Chairman or a Deputy Chairman or a Vice-Chairman having expunged those remarks on the grounds of the President being criticized. The expunction of what Mr. Chatterjee has said just now is something which is not warranted under any canons of law . . . *(Interruptions)*. Sir, I seek your intervention. I think this is a question in which a right precedent need to be set. If at all it is necessary, you should re-consider the whole matter, ask the Vice-Chairman to come to your Chamber, seek his views, and give us your considered opinion on this point . . .

*(Interruptions)*

**MR. DEPUTY CHAIRMAN :** Let me dispose of this point of order first.

The President of this country occupies a very high position . . .

*(Interruptions)*

Don't disturb now. If the embodiment of the Constitution . . .

*(Interruptions)*

**SOME HON. MEMBERS :** No, no. He is not the embodiment . . .

*(Interruptions)*

**MR. DEPUTY CHAIRMAN :** Please listen. . .

**SHRI GODEY MURAHARI :** No person is the embodiment . . .

*(Interruptions)*

**MR. DEPUTY CHAIRMAN :** Please listen. Order, order, And, therefore, while we are speaking in this

[Mr. Deputy Chairman]

House, it will not be desirable to refer to the President in a derogatory manner . . .

(Interruptions)

It is all right. I am not questioning. I am only making a statement. No Member should refer to the Honourable President in a derogatory manner while he is speaking in this House. The Vice-Chairman thought it fit to order that these words be expunged. The ruling has been given by the Vice-Chairman, and it will have to be followed . . .

(Interruptions)

SHRI NIREN GHOSH: I say that the President has behaved in an unbecoming manner. I repeat that the President has behaved in an unbecoming manner in the joint session of the Houses

(Interruptions)

SHRI ARJUN ARORA: Sir, on a point of order . . .

SHRI PITAMBER DAS: I have to seek a clarification . . .

MR. DEPUTY CHAIRMAN: Point of order first.

SHRI DWIJENDRALAL SEN GUPTA: My point of order is this. In view of your ruling or the ruling of the Vice-Chairman that no reference to the President can be made, my point of order is this. This motion is out of order because any reference to the whole incident or the situation has not been made anywhere on the subject. My point is this: In that event we have always to say what the incident was, what the happening was. The details must be understood before you come to a decision. We cannot say "X" was in the Chair and he said this and that. They are not in-laws. The President is not the in-law. . . (Interruptions). . . We have got to take a realistic position. Either you reverse your decision or say that this motion is out of order and cannot be discussed.

SHRIMATI YASHODA REDDY: You did not prevent a reference to the President. All that you said is "reference to the President in a derogatory manner . . ."

(Interruptions)

MR. DEPUTY CHAIRMAN: Order, order please.

SHRI N. G. GORAY : Sir, I want to make a submission. I have always had the highest regard for my friend, Shri Akbar Ali Khan, and I was really surprised when he said that certain remarks of Mr. Chatterjee would be expunged. I have been listening to this debate very carefully though it has been a very painful experience. Do you mean to say that whenever any Member refers to the President . . .

MR. DEPUTY CHAIRMAN: Mr. Goray, let us not discuss the ruling please.

SHRI N. G. GORAY : If it is a wrong ruling I think it would be. . .

MR. DEPUTY CHAIRMAN: Even, then it should not be discussed.

SHRI N. G. GORAY : . . . proper for you to say that it was not correct because otherwise what you say will impinge very greatly on the rights of the Members here to express themselves. When I say that the President in doing a certain thing was not correct, do you mean to say that it is derogatory to the dignity of the President? I am saying that in this debate tempers have gone very high and it has become very difficult to judge in a calm, cool manner and I am very sorry that the Vice-Chairman himself, when he said that certain remarks would be expunged, did not really keep that neutrality and that calmness of mind which is always associated with him. Therefore, I say, do not make it a ruling that no reference can be made to the President.

MR. DEPUTY CHAIRMAN: Not in derogatory terms.

