

SHRI BHUPESH GUPTA : This matter is very urgent and important. We find that 106 Members of the Congress . . .

MR. CHAIRMAN : It may be important but let me deal with it.

SHRI BHUPESH GUPTA : The Prime Minister is being pressurized not to amend the Official Languages Act. An agitation is being started . . .

MR. CHAIRMAN : Please understand me. If you have given the notice, leave that notice to me. I will do my best to attend to it.

SHRI BHUPESH GUPTA : Before that I want to tell you . . .

MR. CHAIRMAN : You can tell me in my Chamber. I do not want this issue to be raised here at all.

SHRI BHUPESH GUPTA : Many notices I have given but only about this I am talking here.

ANNOUNCEMENT RE TIME OF LAYING THE BUDGET (GENERAL), 1965-66

MR. CHAIRMAN : I have to inform Members that the General Budget, 1965-66 will be laid on the Table of the Rajya Sabha at 6-30 p.m. on the 27th February, 1965, and not at 6.00 P.M. as announced earlier.

RULING RE LAYING ON THE TABLE CERTAIN PAPERS RELATING TO ORISSA AFFAIRS

MR. CHAIRMAN : On the 22nd February, 1965, immediately after the Question Hour, Shri Lokanath Misra asked for my permission to lay on the Table of the House certain papers which he said were copies of the CBI Report and findings of the Cabinet Sub-Committee in regard to allegations against the Chief Minister and certain other Ministers of Orissa. I did not give him the necessary permission as I desired to examine the papers and consult the Government. On the same day in

the afternoon after the Prime Minister made a statement on the subject, Shri Lokanath Misra wanted to quote from the copies of the papers he had in his possession. I asked him not to quote from these papers as I could not see or examine them or consult the Government.

I have since seen the papers given by Shri Lokanath Misra and also consulted the Government in the matter. The Government do not propose to lay the CBI Report and the findings of the Cabinet Sub-Committee on the Table of the House as they are of the view that these are secret and confidential documents and as such privileged. In these circumstances, I will not be able to insist upon the laying of these documents by Government on the Table of the House.

The next question is whether Shri Lokanath Misra may be permitted to lay the papers which he has in his possession and which he claims to be copies of the CBI Report and findings of the Cabinet Sub-Committee on the Table of the House. I regret I cannot permit him to do so. These are in their very nature confidential and secret documents and as such I cannot permit them to be laid on the Table of the House. Besides, for obvious reasons, Shri Lokanath Misra cannot authenticate the papers he desires to lay on the Table.

As to how far Shri Lokanath Misra can, during the course of his speech in the House, make use of the contents of these papers, I would only say this much that the matter should be left to the good sense and discretion of the Member himself.

SHRI BHUPESH GUPTA (West Bengal) : Sir, when I raised this question yesterday, you said that you would also look into the original documents, the report of the C.B.I. with the Government. In your statement, you have said that you have consulted the Government but there is no suggestion that you had also seen yourself the particular document with the Government.

SHRI M. M. DHARIA (Maharashtra) : On a point of order, Sir. After the ruling given by the Chairman, I would like to know while it is open for Members to discuss it.

MR. CHAIRMAN : He is not discussing it. He has raised a point and I will be able to explain it.

SHRI BHUPESH GUPTA : It seems that the hon. Members will not allow us. He makes longer speeches than I do. All I would ask is whether the consultation with the Government included your persual of the document in the possession of the Government.

MR. CHAIRMAN : I would not like to say anything about this because I have already said whatever I had to say.

SHRI BHUPESH GUPTA : All right. The second thing is, what would be the implication of your ruling ? If I find a booklet containing the C.B.I. Report and I satisfy myself that the Report is a genuine text of what appears in the official document, naturally I can quote it in this House.

SHRI M. M. DHARIA : Again, a point of order, Sir. May I know under what rule and under what code number is the present discussion going on ?

SHRI BHUPESH GUPTA : The present discussion is going on under the rule of commonsense.

SHRI M. M. DHARIA : Nothing is allowed . . .

MR. CHAIRMAN : Since I am allowing it, you will please have patience.

