

With these words, Sir, I support this Bill and urge upon the Law Minister to take courage in both his hands and stand up like a good democrat and accept this Bill.

#### ENQUIRY RE ANSWER TO UNSTARRED QUESTION NO. 1170

SHRI BANKA BEHARY DAS (Orissa) : Mr. Vice-Chairman, I have a very serious matter to draw your attention to just now because it affects my privileges and rights also, in the list of unstarred questions today. I tabled question No. 1170 which is regarding the issue of passports to persons who accompanied the Congress President during his visit to Japan...

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : Where does it come here? Not at this moment.

SHRI BANKA BEHARY DAS : What happened to it? The reply to this question has not been received. It is a serious thing.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : You have to obtain the Chairman's permission in the Chamber before you can mention anything not on the Agenda paper. You cannot rise like this and raise anything.

SHRI BANKA BEHARY DAS : But, Mr. Vice-Chairman . . .

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : You ought to have come to me earlier.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Mr. Vice-Chairman, on a point of order. It is not proper for Mr. Banka Behary Das to read the question. The point under discussion is as Mr. Banka Behary Das has informed me, that he ...

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : No. He may have asked a question ...

SHRI CHANDRA SHEKHAR : Mr. Vice-Chairman, will you not hear me ?

THE VICE CHAIRMAN (SHRI M.P. BHARGAVA) : I shall certainly hear.

SHRICHANDRASHEKHAR : If any written reply is required during the Question Hour and if the Ministry fails to provide the reply, is it not a breach of the privilege of the House? This is what it comes to. It is clearly a breach of privilege and impropriety because the Ministry cannot deny a reply to the House to a question put in the Order Paper during the Question Hour without informing the House and without giving any explanation. As the reply to this particular question was not submitted to the House during the Question Hour, it is a matter to be investigated. It is a clear breach of privilege and impropriety. Mr. Vice-Chairman, I shall request you not to take this matter lightly. You should order an enquiry into the matter to find out who is guilty for not supplying the reply to the particular written question.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : You cannot . . .

SHRI BANKA BEHARY DAS : You just hear me for one minute and you will know the seriousness of my point.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : I can realise the seriousness but there is a procedure for doing things.

SHRI BANKA BEHARY DAS : This is an unstarred Question. I will draw your attention to this . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Will you take your seat. If you have any complaint about any answer to a Question not being given you should bring it in writing to the notice of the Chair and the Chair will take necessary steps in the matter. Any Member is not free to get up at any time and raise any point whether it is in the Order Paper or not.

SHRI CHANDRA SHEKHAR : Mr. Vice-Chairman, I very humbly disagree with your ruling. No sooner a matter of breach of privilege is raised at the point when a Member comes to know . . .

THE VICE CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Chandra Shekhar, you should know the rules of procedure regarding breach of privilege. It is to be given in writing and the chair's permission has to be obtained before it can be raised here.

SHRI CHANDRA SHEKHAR : It is a question of procedure of the House.

SHRI LOKANATH MISRA (Orissa) : It cannot be a question of privilege...

SHRI CHANDRA SHEKHAR : Mr. Vice-Chairman, strictly speaking, it cannot be a motion of privilege or a point of privilege. The point is that if there is a Question and the Government does not supply a reply to it, are we not eligible to seek your protection in the matter?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Certainly, but there is a procedure.

SHRI BHUPESH GUPTA (West Bengal): Supposing I am coming to the House and on the way somebody obstructs me and prevents me from coming. I raise it as a point of privilege that somebody was preventing me from entering the House. Would you then say, "No, you should write to me and then we shall consider it."? You will not say that. You would say, "It is a good thing that you have brought it to our notice". Similarly, a matter has cropped up here. During the question hour if a question is admitted, an answer is to be expected and normally the answer should be given. Now he has come to know of it just now, just now. Surely, Mr. Vice-Chairman, he is entitled to bring it to your notice. You may say, this is not the way to start a privilege motion. I understand it. But if I raise a point of privilege, that is to say, a privilege of a Member seems to have been violated just now or two hours ago by a particular Minister or by the authority, you should be yourself interested, I mean, you should appreciate the vigilance of the honourable Member here and welcome it and you should tell the Government or ask the Government. . .