SHRI N. G. GORAY : Not in derogatory terms. I can understand what you say. You just cannot give a bad name to a dog and hang it; it is not possible.

(Interruptions)

SHRI OM MEHTA: Please conclude it; there are so many persons.

SHRI PITAMBER DAS: I have a clarification to seek.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order please.

SHRI G. A. APPAN (Tamil Nadu): Sit the whole night and listen to it.

MR. DEPUTY CHAIRMAN: Order, order please.

**SHRI PITAMBER DAS:** Sir, I have a clarification to seek . . . (*Interruptions*) . . . I want only a clarification. When, Sir, you said that the remarks would be expunged, I think you were repeating what Mr Akbar Ali Khan had said. You did not say anything on your own accord. Is that correct?

**MR. DEPUTY CHAIRMAN:** Whatever ruling has been given by any person occupying this Chair, I have to uphold it.

(*Interruptions*)

**SHRI PITAMBER DAS:** I want something different from you . . . (*Interruptions*) . . . I want only an information from you. When you said that the remarks would be expunged, were you repeating only that which he had said or were you referring to certain other remark?

**MR. DEPUTY CHAIRMAN:** The same words, which have been expunged by the Vice-Chairman, if they are repeated. If the same words are again repeated, they may perhaps have to be expunged.

**SHRI NIREN GHOSH:** On what grounds? You have to explain now.

**श्री जगदम्बी साद यादव :** श्रीमन्, आपने साबण को सुना नहीं ।

**श्री उपसभापति :** वह कुछ भी हो, जो एक्स-पन्ज हो गया, हो गया ।

**SHRI NIREN GHOSH:** No, no, no. You are giving another twist.

**MR. DEPUTY CHAIRMAN:** Mr. Om Mehta.

**SHRI ARJUN ARORA:** On a point of order.

**श्री राजनारायण :** श्रीमन्, मेरा भी एक प्वाइंट आफ आर्डर है ।

**श्री उपसभापति :** पहले श्री ओम् मेहता को कह लेने दीजिये ।

**श्री अर्जुन अरोड़ा :** साहब, मैं पहले प्वाइंट आफ आर्डर पर खड़ा हुआ तो सेनगुप्ता साहब आ गये और अब श्री ओम् मेहता आ गये, क्या मैं ही सबसे गरीब हूँ ।

**श्री नीरेन घोष :** जब तक तुम कांग्रेस बेंच पर हो तुम गरीब हो ।

**श्री अर्जुन अरोड़ा :** मैं आपके ही बारे में कुछ कह रहा हूँ ।

**श्री उपसभापति :** अच्छा, कहिये ।

**SHRI ARJUN ARORA:** When we were discussing the points of orders raised in connection with the Vice-Chairman's ruling, my friend—friend in the real sense—Mr. Ghosh, uttered almost the same words. I submit that they should also be expunged.

**MR. DEPUTY CHAIRMAN:** Mr. Mehta.

**SHRI NIREN GHOSH:** Mr. Arora, let him do it and you will see what follows. Do not think that with 40% votes things can go on like that.

**SHRI OM MEHTA:** श्रीमन्, मैं यह कहना चाहता हूँ कि साढ़े तीन घंटे हो गये और अभी हम इस मोशन को ही डिस्कस कर रहे हैं, और भी बिजनेस है, तो हमें बताइये ।

Up to what time we are going to discuss that Motion as there are other items on the agenda. (*Interruptions*) Let the House decide.

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

**SHRI OM MEHTA:** Let the House decide.

**MR. DEPUTY CHAIRMAN:** आर्डर, आर्डर । मिस्टर ओम मेहता ने जो अभी कहा

(*Interruptions*)

Dr. Kurian, Order please. Whatever Mr. Mehta has said now is rather important. Please give a patient hearing. I am entirely in the hands of the House If it wants to finish this particular item on the agenda to-day, I have no objection. In that case it will have to sit beyond six. Let the House decide.