SHRI BHUPESH GUPTA : All that I wish to say is that he is very intelligent; he understands even before you speak. I am not so intelligent as he is. Therefore, I want to understand the implication of what you have said because, less intelligent people like us . . .

MR. CHAIRMAN : I do not wish to explain further. I have said what I have had to say, explicitly and clearly. Whenever the occasion arises, I shall say it again.

SHRI BHUPESH GUPTA : I concede that you are very precise in your language and brief also. That is another quality of yours but the difficulty for us in dealing with these matters, the scandals of Govern-

ment is that we are not very much helped because of our weakness. So, I want to know from you as to what will happen if the Report is circulated.

MR. CHAIRMAN : I do not know. I will not give any ruling on a hypothetical question.

SHRI BHUPESH GUPTA : Therefore, you leave it to our discretion. In this matter, Government has been unfair to us. The Government has advised you wrongly. I hope, Sir, we shall bring the C.B.I. Report to the light of day.

MR. CHAIRMAN : This is the ruling I have given and it is quite clear. If a situation arises in which another ruling has to be given, I would do so.

SHRI LOKANATH MISRA : I would like to know only one thing. You had very kindly assured me that you would compare it with the copy of the Government. Has it been possible for you to do so ?

MR. CHAIRMAN : I do not wish to say what I have done. You must trust me to have done the needful.

SHRI BHUPESH GUPTA : We are not questioning you. You are the custodian of our rights. We gave you that Report and has the Government seen your Report and will the Government challenge our statement that this is the genuine text of the Report in their possession ? Let them not say anything else; let them deny it. If it is a fabricated thing let them come and deny it on the floor of the House that what has been given in your hand is not genuine.

MR. CHAIRMAN : What the Government will do you will come to know if and when they do it.

SHRI DAHYABHAI V. PATEL (Gujarat) : May we take your answer as sufficiently eloquent by itself ?

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Sir, my difficulty is this. I fail to understand how to take this whole decision because I feel very much aggrieved so to say that the position of the Chair has been compromised by the decision of

'the Government because the Chairman assured the House, or rather an hon. Member, that he will compare the copy that he submitted to the Chair with the copy of the Government and I think the Government should have been fair enough to give you the copy. The Government should not expect the high office of Chairman of the Rajya Sabha to protect their so-called secrets which can be circulated by any Member of the House or any man of the Press. So, Mr. Chairman, while appreciating, while understanding and while bowing down to your ruling, I should like to know your advice as to whether it is fair for the Government to utilise the high office of the Chairman of the Rajya Sabha to keep a secret which its own Department and its own authority could not keep. This is a very sorry tale of the working of the Government and I should like to know whether. . .

SHRI N. PATRA (Orissa) : Sir, I rise on a point of order. The hon. Member in his speech imputes that the Chairman is bowing down. . .

SOME HON. MEMBERS : No, no. (*Interruptions*).

MR. CHAIRMAN : I think now the less said about this question the better.

SHRI BHUPESH GUPTA : No, Sir, it has to be said because our suspicions are that the Government have acted in bad faith since they did not place the Report before you.

MR. CHAIRMAN : No, no. I do not want anything more to be said.

SHRI BHUPESH GUPTA : Let them deny; let them say whether they placed it before you or not.

MR. CHAIRMAN : I do not want you now to say anything. I have given the ruling and it is absolutely clear. I would not ask the Government to do anything else.

SHRI BHUPESH GUPTA : Your ruling apart, we can ask the Government. Let the Leader of the House tell us as to whether,

after you made the statement day before yesterday that you would compare with the original Report in the possession of the Government, the Government took serious note, due defential note, of your statement and brought before you on their own. The Report in thier possession. Let the Government say; you need not say.

MR. CHAIRMAN : Can you finish saying what you want to say ?

SHRI BHUPESH GUPTA : Yes.

MR. CHAIRMAN : Then please sit down. I said I do not want to say anything.

SHRI BHUPESH GUPTA : Sir, our privileges are involved here. Let the whole matter go before the Privileges Committee.

SHRI LOKANATH MISRA (Orissa) : Yes, Sir. This is a matter of privilege.

MR. CHAIRMAN : No, no.

SHRI BHUPESH GUPTA : Let it be considered by the Privileges Committee. Why do you come in the picture ?