SHRI CHANDRA SHEKHAR: You enquire from the Secretariat whether they have received the reply or not. It is the duty of the Chair. I very humbly request you to ask the Secretariat.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I will do everything possible when I get something in writing here. Then I shall order an enquiry. But in this manner when it is not on the order paper, it is not proper for Members to rise any time in the House when a debate on something else is going on. If Mr.

Banka Behary Das wanted to raise it, he could have come to me and taken my permission and then raised it which would have been proper and in order.

SHRI CHANDRA SHEKHAR: On a point of order I rise. Here is a business paper of today. Suppose one of the items of this order paper is lost sight of and the Chair proceeds to another item. Then should I write to the Chair that a particular business item has been lost sight of and that it has not been taken into consideration and then the Chair will take into consideration whether the particular item has been lost sight of and this particular item should have been considered in the House? This question paper is both oral and written. That particular question was a part of the agenda of this House today. If a particular question without notice that it has been transferred to some other date, has not been replied, it means^ a particular item of the agenda paper has been overlooked, omitted or has not been complied with. If this is the situation, I should like your ruling on this. How is it that the agenda paper has not been followed today? I very humbly request you to please enquire whether the question has been on the agenda paper or not, whether this particular point on the agenda has been replied to this morning or not. This is a matter of urgent, immediate importance. It is not a question whether it should be discussed or investigated or not. The simple question I want to know and what Mr. Banka Behary Das wants to know is whether this particular question's reply was submitted by the Ministry to the Secretary or not. If it was submitted, then Mr. Banka Behary Das's objection is nowhere. If it was not submitted, the Secretariat must clarify the position here and now. It is not a question of writing and investigating. It is a simple question.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Without investigation how can you come to a decision? The record has to be seen.

*(Interruptions)*

SHRI CHANDRA SHEKHAR: Every reply to the written questions is put on the Table of the House. So there is no question of investigation. The Secretary must get up and say whether it has been put on the Table of the House or not. What is the investigation in that ? A particular question's reply has been put on the Table of the House or not.

SHRI BANKA BEHARY DAS : I enquired from the Secretariat and they told me that the reply was not there. Then I said, I am going to raise it here.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : Well, I understand from the Secretariat that they are making an enquiry about it and within ten minutes they will let us know.

SHRI CHANDRA SHEKHAR: Mr. Vice-Chairman, I do not accept this position. I insist on it. It is a question of the privilege of the House, whether the reply was received or not.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): What is the question number?

SHRI BANKA BEHARY DAS: It is\* 1170. It is now being supplied to me here—When I enquired in the office I was told that they had not received it.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): There must be some misunderstanding somewhere because I have got the reply just now before me...

SHRI CHANDRA SHEKHAR: I again insist, Mr. Vice-Chairman . . .

SHRI BHUPESH GUPTA: Mr. Vice-Chairman . . .

*(Interruptions)*

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): One by one please. Mr. Chandra Shekhar.

SHRI CHANDRA SHEKHAR: I insist on this point. You know I have been defending the Secretariat on all occasions. Here is a question of procedure from an honourable Member. From 12 O'clock to 3.30 the honourable Member has been approaching the Secretariat whether they have received the reply or not and the Secretariat have told him that they have not received the reply. They must say when they received the reply.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): I am informed by the Secretariat that this reply has just been received in the Secretariat. I shall find out the facts and I am directing the Secretariat to make necessary enquiries in the matter.

SHRI BHUPESH GUPTA : No, no, Mr. Vice-Chairman. Two things of information I want to know. First of

all, I am very glad that you have said it has been received now. Surely not during the question hour, but after lunch hour. You see, so far that is an established fact, according to you .

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): What is the information?