**SOME HON. MEMBERS:** No.

**MR. DEPUTY CHAIRMAN:** Let the House decide whether it wants to sit beyond six.

**SHRI NIREN GHOSH:** No, Then we will call for a division.

**SHRI PITAMBER DAS:** I have a submission to make. In the order of Business, if the other things were considered more important, then this item which we are discussing should have

[Shri Pitamber Das]

been put in the end but the Minister of State for Parliamentary Affairs thought that probably this motion was more important than the other business and therefore he put it first. So we finish with this item first and if time remains we will take up the others.

MR. DEPUTY CHAIRMAN: So far as the other business is concerned, we can see after that. We have to consider about this motion before the House. That should be completed before six. If it is not possible to complete the discussion before six, then I would leave the whole issue to the House. If it wants to consider this during the next session, the House can so decide. If it wants to complete it to-day after after sitting beyond six, the House can so decide. I am in the hands of the House.

SHRI ARJUN ARORA: We should sit after six and finish.

SHRI NIREN GHOSH: We will not sit.

MR. DEPUTY CHAIRMAN: Yes, Mr. Gurupadaswamy.

श्री राजनारायण : श्रीमन्, मेरा एक नन्हा सा व्यवस्था का प्रश्न है...

MR. DEPUTY CHAIRMAN: I have called Mr. Gurupadaswamy.

SHRI A. P. CHATTERJEE: Sir, I move a formal motion.

श्री राजनारायण : मैं एक नन्हा सा व्यवस्था का प्रश्न उठा रहा हूँ। वह यह है, श्रीमन्, कि जरा इस प्रस्ताव को देखिए कि राजनारायण, नागेश्वर प्रसाद साही और सीताराम सिंह ने बाधा डाल कर राष्ट्रपति का निरादर करके जिस आचरण का परिचय दिया...। इस समय आपने राजनारायण, सीताराम और नागेश्वर साही को कटघरे पर खड़ा किया है—मैं आपके सामने कल्पना कर रहा हूँ। आप इसकी व्यवस्था दीजिए कि मान लीजिए कोई एक जाइन्ट सिटिंग है, मान लीजिए कि वहाँ पर कोई ऐसा प्रेसीडेन्ट आ गया कि आते ही उठा करके उसने एक ईटा मार दिया राजनारायण पर, तो क्या राजनारायण उस घटना को रेफर करेगा कि नहीं कि जो घटना सारे प्रोवोकेशन का कारण बनी। उस घटना का वर्णन यहाँ होगा या नहीं? सबसे बड़ा प्रश्न तो यह है। इसलिए मैं आपसे निवेदन

करूंगा—बड़ा अच्छा हुआ कि श्री के० के० शाह साहब यहाँ आ गए हैं—काहे को आप घबराते हैं, सारा रिकार्ड है, राम देव सिंह जो हमारे नेता है, उठे हैं...

श्री एस० डी० मिश्र : टेपरिकार्ड है।

श्री राजनारायण : उस पर प्रेसीडेन्ट साहब ने क्या कहा है और उनके कहने के बाद, तब हम उठे हैं। हमने कहा : क्या आप कह रहे हो आपकी पर्सनेलिटी भी लिमिटेड है, आपकी पर्सनेलिटी अनलिमिटेड नहीं है।

श्रीमन्, मैं आपसे जानना चाहता हूँ : हम इस समय कटघरे में हैं, हम इस समय मुल्जिम बनाये जा रहे हैं—बनाए जा रहे हैं कि नहीं? इसलिए मैं आपसे कहना चाहता हूँ, आप श्री अकबर अली साहब ने जो व्यवस्था दी उस व्यवस्था को आप यहाँ न चलने दें, क्योंकि जब आप मुझे खड़ा करेंगे बोलने के लिए, तो सारी घटनाओं को कहना पड़ेगा। आप एक ऐसे नोशन पर विचार कर रहे हैं जिसमें किसी ने नहीं कहा हमारा क्या कांडक्ट था—हमारा, कौनसा कांडक्ट था, हमने क्या किया, किस हमारे काम के लिए आज इस मोशन पर तीन, चार घंटे से बहस हो रही है? किसी माननीय सदस्य ने, किसी प्रस्तावक ने या किसी संशोधनकर्ता ने कहीं पर भी यह नहीं कहा है कि हमने कौन सी ऐसी बात की, कौन सा आचरण किया, क्या बात कही कि जो बात दिल में अखरी? इसलिए मैं निवेदन करूंगा कि आप अपनी व्यवस्था को साधु व्यवस्था को, जव मैं बोलने के लिए खड़ा होऊँ, उसको ठीक तरीके से रखें ताकि न्याय के साथ हम लोग सभी बातों पर विचार शांति से कर सकें। अगर हम भावावेश में यहाँ पर बात करेंगे तो हमारे लिए अच्छा नहीं। देखिए अगर मेरा केवल व्यक्तिगत मामला होता, और आप कह देंगे तो सेशन का सेशन छोड़ दूंगा—वह एक अलग चीज है। लेकिन अगर आप अकबर अली खान साहब की व्यवस्था लागू करेंगे तो इससे अच्छा है इस पर बहस ही न हो, अभी इसका प्रस्ताव ले लिया जाए। मैं तो समझता हूँ कृष्णकांत का ही संशोधन ले लिया जाए—

न रहे बास्त न बजे तसुरी । अगर प्रवचन मन्त्री के विरुद्ध उम्मीदवादी चुनाव में होता हो कारण है किसी सदस्य को भर्त्सना करने के लिए, तो मैं तैयार हूँ ।

सरदार रघुवीर सिंह पंजहजारी (पंजाब) : यह सलाह बात है ।

SHRI A. P. CHATTERJEE: Sir, I move a formal motion that the debate on this motion be adjourned.

SHRI BHUPESH GUPTA: Sir, I have been trying to catch your eye. Shall I be called or not?

MR. DEPUTY CHAIRMAN: Surely, you are getting your chance. Now Mr. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY: Mr. Deputy Chairman, Sir, this is the first time in the history of Rajya Sabha that we are debating an issue which involves colleagues of this House. The motion before us was brought not immediately after the event but rather later. Sir, the incident took place on the 23rd March and the notice of this motion I think reached the office of the Rajya Sabha some time on the 27th. Why was that done? If the Members who have tabled this motion had been so much exercised over the event it was natural to expect them to send the notice immediately after the event. It was not done. It came later. Thirdly, this incident does not refer only to Mr. Rajnarain or only to those Members who have been named or who have been mentioned in the Sabha. As my friends have already mentioned, some other Members have also been involved in this incident. They have not been mentioned at all in this motion. What the President at that time said, the words of the President at that time are also relevant. They have not been included in the motion.

SHRI AWADHESHWAR PRASAD SINHA: We are discussing the time. We are discussing whether we should finish this matter today or adjourn it for the next session.

SHRI M. S. GURUPADASWAMY: No, I am not on that point.

(Interruptions)

SHRI A. P. CHATTERJEE: It cannot be finished today.

SHRI M. S. GURUPADASWAMY: If you want to take this business to the next Session, I have no objection, but I am speaking on this motion.

MR. DEPUTY CHAIRMAN: Please be brief.

SHRI M. S. GURUPADASWAMY: It cannot be brief. It is very difficult to be brief. What is the motive behind this motion? What is the psychology of the Members who have tabled this motion? All these three reasons I have given, namely, the timing of the motion, i.e., the late timing, the non-inclusion of certain Members in the motion and the exclusion of the words uttered by the President on that occasion, show that the Members who have moved this motion suffer from what I call persecution complex.

SHRI AWADHESHWAR PRASAD SINHA: What complex?

SHRI M. S. GURUPADASWAMY: Persecution complex. Sir, I would have appreciated...

SHRI AWADHESHWAR PRASAD SINHA: I am an old friend of yours. I would like to enquire from you whether you enjoyed that sight.

(Interruptions)

SHRI M. S. GURUPADASWAMY: Why do you not have patience?

SHRI S. D. MISRA: Please control them.

SHRI M. S. GURUPADASWAMY: I am only inferring from the circumstances that the motive behind the motion is not laudable. It is motivated so as to victimise an opponent. I can understand the political vendetta. Political vendetta is there in the air, but the political vendetta should not be carried too far. When a motion is motivated...

AN HON. MEMBER: No, no.

SHRI M. S. GURUPADASWAMY: When the motion is motivated, I take exception to it. Therefore, I am opposing this motion. Various points have been made. Then this thing came up last week, when it was included in the agenda for this week, I raised my objection. Perhaps you remember that I raised an objection that this item should be deleted from the agenda, but my friend there persisted and insisted that this should be taken up. If it had been a non-party affair, if it was not a partisan matter, then I would have expected a conference of the leaders of the parties.

[Shri M. S. Gurupadaswamy]

concerned before tabling the motion or after tabling the motion a consensus should have been evolved at a meeting of the various party leaders.

SHRI MAHAVIR TYAGI: They have no generosity.

SHRI OM MEHTA: I consulted the Leader of the Opposition.

SHRI M. S. GURUPADASWAMY: If you had consulted, I would have requested you to drop this item. That is obvious. My attitude was obvious from the very beginning. The Chairman could have called some of us, the leaders of the opposition parties and also the movers of this motion, and could have consulted us and could have come to a decision. Nothing was done.

Sir, the question is what is the basic issue involved in this. Mr. Rajnarain protested at the time of the President reading the Address, and what is the issue he raised? The issue raised by him was that the President should read his speech, his Address, in one of the national languages. I do not approve of his conduct or attitude because I do not know Hindi and I would always appreciate the President reading it in English, but I cannot deny the right to any Member to ask a question of the President or anybody. . .

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): If that Member happens to be a Member of the grand alliance.

SHRI S. D. MISRA: Yours is the Communist alliance, and the D.M.K. and Muslim League alliance.

श्री हृषीकृष्ण अम्बारी (उत्तर प्रदेश) :  
मालूम होता है आर शमिन्दा है अपने एलायंस पर ।

श्री एस० डी० मिश्र : आप के लिये भी शमिन्दा है ।

श्री मान सिंह वर्मा : जिस में शर्म होती है,  
वही शमिन्दा होता है . . .

(Interruptions)

SHRI M. S. GURUPADASWAMY: I do not want to say anything against the fair lady on the other side. She is fond of alliances. I am not fond of alliances. If she has got alliances I do not question her.

SHRI BHUPESH GUPTA: My friend is in a state of divorce.

SHRI M. S. GURUPADASWAMY: My friend Shri Bhupesh Gupta does not see light. He does not see either divorce or marriage. How can he talk about this thing?

SHRI BHUPESH GUPTA: Having noted how the people feel I am for neither.

SHRI M. S. GURUPADASWAMY: Everybody knows that he is a very incorrigible bachelor. What is the issue involved? Mr. Rajnarain raised the issue of the language and he protested, and the President told him to get out; these are the words. I was there: "either sit down or get out", and he got out. There were other Members who were abusing him. He got out of the hall. Therefore, where is the cause of action against him now?

The issue of jurisdiction of this House has been raised, rightly raised. In the absence of rules governing the inauguration session of both Houses and in the absence of a presiding officer and nobody is there to regulate the procedure, in such a case how can anybody take objection to any Member raising an issue? The point is it is not the conduct, it is the raising of an issue. Well, we have to decide whether a Member of Parliament has a right to raise an issue either in a joint session or in a separate session, and if he has a right, I know, I agree with the hon. Members, I myself do not like the voice of Shri Rajnarain but I cannot help it. He has got his own way of telling things.

SHRI S. D. MISRA: He has got a loud voice.

SHRI MAHAVIR TYAGI: He has a heavy voice.

SHRI M. S. GURUPADASWAMY: I do not like it. Perhaps many of you may not like it. That does not mean that we should take exception to that. It does not mean that it should form the basis for condemning him or reprimanding him.

There is another issue. In the Lok Sabha, they have appointed a Committee for considering the same case and they are, I think sitting very shortly to make recommendations. And the Members involved are the Members belonging to Mr. Rajnarain's party. Well, while my friend, Shri Pitambar Das, has made a suggestion that the whole matter might be referred to a Committee of this House consisting of seven

Members—you can increase or deduce the number, and the case may be—I think...

**SHRI KRISHAN KANT:** Sir, on a point of order. It is five minutes to six. Are we to sit beyond six? We must decide whether we continue this beyond six. That is the whole trouble.

**MR. DEPUTY CHAIRMAN:** I have already said that I am prepared to sit here according to the wish of the House. If the House desires to continue with this debate beyond six, I am prepared.

**SOME HON. MEMBERS:** No.

**MR. DEPUTY CHAIRMAN:** Please listen. And if it is the desire of the House not to sit beyond six, we can adjourn this, and this subject can be discussed during the next session.

**SOME HON. MEMBERS:** Yes.

**MR. DEPUTY CHAIRMAN:** Let the House express its desire.

**SHRI DAIYABHAI V. PATEL:** Sir, next session.

**SHRI OM MEHTA:** As many Members want to take up this discussion to the next session, I agree, and let us adjourn this discussion to the next session.

**श्री राजनारायण :** ओमन्, हवारा भाषण नो हो जाता ।

**SHRI OM MEHTA:** Sir, I move:

"That the discussion on the motion be postponed to the next Session."

*The question was put and the motion was adopted.*

**MR. DEPUTY CHAIRMAN:** This motion regarding Mr. Rajnarain will be considered during the next session.

**SHRI BHUPESH GUPTA:** Sir, what about the procedural matters?

*(Interruptions)*

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

# **MOTION RE BREACH OF PRIVILEGE, AGAINST THE ANANDA BAZAR PATRIKA, CALCUTTA**

**SHRI A. P. CHATTERJEE** (West Bengal): Sir, I gave a notice of question

of privilege to the Chairman under Rule 187 of the Rules of Procedure of this House, for breach of privilege against the editor, printer and publisher of the Ananda Bazar Patrika. Sir, what happened is this that the Ananda Bazar Patrika in its issue of 19th February, 1971 published a cartoon in which a motive has been imputed to me, a Member of this House, for not being present on the 5th September when the voting...

**MR. DEPUTY CHAIRMAN:** Are you referring to the main point or are you just asking for information?

**SHRI A. P. CHATTERJEE:** Exactly I am giving the gist only. I gave a notice...

**MR. DEPUTY CHAIRMAN:** You can mention the reason why you could not be present in the House.

**SHRI A. P. CHATTERJEE:** I could not be present then because the plane could not come due to inclement weather. So I could not be present in the House. The motive was imputed that I and the Marxist Party—Mr. Jyoti Basu has also been painted in that cartoon in a very derogative manner—wanted to help the princes. Secondly, it has been stated in the cartoon that the Constitution (Amendment) Bill was defeated due to one vote and that vote was mine. That is absolutely false and incorrect because there were 6 P.M. many other Members also not present, including certain leftist Members. I gave this notice. On that notice the Secretary has informed me that the Chairman has given the permission to raise this question. I, accordingly, Sir, raise this question of breach of privilege against the printer and publisher of the Ananda Bazar Patrika for publishing that cartoon on 19-2-1971.

**MR. DEPUTY CHAIRMAN:** Mr. Chatterjee was informed by the Secretary that he would be allowed to raise a question of privilege in respect of the cartoon. He was allowed to raise that question today. But, as has been explained by Mr. Chatterjee, he could not remain present in the House because of such circumstances which were beyond his control, and that is why he could not get an opportunity to raise that privilege question this morning. As the Chairman has allowed him and has given him the permission to raise the