SHRI G. RAMACHANDRAN (Nominated) : This is an unheard of thing.

MR. CHAIRMAN : There should be an end to things.

SHRI BHUPESH GUPTA : Sir, we do not get the Report; they are hiding the Report. It is cowardice on the part of the Government.

SHRI G. RAMACHANDRAN : Is there no way by which a duel of this kind between a Member and you after you have given the ruling can be stopped ? In this House we are getting it almost everyday.

MR. CHAIRMAN : Commonsense.

SHRI G. RAMACHANDRAN : Now, somebody here was thinking of your dignity as the Chairman; I am thinking of the dignity of this House as a House. Once the Chairman has given a ruling, is there nothing that you can do to see that the ruling is accepted ?

MR. CHAIRMAN : Please be quite clear; the ruling has not been questioned. The ruling holds; it has not been questioned.

سری عبدالغنی (محاب): ان اے
نوائٹ آف آرڈر— کیا کسی ممبر کو
بہ حق حاصل نہیں ہے کہ حساب نے جو
رولنگ دی ہے اسے تو نہیں لیکن یہ
بوحسبے کہ جو حساب نے پہلے فرمایا
بھا کہ آج دیکھیں گے کہ وہ کابی اس
کابی سے ملی ہے نا نہیں اس کا کیا
ہوا۔ سو کیا وہ بوحسبے کا کسی کو
حق ہے نا نہیں۔

[ش्री अब्दुल گنی (پجااب) آنا
ए पोइन्ट आफ आर्डर। क्या किसी मेम्बर का
यह हक हासिल नहीं है कि जनाब ने जा
रुलिंग दी है, उसे तो नहीं लेकिन यह पूछते कि
जो जनाब ने पहले फरमाया था कि आप
देखेंगे कि वह कभी इस बार, से मिलती है या
नहीं, उसका क्या हुआ। तो क्या यह पूछने का
किसी को हक है या नहीं ?]

श्री सभापति: मैं नहीं कह रहा हूँ।
मैंने देखा या नहीं देखा इसको आप क्यों फर्ज
कर रहे हैं। मैंने जो-जो मुनामिब समझा है
वह किया है और उसके बाद यह रूलिंग दी
है।

سری عبدالغنی: سری عرض یہی
ہے کہ کیا کسی ممبر کو یہ حق حاصل
ہے نا نہیں کہ حساب سے انفارمیشن لے
کہ حساب نے جو فرمایا تھا کہ وہ
کابوں کا مقابلہ کریں گے تو وہ کیا
نہیں اور اگر کیا تو اس کا کیا
ہوا۔

[श्री अब्दुल गनी मेरी अर्ज यही है
कि क्या किसी मेम्बर को यह हक हासिल
है या नहीं कि जनाब से इन्फर्मेशन ले कि
जनाब ने जो फरमाया था कि दोनों वापियों
का मुकाबला करेंगे तो वह किया या नहीं
आर अगर किया तो उसका हक क्या हुआ।]

श्री सभापति: मैंने इसके मुतालिक कुछ
नहीं कहा। मैंने यह नहीं कहा था कि मुकाबला
करने के बाद मैं इजाजत दे दगा। मैंने यह
नहीं कहा कि मैंने मुकाबला किया या नहीं
किया। सब कुछ जो कुछ मैं करना चाहता था
वह किया और करन के बाद इस नतीजे पर
पहुंचा हूँ।

इसलिए अब यह मामला खत्म किया
जा सके तो बहुत अच्छा है।

SHRI BHUPESH GUPTA We submit to
your ruling, Sir, but we do not agree with
it

MR CHAIRMAN There is still some
time. Let us go to the next item

THE CONSTITUTION (AMENDMENT) BILL 1965 [to amend article 319]

SHRI J S PILLAI (Madras) Sir, I beg
to move for leave to introduce a Bill further
to amend the Constitution of India

The question was put and the motion
was adopted

SHRI J S PILLAI Sir, I introduce the
Bill

THE CONSTITUTION (AMENDMENT) BILL, 1965 [to amend articles 148 and 319]

SHRI J H JOSHI (Gujarat) Sir, I beg
to move for leave to introduce a Bill
further to amend the Constitution of India