SHRI BHUPESH GUPTA: I take what you say. I accept it. What has been established is that a question was there, that a reply to the question was not given when it should be given, that when the matter has been raised by the Member who put the question, and when the privilege issue has been raised, after that the reply has come to you now. Therefore, on the merits of it, on the basis of what you said, you should now ask the Leader of the House or somebody, some member of the Government whoever it is, to explain the mystery about it. Well, it is a very serious thing, if they think they can somehow or other get away with that, when they think that the Members on this side of the House will not be sufficiently vigilant to catch the thief. I should like to know, they should explain now that they have given the reply which they should have given earlier. It is for the Government to explain. Secondly we should also like to know through what process the reply has reached you just now. Who has brought it and from where? Who has sent it? And before it reached your table, where did it reach? I would like to know these things.

SHRI BANKA BEHARY DAS: It was not received in the office. It was withheld only because the person who went as a Private Secretary . . .

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, I am taking your word. You have shown me a paper, alleged to contain or purporting to contain the reply. I believe it. Now, how has it reached your table? Who brought it? And the person who brought it, wherefrom has he got it and when?

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): Well, the facts are being collected and the House will be informed. The Secretary has just got the paper from the Secretariat. He has to find out. . .

SHRI BANKA BEHARY DAS: It was not there in the Secretariat.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): I have already ordered an enquiry and the result of the enquiry will be communicated to the House.

SHRI BHUPESH GUPTA: All right. But, therefore, you will agree that Mr. Banka Behary Das has done a service to the House with the support of Mr. Chandra Shekhar.

SHRI BANKA BEHARY DAS: Because the Personal Secretary of the Congress President is involved, it was not given . . .

*(Interruption)*

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): We go back to the debate. Mr. Kulkarni.

SHRI BHUPESH GUPTA: No, no, it is a serious question. . .

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): We cannot discuss this question now.

SHRI BHUPESH GUPTA: Deliberate suppression. *(Interruptions.)*

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): You can raise it tomorrow in the Question Hour.

SHRI BHUPESH GUPTA: No, no. I want to raise it now. Because it is the Congress President who is involved, it has been withheld. *(Interruption.)* The question is: " \_\_\_\_\_ the names and status of the persons who were issued passport to accompany the Congress President during his tour to Japan in July, 1968..." Because it involves the Congress President and his tour, all this was withheld. Therefore, the enquiry should include as to whether or not the question was sought to be avoided or withheld from the House by taking advantage of a presumed lack of vigilance on the part of the House, because the question relates to the Congress President.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): It was raised yesterday also\*

SHRI BHUPESH GUPTA: Somehow or other, where Shri Nijalingappa is there, there is trouble. There is trouble in Tokyo, there is trouble in London, there is trouble in Mysore, there is trouble in Jantar Mantar Road and in Question Hour there is trouble.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let us go back to the debate. Mr. G. R. Patil.

SHRI B. T. KEMPARAJ (Mysore): Mr. Vice-Chairman, the hon. Member has brought in some subject . . .

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): That is finished. I have called Mr. Patil.

SHRI B. T. KEMPARAJ: Whatever the hon. Member has spoken should be expunged from the record.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): No, nothing is to be expunged. *(Interruptions.)* Order, please. Will you please take your seat?

SHRI B. T. KEMPARAJ: I am raising a point of order, Mr. Vice-Chairman. My point of order is that the hon. Member, Shri Bhupesh Gupta, has brought in some matter which is not concerned with the subject that was raised. That is my first point. My second point is, without the permission of the Chair, he has tried to bring in some matter which is not relevant to the matter before us. Therefore, I submit that that particular matter may kindly be expunged.

*(Interruption)*

SHRI BHUPESH GUPTA: What the hon. Member has said should be expunged.

*(Interruption)*

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): Order, please. What Mr. Kemparaj has said is not a point of order. It is a submission and I do not accept it. Mr. Patil!

#### **THE CONSTITUTION (AMENDMENT) BILL, 1964 (To amend article 291)— continued**

SHRI G. R. PATIL (Maharashtra): Mr. Vice-Chairman, Sir, I entirely agree with the principle of this Bill that has been brought forward by the hon. Member, Shri Bhupesh Gupta, regarding amendment of article 291 and on which most of the hon. Members have expressed their opinion one way or the other. Now the Statement of Objects and Reasons says: