

## DEBATES

### ALLEGATIONS

#### **148. Debates: Allegations: Members should not make any allegations against members of Lok Sabha or allegations which they cannot substantiate**

On 30 May 1967, Shri Sheel Bhadra Yajee while participating in a discussion on the Hazari Report on Industrial Planning and Licensing Policy made certain allegations against Dr. Ram Manohar Lohia.

On 5 June 1967, Shri Rajnarain said that the charge made by Shri Yajee was baseless and contended that it was a breach of privilege of the House. He said that either Shri Yajee should substantiate his charge against Dr. Lohia or the matter should be referred to the Committee of Privileges. Shri Yajee was not present in the House on that day.

On 6 June 1967, when Shri Yajee was present in the House, the Chairman asked him what he had to say on the stand taken by Shri Rajnarain. Shri Yajee stuck to his statement against Dr. Lohia and declined to withdraw it. Shri Triloki Singh said that, if it was found to be a deliberately misleading statement, it amounted to a contempt of the House itself and that, in that case, the Leader of the House should make a motion that the question be referred to the Committee of Privileges. The Chairman wanted Shri Yajee to come to him later on and substantiate his charge.

On 10 June 1967, Shri Yajee saw the Chairman. The Chairman asked him whether he knew directly and from his personal knowledge anything about Dr. Lohia taking Rs. 1 lakh as alleged by him. Shri Yajee replied in the negative and admitted that he had no primary evidence in his possession for making the charge. The Chairman pointed out to him that hearsay evidence had no value so far as his present enquiries were concerned and asked him to file a written statement which Shri Yajee did. In his statement he submitted:

I never said that the money was given to Dr. Lohia in my presence. I had no intention to defame Dr. Lohia, and there was no conspiracy by me to defame him and to mislead the House.

Shri Rajnarain in his speech described my Congress Party and Congress Government as an orderly of the Birla empire and I had to pay him in the same coin.

On 19 June 1967, the Chairman gave his ruling on the matter and said:

I want to make it clear that members, who are not in a position to substantiate charges of the nature made in the present case, should not make such statements. Allegations and counter-allegations of this nature by members detract from the dignity of Parliament. As has been well stated by May, "Good temper and moderation are the characteristics of parliamentary language. Parliamentary language is never more desirable than when a member is canvassing the opinions and conduct of his opponents in debate." I would like to add that it would be a good rule to observe that members of one House should not use the freedom of speech on the floor of the House to make allegations or charges against members of the other House. As Shri Yajee has stated that he had no intention to defame Dr. Lohia or to mislead the House, I would like the matter to rest here. I hope Shri Sheel Bhadra Yajee would take note of what I have stated.

(R.S. deb. dt. 30.5.1967, Cols. 1410-11; 5.6.1967, Cols. 2208-16; 6.6.1967, Cols. 2439-43; 19.6.1967, Cols. 4656-58)

**149. Debates: Allegations: Allegations against non-members should not be made on the floor of the House**

On 8 March 1978, when Shri Srikant Verma alleged that Dr. Caroli was pressurised, the Chairman observed:

Please do not bring in the name of any person who cannot defend himself on the floor of the House.

(R.S. deb. dt. 8.3.1978, Col. 122)

**150. Debates: Allegations: Care and caution have to be exercised while making an allegation against a member of the other House**

On 17 March 1983, the Minister of Home Affairs, Shri P. C. Sethi made a statement on the situation in Assam. During the discussion on

the statement Shri Syed Shahabuddin made some allegations against Shri Atal Bihari Vajpayee, a member of Lok Sabha, in connection with the situation in Assam.

Shri Lal K. Advani protested against it and requested the Chair not to allow the allegations to go on record. He submitted that Shri Vajpayee was a member of the other House and that the privileged position of the members of this House is never availed of to make allegations of that kind.

The Vice-Chairman observed as follows:

I will ask the Secretariat to look into it and see what is to be done. *Prima facie*, Mr. Advani is right. Before referring to a member of the other House, one has to exercise lot of care and caution.

(R.S. deb. dt. 17.3.1983, Cols. 399-400)

**151. Debates: Allegations: Allegation made against the Prime Minister as also its refutation to go on record**

During a discussion on the calling attention on the take-over bids of Indian companies by certain non-residents of Indian origin, one member mentioned, *inter alia*, that the money invested was the Prime Minister's money, political money and money not earned honestly.

The Chairman observed:

Unfortunately, this comment went on record in the absence from the House of the Prime Minister and there was no chance to refute it. I have since been told that the allegation made is totally baseless. As the allegation has gone on record, I consider it fair that the refutation should also be on the record.

(R.S. deb. dt. 4.8.1983, Col. 180)

**152. Debates: Allegations: Allegation against an officer appointed by the Government is an allegation against the Government for which the Government is answerable**

On 31 August 1990, Shri M. A. Baby raised a matter under special mention procedure regarding a foreign national who was holding a high post in the Union Government. He mentioned the name of

Shri Sam Pitroda and alleged that Shri Pitroda was an American citizen holding a top post in the Union Government as Secretary in the Department of Telecommunications and *ex officio* Chairman of the Telecom Commission. The member demanded the dismissal of Shri Pitroda. Some members associated themselves with Shri Baby. Shri P. Shiv Shanker and some other members, however, objected to the allegations made against an official and wanted to know from the Chair whether any member could mention the name of a person who could not defend himself in the House.

The Deputy Chairman observed:

...it is a charge against the Government that a foreign national is being employed and the Government should look into it...So the Government has to answer why he is employed or not employed.

(R.S. deb. dt. 31.8.1990, Cols. 201-04)

### **153. Debates: Allegations: Allegations against a party and allegations against a person are different things**

On 5 September 1990, during the question hour a question was asked by Shri Atal Bihari Vajpayee and Shri Ashwani Kumar on the activities of ULFA. Shri Ashwani Kumar asked, "Does the Home Minister have any such report which says that the leadership of ULFA, AASU and AGP is almost the same. AGP in the morning, AASU in the evening, it turns into ULFA in the night."\*

The AGP member, Shrimati Bijoya Chakravarty and other members present in the House protested, saying that Ashwani Kumar's statement implies that they were anti-nationalist and that was a clear allegation. Shri G. G. Swell asked, "Are we functioning in this House according to the Rules? The Rules say very clearly that if any allegation of a defamatory nature is made, the member should first inform you and you will ascertain from the Minister..."

The Chairman observed as follows:

If a member makes a personal allegation, then he has to give notice. But you and I, all of us, know that day in and day out

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\*Spoke in Hindi

allegations are made from both sides on political parties. But in this case I specifically asked Mr. Ashwani Kumar because I thought perhaps he does not want to make an allegation against any constituent of the National Front. So it is for him to say 'yes' but I am making it very clear that making an allegation against a party and making a personal allegation are two different things. That is the legal position. Mr. Swell knows it very well.

(R.S. deb. dt. 5.9.1990, Cols. 8-12)

**154. Debates: Allegations: While making an allegation against a Minister, a formal motion should be moved**

On 28 July 1992, during zero hour, Shri Yashwant Sinha raised a point alleging that the Minister of State (Independent Charge) of the Ministry of Planning and Programme Implementation and also Minister of State in the Ministry of Non-Conventional Energy Sources, Shri Sukh Ram, while replying to a short notice question regarding sharing of the Eighth Plan document by the Government with the World Bank, had made an apparently untrue statement in the House on 27 July 1992. This led to some controversy and some members objected to making an allegation against a Minister on the basis of newspaper reports without authentication.

Thereupon, addressing the agitated opposition members, the Deputy Chairman ruled:

You authenticate. My ruling would be, according to rule 238, when you are making an allegation against a Minister, you should move a formal motion.

(R.S. deb. dt. 28.7.1992, Cols. 265-72)

**155. Debates: Allegations: Reading from newspapers is not an allegation made by the member**

While mentioning about a Select Committee during a short duration discussion, a member was quoting from a newspaper report. When some members objected to it, the Deputy Chairman observed:

If any member speaks about the functioning of a Select Committee on his own initiative and criticizes the conduct of any member on the floor of the House, I will not permit it. But, he is

not doing it himself...If he is reading from the papers, he is only quoting it. And it will come on record that it is not his allegation; it is what the newspaper has said.

(R.S. deb. dt. 7.12.1998, Cols. 294-95)

**156. Debates: Allegations: Something said in the House, if it is of a nature of an allegation, has to be substantiated**

On 28 February 2000, during a short duration discussion on the failure of the Government of India to prevail upon the Gujarat Government to withdraw the circular removing the ban on its employees participating in RSS activities, some members objected to Shri Ramesh Agarwal's referring to the circular without placing it on the Table of the House and sought the ruling from the Chair.

The Deputy Chairman, thereupon, ruled:

The ruling of the House has always been that whatever is said in the House, if it is of a nature of an allegation, it has to be substantiated. Now, many things appear in the newspapers. But, you do not have any authenticity that all these things are true. If you want to authenticate that newspaper report, I have no objection. It is entirely up to you. If you want to authenticate that this is a correct news item which appeared in a newspaper, it is up to you, then you will have to take the responsibility.

(R.S. deb. dt. 28.2.2000, pp. 215-29)

**157. Debates: Allegations: Allegation needs to be substantiated**

On 24 April 2000, while discussing Motion of Thanks on the President's Address, Shri Vayalar Ravi raised a point of order on Shri B. P. Singhal's allegation against a particular community. Shri B. P. Singhal stated that it was not against a community but against a Chief Minister whom he would not name as it was not proper.

At this point, the Deputy Chairman said:

...if you make an allegation or if you are making quotation from someone, you must be specific about it, which particular person has said what particular thing. Either that person, if it is possible, can give a personal explanation or he can refute your charges. Whatever is spoken in the House has to be substantiated.

Shri Satish Pradhan posed a question to the Chair, "If you mention any particular person or particular Chief Minister, then that person or that Chief Minister is not in a position to come here to defend himself...Therefore, his name should not be taken. On the one hand, we are asking him not to take the name of anybody or to point an accusing finger against a particular person; on the other hand we are also asking him to substantiate it. How is it possible?"

After listening to the question, the Deputy Chairman gave the following ruling:

It shows that he cannot mention things which he cannot substantiate or he should not take the names of those persons who cannot come here to defend themselves. He should not say what somebody else has said, without giving the names because this is not his quote. Whose quote it is, we do not know. He cannot quote somebody who cannot answer over here. He should not mention such things. He is capable of making his own points, not another person's points, which he is not able to substantiate.

(R.S. deb. dt. 24.4.2000, pp. 209-11)

#### **158. Debates: Allegations: Prior notice to be given to member against whom an allegation is made**

On 30 November 2000, during a discussion on a calling attention regarding LTTE activities and action taken by the Government Shri S. Peter Alphonse began to quote from a notice which appeared in a Tamil daily *Dinakaran*, in which the Minister of Defence was also mentioned. The Minister of Home Affairs, Shri L. K. Advani, appealed to the member to have it translated and authenticated to enable him to pursue the matter. The Deputy Chairman too said that when anybody brings a paper making an allegation against any other member or a member of the Council of Ministers, he has to authenticate it and further stated:

Rule 238, I think, (A) has to be followed.. Whether it is in any newspaper or any other document, he should give a prior notice to that person, the Member of Parliament, so that he can come here and answer...so, please, I am not allowing this and your allegations, in this manner, are wrong. It is out of order.

(R.S. deb. dt. 30.11.2000, pp. 58-61)

## CLARIFICATIONS

### **159. Debates: Clarifications: Chair: The Chairman can permit a Minister to lay a statement on the Table of the House without allowing clarifications at that point of time**

On 26 April 1982, Shri Lal K. Advani raised a point of order when the Minister of State in the Ministry of Railways, Shri C. K. Jaffar Sharief, got up to lay a statement on the Table of the House. The statement was regarding construction of new railway lines on a priority basis in West Bengal, Haryana, Himachal Pradesh and Kerala where the date of election had already been announced by the Election Commission.

Shri Advani said that according to the model code of conduct for the guidance of the political parties and candidates, issued by the Election Commission of India, Ministers and other authorities should not make any promises to the electorates about the construction of roads, provision of drinking water facilities, etc. which might influence the voters in favour of the party in power. He also said that in that particular context, there was a deliberate violation of the instructions issued by the Election Commission.

Shri Rameshwar Singh, Shri Shiva Chandra Jha, Shri Sadashiv Bagaitkar, Shri Amarprosad Chakraborty, Shri S.W. Dhabe, Prof. Sourendra Bhattacharjee, Shri Pilo Mody and Dr. Bhai Mahavir supported Shri Advani's view. According to the members, the code of conduct was accepted by all and that was why they expected morality from the Government.

Shri Shiva Chandra Jha's view was that the Minister should read the statement instead of laying it on the Table of the House, so that the members could seek some clarifications.

The Vice-Chairman ruled:

I will give my ruling. Some points of order have been made. Under rule 251 of the Rules of Procedure of this House a statement may be made by a Minister on a matter of public importance with the consent of the Chairman but no question shall be asked at the time the statement is made. Therefore,

whatever may be the morality of the thing, the Chair is not here to rule on that. The Minister is permitted to lay the statement on the Table.

(R.S. deb. dt. 26.4.1982, Cols. 148-59)

**160. Debates: Clarifications: Chair: Clarifications can be sought in the House only with the permission of the Chair**

On 5 May 1984, while Shri P. N. Sukul was taking part in the discussion on the working of the Ministries of Education, Culture and Social Welfare, Shri R. Mohanaragam wanting to seek clarifications, was interrupting him time and again. At this stage, rising on a point of order Shri Syed Sibtey Razi questioned the propriety of a member to interrupt or seek clarification without the permission of the Chair.

Reacting on the point of order, the Vice-Chairman observed:

What the hon'ble member, Shri Syed Sibtey Razi, has said is correct; it is upheld. It is for the member to ask the Chair or to rise on a point of order and then ask for any clarification. Of course, in a parliamentary debate healthy interruptions are also welcome, but they should not be of such a nature that will reflect on the debate itself or take away the spirit of the debate itself. If we do that, we will be entering into unnecessary controversy. With this spirit only the House will function.

(R.S. deb. dt. 5.5.1984, Cols. 117-18)

**161. Debates: Clarifications: Members: While seeking clarification on any matter, members should not turn the discussion into a debate**

On 25 July 1985, some members sought clarifications on the reported statement of the Prime Minister regarding promulgation of emergency, made on 7 July 1985, at a press conference. There were repeated interruptions during the discussion. When the Prime Minister, Shri Rajiv Gandhi, was answering to a question put by Shri Dipen Ghosh, Shri Ghosh sought to know the circumstances leading to the imposition of internal emergency in 1975.

At this point the Chairman said:

Now you are arguing. This is an assembly in which you will ask for clarifications, answers will be given. You may be satisfied. You may not be satisfied. The procedure in Parliament is that, you seek clarifications, answers are given; if you are not satisfied, then, there are other modes of expressing your dissatisfaction, not disturbing the answer.

(R.S. deb. dt. 25.7.1985, Col. 176)

**162. Debates: Clarifications: Members: Members can ask for further clarifications during a debate**

On 7 August 1985, after the answers were furnished to the supplementaries to starred question no. 222 regarding measures to control floods in Assam asked by Shri Indradeep Sinha, Shri Jaswant Singh complained that his question has still remained unanswered.

The Chairman commented:

It will remain so.

When Shri Jaswant Singh wanted to know the reason thereof, the Chairman said:

Because, this is not a debate and it will remain so. In a debate you can ask for further clarifications.

(R.S. deb. dt. 7.8.1985, Col. 16)

**163. Debates: Clarifications: Members: Members can seek clarification only on a *suo motu* statement by a Minister**

On 28 April 1987, while the Prime Minister was responding to certain points raised by Shri Dipen Ghosh and others to a reported contradiction between the statement of the Prime Minister of India and the Prime Minister of Sweden with regard to the purchase of guns from Bofors of Sweden, Shri Parvathaneni Upendra sought a clarification from the Prime Minister on certain points.

The Chairman ruled:

Now please sit down. The procedure that we have followed in this case is that you will mention the subject and the Prime Minister will respond. If the Prime Minister makes a *suo motu* statement, you are entitled to ask him for clarification. Now the Prime Minister's statement is just in response to your question. Tomorrow there is going to be a full-dress debate on Defence. You can raise all these points there and the Minister concerned will reply.

(R.S. deb. dt. 28.4.1987, Col. 184)

**164. Debates: Clarifications: Members: Members should be brief while seeking clarifications**

On 16 August 1993, while seeking clarifications on a statement made by the Minister of State in the Ministry of Home Affairs, Shri Rajesh Pilot, Shri Jagmohan kept on speaking despite the time bell. The Vice-Chairman told the member that he had taken more than five minutes and ruled:

...there is a rule that for clarifications only three minutes will be given to each member.

(R.S. deb. dt. 16.8.1993, Cols. 263-64)

**165. Debates: Clarifications: Members: Clarification cannot be sought from a member**

On 30 November 2000, during a discussion on the calling attention regarding LITE activities and action taken by the Government, when Shri Balbir K. Punj was speaking, another member, Shri S. Peter Alphonse, intervened seeking clarifications. Shri Punj, however, refused to yield. When Shri Alphonse insisted, the Deputy Chairman maintained:

No. A clarification cannot be sought from a member.

(R.S. deb. dt. 30.11.2000, pp. 44-46)

**166. Debates: Clarifications: Ministers: When a Minister clarifies on a question, he cannot be questioned further on it**

On 7 August 1997, during the question hour, the Minister of Defence, Shri Mulayam Singh Yadav, clarified an answer he had given the day before to a question regarding middlemen or agents in the procurement of weapons. This led to further questions from Shri K. R. Malkani.

At this, the Deputy Chairman explained the rule position:

When an hon'ble Minister corrects a question, you cannot ask him questions.

(R.S. deb. dt. 7.8.1997, Col. 225)

**167. Debates: Clarifications: Procedure: Clarifications on statements made by Ministers cannot be sought without prior intimation**

On 27 August 1987, Shri Ram Chandra Vikal insisted upon the Chair to allow him to seek clarification over the statement made by the Minister of State in the Ministry of Agriculture, Shri Yogendra Makwana, on "Procurement prices in respect of Paddy and Kharif coarse cereals for 1987-88 marketing season fixed by the Government."

Reminding the member about the rules and procedures of the House, the Vice-Chairman observed:

I cannot help. I have to go by the procedure. There is a procedure when a Minister makes a statement. All those members who want to seek clarifications should give their names before the Minister makes his statement, and on the first-come-first-served basis, one member from each party is allowed. That is the procedure. If you want to violate it, how can the Chair help?

(R.S. deb. dt. 27.8.1987, Cols. 388-89)

**168. Debates: Clarifications: Statements: Clarifications on a statement can be sought only on party basis**

On 6 August 1984, after the Minister of State in the Ministry of Tourism and Civil Aviation, Shri Khurshid Alam Khan made a statement about the bomb explosion at Madras Airport, Shri R. Ramakrishnan

called the attention of the Chair and said that he should be called first to seek clarification for he was first to give the name. But the Deputy Chairman said that he would be calling members party-wise. The member, however, said that the procedure in the past had been to call members on first-cum-first basis. Denying that there is any rule even for seeking clarifications, the Deputy Chairman observed:

Now this thing has become party-wise. Earlier, one person or two persons or three persons used to ask. Now every party from the Opposition wants to ask. So it has become party-wise.

(R.S. deb. dt. 6.8.1984, Cols. 286-88)

**169. Debates: Clarifications: Statements: Clarifications on a statement should not be converted into a full discussion**

On 25 March 1992, when the clarifications were being sought on the statement made by the Home Minister on the Ram Jannabhooni-Babari Masjid issue, Shri Dipen Ghosh raised a point of order regarding a member converting clarifications into a debate. He observed that Shri Sikander Bakht had crossed the time limit turning the clarifications into a long discussion.

In response to the point of order, the Vice-Chairman gave the following ruling:

Let me make it very clear that these are only clarifications.. The point is you cannot convert it into a debate. It is only clarifications.

(R.S. deb. dt. 25.3.1992, Cols. 385-406)

**CONDUCT**

**170. Debates: Conduct: Comptroller and Auditor-General: The Comptroller and Auditor-General cannot be criticised in the House, except on a substantive motion**

When the Comptroller and Auditor-General (Conditions of Service) Bill, 1953 was being discussed, Shri B. Rath said that though the then incumbent of the office of the Comptroller and Auditor-General had discharged some of his responsibilities very well, he had failed, in spite of his independence, to control certain things.

The Deputy Chairman observed:

I will not allow any reflections to be cast on the Auditor-General... the hon'ble member said that the Auditor-General had failed in his duty. No reflection can be cast on him. He is a person of high authority removable under the Constitution. If he has failed in his duty there are certain ways of removing him..

Rule 200(v)\* says that a member while speaking shall not "reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms." This is not a substantive motion to criticize the Auditor-General or to remove him.

(R.S. deb. dt. 7.5.1953, Cols. 5174-78)

**171. Debates: Conduct: Governor: Mentioning the very fact of exceeding the prescribed expenditure by a Governor may be allowed, but not a discussion of his conduct**

On 23 February 1988, Shri Parvathaneni Upendra raised an issue of reported violation of prescribed ceiling on expenditure by the Governor of Andhra Pradesh through a special mention. Members from the Treasury Benches objected to this, saying the provision that the conduct of persons in high authority cannot be discussed unless there is a substantive motion. Shri Upendra then referred to the Governors (Employment, Allowances and Privileges) Act and submitted that Parliament is entitled constitutionally to discuss excesses in expenditure by any Governor. To put an end to the arguments and counter arguments, the Chairman ruled:

So far as this question is concerned, my clear ruling, without any iota of doubt, is that reference to that is completely constitutional, legal, democratic and fundamental. But at the same time - mind it - I expect the Opposition to remember which I tell that any aspersion on the person of the Governor will not be permitted, cannot be permitted under the Constitution. And both things are vital because, please remember, the Governor is an integral part of the legislative process.

(R.S. deb. dt. 23.2.1988, Cols. 196-203)

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\* Old rule

**172. Debates: Conduct: Governor: Governor's conduct cannot be discussed in the House till the Proclamation issued by the President in respect of a State is placed before the House**

On 24 April 1989, Shri P. Upendra, Shri Dipen Ghosh and others gave a notice for the suspension of the question hour in order to discuss a motion for removal of the Governor of Karnataka. The opposition members alleged that the Governor had committed a fraud on the Constitution of India. Even after the motion to suspend the question hour was negatived, the opposition members insisted on discussing the conduct of the Governor.

Thereupon, the Chairman gave the following ruling:

Will you please allow me to say something? Please remember, so far as this discussion is concerned, the Proclamation will come before the House. The Home Minister will place it here. The Proclamation will contain in it the views expressed by the Governor and once the Proclamation is here, I think you would all agree with me, the Proclamation will be our property and we will discuss it then...

The Chairman further observed:

Till the Proclamation is here, till the recommendation of the Governor as given to us is before the House, I do not allow any discussion on the Governor. This is my ruling.

(R.S. deb. dt. 24.4.1989, Cols. 3-5)

**173. Debates: Conduct: Judges: Members cannot discuss the conduct of Judges of the Supreme Court or a High Court in the discharge of their duties**

Shri P. N. Saprú, while speaking on the High Court Judges (Conditions of Service) Amendment Bill, 1961, made a reference to a judgment of Mr. Justice Mulla of the Allahabad High Court and said that it was not right for the Judge to comment upon the entire police force.

The Deputy Chairman said:

He has made certain remarks in the discharge of his duties and it will not be proper to criticise them... Article 121 of the Constitution says that no discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

(R.S. deb. dt. 5.12.1961, Cols. 1132-36)

**174. Debates: Conduct: Judges: Members cannot discuss the conduct of Judges of the Supreme Court or a High Court in the discharge of their duties**

On 12 August 1993, during a short duration discussion on the verdict of the Swiss Supreme Court relating to Bofors, Shri Ram Jethmalani referred to the behaviour of the Delhi High Court Judges and levelled certain charges against them. Shri Madan Bhatia raised a point of order saying that Shri Jethmalani could not discuss the conduct of the Judges of the High Court.

The Vice-Chairman accepted Shri Madan Bhatia's point and ruled:

...it had been the practice and convention of this House that any remark which relates to the conduct of a Judge should not be made by a member in his speech.

(R.S. deb. dt. 12.8.1993, Cols. 300-02)

**175. Debates: Conduct: Persons in high authority: Members cannot make any reflection on the conduct of persons in high authority except on a substantive motion drawn in proper terms**

Shri Bhupesh Gupta while speaking on the Motion of Thanks on the President's Address referred to a speech made by the President at the Indian Law Institute in November 1960. In that speech the President had asked the lawyers to study scientifically as to what extent and in

respect of which matters the powers and functions of the President of the Union of India differed from those of the British Crown. The member said that the President should not have raised such a controversial issue as it was likely to give rise to very serious political controversies.

The Minister of Home Affairs, Shri Govind Ballabh Pant, asked whether it was open to the Council to discuss any statement made by the President outside the House or any action taken by the President as such.

The Deputy Chairman said:

We are not concerned with what the President said elsewhere, and you cannot discuss it here, nor can you cast any reflections. I would like you to refer rule 200, sub-rule (v)\*-

reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms.

We are now concerned with what the President said to the Houses of Parliament. So please be relevant and do not bring in extraneous matter.

(R.S. deb. dt. 20.2.1961, Cols. 498-501)

**176. Debates: Conduct: Persons in high authority: Members cannot make any reflection on the conduct of persons in high authority, except on a substantive motion**

On 4 December 1987 while Shri Salve was participating in a discussion about the reported remark of the Home Minister against the Chief Minister of Andhra Pradesh, Prof. C. Lakshmana interrupted him again and again by saying that Shri Salve cannot take the name of the Chief Minister.

Reminding him about the procedure of the House, the Deputy Chairman remarked:

Listen, something was reported in the press and allegedly Mr. Buta Singh who is the Home Minister has said something

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\* Old rule

against the Chief Minister of Andhra Pradesh, Mr. N. T. Rama Rao...Listen, the Home Minister, Mr. Buta Singh has said something, but about whom and against whom?...Listen, without any substantive motion if they cannot even utter the name of Mr. N. T. Rama Rao, without any substantive motion you cannot also utter the name of the Home Minister.

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I can show you what Mr. P. Upendra has said yesterday. He said that the subject matter should be what has been reported in the press. That is the subject matter. In the press it has been reported, the name of the Home Minister and the Chief Minister also. Therefore you may say.. This is rather over-sensitive. If there are false allegations those charges should be refuted - if he has not said it he will have to say he has not said it - if the charges are not true you will have to say. But what is being discussed is the alleged charges against somebody made by somebody. That is in the press.

(R.S. deb. dt. 4.12.1987, Cols. 215-20)

### **177. Debates: Conduct: Persons in high authority: Members should not speak against people in high offices**

On 12 March 1991, the House was discussing a resolution seeking approval of continuance of President's Proclamation under article 356 in relation to Assam. During the discussion, Shri V. Gopalsamy, made certain adverse remark about the role of Indian Army. Some of the members protested against the remarks of Shri V. Gopalsamy.

The Deputy Chairman observed:

There are certain traditions of this House; there are certain conventions and certain rules. We do not talk against people in high offices. It is a constitutional obligation not to speak against them. Secondly, those persons who are not present over here to defend themselves, please do not talk about them. Do not say something and force me to remove it from the records. Please exercise restraint on your own.

(R.S. deb. dt. 12.3.1991, Cols. 104-06)

**178. Debates: Conduct: President: Conduct of the President should not be discussed in the House**

During the course of discussion on the Finance Bill, 1970, Shri Rajnarain brought in the name of the President.

The Vice-Chairman stated that the conduct of the President should not be discussed.

On this, Shri Pitamber Das tried to make a distinction between the Office of the President and his personality, saying that one was free to criticize the person in his individual capacity.

In this context, the Vice-Chairman ruled:

I mentioned it as a fact. But in view of the situation and the provision, I think it will be a very dangerous precedent if I held that a person so long as he occupies that position should be separate from the office. So neither by the name of the President nor, so long as he is the President, by the name of Mr. Giri, should we discuss his conduct. So my ruling is that such a discussion cannot be allowed.

(R.S. deb. dt. 12.5.1970, Cols. 162-69)

**EXPRESSIONS**

**179. Debates: Expressions: The word 'humbug' is not unparliamentary**

On 26 August 1969, during the question hour, not satisfied with the replies given by the Deputy Minister in the Ministry of Finance and the Minister of State in the Ministry of Finance, to his supplementary questions regarding shares purchased by the L.I.C., Shri Chandra Shekhar said that he did not understand "this whole humbug about it".

Shri N. Sri Rama Reddy, rising on a point of order, asked whether the word 'humbug' used by Shri Chandra Shekhar was parliamentary.

The Deputy Chairman ruled:

'Humbug' is not unparliamentary.

(R.S. deb. dt. 26.8.1969, Col. 5612)

**180. Debates: Expressions: The term 'errand boy' should not be used for members**

During the course of his speech on the Foreign Exchange Regulation Bill, 1973, Shri S. S. Mariswamy referred to Shri K. A. Krishnaswamy as an 'errand boy'.

The Deputy Chairman said:

You cannot refer to an hon'ble member like that.

(R.S. deb. dt. 3.9.1973, Col. 110)

**181. Debates: Expressions: The word 'committed' is not unparliamentary**

The Minister of State in the Ministry of Finance, Shri K. R. Ganesh, while answering a question raised by Shri Krishan Kant, said that the hon'ble member was a knowledgeable and a committed member. Shri A. G. Kulkarni asked whether he was correct in using the word.

The Chairman said:

'Committed' is not an unparliamentary word.

(R.S. deb. dt. 23.4.1974, Col. 19)

**182. Debates: Expressions: Use of word 'irrelevant' is parliamentary**

On 26 July 1977, the Minister of Health and Family Welfare, Shri Rajnarain, described as *anargal* a supplementary question asked by some members in relation to short notice question no. 2, whereupon points of order were raised by Shri N. P. Chaudhari and others objecting to the word *anargal*. In their view, it meant an aspersion on the members. They contended that the use of the said word was unparliamentary and that it should be either expunged from the records or withdrawn by the Minister. Shri G. Lakshmanan defended the use of the word *anargal*, saying that whatever the member spoke might, according to the Minister, be irrelevant to the question before the House and that he (Shri Lakshmanan) himself had often heard Chairman telling the House that the certain points raised by members were irrelevant. Shri Lakshmanan, therefore, said the use of the word irrelevant was not unparliamentary and there was no harm in using it.

The Chairman then observed:

What does the word mean? Perhaps it is 'irrelevant'. 'Irrelevant' is absolutely parliamentary.

(R.S. deb. dt. 26.7.1977, Cols. 36-38)

**183. Debates: Expressions: 'Bluff' and 'bluffer' are parliamentary expressions**

On 26 April 1979, speaking on the Appropriation (No. 3) Bill, 1979, Shri Bhupesh Gupta used the words 'bluff' and 'bluffer' in respect of the Finance Minister. Shri Harekrushna Mallick raised the point whether these words are parliamentary or not.

The Vice-Chairman observed:

'Bluff' is a parliamentary word; 'bluffer' is also a parliamentary word.

(R.S. deb. dt. 26.4.1979, Cols. 188-90)

**184. Debates: Expressions: The word 'fraud' can be used in a certain sense**

On 26 February 1986, with reference to the observance of Bharat Bandh by opposition parties and demand by the Government employees for amendment of article 311 of the Constitution, Shri Lal K. Advani raised a few points along with other members. Supporting the 'Bharat Bandh' against the price hike and in support of the Government employees demand for an amendment in the law relating to article 311(2) and article 310, Shri Advani said that it was a kind of fraud that was being perpetrated on the people of the country. The Minister of Parliamentary Affairs stated that the word "fraud" used by Shri Lal K. Advani was not proper.

The Chairman observed:

It is quite legal to use words like 'fraud on the Constitution', 'fraud on the procedure' and so on. Therefore, it is only in that sense it has been used.

(R.S. deb. dt. 26.2.1986, Cols. 190-92)

**185. Debates: Expressions: The word 'jamboree' can be used in the proper context**

On 27 February 1986, speaking on the Motion of Thanks on the President's Address, Shri Jaswant Singh mentioned about the manner in which Governors are appointed, transferred and removed. He also expressed his surprise over the fact that Governors of States should blatantly attend a jamboree held in Bombay, at the end of the year, which was a Congress centenary jamboree.

When the members raised objections to the word 'jamboree', the Vice-Chairman, observed:

For the information of the hon'ble members, Secretary-General gives me the dictionary meaning of the word 'jamboree'. 'Jamboree' means celebration, merry-making, large rally of scouts and guides...I am just giving you the dictionary meaning..Let him understand it the way in which he wants you to understand it. The member is capable of using the word in a proper context. According to you it may not fit into the context.

(R.S. deb. dt. 27.2.1986, Cols. 257-58)

**186. Debates: Expressions: Nobody can object to the expression of opinion by other person so long as it is parliamentary**

On 13 November 1986, speaking on a calling attention regarding the agitation launched by the Gorkha National Liberation Front for a separate Gorkhaland, Shri Dipen Ghosh asked the Home Minister why he wanted the West Bengal Government to initiate discussion with the GNLF leader.

The Prime Minister, Shri Rajiv Gandhi, intervened and his reply drew continuous interruptions from Shri Ghosh.

The Chairman then observed:

Mr. Ghosh, you are entitled to express your opinion. The Prime Minister is entitled to express his opinion. Nobody, in any democratic system, can object to the expression of opinion by other persons so long as it is parliamentary. If you do not like it, you can say, "I do not like it". But you cannot prevent him from saying what, in his opinion, is right.

(R.S. deb. dt. 13.11.1986, Cols. 200-05)

**187. Debates: Expressions: Certain words with reference to a Minister and also a party can be unparliamentary**

On 20 April 1987, Shri K. Mohanan was initiating a short duration discussion on the reported decision of the Government to institute an inquiry into the involvement of commission agents in certain defence deals. The Deputy Chairman objected to the use of unparliamentary words in his speech and ruled for the expunction of a particular word. Shri Jaswant Singh defended the use of the word on the ground that the word was not unparliamentary.

After carefully listening to the point raised by Shri Jaswant Singh, the Deputy Chairman remarked:

I have followed what you said. In the list of unparliamentary expressions which have been given, if it is referred to a Minister\*, it is unparliamentary. And that is why it is expunged.

Further replying to the query of a member whether the use of that word with reference to a party is unparliamentary or not, the Deputy Chairman observed:

Please sit down, I am giving a ruling on that also. Even with reference to a party if you say that, even that is unparliamentary.

(R.S. deb. dt. 20.4.1987, Cols. 180-81)

**188. Debates: Expressions: The word 'lie' referred to a news item is permissible**

On 2 August 1991, Shri Ram Jethmalani was giving a personal explanation about certain allegations made by some members against him. Shri Jethmalani used the word 'lie' while referring to a newspaper report. Raising a point of order, the Minister of State in the Ministry of Home Affairs, Shri M. M. Jacob, urged upon the Vice-Chairman to expunge the word 'lie' from the record because the word was unparliamentary.

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\* Expunged as ordered by the Chair

The Vice-Chairman overruled the point of order by making the following observation:

A point of order has been raised by Mr. Jacob that the word 'lie' has been used. This does not refer to any member of the House. The hon'ble member has referred only to a news item and, therefore, there is nothing wrong in that.

(R.S. deb. dt. 2.8.1991, Cols. 187-90)

## GENERAL

### **189. Debates: A member can refer to speeches made in Lok Sabha by Ministers**

When the Constitution (Third Amendment) Bill, 1954, was being discussed, Shri S. Banerjee read out an extract from the speech made in Lok Sabha by the Minister in-charge of the Bill. Shri B. K. P. Sinha rose on a point of order and asked whether a member could refer to and read from a speech made in the other House.

The Deputy Chairman ruled:

It is a statement made by the Minister... He can refer to it when the speech is from the Minister.

(R.S. deb. dt. 15.9.1954, Cols. 2308-11)

### **190. Debates: While members have a right to put questions and get all the information required to base their views on any question, they should not ask for the names of the individuals concerned in the matter to be divulged**

On 16 March 1966, the Minister of Finance, Shri Sachindra Chaudhuri, made his statement in reply to a calling attention notice of Shri M. P. Bhargava regarding the policy governing the release of foreign exchange for medical treatment to individual applicants. Shri M. P. Bhargava wanted the names of the parties in whose favour such sums had been released. Shri Dahyabhai V. Patel also supported the demand for divulging of the names.

The Chairman said:

You can ask for the number. You can ask for the highest amount sanctioned. You can ask for the smallest amount sanctioned.

That makes it impersonal and you can get all the information on which you can base your views but to insist to have the names, is, I think, not very healthy.

(R.S. deb. dt.16.3.1966, Cols. 3340-43)

**191. Debates: Names not to be disclosed until *prima facie* case has been established**

Starred question no. 324, dated 20 May 1970, was about seizure of fake ten dollar notes in Mysore. Some members wanted to know the name of the person from whom the notes were seized. The Minister of State in the Ministry of Home Affairs said that the matter was under investigation and during investigation details could not be disclosed. He, however, added that he would give the name if the Chairman allowed it.

The Chairman observed:

When the Investigating Department, that is, the Police Department, which investigates, arrives at its conclusions and feels there is a *prima facie* case, after that, there is no harm in disclosing the name because the name will be in the court and the court proceedings are public, but until that stage arrives, I do not think it will be proper that the name should be disclosed. My reason is that if the Police itself considers that there is no case against him and that he is an innocent person, then unnecessarily his reputation will be besmirched.

(R.S. deb. dt. 20.5.1970, Cols. 18-20)

**192. Debates: The House cannot be guided by statement reported by somebody**

On 9 August 1974, Shri Prakash Vir Shastri and Shri Niren Ghosh, during a reference to a point of privilege arising out of answer to starred question no. 325, raised the matter of the action being taken and the punishment proposed to be awarded to Shri A. G. Kulkarni and Shri Krishan Kant, outside the House, and wanted to raise a discussion.

The Deputy Chairman observed:

Mr. Niren Ghosh, there is nothing before the House which concerns the matter that you have raised. This matter was raised

yesterday. I may tell you that we are not going to be guided by what is supposed to be a reported statement reported by somebody. There is nothing there. I am sorry, I will not permit this kind of a discussion.

(R.S. deb. dt. 9.8.1974, Cols. 1-2)

**193. Debates: A Bill which is not before the House cannot be discussed**

On 1 September 1976, when Shri Krishan Kant wanted to speak about the fundamental duties that are sought to be embedded in the Constitution to inspire the people significantly, the Chairman observed:

You can speak now without reading all that is written because the Bill is not before the House. If you want, you can speak. You can make copious references to the notes. You can use them. If you read continuously, it is not a speech.

The Chairman further observed:

The fundamental duties are mentioned in the new Bill. Why are you referring to it? If you do that, I will have to stop it completely, whatever it is..

I have allowed you with reference to the present Bill. If you mentioned something else casually here and there, one can understand. If you want to make a case that you can speak on this, then I have not given you permission. You should not misuse your meeting me...You cannot speak about what is yet to be introduced. You must be very clear about it. I have given you time. If you want to speak, you speak; otherwise, you can stop.

(R.S. deb. dt. 1.9.1976, Cols. 38-43)

**194. Debates: Names of persons who are not present in the House need not be mentioned**

On 16 June 1980, Shri Nageshwar Prasad Shahi, while referring to the law and order situation in Delhi, mentioned the name of Shri P. S. Bhinder, the Police Commissioner of Delhi. To this, objection was taken by the Minister of Information and Broadcasting,

Shri V. P. Sathe, stating that the aspersion on the person was uncalled for when the person concerned was not present to defend himself. In this connection, he also referred to *May's Parliamentary Practice*.

The Vice-Chairman observed:

In this House there are certain conventions; parliamentary practice might be anything in the other House; Rajya Sabha has its own code and practices; names are mentioned and we ignore them.

On 18 June 1980, again a similar situation arose when the name of Shri J. D. Tytler, a member of the other House, was mentioned by Shri Rameshwar Singh, in the course of supplementaries relating to the question of misuse of public school funds. An objection to this was taken by the Chairman who observed that there existed a clear rule to the effect that the name of a person connected with another Government or a member of another Legislative Body should not be taken because he was not present here to defend himself. Shri A. G. Kulkarni, a member in the panel of Vice-Chairman, differed with this ruling that the names of the members of the other House should not be taken because the House had the practice of naming as such, and as per the convention also names were freely mentioned; one might ignore them, that was a different matter.

At this stage, the Chairman observed:

In view of what has been said by Mr. Kulkarni, who has got more experience of this House than I have, I would rather take time to make up my mind and consult him.

When some members insisted, the Chairman further observed:

I think at the moment I have ruled that I shall discuss it with my Vice-Chairman and see... Now I think we will pass on to the next question.

(R.S. deb. dt. 16.6.1980, Cols. 160-63; 18.6.1980, Cols. 1-12 and 17)

**195. Debates: Matters pertaining to Centre-State relations should be raised through a substantive motion instead of a special mention for better debate**

On 18 July 1986, the Chairman allowed Shri P. Upendra to make a reference to matters pertaining to Centre-State relationship. Then,

Shri N. K. P. Salve raised a point of order saying that matters impinging on the question of federalism in the Constitution should not be allowed to be raised through a special mention. He also said that such matters should be raised through a substantive motion so that the members and the Minister might have an opportunity to have their say thereon.

The Chairman allowed the members to make their observations on the point of order raised by Shri Salve. Having heard their views, the Chairman gave the following ruling:

May I give my ruling? Hon'ble members are aware that in the past, I have allowed special mentions of this kind whenever Ministers made statements relating to affairs connected with the States. This is the Council of States and, therefore, matters relating to relationship between the Centre and the States can appropriately and legitimately be discussed. Since Mr. Salve has raised a point of order, I am bound to give my thought to this point of order and give a ruling which will put at rest this point for eternity; at least till it is changed by other Chairmen.

I am now faced with two options. One whether I allow special mention or number two, whether I allow a substantive motion I think there will be a better debate on substantive motion than a mere special mention. And I, therefore, say that there will be substantive motion on this subject and parties may give a notice of substantive motion.

(R.S. deb. dt. 18.7.1986, Cols. 196-211)

**196. Debates: Any matter which is likely to be discussed in a substantive manner in any of the later proceedings, mere motion is not allowed**

On 27 April 1987, Shri P. Upendra was making a submission on the Inquiry into Fairfax Affair by a Judicial Commission headed by Justice Thakkar and Justice Natarajan. He was of the opinion that terms of reference of the Commission should have been extended to the siphoning off of funds abroad and holding of illegal funds abroad by the Indians. At the end of his submission the Chairman asked the Finance Minister to take note of this. At this point Shri Dipen Ghosh drew the attention of the Chair and said that the Minister should not

only take note of it but also express his reactions in view of a notice given by some members for a motion for amplification, modification and expansion of the terms of reference. To this submission, the Chairman observed:

Mr. Dipen Ghosh, you know the Rules. On any matter which is likely to be discussed in a substantive manner in any of the later proceedings, mere motions are not allowed. So I am not going to allow this. You can raise it, as I said, during the Finance debate.

(R.S. deb. dt. 27.4.1987, Col. 189)

**197. Debates: Every member is entitled to express his opinion even if others do not agree**

On 6 May 1987, Shri Dharam Chander Prashant was making a reference to the need to provide assistance to Sanskrit scholars wishing to participate in the World Sanskrit Conference at Laiden, Holland. He said that Sanskrit is the mother of all Indian languages. At this point Shri V. Gopalsamy refuted this by saying that he does not accept Sanskrit as the mother of all Indian languages.

Disallowing the refutation by Shri Gopalsamy of the views of Shri Dharam Chander Prashant, the Chairman observed:

What is happening is the negation of democracy. Every member is entitled to express his opinion. You may agree, you may disagree. Merely because you disagree, you cannot shout him down. Then there will be no Parliament.

(R.S. deb. dt. 6.5.1987, Col. 297)

**198. Debates: Members should follow the prescribed procedure in case of discrepancy in the reply given by Ministers**

On 6 March 1992, during zero hour, Shri Dipen Ghosh sought the permission of the Deputy Chairman to mention about the variance in the replies given to his supplementary to starred question no. 82 asked on 3 March 1992 and his another supplementary to a short notice question asked on 5 March 1992, by the Finance Minister and the Prime Minister, respectively. Shri Ghosh wanted to draw the attention

of the Deputy Chairman to the discrepancy in the replies by the Government to a particular question within a period of three days.

Listening carefully to the submission of Shri Ghosh, the Deputy Chairman ruled out the objection and observed:

Mr. Dipen Ghosh, may I remind you – you are a senior member of this House – if any reply by any Minister is given wrong in your opinion and if there is any discrepancy in the replies of two different people on the floor of the House, there is a procedure. On the floor of the House, there is a procedure. You may follow that procedure.

(R.S. deb. dt. 6.3.1992, Cols. 231-33)

**199. Debates: Chair: Chair has the power to order the irrelevant portions of a speech 'off the record'**

On 21 August 1974, while Shri Sitaram Singh was speaking on a calling attention notice on the reported rowdiness by Youth Congress members, the Deputy Chairman who was in the Chair repeatedly warned the member to speak on the issue relevant to the subject-matter. When the member persisted in speaking on issues not relevant to the calling attention, the Chair ordered that the rest of the speech of the member would go off the record.

Shri Rabi Ray, Shri Lal K. Advani and Shri Bhupesh Gupta took exception to the Chair's order.

The Deputy Chairman then cited rule 259 and interpreted it to mean that the Chair had 'all powers' necessary for the purpose of enforcing his decisions when a member defied the Chair.

Shri Bhupesh Gupta rose on a point of order and contended that if the intention of the said rule was to confer 'all powers' on the Chair, then there was no need for any other rule. He felt that the Chair's 'all powers' were subject to the rules and conventions. The Chair, for instance, had no power to shoot anybody, or box the ears of any member or drop a time-bomb in the House. The word 'all' occurring in rule 259 did not mean 'all-embracing'. The Chair could disapprove of what a member said or even expunge it. But there was no rule conferring upon the Chair to order a member's speech off the record.

Shri Chandra Shekhar observed that this power should be used only in extreme cases. To drive home his point he visualized a situation wherein Shri Bhupesh Gupta could order from the Chair that a particular statement of the Home Minister would not go on record simply because it was not to his liking.

The Deputy Chairman, while giving his ruling, observed that the Chair could exercise this power, if in spite of three or four warnings any member persisted in making irrelevant remarks during his speech. Otherwise, it would become impossible to conduct the proceedings of the House.

Commenting on his own order, he said:

It is only after I asked him not to digress twice, thrice or four times, that I said nothing will go on record. It is not that I want to shut out any discussion or anything from the House. But there is some amount of discipline which members should also observe. Then this occasion will never arise.

(R.S. deb. dt. 21.8.1974, Cols. 128-35)

## **200. Debates: Chair: Permission or otherwise from the Chair need not be quoted as a precedent or a ruling**

On 18 August 1987, Shri Lal K. Advani was given permission by the Deputy Chairman to raise some points. Shri Advani pleaded with the Deputy Chairman to revise the ruling given by the Chair on 12 August 1987. The issue was that Shri Satya Pal Malik was disallowed by the Chair to participate in the Bofors debate, as the list given by Congress(I) Party did not include his name. Shri Advani pointed out that a ruling of this sort becomes a precedent which would be contrary to the precedents that have been established. Shri A. G. Kulkarni while not supporting the contention of Shri Advani said that it was always the discretion of the Chair to allow or disallow a member in order to maintain a balanced debate.

Ruling out the request of Shri Advani to revise the earlier ruling, the Deputy Chairman observed:

On August 12 1987, when Shri Satya Pal Malik wanted to speak on the motion regarding the Joint Committee on Bofors, I did not

allow him to speak. Shri L. K. Advani and other members have taken objection to my doing so. They have stated that my ruling is contrary to parliamentary practice and procedure. I wish to make it clear that it was not a ruling as such. It is a well-established practice in our House that the Chair goes by the list of speakers submitted by the Whips of the parties. Although the Chair is not bound by the list, due consideration is given by the Chair to such list while calling upon the members to speak. Further, the Chair has the right to regulate the debate and select members to take part in the debate. A member cannot insist on being called. This is amply made clear by Kaul and Shakdher in their book on page 776 from which Shri Advani has quoted some extracts in his letter to me.

Since the Minister of Parliamentary Affairs had stated that he had withdrawn the list of members from his party to speak on the motion, I did not permit Shri Malik to speak. There is no question of this being quoted as a precedent or a ruling.

(R.S. deb. dt. 18.8.1987, Cols. 191-95)

**201. Debates: Committees: Members should not refer to matters which are specifically under the scrutiny of a Committee before it has submitted its Report, as the Government would not be in a position to reply to the points so raised**

On 1 March 1988, during the course of his speech on the Motion of Thanks on the President's Address, Shri Jaswant Singh accused the Government of evading truth in matters concerning the Bofors' issue as there was no mention of it in the President's Address. Shri Madan Bhatia raised a point of order submitting that as per an earlier ruling there could be no reference to Bofors. When some members objected to the point of order as the reference was not to the Parliamentary Committee enquiring into the Bofors' issue, the Deputy Chairman commented:

I feel that this Committee is of a completely different nature, different from a Joint Select Committee or any other Committee. This is a Joint Parliamentary Committee of an investigative nature. An enquiry is being asked to be done by this Committee. Secondly, it will not be possible for the Government to reply if

any issue is raised here because the Government cannot reply in the absence of the Report of the Committee available to the Government. When the Government cannot reply on any issue raised here since it is under the consideration of the Committee, I think the member cannot raise the issue.

However, as this could not satisfy the agitated members, the Deputy Chairman later ruled:

Regarding what Mr. Jaswant Singh was mentioning in the forenoon, he can make a reference in a general way. But he should not refer to the specific points which are before the Committee.

(R.S. deb. dt. 1.3.1988, Cols. 202-15)

**202. Debates: Concurrent subjects: It is a matter for State regulation in the absence of central legislation**

On 24 November 1980, while replying to supplementaries arising out of starred question no. 81, the Minister of Energy, Shri A. B. A. Ghani Khan Chaudhuri had at one point, observed:

It is not a question of my agreeing or not agreeing with it. It is the State Electricity Boards who do these jobs. It is not for me agreeing or challenging that figure.

Shri Krishna Chandra Pant pointed out that power being a subject in the Concurrent List, would it be proper that the Minister should get up and say that "they have no information on a State subject when it is a concurrent subject?"

Thereupon, the Chairman observed:

There is one entry in List No. 1 - production of energy from water resources...Therefore, he cannot answer this question. With respect to hydel he can answer. But if it is with respect to the Concurrent List, it is as much a subject of the State regulation as of the Centre and if the Centre has not passed any law relating to it, then the State, whatever it is doing, is well within its rights.

(R.S. deb. dt. 24.11.1980, Cols. 1-21)

**203. Debates: Election irregularities: A member should not raise a matter on the floor of the House which has occurred outside the House**

On 17 December 1985, Shri F. M. Khan wanted to raise an issue of some irregularities in election in Karnataka. When he was not permitted by the Chair, Shri Khan attempted to sit in *dharma* inside the House.

At this the Deputy Chairman ruled:

I am not concerned with what happens outside the House. I am concerned with what happens here inside the House. You cannot come over here and sit.

Even after that when Shri Khan insisted on making his point, the Deputy Chairman said:

I will not allow you to make a point about something which has not happened in the House.

Disallowing Shri Khan to say anything further the Deputy Chairman reiterated:

Nothing will be recorded. You go and speak to the Election Commission... or whatever you want to say you can speak to me in the Chamber. It may be a matter of one minute, half a minute or one moment. I am not going to allow you to speak about something that has happened outside.

If you want, afterwards you can come and tell me, but not on the floor of the House. Please sit down and abide by my ruling.

(R.S. deb. dt. 17.12.1985, Cols. 255-60)

**204. Debates: Explanation: No debate should take place after Minister's explanation**

On 29 January 1980, after the Home Minister's reply to the points raised by the members on the alleged arrest of Shri N. K. Singh, Deputy Inspector-General (CBI), Shri Lal K. Advani wanted more information on his specific question, adding that "unless the Government comes out with the full facts, this House is not going to be satisfied."

Referring to the speech of Shri Advani made earlier during the special mention, the Chairman noted as follows:

As the hon'ble Minister was not present during a part of the special mention and had not heard what had been said by Mr. Advani, Mr. Advani is entitled to explain to him. And will he (the Home Minister) kindly answer, if he wishes, what is the distinction between arrest, apprehension and taking away?

At this stage, Shri A. R. Antulay, rising on a point of order, said that the words legally explained and defined need not be answered. After some discussion, the Chairman observed:

I am ruling very firmly that there shall be no debate on this after the hon'ble Minister concludes his explanation.

The Home Minister, Giani Zail Singh, then replied to the point raised by Shri Advani and no further questions were asked.

(R.S. deb. dt. 29.1.1980, Cols. 107-12)

**205. Debates: Foreign policy matters: Members can speak on what the Government of India does or does not do and not on what any other foreign Government does or does not do when they refer to foreign policy matters**

During a discussion on the Finance Bill, 1961, Shri Bhupesh Gupta criticised the actions of the Government of the United States in relation to Cuba. The Deputy Minister of External Affairs asked how all that concerned the foreign affairs of India.

The Deputy Chairman said:

We are not concerned with what the US Government does... We are concerned with only what our Government does and does not do.. Even as regards Cuba policy you may say only about what our Government does or does not do. We are not concerned with what the US Government does or does not... It is my ruling that you cannot discuss it... You can speak on Cuba so far as the omissions and commissions of our Government are concerned,

but not what the American Government or the German Government or the Soviet Government does. We are not here sitting in judgment over the American Government or the Soviet Government or other Governments.

Please hear me. There is a decision of the Chair:

During the discussion on the Finance Bill, Pandit Krishna Kant Malviya proceeded to refer to the European War and the blockade of Germany, when the President intervened and pointed out:

The hon'ble member must realise that on this Finance Bill he can discuss any action of the Government of India in any manner he chooses, but not any action of the Government of England..The hon'ble member should not go outside India...He must confine himself to the administration of the Government of India and to the Finance Bill.

I stand by my ruling. You will not be justified in criticising Governments outside India.

( R.S. deb. dt. 27.4.1961, Cols. 1116-23)

**206. Debates: Foreign policy matters: Agreements with foreign Governments: The question whether agreements entered into by the Government with foreign Governments are *ultra vires* the provisions of the Constitution is no bar to the discussion thereof**

On 19 August 1965, the Prime Minister, Shri Lal Bahadur, moved his motion that the statement made by him in the Council on 16 August 1965, on the Indo-Pakistan Agreement of June 1965, relating to the Gujarat-West Pakistan border be taken into consideration. Shri Atal Bihari Vajpayee rising on a point of order, said that the motion could not be taken up for discussion on the ground that the Agreement or at least parts of the Agreement violated certain provisions of the Constitution and, therefore, it was *ultra vires* the Constitution, in that the fate of the disputed areas was to be determined not by Parliament but by the award of the tribunal to be appointed under the Agreement. This point of view was supported by Shri Bhupesh Gupta.

The Chairman said:

I have very carefully considered the very important points raised. I am not giving any ruling now and I think we can proceed with the discussion. I will consider the points raised and if I have something to say, I would say later on.

Reverting to this subject on 23 August 1965, the Chairman observed:

On Thursday last, when the Prime Minister moved the motion for the consideration of the statement made by him earlier in relation to the Indo-Pakistan Agreement relating to Gujarat-West Pakistan border, Shri Atal Bihari Vajpayee raised a point of order and objected to the discussion of the motion. After hearing Shri Vajpayee and the Prime Minister, I permitted the discussion to continue as I was of the view that there were *prima facie* no grounds to stop the discussion.

I have given the matter further consideration and I am of the opinion that the objection raised by Shri Vajpayee cannot be upheld. The Government entered into an agreement with Pakistan and the present motion is for discussion of the Prime Minister's statement in relation to that Agreement. Shri Vajpayee's point of order is based on the ground that the Agreement or parts of the Agreement violate certain provisions of the Constitution, and, therefore, the Agreement is *ultra vires* the Constitution. While these arguments may be advanced in the course of discussion on the motion before the House, they will not by themselves constitute any bar to a discussion of the motion. The House may take into account these arguments in recording its opinion thereon, but they cannot constitute a point of order to bar the discussion of the motion by the House.

(R.S. deb. dt. 19.8.1965, Cols. 717-23; 23.8.1965, Col. 931)

## **207. Debates: Government: A representative of the Government must be present during discussions**

On 1 May 1962, when the Council reassembled after lunch it had to be adjourned for about ten minutes as no representative of the Government was present in the Council.

Referring to this adjournment, the Chairman said on 2 May 1962:

Before I call upon Shri Diwakar to speak, I should like to refer to something that happened yesterday. For the first time in the last ten years, the House had to be adjourned for ten minutes. When grave matters were under discussion here, there was not a single representative of the Government. I hope that such a situation will not occur again and Government will be careful about its responsibility to the House.

(R.S. deb. dt. 2.5.1962, Cols. 1499-1500)

**208. Debates: Government: Government should report to the House in case of inability to collect the information**

On 16 March 1970, Shrimati Yashoda Reddy rose on a point of privilege. She said that on Friday, the 13<sup>th</sup>, she had raised a point about the reported prorogation of the Kashmir Assembly and had requested the Government to come up with a statement before the House adjourned on that day. She said that on Friday the Government had been evasive in their replies when this matter was raised and now the position was that a statement had been made in Lok Sabha on that day, while it was not done in Rajya Sabha, in spite of the fact that the matter was raised in this House and that the Chair had directed that the information should be collected and furnished to the House as early as possible.

After some discussion, the Deputy Chairman ruled:

If it was not possible for the Government to get the information, then at least they should have come to the House before it adjourned and announced that in spite of every effort to collect the information they could not collect the information and, therefore, it was not possible for the hon'ble Minister to make a statement in this House. At least they should have done that before the House adjourned on that day.

(R.S. deb. dt. 16.3.1970, Cols. 126-32)

**209. Debates: Government: Announcement of decisions: When the Houses of Parliament are sitting, Ministers should not announce the decisions of the Government, unless they have been placed before Parliament**

On 13 May 1968, Shri M. M. Dharia submitted in the House that on 11 May, while Parliament was in session, the Minister of Education, Dr. Triguna Sen, had announced in Calcutta that the Government of India had taken a decision to meet the situation arising out of the large-scale unemployment of engineers in the country and were going to adopt a 13-point programme to meet the situation. He submitted that the Minister of Education had committed a serious impropriety in announcing the decisions of the Cabinet outside the Houses of Parliament when they were actually in session. The Minister of Education submitted that when he was in Calcutta anxious engineers from all parts of the country asked him what the Government proposed to do and he had mentioned what he had actually stated in the House that the Planning Commission had made certain suggestions, about 13-points, and that the Government had accepted those points and were working out the details. He did it in his earnestness to meet the problem. If he had committed any impropriety, it was unintended.

The Chairman observed:

It would have been nice if the Education Minister had placed those recommendations before you, but I go a step further. Even after the Cabinet has made certain recommendations, there is nothing wrong on an important matter like this in further suggestions being made by the members. I would like to advise hon'ble Ministers, while the Houses are sitting, they should not announce decisions before they are placed before Parliament.

(R.S. deb. dt. 13.5.1968, Cols. 2688-91)

**210. Debates: Government: House: Every action contemplated by the Government need not be brought to the House before the action is taken**

On 19 March 1982, when the House was discussing a reference to the resignation of the Assam Ministry and the Presidential Order in relation to the Union territory of Delhi, some members from the Opposition

raised objection that before imposing the President's rule why the approval of the House was not taken and why the Opposition was not taken into confidence.

The Chairman ruled:

...every action of the Government which is in contemplation need not be brought before the House before the action is taken. If this were done, the Government will be working under the guidance of the Houses of Parliament all the time and will have no independent view of its own. The Constitution desires that the Government shall be run as the Government thinks best. They have to report it to the two Houses when the action is taken...

(R.S. deb. dt. 19.3.1982, Cols. 151-65)

**211. Debates: Government: House: Government can apprise the other House of a matter of public importance if it is not possible to do so in this House**

On 22 March 1984, Shri Ghulam Rasool Matto, raising a matter of public importance said that, in spite of his bringing to the notice of the Government the plight of the employees of Samachar Bharati, who had not been paid their dues for the last three months in Delhi and for the last twelve months in the State capitals, the General Manager had gone and locked the entire premises the previous day. He was joined by Shri Suresh Kalmadi and Shri Lal K. Advani, in his demand that the Government should intervene in order to save the poor employees from grave injustice.

At this, the Deputy Chairman observed:

The matter is quite serious. I can see it. I hope that the Government will look into the matter and if it is not possible to come before this House, I hope the Government will inform the other House.

When Shri Dipen Ghosh took strong objection to the Deputy Chairman's observations that the Government could apprise Lok Sabha of the situation, the Deputy Chairman further observed:

I said that the Government will take note of this fact. I said that the Government should take note of the agitation and the views of

the members here and apprise the House of the situation, if possible. If it is not possible, the other House is sitting. They can do it there.

(R.S. deb. dt. 22.3.1984, Cols. 221-24)

**212. Debates: Government: Leader of the House: A statement by the Leader of the House has to be accepted as to whether an assurance had or had not been given earlier on behalf of the Government**

On 26 April 1978, after the question hour in Rajya Sabha, when the Minister of State in the Ministry of Labour and Parliamentary Affairs, Dr. Rankripal Sinha, moved a motion for election to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, Shri N. P. Chaudhari brought to the notice of the Chairman that he had given a notice of amendment to the said motion seeking constitution of a separate Committee for Rajya Sabha to look into the problems of the Scheduled Castes and Scheduled Tribes. He also contended that the said amendment was in keeping with an assurance given to this effect on behalf of the Government. Several members supported the plea made by Shri N. P. Chaudhari. The Leader of the House, Shri Lal K. Advani, in reply to the various points raised by members categorically denied that any such assurance was given.

The Chairman then observed as follows:

We have discussed it sufficiently. The Leader of the House had said just now that there was no assurance given on behalf of the Government and you must take it as correct, unless the contrary is proved. I will now put the motion to vote.

(R.S. deb. dt. 26.4.1978, Cols. 141-49)

**213. Debates: Government: Ministers: Notes of the proceedings of the House may be taken by the Government, not by the Minister; there is no rule that the notes should be taken by Ministers**

On 24 February 1982, when the House was discussing the Motion of Thanks on the President's Address, Shri Sadashiv Bagaitkar raised a point of order wherein he said that even the important points being made by the members of the Opposition are not being taken note of by the Ministers.

The Vice-Chairman, ruling out the point of order, observed:

There is no point of order in this. Notes are being taken. There are officers in the official gallery and records also go to the Government and it is not there under the Rules that notes should be taken by the Ministers.

As some of the members of the House were not satisfied with the ruling of the Chair, Shrimati Purabi Mukhopadhyay raised a point of order on the observations made by the Chair and said that the Chair should not refer to the official gallery.

On this, the Vice-Chairman further observed:

I do not agree with the submission made by the Opposition members. It is the duty of the Government to take notes. They must have taken notes. It is not for me to mention who has taken notes.

(R.S. deb. dt. 24.2.1982, Cols. 360-61)

**214. Debates: Government: Statements: If the Government finds it difficult to make a particular statement in both Houses at the same time, no question of the prestige of either House is involved but it is only a question of practicability**

On 2 August 1966, the Minister of Defence, Shri Y. B. Chavan, made a statement in the Council on the situation on the Indo-Pakistan borders, exactly similar to the one he had made the previous day in Lok Sabha. Shri I. K. Gujral, rising on a point of order, submitted that it was the commonly accepted practice in Parliament that both Houses should have the statement first before it was released to the press but that in that particular case the Minister had made the statement in Lok Sabha the previous day and the whole thing had already become publicised. Members had come to know about it from the press earlier than they knew about it in the Council. He requested the Chairman to direct the Minister to make such statements in the Council, if not earlier, at least on the same day.

The Chairman observed:

I do not think any question of prestige is involved here. It is difficult to make the statement in both the Houses at the same time. Again, there would be a question as to where it is made

first when a statement is made in one House. I do not think any question of prestige is involved here at all. It is a question of practicability.

(R.S. deb. dt. 2.8.1966, Cols. 1081-82)

**215. Debates: Government: Statements: Any statement made in Lok Sabha is to be made in Rajya Sabha also**

On 30 August 1972, Shri Dahyabhai V. Patel, Shri Mahavir Tyagi and Shri B. N. Mandal mentioned that a statement had been made in Lok Sabha by the Government on the drought situation in Bihar and demanded that a similar statement should be made in Rajya Sabha also.

The Vice-Chairman observed:

If any statement has been made in Lok Sabha I hope the same statement will be made by the concerned Minister in this House also, and we expect it.

(R.S. deb. dt. 30.8.1972, Col. 289)

**216. Debates: Government: Statements: The Government has to decide on who should make a statement**

On 3 December 1985, when the Deputy Chairman called the Minister for External Affairs, Shri B. R. Bhagat, to make a statement on the Prime Minister's visit to Japan and Vietnam, Shri V. Gopalsamy raised a point of order that it was the duty of the Prime Minister to make the statement. As some other members also expressed the same opinion, the Deputy Chairman ruled:

It is for the Government to decide who should come and make the statement and who should not come, I have given my ruling.

As there were some interruptions and members wanted to raise points of order, the Deputy Chairman further said:

Please sit down. I have listened to you all and I have given my ruling. The Minister is entitled to make the statement. There is no point of order.

(R.S. deb. dt. 3.12.1985, Cols. 292-93)

**217. Debates: Government: Statements: Government has the right to make a statement on the floor of the House**

On 11 May 1990, the Minister of State for Rural Development, Shri Upendra Nath Verma, while making a statement regarding the grant of financial assistance in cases of death due to cyclone in Andhra Pradesh, Tamil Nadu and Pondicherry, said that the Deputy Prime Minister had decided to sanction Rs. 25,000/- to the kith and kin of each victim from the Indian People's Natural Calamities Relief Trust. As soon as the statement was made, Shri H. Hanumanthappa, Shrimati Jayanthi Natarajan and Prof. Chandresh P. Thakur raised a point of order in succession, questioning the right of the Government to make such a statement on the floor of the House. They argued that since the Government was in no way connected with the said Trust, it had no right to make such a statement.

When the members sought a ruling from the Chair as to whether the time of the House could be taken for the benefit of publicity of a particular Trust, the Vice-Chairman ruled:

...the Government has the right to make a statement on the floor of the House.

(R.S. deb. dt. 11.5.1990, Cols. 267-69)

**218. Debates: High Court/Supreme Court Judgements: Merits of judgement of the High Court/Supreme Court should not be discussed in the House**

On 11 August 1980, while asking supplementaries on a short notice question relating to the majority judgement of the Supreme Court in the *Minerva Mills* case, Shri G. C. Bhattacharya mentioned the minority judgement of Justice Bhagwati, and in that context criticized the majority judgement.

On this, the Chairman observed:

I am afraid Mr. Bhattacharya that there is an article in the Constitution saying that the conduct of a judge shall not be discussed on the floor of the House..There is no protection to the Prime Minister or any of us in the Constitution. There is a protection only to the judges in the Constitution. We have all

taken the oath to uphold the Constitution..and I am upholding the Constitution. . . .No discussion shall take place in Parliament with respect to the conduct of a judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion..The conduct of a judge is to be judged from his judgement and not from anything else..You are discussing the judgement of four judges on the basis of what one single judge has said...I will decide it according to my judgement and I personally think that the conduct of a judge should not be discussed at all. . . .I rule that you shall not discuss the four judges in the light of what Mr. Bhagwati has said. It is a matter between Mr. Bhagwati and the four judges. We cannot enter into it.

(R.S. deb. dt. 11.8.1980, Cols. 44-54)

**219. Debates: High Court/Supreme Court Judgements: Merits of a judgement of the High Court/Supreme Court should not be discussed in the House but its implications for the people can be pointed out**

On 30 July 1985, while making a special mention, Shri Satya Prakash Malaviya referred to the Supreme Court judgement on dismissal of Government servants. When he was quoting a passage from the judgement given by Mr. Justice Chandrachud, the Chairman observed:

When I have allowed you to mention this particular subject, I specifically said that you would refer to the disadvantages the people in service would get on account of this decision and ask for changes. But you are going to the merits of the judgement which you cannot do in this House. Please confine yourself.

(R.S. deb. dt. 30.7.1985, Cols. 165-66)

**220. Debates: Judicial inquiry: Members should not ask about the facts on which a judicial inquiry has to give its findings, but they may ask about the accepted facts, if any. Minister may or may not answer**

On 8 July 1980, after the Minister of Home Affairs, Giani Zail Singh, made a statement clarifying certain points relating to the Baghat

incident on the 18 June 1980, some members asked him to clarify certain points. Shri Dharamvir raised a point of order that when the matter is pending before a judicial enquiry, no discussion on it can be allowed.

The Vice-Chairman observed:

Well, when the judicial enquiry is pending, on the issues on which the judicial enquiry shall have to give its findings, on those disputed questions, we may not enter into a debate. But if there are accepted facts, the members are entitled to ask about those facts. It will be for the Home Minister what to answer and what not to answer.

(R.S. deb. dt. 8.7.1980, Cols. 161-66)

**221. Debates: Language: Members can speak in their mother tongue if they do not know either Hindi or English**

Shri E. K. Imbichibava wanted to make his speech in his mother tongue, Malayalam, on the Appropriation (No. 2) Bill, 1952, as he could not express himself effectively either in Hindi or in English. Some members objected to it on the ground that they would not be able to follow what the member said.

The Chairman ruled:

Here is a gentleman who says he does not know any of the official languages - Hindi or English. Therefore, he wishes to speak in Malayalam which is his mother tongue. The Chairman has got the power to allow it provided there is a translation which is submitted to us. We have to take such exceptional cases also into account and our Constitution does take those cases into account.

(R.S. deb. dt. 17.7.1952, Cols. 1330-31)

**222. Debates: Lok Sabha: Members should not refer to the speeches made in Lok Sabha but can give substance**

While speaking on the Salaries and Allowances of Officers of Parliament Bill, 1953, Shri P. S. Rajagopal Naidu quoted extensively from the speeches made in Lok Sabha.

The Vice-Chairman observed:

Mr. Naidu, it will be better if you do not refer to the speeches in the other House, but make an observation on them..That is the usual convention..You relate it in your own words.

(R.S. deb. dt. 4.5.1953, Cols. 4749-55)

**223. Debates: Lok Sabha: Members can quote from the speeches made by Ministers in Lok Sabha**

When the Mines and Minerals Bill, 1957 was under discussion, Shri R. P. Sinha quoted from a speech made in Lok Sabha by Shri K. D. Malaviya, the Minister of Mines and Oil. Shri P. S. Rajagopal Naidu, rising on a point of order, asked whether the member could read from the proceedings of the other House.

The Deputy Chairman ruled:

A statement made by the hon'ble Minister, he can quote.

(R.S. deb. dt. 24.12.1957, Cols. 4011-12)

**224. Debates: Lok Sabha: Members should not make any critical reference about debates in Lok Sabha**

Shri Satyacharan, speaking on a motion on the international situation, made some critical reference to the debates on the subject which took place in Lok Sabha.

Shri A. B. Vajpayee and Shri Dahyabhai V. Patel objected to such a reference. The Prime Minister, Shri Jawaharlal Nehru suggested that it should not be made a practice in the Council to refer to the debates in Lok Sabha and that even though it might be justified technically, it was a bad practice, Lok Sabha discussing the Council and the Council discussing Lok Sabha leading to trouble between the two Houses.

The Chairman said:

I would ask you not to refer to that House... The reference that you have made to the other House will be expunged from the proceedings.

(R.S. deb. dt. 23.6.1962, Cols. 1738-42)

**225. Debates: Lok Sabha: Criticism of the attitude of a party is permissible but there should be no reflection on the other House**

On 27 March 1980, while replying to the debate on the dissolution of nine State Assemblies, the Home Minister, Giani Zail Singh, referred to the expulsion of Shrimati Indira Gandhi from membership of Lok Sabha and her being sent to the jail. Immediately, the Leader of the Opposition, Shri Lal K. Advani, raised a point of order that the Minister had cast reflection on the other House which had taken the decision on a privilege matter.

The Chairman remarked:

Mr. Leader of the Opposition, he is attacking the attitude of a party. That party worked through a particular House. He is not criticizing the House. He is criticizing the attitude of a party.

Shri Advani said that he had hardly spoken on the point of order and that the Home Minister had interrupted him. He further argued that there could be no reflection on any decision of the other House.

Thereupon, the Chairman observed:

Mr. Home Minister, I would request you to choose your words. Whatever you say may be said but not reflecting on the other House.

(R.S. deb. dt. 27.3.1980, Cols. 375-78)

**226. Debates: Lok Sabha: Member of the other House can be referred to if his name comes naturally in the picture**

On 7 March 1984, in a supplementary during the question hour, Shri Jagdish Prasad Mathur was referring to the illegal occupation of some of the residential quarters of Tibbia College, Delhi. He levelled certain charges against Shri Dharam Das Shastri, a member of Lok Sabha, who was also the Chairman of the Managing Board of the College. At this stage, the Minister of Health and Family Welfare, Shri B. Shankaranand, taking exception to such reference, said that the members should not be allowed to tread the dangerous path of criticizing the privileges of a member of the other House.

Brushing aside the Minister's claim, the Chairman observed:

I think this is a very delicate question. But I am ruling that since the name of the hon'ble member of the other House has been given here, his name comes naturally into the picture because of your reading out the notification.

(R.S. deb. dt. 7.3.1984, Col. 40)

**227. Debates: Lok Sabha: Except on points of policy, members are not to refer to what happened in Lok Sabha**

On 21 April 1987, while Prof. Chandresh P. Thakur was making his speech on a short duration discussion on the purchase of guns from Bofors of Sweden, he referred to what happened in Lok Sabha, the previous day.

Disallowing the member to make any reference to what happened in the other House, the Chairman observed:

That is not necessary. I want to tell the member, except points of policy, etc., you don't discuss what happened in the other House in this House.

(R.S. deb. dt. 21.4.1987, Col. 259)

**228. Debates: Lok Sabha: Incidents that happen in Lok Sabha need not be referred to in Rajya Sabha**

On 17 November 1987, when the House reassembled after lunch, Shri Puttapaga Radhakrishna sought the permission of the Vice-Chairman, to make a submission with regard to a happening in Lok Sabha. The Vice-Chairman disallowed him. This provoked Shri Parvathaneni Upendra and Shri Dipen Ghosh who said that a member had been manhandled and it involved the prestige of Parliament as a whole.

Disallowing the member to make the submission, the Vice-Chairman observed:

Mr. Upendra, what has happened in the other House cannot be taken cognizance of here.

(R.S. deb. dt. 17.11.1987, Cols. 223-24)

**229. Debates: Lok Sabha: Incidents that happen in Lok Sabha, need not be referred to in Rajya Sabha**

On 13 August 1993, while speaking on a Bill, Shri Sangh Priya Gautam referred to some incident that had happened in Lok Sabha.

Giving his ruling in this context, the Vice-Chairman said:

...this is the tradition of this House that we do not refer to any incident which had happened, as you alleged, in the other House. We do not know about it. You should not refer to it.

(R.S. deb. dt. 13.8.1993, Cols. 310-13)

**230. Debates: Lok Sabha: Lok Sabha rulings should not be discussed in the House**

On 17 August 1992, Shri S. Jaipal Reddy while demanding a discussion on the Tenth Schedule of the Constitution made a reference to a ruling given by the Speaker of Lok Sabha. Some members raised objections to this reference.

At this point, the Deputy Chairman gave the following ruling:

Anything concerning the other House, any member concerning the other House, any ruling pertaining to the other House, we are not referring to it in this House and any mention, any allegation, made against either any member who cannot defend himself or herself here or any allegation against the Prime Minister, I am not allowing it.

(R.S. deb. dt. 17.8.1992, Cols. 225-30)

**231. Debates: Lok Sabha: Member of Lok Sabha should be referred to only as a 'member of the other House'**

On 27 March 1992, while participating in the discussion on the General Budget Shri Subramanian Swamy used a word to describe the members from Tamil Nadu. As some members objected to it, the Vice-Chairman ordered that the word be expunged from the records. Shri Subramanian Swamy withdrew his word and replaced it with the

word 'ineffective'. Shri G. Swaminathan rose on a point of order. The member contented that Shri Subramanian Swamy had cast aspersions not only on the members of Rajya Sabha but also on the members of Lok Sabha.

Responding to the point of order, the Vice-Chairman ruled as follows:

Member can only say 'members of the other House'.

(R.S. deb. dt. 27.3.1992, Cols. 494-96)

**232. Debates: Lok Sabha: Member of Lok Sabha should be referred to only as a 'member of the other House'**

On 20 August 1992, Shri Ashis Sen while making a special mention referred to one of the members of Lok Sabha. Shri Viren J. Shah raised a point of order that the members of the other House should not be referred to in the House.

The Vice-Chairman ruled as follows:

The practice is whenever we refer to a member of the other House, we refer to him as 'a member of the other House'. There we stop. I also expect the member not to refer to his name.

(R.S. deb. dt. 20.8.1992, Cols. 515-16)

**233. Debates: Lok Sabha: Rules of Lok Sabha and the deliberations in Chairman's Chamber should not be referred to in Rajya Sabha**

On 11 March 1996, the Deputy Chairman called Shri Janardan Yadav to make his zero hour submission. Shri Gurudas Das Gupta objected to taking up the zero hour discussion through a point of order. He along with Shri S. Jaipal Reddy wanted that the House should take up the Hawala issue first. Notices under rule 167 had been given by various members including Shri S. Jaipal Reddy and Shri Pasumpon Tha. Kiruttinan to discuss the Hawala issue. While pleading with the Deputy Chairman, members referred to the practice and procedure of Lok Sabha in this regard. They also referred to the discussion held in the Chairman's Chamber.

Disallowing members to refer to the Rules of Lok Sabha and discussions in the Chairman's Chamber, the Deputy Chairman gave the following ruling:

The other House has its own Rule Book. It has its own Rules of Procedure. It has its own conduct of business. We respect it. But our tradition is that we do not refer to what happens there. I am cautioning. Whatever we discuss in the hon'ble Chairman's Chamber let the sanctity of the hon'ble Chairman's Chamber remain as it is. It is regardless of what happens today or tomorrow. But you should keep the sanctity of the Chairman's Chamber which we have kept till today. Please let us not throw everything away.

(R.S. deb. dt. 11.3.1996, Cols. 249-59)

**234. Debates: Mentioning of names: Members should not mention names of persons who cannot defend themselves on the floor of the House**

On 12 November 1974, during the course of supplementaries on starred question no. 49 relating to smugglers, Shri Bhupesh Gupta and Shri Niren Ghosh mentioned the names of certain Governors and ex-Ministers who, they alleged, had been associated with known smugglers.

Shri Chandra Shekhar strongly objected to allegations of this type being made against high dignitaries on the floor of the House without prior notice to the Chair. He said that according to rule 238(v) of the Rules of Procedure and Conduct of Business in Rajya Sabha, "a member while speaking shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms".

The Chairman observed:

Now it is a well-established practice in this House and all the Houses, not to bring in the names of persons who cannot defend themselves.. Let us have the good practice of not bringing in the names of persons who cannot defend themselves on the floor of this House, and more so, of important persons who are holding public offices. Otherwise, it will be a very difficult thing. I request all of you not to press further.

(R.S. deb. dt. 12.11.1974, Cols. 30-39)

**235. Debates: Mentioning of names: Names of members of the other House need not be mentioned**

On 29 July 1982, the House was discussing transaction relating to the purchase of HSD, from Messrs Kuo Oil in February 1980, under rule 176. While speaking on the subject Shri A. G. Kulkarni was quoting from the Report of the Public Undertakings Committee which had been placed on the Table of the House and from Rajya Sabha debates of 9 July 1982, wherein he referred to some members of the other House and a personal assistant in the Prime Minister's Secretariat. Shri N. K. P. Salve raised a point of order and took objection to that. He asked for a ruling from the Chair.

The Vice-Chairman ruled:

If it is not customary to use the names of the hon'ble members of the other House here, then those names will be deleted.

Now, he is quoting from the 9<sup>th</sup> July debate. At that time no objection was taken and the name was allowed to be mentioned. So, in the light of that my ruling still stands.

(R.S. deb. dt. 29.7.1982, Cols. 340-41)

**236. Debates: Mentioning of names: Members should not name any one who is not in the House and is unable to defend himself**

On 24 February 1984, during the question hour, when the Minister of External Affairs, Shri P. V. Narasinha Rao, was replying to a question of Shri Nand Kishore Bhatt regarding Jammu and Kashmir Liberation Front adventurists threatening the life of Indian Diplomats and Leaders in the United Kingdom, Dr. Rafiq Zakaria, in a supplementary, asked:

Sir, is the Government aware that the present Chief Minister of Kashmir, Dr. Farooq Abdullah, when he was a British citizen residing in U.K. ...

The Chairman was quick to cut him short for the member was referring to a person who could not defend himself in the House.

Dismissing the persistent plea of Dr. Rafiq Zakaria to refer to the Chief Minister of Jammu and Kashmir, the Chairman observed:

I have ruled on more than one occasion that anybody who is not in the House and able to protect himself, is not to be named. I have ruled it in the case of the Prime Minister when she was not here. I have ruled it in the case of the members of the Opposition and members of the ruling party again and again. I think, you are sufficiently experienced to know that this is the practice of this House. I am not going to allow it.

(R.S. deb. dt. 24.2.1984, Col. 27)

**237. Debates: Mentioning of names: Names of persons not present in the House should not be mentioned**

On 31 August 1990, Shri Jagesh Desai made a special mention regarding reference to a foreign national holding a high post in the Union Government. During the discussion, the Deputy Chairman said it was a charge against the Government that a foreign national was being employed and the Government had to answer why he was employed or not employed. After her ruling, Shri R. K. Dhawan wanted a ruling with regard to the mention of the name of a person who could not defend himself in the House.

The Deputy Chairman observed:

I can look at the record for the last one week... And I will have to remove every name including the Chief Ministers', the Ministers, and other people's from the record, those who are not present in this House and whose names have been taken.

(R.S. deb. dt. 31.8.1990, Cols. 194-207)

**238. Debates: Mentioning of names: President: Name of the President need not be mentioned during the course of a debate in the House**

On 7 June 1971, when Shri A. G. Kulkarni in a supplementary question to starred question no. 296, referred to the name of the President, the Chairman observed:

The President's name should not have been mentioned.

(R.S. deb. dt. 7.6.1971, Col. 23)

**239. Debates: Ministers: Minister cannot be compelled to supply information when not readily available with him**

On 30 August 1976, during the question hour the Minister of Petroleum was answering starred question no. 396 regarding the petrochemical complex in Baroda, Shri R. Narasimha Reddy desired that the original date of starting the project and the original estimate should be made known to the House. The Minister could not reply to the first part since he did not have the information readily available with him. Shri Reddy was followed by Shrimati Sumitra G. Kulkarni who put a supplementary eliciting information on the progress of the project in Gujarat. The Minister stated that he did not have the relevant information readily available with him. Since Shrimati Kulkarni, in spite of the reply of the Minister, persisted in her demand for an answer to her question, the Chairman observed as follows:

When he says that he has not got the information, we will have to accept it and we can only ask him to supply it later. That is all.

(R.S. deb. dt. 30.8.1976, Cols. 20-21)

**240. Debates: Ministers: Ministers must be present in the House at the appropriate time**

On 2 August 1985, after the question hour the Chairman called upon the Minister of State in the Ministry of Finance, Shri Janardhan Poojari, to lay the papers mentioned against his name on the Table of the House. The Chairman took serious note of the absence of Shri Poojari and also the Minister of Parliamentary Affairs in the House.

Thereafter, when Shri Poojari came to the House, the Chairman observed:

Now I would call upon Mr. Poojari to first of all apologize to the House for not being present in the House at the appropriate time...

(R.S. deb. dt. 2.8.1985, Col. 176)

**241. Debates: Participation: A member cannot participate in the debate after his name is withdrawn by the party. Normally, the Chair goes by the list of speakers given by the Whips of parties**

On 12 August 1987, during a debate on the motion for appointment of a Committee of the Houses to enquire into the Bofors contract, Shri Satya Pal Malik sought the permission of the Deputy Chairman to participate in the debate as per the assurance of the Chairman. For want of time the Deputy Chairman could not allow him to participate in the debate. Shri Parvathaneni Upendra pleaded with the Deputy Chairman to allow Shri Malik to speak. Shri Lal K. Advani, Shri Dipen Ghosh also supported Shri Upendra, by raising points of order.

Disallowing Shri Satya Pal Malik to participate in the debate, the Deputy Chairman observed:

You wanted to say that the hon'ble member should be permitted. The hon'ble member belongs to the Congress(I) Party. The Congress(I) Whip gave a list of speakers, but due to lack of time they have withdrawn the name of the remaining speakers. Therefore, the member cannot be permitted, this is a simple thing and you need not raise all these things here.

(R.S. deb. dt. 12.8.1987, Cols. 314-19)

**242. Debates: Quoting from documents: Members can quote from an original document or a certified copy thereof, only if they are prepared to lay it on the Table. Satisfaction of the Chair about its genuineness is also necessary**

While speaking on the resolution regarding the appointment of a parliamentary Committee to examine the operations of monopolistic concerns in the country, Shri Bhupesh Gupta started reading from a letter which the Superintendent of Police of Keonjhar wrote to the agent of the Tata Iron and Steel Company. As the Deputy Chairman told him to place it on the Table and questioned whether it was the original letter. Shri Bhupesh Gupta admitted that the letter was not an original one but a cyclostyled copy of that.

At this point, the Deputy Chairman observed:

...you cannot read from that copy here. If it is the original letter, and if you are prepared to place it on the Table of the House ... We cannot rely on copies... I am not going to allow any copies here ... If it is original, you can read it and you should lay it on the Table of the House... If it is a certified copy, I am going to allow it. If it is a public document, I am allowing. If it is an original document I will allow, not a copy... Before you read any letter I want to see if it is genuine ... If it is a genuine document, an original document, I will allow.

(R.S. deb. dt. 28.11.1958, Cols. 600-02)

**243. Debates: Quoting from documents: Members should not read from any document, report or letter, unless it is authenticated; they can, however, mention the subject-matter without quoting from the document or letter**

In the course of his speech on the Motion of Thanks on the President's Address, Shri Rajnarain started reading from what he alleged to be a private letter written by somebody. Shri I. K. Gujral rising on a point of order, asked whether it was given to any member to read highly defamatory things from any private letter and claim his parliamentary privileges for it. He said that if the member wanted to quote something he should authenticate it.

The Deputy Chairman observed:

I do not think anyone should read from any document or letter. Unless it is authenticated, it cannot be laid on the Table. But you may say what you want to say without reading.

(R.S. deb. dt. 21.3.1967, Cols. 371-73)

**244. Debates: Quoting from documents: Documents used as evidence in the courts should not be quoted**

During a discussion on the resolution regarding the Representation of the People (Amendment) Ordinance, 1974, when Shri Rajnarain was

quoting from the Election Petition No. 5 of 1971 which was before a High Court, the Deputy Chairman observed:

It is a general observation I am making that you shall not quote from any document which is going to be used as evidence in the Court.

(R.S. deb. dt. 18.12.1974, Col. 233)

**245. Debates: Quoting from documents: Anonymous letters should not be quoted in the House**

On 6 January 1976, when Shri Omprakash Tyagi, during his speech on the Motion of Thanks on the President's Address, started reading from an anonymous letter to the Prime Minister, the Deputy Chairman observed:

Let me make one thing very clear that there may be many anonymous letters being sent by all kinds of people, but I would request members not to quote such letters. If there is any genuine letter, that is a different matter. But anonymous letters, the authorship of which we do not know, we should not give weightage.

(R.S. deb. dt. 6.1.1976, Cols. 148-49)

**246. Debates: Quoting from documents: Quoting from court's judgment which is a public document, is permitted**

In the course of his speech on the Motion of Thanks on the President's Address, when Shri K. A. Krishnaswamy was quoting the judgment of the Chief Judicial Magistrate, Chingleput (Tamil Nadu), Shri S. S. Mariswamy objected to it on the grounds that the case had been referred to a superior court on an appeal.

The Deputy Chairman ruled:

I would like to tell you that he cannot refer to any proceedings in the court with regard to a case. But there is a judgment to which he has just referred..The judgment is a public document and he could quote from it. There is nothing wrong in it.. He cannot talk about the merits or demerits of what is being contested in the court.

(R.S. deb. dt. 8.1.1976, Cols. 145-46)

**247. Debates: Quoting from documents: Quoting from a document without showing it to the Chairman in his Chamber, is not allowed**

On 21 January 1976, when Dr. K. Mathew Kurian was reading from a letter, dated 14 January 1976, written by Shri E. M. S. Namboodiripad to the Prime Minister, the Deputy Chairman reminded the member of the procedure under which he should have shown the letter to him the previous day. On hearing Dr. Kurian's reply that he had shown that letter to the Chairman in his Chamber and sought his permission, the Deputy Chairman felt satisfied and allowed the member to continue his speech. But when Shri N. G. Goray remarked, "How touchy about it!", the Deputy Chairman observed:

There is no question of being touchy, Mr. Goray. But we must proceed according to the Rules of Procedure. And if I allow him to quote from a document which is not shown in the Chamber, any number of other members can do the same thing tomorrow. So I have to be on the safe side.

(R.S. deb. dt. 21.1.1976, Cols. 218-19)

**248. Debates: Quoting from documents: Anonymous publications should not be quoted, but can only be mentioned**

On 24 January 1976, during the course of his speech on the Maintenance of Internal Security (Amendment) Bill, 1976, Shri Harsh Deo Malaviya started quoting from some anonymous 'parcha' \* which, he stated, was being circulated. Dr. Rankripal Sinha raised a point of order and asked whether any member could quote in the House from any pamphlet which was clandestine.

The Deputy Chairman directed Shri Harsh Deo Malaviya thus:

You cannot quote. You can mention...You can quote from newspapers. But you cannot quote some anonymous letters.

(R.S. deb. dt. 24.1.1976, Cols. 45-46)

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\* Pamphlet

**249. Debates: Quoting from documents: Only essential extracts, not unnecessary details, of any Report of a Committee or communication need be given**

On 15 November 1976, the Leader of the House, Shri Kamlapati Tripathi, moved a motion in Rajya Sabha for acceptance of the findings of the Committee which investigated the conduct of Shri Subramanian Swamy, member, Rajya Sabha, and recommended his expulsion from the House for his derogatory conduct. When the motion was moved, Shri Banarsi Das rose on a point of order. He contended that in the Committee's report there was reference to an extract of a letter written by Shri Subramanian Swamy to the Minister of State in the Department of Parliamentary Affairs, Shri Om Mehta. He further said that under rule 249 of the Rules of Procedure and Conduct of Business in Rajya Sabha, the full text of the letter should be laid on the Table.

The Chairman at that stage ruled:

The important portion that the hon'ble members should know has been given in the extract. That is enough. It is not necessary that all unnecessary details should be given.

(R.S. deb. dt. 15.11.1976, Cols. 47-48)

**250. Debates: Quoting from documents: A Report is to be authenticated before quoting from it in the House**

On 11 August 1987, Shri Jaswant Singh, while participating in the discussion on the motion relating to the Joint Parliamentary Committee on the Bofors Contract, referred to certain newspaper reports. This provoked the Minister of State in the Ministry of Defence, Shri Shivraj Patil, to intervene. The Minister while referring to the Rules and conventions of the House said that statements made and reports referred to should be authenticated. Therefore, the member cannot refer to the newspaper reports.

Listening carefully to the contention of other members like Shri V. Gopalsamy and Shri Ram Awadesh Singh in favour of referring to newspaper reports, the Deputy Chairman observed:

Let me speak. Unless a report is authenticated, it cannot be quoted. However, if there is any report, it can be referred to and if it is not correct, the Government can contradict.

(R.S. deb. dt. 11.8.1987, Cols. 183-84)

**251. Debates: Quoting from documents: Minister can quote only from official documents**

On 3 April 1992, when the Minister of State for Railways, Shri Mallikarjun, was replying to a short duration discussion regarding award of a contract for purchase of electric locomotives to a Swiss firm, Shri S. Jaipal Reddy raised a point of order on the Minister's quoting from certain document without laying them on the Table of the House. He wanted to know whether the document was official or otherwise.

The Deputy Chairman made the following observation on the point of order made by Shri S. Jaipal Reddy:

What the Minister says under rule 249, as a Minister, he will have to read from the official document. He cannot quote from a newspaper report. So whatever he speaks is official.

(R.S. deb. dt. 3.4.1992, Cols. 182-83)

**252. Debates: Raising of constitutional points: Members are not to raise constitutional points in the House**

On 17 August 1993, the Vice-Chairman informed that the House would take up the Recovery of Debts due to Banks and Financial Institutions Bill, 1993 and the statutory resolution moved by Dr. J.K.Jain and others. However, before moving the statutory resolution, Dr. Jain wanted to raise a point of order.

On this, the Vice-Chairman ruled:

Any point of impropriety or a constitutional point cannot be raised or even decided in this House. The forum is only the Court.

(R.S. deb. dt. 17.8.1993, Cols. 467-68)

**253. Debates: Rajya Sabha Secretariat: If members have any grievance against an officer of the Rajya Sabha Secretariat or anything done in the Secretariat, they should approach the Presiding Officer in his Chamber and not ventilate them in the House**

On 1 May 1968, while speaking on the Appropriation (No. 2) Bill, 1968, Kumari Shanta Vasisht observed that the officers in the Rajya Sabha Secretariat should be transferred after three years as their being in the same place for years and years leads to a certain amount of vested interest being created. In her opinion, this did not make either for impartiality or objectivity or fair play.

On 2 May 1968, reverting to this the Chairman ruled:

I was unhappy to see in yesterday's proceedings certain references made by one of the members to the Secretariats of Rajya Sabha and Lok Sabha. It is a well-known convention that ordinarily no reference to the Secretariat of a House of Parliament or its officers is made on the floor of the House. If any member has any grievance against any particular officer or anything done in the Secretariat, the proper course for that member is to approach the Presiding Officer in his Chamber. Members should remember that officers of the Secretariat perform a very difficult and sometimes delicate job, because they have to deal with members belonging to all parties and groups and it is expected of them that they will discharge their duties without fear or favour. In any case, a member, if he has any complaint, must invariably seek his remedy in the Presiding Officer's Chamber, as the Presiding Officer is responsible for all actions of the Secretariat.

(R.S. deb. dt. 1.5.1968, Cols. 620-21; 2.5.1968, Col. 777)

**254. Debates: Rajya Sabha Secretariat: Members should not cast aspersions on the Rajya Sabha Secretariat on the floor of the House**

Shri Rajnarain made certain remarks about the Secretariat in connection with the inclusion of certain questions in the list of questions. Some members took objection to those remarks as they considered them to be derogatory.

The Deputy Chairman observed:

You cannot cast aspersions on the Secretariat on the floor of the House.

(R.S. deb. dt. 29.7.1969, Cols. 1449-52)

**255. Debates: Report on Securities Scam: The discussion cannot be started in the House unless the member in whose name the motion stands, moves it**

On 29 December 1993, Shri S. Jaipal Reddy wanted a discussion in the House on the Report of the Joint Committee to Enquire into Irregularities in Securities and Banking Transactions.

The Deputy Chairman, thereupon, gave the following ruling:

Mr. Reddy, I am not allowing because members of the House wanted that we should have a special session to discuss the Report..This item is listed in the name of Mr. Ashok Mitra. Until and unless he moves the motion, until and unless he raises the issue, we cannot start any discussion on it. Let him move the motion first.

(R.S. deb. dt. 29.12.1993, Cols. 380-81)

**256. Debates: Rules: Names of firms under CBI investigation should not be disclosed in public interest**

On 17 December 1970, during the question hour, in reply to a supplementary on starred question no. 748 relating to bogus firms utilizing import licences, the Minister of Foreign Trade declined to give the names of certain parties in regard to whom CBI investigation had been going on and had not been completed. Shri Bhupesh Gupta rose on a point of order and said that the Government should divulge the names of such parties and not take shelter under the plea of public interest.

The Chairman ruled:

I rule that the cases which are under investigation and the Minister thinks that the public interest is served in not disclosing the names, the Minister is entitled not to disclose the names.

(R.S. deb. dt. 17.12.1970, Cols. 1-4)

**257. Debates: Rules: Names of the Government officials should not be mentioned in the House**

During a debate on the Indian Iron and Steel Company (Taking Over of Management) Bill, 1972, Shri Nawal Kishore mentioned the name of an officer of the Government. Immediately, the Minister of Steel and Mines, Shri S. Mohan Kumaramangalam, objected saying that officers in general might be mentioned but individual names should not be dragged in.

The Vice-Chairman observed:

Yes, the individual names should not be mentioned.

(R.S. deb. dt. 26.8.1972, Col. 72)

**258. Debates: Rules: Names can be mentioned if there is a *prima facie* case of injustice or over-justice**

During a debate on the Indian Copper Corporation (Acquisition of Undertakings) Bill, 1972, Shri K. P. Singh Deo mentioned the name of an officer of the Indian Airlines, to which the Minister who piloted the Bill, objected saying that the ordinary convention was that individuals' names were not mentioned.

The Vice-Chairman ruled:

I think since the hon'ble member has referred to it, the Minister is here to defend his department, his Ministry, his officers and there is no harm in referring to cases of individuals where according to the member, a *prima facie* case of either injustice or over-justice is there, which should be brought to the notice of the Minister.

(R.S. deb. dt. 4.9.1972, Col. 28)

**259. Debates: Scope of discussion: The internal situation of any foreign country cannot be discussed on an independent motion, but the impact of that situation on India can be discussed**

On 4 May 1959, before the Council took up for consideration a motion regarding the situation arising out of the recent events in Tibet,

Shri H. D. Rajah, rising on a point of order, submitted that the motion was not in consonance with the Constitution. He said that Tibet being a part of China, if that kind of precedent was established by the Council, then any country, say Soviet Russia, would have a right to discuss in their Parliament the Kerala affairs and so many other matters. Moreover, it would infringe the spirit of Panchsheel.

Shri Bhupesh Gupta submitted that while he could have understood the subject being discussed in the course of a foreign affairs debate, a separate motion to discuss the situation arising out of the 'recent' events in Tibet had been admitted. He asked the Chair to direct as to how the discussion should proceed.

Shri Rajendra Pratap Sinha submitted that what was sought to be discussed was not the internal affairs of Tibet but the situation which had arisen out of the events that had taken place in Tibet.

The Chairman then observed:

Under rule 148\* of the Rules of Procedure of Rajya Sabha, discussion may be raised on any matter of general public interest. We are discussing only the situation arising out of the recent events in Tibet, or in other words, the impact of that situation on India. Therefore, it is admissible. I only hope that members will exercise considerable restraint, control and patience and not run off with their emotions.

(R.S. deb. dt. 4.5.1959, Cols. 1628-32)

## **260. Debates: Secret Papers: Members should exercise discretion in the use of secret material**

On 28 February 1963, when supplementary questions were being asked on starred question no.146, Shri A. M. Tariq read out extracts from what he claimed to be a note recorded by the Home Minister on one of the Home Ministry files marked 'secret'.

After the question hour was over, Shri B. K. P. Sinha said that a member's reading out from secret files, under the immunity given to members, raised the question of parliamentary propriety and that the

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\* Old rule

Chair should give its ruling after considering all aspects of the question for the benefit of members in the future.

The Chairman said:

You have brought the matter to my notice. Most of the things refer to the Home Ministry. They should look after their files. They should keep their files protected. I am not concerned with that. So far as the propriety of this is concerned, instead of asking for a ruling, I would very much like members of this House to use their discretion in the use of material that gets into their hands.

(R.S. deb. dt. 28.2.1963, Cols. 1174-78 and 1216-18)

**261. Debates: Speaker: Members should not question the decision taken by the Speaker of a State Legislature but can refer to the general nature of the case without referring to individuals**

On 23 April 1986, Shri V. Gopalsamy while speaking on the Supreme Court (Number of Judges) Amendment Bill, 1986 said that a judgement of the Madras High Court had been set aside by the Legislative Assembly of Tamil Nadu. Although article 211 of the Constitution is very clear that no discussion shall take place in a legislature of a State with respect to the conduct of any judge of the Supreme Court or High Court in the discharge of his duties, the Speaker of the Tamil Nadu Assembly gave a ruling in favour of doing so.

Shri R. Mohanaragam raised a point of order saying whether the decision of the Speaker of the Tamil Nadu Assembly can be discussed in Rajya Sabha or not.

Then, the Deputy Chairman observed:

The member need not question the decision taken by the Speaker in a Legislature. But he can refer to the general nature of the case without touching individuals... Any reference to the Speaker of the Legislature has to be deleted from the records of the House.

(R.S. deb. dt. 23.4.1986, Cols. 211-13)

**262. Debates: Speaker: Members should not question or go into merits and demerits of a decision taken by the Speaker of a State Legislature**

On 25 November 1986, the Chairman allowed a discussion on the disqualification of some members of Tamil Nadu Legislative Assembly as a result of its Speaker's ruling. Members took part in the discussion and gave their suggestions.

While associating himself with the members, the Chairman observed:

At the outset I should like to thank all the hon'ble members for the admirable restraint which they exercised on a discussion of a very delicate matter. If there are any statement or any expressions either questioning the ruling of the Speaker of the Tamil Nadu Legislative Assembly or any remark derogatory to his decisions, they will be automatically expunged as I have said at the very beginning. The Presiding Officers of State Legislatures are independent authorities. They are not subject to the appellate jurisdiction of the Presiding Officers of Parliament. In fact, they have equal powers like any one of us. However, why I allowed this discussion to be raised is that suggestions be made by the hon'ble members as to what should be done if similar cases arise in future and since this is the first time that a case of this kind has arisen some suggestions have been made. There was a suggestion that code of conduct should be formulated by the Speakers themselves. Mr. G. Swaminathan said that we are trying to impose any decisions on the Speaker. No. A suggestion has come from all the sides of the House is that the Speakers themselves should meet and decide as to the procedure to be followed. In this case, the matter is very important. Therefore, I have allowed the discussion. But this House does not express any opinion on the merits or demerits of the action taken by the Speaker of the Tamil Nadu Assembly and the discussion is confined purely to the suggestions to meet situations like this.

**263. Debates: State matters: The House can discuss even a law and order problem falling exclusively in the State sphere, if the situation is an extraordinary one tending to disturb the very safety of India**

On 14 June 1967, a notice for calling attention to the extremely disturbed conditions in Naxalbari area in West Bengal, the repercussions thereof on the safety of the border areas and the reported functioning of a parallel Government in that area, was taken up. Shri Niren Ghosh, Shri Bhupesh Gupta and Shri A. P. Chatterjee argued that the subject-matter being a law and order problem fell exclusively within the sphere of the State and that the House was not competent to take up the matter.

Shri Chandra Shekhar submitted that it was much more serious than a mere law and order problem as a parallel Government was being run in that area. Shri Triloki Singh referred to article 355 of the Constitution and argued that as the Government was not being carried on in that area according to the provisions of the Constitution, it was the duty of the Union Government to see that the Government in that area was so carried on.

The Chairman observed:

I have heard the different aspects of this matter. In fact when I allowed a certain motion to be put in this House, you must presume that I have given due consideration to the whole matter. It will be against discipline if you say that in my allowing this matter I am wrong. You cannot say that and my ruling on this matter is this that this is a very extraordinary matter, not an ordinary matter. If it merely referred to a small matter certainly I shall disallow that because it is a matter entirely in the hands of that State. So far as this is concerned, my ruling is that this is an extraordinary matter which ought to be taken into consideration on the basis that the very safety of India may be disturbed.

(R.S. deb. dt. 14.6.1967, Cols. 3835-50)

**264. Debates: State matters: Exclusively State subjects should not be discussed in the House**

On 10 May 1984, Shri Parvathaneni Upendra, wanted to know the decision of the Chair regarding his notice to make a special mention on

a matter of public importance. The Deputy Chairman told that he had rejected it since the activities of a Chancellor of a University is a State subject as he is appointed under an Act passed by the State Legislature. Many members supported Shri Upendra and contended that Parliament had every right to discuss matters relating to the office of the Chancellor because education is included as a subject in the Concurrent List and that the role of the Governor (who is the *ex officio* Chancellor) is a matter in which the Parliament is directly involved.

Disallowing the consistent plea to allow a special mention, the Deputy Chairman ruled:

I do not allow exclusively State subjects. You may not agree. I again tell you..I always refuse, reject, anything to be mentioned if it falls exclusively in the State jurisdiction.

(R.S. deb. dt. 10.5.1984, Cols. 31-37)

**265. Debates: State matters: State matters should not be referred to in the House**

On 23 August 1984, Shri Nimal Chatterjee said that in the past, special mentions were allowed quite often, in which West Bengal was mentioned and maligned. Advancing his arguments he wanted to know whether a special mention is permissible only if it is about a non-Congress (I) State. The Deputy Chairman interjected to observe that the member was creating a very wrong impression and that in actuality he had allowed the member and his colleagues who attacked the ruling party many a time.

Dismissing the observation of the member, the Deputy Chairman ruled:

I have always said particularly to members of those parties which are ruling in some of the States, that if you insist on raising matters in some other States, their State Government's matters may also be allowed to be raised by the other side. So, I always restrain members from raising matters that fall exclusively within the jurisdiction of a State Government.

(R.S. deb. dt. 23.8.1984, Cols. 183-84)

**266. Debates: State matters: Serious issues pertaining to States can be raised in the House**

On 1 August 1996, the Prime Minister, Shri H. D. Deve Gowda, was clarifying some points raised by some members of the House regarding increasing crimes against women in Delhi. During the discussion, Shri S. B. Chavan, mentioned about the suspension of some members of a particular party in the Delhi Assembly for raising the issue of molestation of a woman.

On this, Shri Gurudas Das Gupta raised a point of order and questioned, whether the House could discuss about the members or the Speaker of a State Legislature.

The Deputy Chairman then observed:

...the issues, specially relating to women, have been raised here irrespective of the fact whether they were the State subject or whether they were raised in a State Assembly. I remember a few instances. There was a similar kind of a case about Haryana which was raised by a member in this House. That member is sitting in the House right now. I do not want to take the name of that member. You can see the record. There were occasions when cases relating to other States were also raised on the floor of this House. Now, are we going to bind ourselves on a matter of such a serious nature? When allegations are levelled by a member who knows as to what has happened actually and a query is being made by some members of the House while the Prime Minister of the country is sitting here. I think they have a right to seek clarifications from the Prime Minister. If the hon'ble members coming from various States are not heard sometimes in their own States, and if they want to put certain questions to the Central Government and the Prime Minister, then which is the forum where they can do so if not the Council of States?

(R.S. deb. dt. 1.8.1996, Cols. 294-99)

**267. Debates: Union Public Service Commission: Limitation on the discussion of the Reports of the Union Public Service Commission**

When the Reports of the Union Public Service Commission for the years 1951-52 and 1952-53 were being taken up for discussion in

the Council, the Deputy Chairman clarifying the scope of the discussion, ruled:

Under article 316 of the Constitution the Government has power to select officers for appointment as Chairman and members of the Commission. Provision is made under article 317 of the Constitution, for action for suspension and removal of members, and under article 318, for regulation of the conditions of service of members and staff of the Commission. Then consulting the Commission in regard to certain matters and making regulations specifying matters in respect of which the Commission need not be so consulted are provided for in article 320. Then article 323 provides for laying before Parliament the annual Reports of the Commission together with an explanation in regard to cases, if any, in which the Commission's advice was not accepted. Any debate in Parliament may rightly include criticism of Government for any acts or omissions in the exercise of the powers and duties specified above and will be certainly relevant but the suggestions or actions or the decisions of the Commission will not be relevant. Any criticism of the suggestions or decisions of the Commission will not be relevant because it is a constitutional authority.

Shri Bhupesh Gupta further inquired whether the Commission could not be criticized, the Deputy Chairman clarified the position thus:

Under the articles that I quoted, the powers of the Government and the Commission are defined. Any action of the Government in not implementing or accepting the recommendations of the Commission is open for criticism but criticism of the recommendations made by the Commission or the actions of the Commission or of particular members of the Commission will not be relevant.

The Deputy Chairman also quoted rule 200\* of the Rules of the Council saying:

A member while speaking shall not -

- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms.

(R.S. deb. dt. 22.12.1954, Cols. 3091-93)

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\* Old rule

## **INTERRUPTIONS**

### **268. Debates: Interruptions: To be avoided in the middle of a member's speech**

On 28 February 1981, expressing his concern that proceedings in the House became so disorganized that the Vice-Chairman had to adjourn the House on the previous day, the Chairman observed:

If some hon'ble member is speaking, except for raising a point of order, there should be no disturbance. Let him have his say and then you can reply to him as best as you can. But interruption in the middle may kindly be avoided. I hope this thing will be observed in future.

(R.S. deb. dt. 28.2.1981, Cols. 1-2)

### **269. Debates: Interruptions: Ministers should refrain from answering to interruptions**

On 25 March 1985, during the question hour, when the Minister of Law and Justice, Shri Hansraj Bhardwaj, was replying to a supplementary to starred question no. 163 on election expenditure asked by Shri Pyarelal Khandelwal, Shri Khandelwal interrupted the Minister. As the Minister replied also to the interruptions, the Chairman gave the following advice:

Please do not reply to the interruptions. I want to give an advice to Ministers. Do not reply to the interruptions please. Reply to the original supplementary.

(R.S. deb. dt. 25.3.1985, Col. 26)

### **270. Debates: Interruptions: To interrupt a Minister repeatedly, is unparliamentary**

On 13 November 1987, the Minister of State for External Affairs, Shri K. Natwar Singh, was replying to a short duration discussion on the Sri Lankan situation. Shri Gopalsamy repeatedly interrupted him.

Directing the member not to interrupt the Minister, the Deputy Chairman remarked:

Please sit down, Mr. Gopalsamy. It is unparliamentary to interrupt every now and then. It will not go on record. Once in a while I can understand. If you do not allow the Minister to reply that is unparliamentary. You have to listen.

(R.S. deb. dt. 13.11.1987, Cols. 205-08)

## **PARLIAMENTARY ETIQUETTE**

### **271. Debates: Parliamentary etiquette: Members should not go to the Chairman when a debate is on as it diverts his attention**

On 21 August 1968, during the course of a calling attention to the demonstration by the State Government employees in New Delhi, Shri A. D. Mani walked up to the Chair to say something to the Chairman.

The Chairman observed:

I would like hon'ble members, I would beg of them, not to come to me while the debate is going on. I am sorry for that. My attention is completely diverted... and it is a disadvantage to the House.

On 23 August 1968, when a motion regarding the situation arising out of the entry by the armed forces of the Soviet Union and other Warsaw Pact countries into Czechoslovakia was under discussion, Shri A. P. Chatterjee approached the Chairman.

The Chairman said:

I have given a ruling that nobody should come to me when I am getting on with the House.

(R.S. deb. dt. 21.8.1968, Col. 3866; 23.8.1968, Col. 4256)

### **272. Debates: Parliamentary etiquette: No member should speak from a seat other than his own**

During a calling attention when Shri Kalyan Roy, who was sitting in another member's seat at that time, tried repeatedly to intervene, the

Deputy Chairman observed:

In the first place, you should be in your seat...I must remind you that you are not in your seat.

(R.S. deb. dt. 20.3.1975, Col. 161)

**273. Debates: Parliamentary etiquette: Members should not make comments when answer is being given**

On 21 March 1985, during the question hour in connection with starred question no. 123, regarding Scandinavian Airlines Flight from Calcutta, put by Shri Nirmal Chatterjee and Shri Nepaldev Bhattacharjee, there were some interruptions after the Prime Minister, Shri Rajiv Gandhi, replied to supplementaries. Thereupon, when Shri N. K. P. Salve remarked that "never during the question hour should there be any dose of intimidation or insinuation", Shri M. S. Gurupadaswamy observed that the question hour is meant for 'information'. At this point, Shri J. K. Jain made some comments.

The Chairman ruled:

This shall not go on record. Now will you all kindly listen to me? When a certain answer is given, then you cannot make any comment on that answer... I must know what the gentleman is going to say. Even before knowing it how can I rule him out? If you make noise like this nothing will go on record.

(R.S. deb. dt. 21.3.1985, Col. 25)

**274. Debates: Parliamentary etiquette: A member or a Minister should not come in between the speaker and the Chair**

On 21 February 1986, during the question hour when Shri P. N. Sukul was asking a question, the Chairman observed:

Just one minute. Mrs. Rajendra Kumari Bajpai, you have committed a very serious lapse of etiquette today. When a member is speaking, you should not come in between. Please, therefore, observe the Rules properly.

(R.S. deb. dt. 21.2.1986, Col. 32)

**275. Debates: Parliamentary etiquette: A member should not cross between the member speaking and the Chairman**

On 12 March 1986, during the question hour Dr. Rudra Pratap Singh tried to cross between the member speaking and the Chairman.

The Chairman observed:

The hon'ble member has committed...Just stop. You should not cross the speaker and the Chairman. Please take note. You must observe some conventions in the House.

(R.S. deb. dt. 12.3.1986, Col. 2)

**276. Debates: Parliamentary etiquette: The rules, practice and etiquette of the House require that members should not raise questions which are ironical expressions, imputations and defamatory**

On 7 December 1998, the Chairman reminded the members of a special mention discussed earlier on 23 July 1998 and of the objections raised by certain members. The objections were:

1. The subject matter of the special mention, being a State subject, could not be raised in the House;
2. the use of a particular expression by a member while addressing the Chair; and
3. the propriety of any member making insinuation against a State Government.

The Chairman gave the following ruling:

Hon'ble members may recall that on 23 July 1998 while a special mention was being made regarding "decision of the Madhya Pradesh Government to hand over diamond deposits in Behradin Block in Raipur District to a Mumbai-based Diamond Consortium for exploration and exploitation of diamonds", I had suspended the special mention when some members raised the following objections:

- I Shri Vayalar Ravi's objection was that the subject matter of the special mention, being a State subject, could not be raised in the House.

I Shri Pranab Mukherjee's objections were regarding:

- (a) the use of particular expression by Shri Gurudas Das Gupta while addressing the Chair; and
- (b) the propriety of any member making insinuations against a State Government.

I had stated that I would examine the matter and give a ruling. My ruling is as follows:

I will first address the objection of Shri Vayalar Ravi. I find that Entry 54 of the Union List, read with Entry 23 of State List, in the 7<sup>th</sup> Schedule of the Constitution and provision of the Mines and Minerals (Regulation and Development) Act, 1957 as also available precedents, make amply clear that the Central Government have authority with reference to prospecting and mining, particularly of precious stones. No prospecting and mining lease can be granted by any State Government except with the prior approval of Central Government. I have also gone through the reply given on 20 July 1998 to unstarred question no. 3627 of Shri Raghavji and Shri Govindram Miri by the Minister of State in the Ministry of Steel and Mines which, *inter alia* stated that no prospecting license or mining lease for precious stones, such as diamonds, could be granted by State Government except with the previous approval of the Central Government under the Mines and Minerals (Regulation and Development) Act, 1957.

In the light of these facts, it is evident that prospecting and mining of precious stones attracts the authority of the Union Government and therefore can be raised in the House.

The objection of Shri Vayalar Ravi, is thus, not maintainable and accordingly I overrule it.

I now turn to the points raised by Shri Pranab Mukherjee. As regards his point on the use of an expression while addressing the Chair I am of the opinion that, that expression is not commensurate with the dignity of the Chair, to whom that expression was addressed. Therefore, I have decided to expunge that expression from the records of the proceedings.

His second objection was with regard to the propriety of the insinuation against a State Government by a member of the House who, while making his submission, stated that there was some exchange of benefit, etc. I have seen the record and found that Shri Gurudas Das Gupta had used such an expression. The rules, practice and etiquette of the House require that members should not raise questions which are ironical expressions, imputations and defamatory. Rule 238 (vii) is specific in this behalf. Members are expected to maintain decorum and dignity in debates. Similarly, rule 47(2) (vi) and rule 169 (ii) indicate that questions and motions will not contain arguments, inference, ironical expressions, imputation or defamatory statements.

I have accordingly decided that the insinuation or defamatory remarks regarding the Government of Madhya Pradesh of Shri Gurudas Das Gupta be expunged under rule 261.

The Secretariat will convey the expunged portions of the proceedings to the members concerned.

The matter now stands closed.

(R.S. deb. dt. 7.12.1998, Cols. 237-39)

**277. Debates: Parliamentary etiquette: Aspersions: No aspersions should be cast on any person who is not a member of the House**

On 15 April 1987, Shri Lal K. Advani was participating in a calling attention on the engagement of the US Agency Fairfax Group by the Government of India for the investigation of cases of illegal holding of funds by certain Indian parties abroad. He was constantly interrupted by members while making his speech.

Disallowing any interruptions to be recorded the Chairman ruled:

Do not record any interruptions. Let no interruptions be recorded. I wish to tell the hon'ble member that no aspersions of any kind shall be made on any person who is not a member of this House,

or who is not present in this House. Therefore, you will observe this rule and please do not allow emotions to run away from reason.

(R.S. deb. dt. 15.4.1987, Col. 162)

**278. Debates: Parliamentary etiquette: Aspersions: Nobody can cast aspersions on anybody without giving prior notice**

On 2 March 1988, during the question hour on a supplementary to a question regarding airlinking of Tuticorin, raised by Shri T. R. Balu and Shri V. Gopalsamy, Shri Aladi Aruna referred to Shri G. K. Moopanar. Shrimati Jayanthi Natarajan objected to the reference as under rule 47(2) no 'name or statement not strictly necessary to make the question intelligible' should be brought in.

To put an end to the controversy the Chairman said:

This is my interpretation of the rule. The rule, according to me, debars anybody from casting aspersions on anybody who is not a member or even if he is a member of the House casting aspersions or telling against him without giving him notice. That is a clear rule. That is not permitted...

(R.S. deb. dt. 2.3.1988, Cols. 14-19)

**279. Debates: Parliamentary etiquette: Defamatory remarks: All sections of the House should decide by mutual consultations about implementation of the rule prohibiting the making of defamatory remarks against a person not present in the House**

During the course of the discussion on a calling attention regarding the alleged victimisation of journalists by various newspaper managements in the country, Shri Bhupesh Gupta alleged that Shri Goenka of the Indian Express group had foreign accounts in Swiss and American banks. Shri Viren J. Shah raised an objection to this by saying that the member made allegations against a person who was neither a member of the House nor could be present there. Shri Shah sought expunction of the remarks made by Shri Bhupesh Gupta and wanted the Chair to give a ruling on this.

The Deputy Chairman observed:

Shri Viren J. Shah has raised objection to certain remarks made by Shri Bhupesh Gupta on the ground that those remarks were

defamatory allegations against Shri Goenka who is not present in the House. It is true that the remarks made by Shri Bhupesh Gupta are of a defamatory nature. But the practice, as it has developed in this House, is that remarks of this nature and similar nature have been made by all sections of the House. So, a practice which has been going on for so long can only be set right by mutual consultation between the various parties in the House. If the various parties in the House can come to a certain understanding as to the interpretation and implementation of the rule quoted by Shri Shah and the practices followed in this regard, I think that would be the best way of getting round this difficulty rather than giving any clear-cut ruling at this point. So, I would request various parties and groups in this House kindly to sit together, see the implications of the rule that has been quoted and go into the various implications of implementing this. It is only with the cooperation from various sections of the House that the rules can be observed or implemented by the Chair. So, I will end with a plea that mutual discussions on this particular point are really called for. If an agreement is arrived at, I think that would be the best way of getting out of this problem.

(R.S. deb. dt. 17.6.1977, Cols. 113-36)

**280. Debates: Parliamentary etiquette: Defamatory remarks: Anybody wanting to repeat or make a comment in writing or orally outside the House on a defamatory statement made on the floor of the House, shall not have any protection**

During supplementaries on a question asked by Shri J. K. Jain on 2 December 1980, about income-tax raids in the months of August, September and October 1980, several members, wanting to know the names of persons involved in the raids, also made some defamatory statements concerning some individuals.

The Chairman observed:

Mr. Minister, the question concerns the three months. In those three months if any raids have taken place and in case a *prima facie* case has been established, you might lay the names of those persons on the Table of the House, and if the matter is under consideration and there is only a suspicion or an accusation, you need not lay their names on the Table of the

House..It is very safe to say things on the floor of the House. Many things cannot be said outside. If they are said, then the man will be in queer street. But it is very safe to say that here. But I do not think it is fair.

The Chairman also observed at a later stage:

Every repetition of a defamatory statement is itself an offence. It may be that this floor protects people. But if it is repeated outside by anybody in papers, writing or orally, he will not have the protection. Anybody wanting to remark on it in newspapers should first consult his lawyer.

(R.S. deb. dt. 2.12.1980, Cols. 5-25)

**281. Debates: Parliamentary etiquette: Derogatory remarks: Not to be made against any member**

On 31 March 1970, Shri Niren Ghosh had made the remark that "he (Shri Rajnarain) is in the pay of Shri Chandra Bhan Gupta". No objection was taken by any member when the remark was made. On the following day some members raised objection. Shri Niren Ghosh did not withdraw the remark on the plea that more disparaging remarks had been made in the House in the past by other members including Shri Rajnarain.

The Deputy Chairman observed:

Mr. Niren Ghosh should not have used such language. Such remarks are not in consonance with the dignity and decorum of the House. Perhaps he might have used this language in the heat of passion but, undoubtedly, the language used was deprecatory, and hon'ble Members should not use such language which will mar the dignity and decorum of the House.

(R.S. deb. dt. 1.4.1970, Cols. 45-61)

**282. Debates: Parliamentary etiquette: Derogatory remarks: Not to be made against the President**

On 14 March 1972, during the debate on the Motion of Thanks Shri Rajnarain expressed the opinion that the President, by addressing the Joint Session of both Houses of Parliament in English, had insulted the Indian national language and also the spirit of Bharat.

The Deputy Chairman observed:

I would request hon'ble members to use dignified language in this House. So far as the President is concerned, we should not use any derogatory words.

(R.S. deb. dt. 14.3.1972, Cols. 152-53)

**283. Debates: Parliamentary etiquette: Derogatory remarks: Decision of the Chair declaring words or utterances as derogatory shall be final**

On 22 March 1984, during the question hour, Shri Gulam Mohi-ud-din Shawl, asked as to why foreign delegates to the All India Conference of Students Federation of India were refused visas. The Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah, said that as per the report of the Indian Embassy in Beijing the letter of invitation reportedly sent out by the Student Federation of India had been couched in a language derogatory to a self-respecting nation and no list of foreign delegates proposed to be invited was received from the local organisers because of which it was decided to decline visas to foreign delegates who might have been extended invitation to participate in the Conference. Shri Dipen Ghosh wanted to know the objectionable language on the basis of which visas could not be granted. As Shri Nepaldev Bhattacharjee also joined Shri Dipen Ghosh in the demand to know the derogatory language, the Minister read out a part of the letter sent out by the Student Federation of India. Totally unconvinced, Shri Dipen Ghosh and a few more members challenged the Minister to point out the words that seem to be derogatory in his wisdom.

Disallowing the observations of the members, the Chairman observed:

In my judgement, the hon'ble Minister has made out his point that the language was derogatory.

Dismissing the plea of Shri Shridhar Wasudeo Dhabe to place the entire letters on the Table of the House, the Chairman further observed:

It is there. Mr. Dhabe, you understand sufficient English to know that certain observations were derogatory...I have ruled and

I understand English a little bit, not as much as you. But they are derogatory.

(R.S. deb. dt. 22.3.1984, Cols. 10-13)

**284. Debates: Parliamentary etiquette: Derogatory remarks: Members should restrain themselves from using derogatory and unpleasant remarks against each other**

On 27 March 1985, during a debate on the motion seeking revocation of the Proclamation issued by the President on 6 October 1983 under article 356 of the Constitution, in relation to the State of Punjab, the speech of Shri Murlidhar Chandrakant Bhandare was interrupted and there were some altercations between some members. Shri Nirmal Chatterjee rose on a point of order seeking withdrawal of certain remarks by Shri Deba Prasad Ray.

Thereupon, the Deputy Chairman remarked:

Please sit down. All of you, please sit down. Please sit down. I cannot shout like you. Please let me speak. I will see the record and if anything is derogatory to any member, I will expunge it.

Afterwards, before the adjournment of the House for the day, the Deputy Chairman gave her ruling with the following observations:

Before we adjourn the House, I would like to mention to the members that there were certain derogatory and unpleasant remarks made against each other. The Bill was very serious, as the Home Minister has said, and the discussions should have been kept up to the standard. But I think the climate outside is sometimes very hot, the summer is coming and it might have affected us - some of the members. I only request that considering age-wise we might be very young now but this House is known as the House of Elders, and it is not at all becoming of the Elders to use such remarks against each other.

I have seen the records and we will remove those remarks, but I would request the members in future to restrain themselves from using such a language. After all we are living in a democracy and we are very proud of it. Everybody has a right to defend and we can express our viewpoint without shouting or interrupting.

(R.S. deb. dt. 27.3.1985, Cols. 362-64 and 405)

**285. Debates: Parliamentary etiquette: Derogatory remarks: There should not be any derogatory remarks against a person who is incapable of defending himself in the House**

On 15 April 1987, when the discussion on a calling attention on the engagement of the US Agency Fairfax Group by the Government of India for the investigation of cases of illegal holding of funds by certain parties abroad was going on, Shri Jaswant Singh raised a point of order about the repeated reference to the names of persons who were not present in the House.

After carefully listening to the point of order, the Chairman observed:

No person who is not a member of this House can be referred to in the House in a derogatory manner or in any other way affecting his reputation. I will go through the record and if I find anything objectionable, I will expunge those remarks.

(R.S. deb. dt. 15.4.1987, Cols. 209-10)

**286. Debates: Parliamentary etiquette: Derogatory remarks: There should not be any derogatory remarks against a person who is not capable of defending himself in the House**

On 15 March 1989, Shri Lal K. Advani through a point of order drew the attention of the Chairman to a derogatory remark made by Shri Madan Bhatia against Shri Arun Shourie, Editor of the *Indian Express*. Shri Madan Bhatia made the remark against the Editor while participating in a discussion on the Thakkar Commission Report. Shri Lal K. Advani requested the Chair to expunge the derogatory remarks.

Thereupon, the Vice-Chairman observed:

I have told that if the remarks are such that there is no opportunity to the person concerned to give a personal explanation and if it is derogatory to him, I will look into it.

(R.S. deb. dt. 15.3.1989, Cols. 236-38)

**287. Debates: Parliamentary etiquette: Derogatory remarks: Derogatory words such as the 'helplessness of the Chairman' not allowed**

On 11 March 1999, some points were raised regarding 'Removal of Naval Chief and Allegations made by Shri Mohan Guruswamy'. Shri Gurudas Das Gupta remarked that according to the Rule Book, the Chairman was helpless, if the Leader of the House did not give time for the discussion.

The Deputy Chairman gave the ruling:

The Chairman is never helpless. The Rules are binding on everybody - the Chairman and all of us. I would request you earnestly - I can give a ruling also - that never use words as to the 'helplessness of the Chairman of the House'.

(R.S. deb. dt. 11.3.1999, Cols. 263-64)

**288. Debates: Parliamentary etiquette: Disparaging remarks: Should not be made against the Heads of foreign States**

Speaking on the motion regarding the international situation, Shri D. A. Mirza made certain references to President Ayub Khan of Pakistan, to which the Prime Minister, Shri Jawaharlal Nehru, objected. Shri Nehru said that it would not be proper to mention in the House, the Head of a foreign State, in the language that Shri Mirza had used. He further said that it did not matter whether one agreed with President Ayub Khan or not but there were certain proprieties which had to be observed.

In this context, the Vice-Chairman observed:

There are certain Rules of Procedure which preclude us from referring to the Head of a neighbouring State in such terms... I hope the hon'ble member will take care and he should not use such disparaging words.

(R.S. deb. dt. 22.8.1961, Cols. 1242-43)

**289. Debates: Parliamentary etiquette: Disparaging remarks: Should not be made against anyone not present in the House**

On 4 April 1970, speaking on the West Bengal State Legislature (Delegation of Powers) Bill, 1970, Shrimati Purabi Mukhopadhyay alleged that even during the President's rule, the Communist Party (Marxist) was perpetuating chaotic conditions in the State and said, "In the whole State of West Bengal, wherever the CPM has a unit, everywhere the same killing, the same arson, the same firing, the same molestation of women, went on, and all these went on with the help of the party in power, with the direct instigation and help of the Home Minister, Mr. Jyoti Basu, with the direct instigation and help of Shri Promod Das Gupta and Mr. Hare Krishna Konar". This was objected to by some members of the CPM in the House.

The Deputy Chairman observed:

...no criticism should be made and no disparaging remarks should be made against any person who is not in the House to defend himself..Until and unless a person gets an opportunity to defend himself in this House, no disparaging remarks should be made.

(R.S. deb. dt. 4.4.1970, Cols. 95-99)

## **RULES**

**290. Debates: Rules: Member should not misquote from documents placed on the Table**

Shri Bhupesh Gupta, rising on a point of order, asked whether a Parliamentary Secretary or a Minister can misquote from a document which had been placed on the Table of the House. He said that during supplementaries on starred question no. 635, when he quoted from rule 39 of the French Rules, governing the election of the Council of Government in Pondicherry by the Representative Assembly of Pondicherry State, to show that the election to the Council should be made under secret ballot, Shrimati Lakshmi N. Menon, the Parliamentary Secretary to the Minister of External Affairs, asked him to read the next provision also which dispensed with such a necessity. However,

the English translation of the French Rules laid on the Table of the House did not show such a provision in rule 39.

The Chairman ruled:

I give my ruling on the point of order. It is not open to any member whether Parliamentary Secretary or Opposition Leader or any other to misquote ... If there is any correction to be made, if she has inadvertently made any kind of slip, she will issue a correction. If she has not, there is nothing more to be said.

(R.S. deb. dt. 28.9.1955, Cols. 4967-69 and 5032-33)

**291. Debates: Rules: Members cannot raise any matter for discussion without the previous consent of the Chairman, whether it be a motion for papers or a privilege motion or any other motion**

Immediately after the question hour, Dr. R. B. Gour submitted that the Government owed an explanation to the Council about the violation of the privileges of the legislators of Uttar Pradesh and the failure of the Government of India in seeing that their own policy of a national and all parties approach to the food problem was implemented in Uttar Pradesh.

The Chairman said:

I want to tell the hon'ble member that there are certain rules with regard to raising matters for discussion here. Whether it is a short notice question, or whether it is a motion for papers or whether it is a privilege motion, they must first obtain the consent of the Chairman before they raise it on the floor of the House... I do hope that members will kindly observe the rules which are laid down in our Rules of Procedure and not spring surprises on the House by getting up.

As a matter of fact, I was greatly distressed yesterday by the conduct of an hon'ble member and the way in which he

conducted himself. These are things which affect the dignity of the whole House and the Party itself.

Dr. R. B. Gour submitted that no disrespect to the Chair was meant and that they had informed the Chair with regard to the point sought to be raised the previous day.

Thereupon, the Chairman said:

It is not a question of informing but of getting the consent. That is different from merely giving information. The Chairman has to satisfy himself before he gives his consent.. Mere information to the Chair does not constitute the consent of the Chair.

(R.S. deb. dt. 9.9.1958, Cols. 2459-60)

**292. Debates: Rules: Members should speak only from their own seats**

During a discussion on the Orissa Appropriation Bill, 1961, Shri Bibudhendra Misra wanted to put a question to the Minister in-charge of the Bill.

The Deputy Chairman said:

The hon'ble member is not in his seat. I am sorry... You should speak only from your seat.

(R.S. deb. dt. 16.3.1961, Col. 3289)

**293. Debates: Rules: Members while putting questions or making speeches, should do so from the seats allotted to them**

On 19 March 1965, during the question hour several members were found putting questions from seats other than those allotted to them.

The Deputy Chairman said:

May I request hon'ble members that during the question hour each hon'ble member should be in his allotted seat?

(R.S. deb. dt. 19.3.1965, Cols. 3719-20)

**294. Debates: Rules: Questions cannot be raised in the Council against the arrest of members of the House of the People**

Shri Pyare Lal Kureel 'Talib' made a reference to the detention of Shri B. P. Maurya, a member of Lok Sabha. Shri K. Santhanam pointed out that it was not the usual convention for Rajya Sabha to take notice of actions against members of Lok Sabha but only of action taken against its own members. Shri Bhupesh Gupta argued that the two Houses of Parliament were an integral whole and that if any impropriety was committed or wrong done to the members of one House, the other House, being a part of Parliament, could certainly take it up.

The Deputy Chairman said:

Normally, relevant issues should be raised here, and therefore what Mr. Santhanam has said should be carefully considered. Even though you want to raise an issue, because you want to join with what Mr. Kureel has raised, it has no relevancy here. Therefore, it does not arise here.

(R.S. deb. dt. 11.2.1964, Cols. 101-05)

**295. Debates: Rules: Members cannot raise any matter not on the order paper of the day without the previous concurrence of the Chairman**

On 17 September 1965, immediately after the question hour, Shrimati Shakuntala Paranjpye got up to suggest that the Council might sit on Saturday, the 18<sup>th</sup> also.

The Chairman observed:

I have established the practice that a matter which is not on the order paper should not be discussed. It has to be discussed with me before hand in my Chamber before raising it here.

(R.S. deb. dt. 17.9.1965, Col. 4464)

**296. Debates: Rules: Names of persons who cannot defend themselves in the House should not be mentioned**

In enquiring about his calling attention notice regarding the situation in Banda, etc., Shri Rajnarain while criticising the Ministry in Bihar, referred to two individual Ministers by name and said that they were indulging in organised goondalism. Shri Chandra Shekhar rising on a point of order, objected to the mentioning of names of the Ministers by Shri Rajnarain. The Chairman ruled that the names should not go on record and that they would be expunged. Later on, in the discussion Shri Niren Ghosh referred to two Chief Ministers of States by name and criticised their actions.

The Chairman ruled:

I have listened to you. I have listened to this side and my ruling is that the names shall be deleted. If there is a mention of the office and so on in the paper that would stand. But I have ruled that the names of the persons who are not here, specially when they are important names, should not be mentioned because they cannot defend themselves. So the names should be excluded.

(R.S. deb. dt. 3.8.1966, Cols. 1237-53)

**297. Debates: Rules: Members should not make personal charges against other members**

On 31 August 1966, Shri Rajnarain while speaking on the Appropriation (No. 3) Bill, 1966, made certain personal charges against the Prime Minister, Shrimati Indira Gandhi.

The Chairman reverting to this subject on 1 September 1966, observed:

It has come to my notice that in the course of the debate on the Appropriation Bill yesterday a member made certain personal charges against the Prime Minister. Under sub-rule (ii) of rule 238 of the Rajya Sabha Rules, a member while speaking shall

not make a personal charge against some other member. I have noticed a tendency recently in this House on the part of some members to overlook this very important rule. Such tendency lowers the dignity of the House and certainly does not enhance the prestige of the Members of the House. The Prime Minister has written to me to say that she denies the charges made by Shri Rajnarain yesterday during the course of the discussion on the Appropriation Bill as utterly baseless. I hope Shri Rajnarain will withdraw the allegations made by him.

Shri Bhupesh Gupta said that in the past there had been many cases when Ministers of the Government had made charges against individual members of the Opposition but at that time nothing was done about it in spite of protests and asked the Chairman whether one standard would be observed with regard to Ministers and quite a different standard with regard to individual members.

The Chairman said:

I entirely agree with you. There will be no two standards. This rule will apply in all cases.

As Shri Rajnarain did not withdraw his remarks against the Prime Minister, the Leader of the Council, Shri M. C. Chagla, read out his notice of a motion of privilege against Shri Rajnarain and requested that the matter of his complaint about the reckless charges made against the Prime Minister by Shri Rajnarain be referred to the Committee of Privileges. The motion was discussed.

On 2 September 1966, Shri Bhupesh Gupta requested the Leader of the Council to withdraw his motion of privilege against Shri Rajnarain so that the entire matter could be left in the hands of the Chairman to be disposed of as he deemed proper. The Leader of the Council agreed and the motion was, by leave of the Council, withdrawn.

On 7 September 1966, the Chairman announced:

On the suggestion made by Shri Bhupesh Gupta, the Leader of the House had on September 2, withdrawn his privilege motion against Shri Rajnarain and the matter was placed by the House

unanimously, in my hands. I heard the hon'ble member Shri Rajnarain at length. The hon'ble Prime Minister has also spoken to me since and reiterated her earlier denial of what Shri Rajnarain said in this connection on 31 August 1966 in regard to her. In view of this, I would ask Shri Rajnarain to withdraw what he had said.

Shri Rajnarain said that he was fulfilling the desire of the Vice-President of India and the Chairman of Rajya Sabha.

The matter was then closed by the Chairman.

(R.S. deb. dt. 31.8.1966, Cols. 4844-47; 1.9.1966, Cols. 5045-5101; 2.9.1966, Col. 5267; 7.9.1966, Cols. 5969-70)

**298. Debates: Rules: Member should not be called 'agent of a foreign power'**

In the course of clarifications on a calling attention, Shri Arjun Arora sought the Chairman's protection and said that Shri Rajnarain had called him an agent of a foreign power, which was undignified and wrong. Shri Arora further said that either he should withdraw that remark or it should be expunged by the Chairman.

The Chairman said:

It is unjust. If you had called him an agent you should withdraw, Shri Rajnarain.. If it has any reference to Mr. Arora that he is a foreign agent, it is wrong. It shall be expunged.

(R.S. deb. dt. 3.3.1969, Cols. 1997-98)

**299. Debates: Rules: Speeches or observations made in defiance of the Chair's orders, should not be recorded**

On 19 August 1969, immediately after Shri Lokanath Misra had made some reference to some investment of money in the Raisina Publications by Mrs. Aruna Asaf Ali, the Vice-Chairman called on Shri A. P. Chatterjee. Shri Chatterjee was the next speaker to speak on

the resolution seeking disapproval of the Banaras Hindu University (Amendment) Ordinance, 1969, and the Banaras Hindu University (Amendment) Bill, 1969, both of which had been taken up together. But Shri Rajnarain had something to say on the observations made by Shri Lokanath Misra and hardly had he finished the first sentence when the Vice-Chairman said, "I have called Mr. Chatterjee".

Shri Rajnarain continued to speak in defiance of the Chair, when the Vice-Chairman ruled:

Nothing to go on record, what Mr. Rajnarain says. I have allowed only Mr. Misra.

(R.S. deb. dt. 19.8.1969, Cols. 4626-27)

### **300. Debates: Rules: Members not to make irresponsible statements that might harm national interests**

On 21 July 1971, while seeking clarification on a calling attention on the reported threat by the President of Pakistan to declare war on India, Shri A. P. Chatterjee asked whether all possible help would be given to the guerillas fighting in Bangladesh and whether the Pakistan army equipment captured by the guerillas were being confiscated by our army and the guerillas were being sent back with only .303 bullets and ordinary arms and so on. The Minister of External Affairs, Sardar Swaran Singh said that apart from the facts mentioned by Shri Chatterjee being all wrong, whatever he had said was likely to be used against India in international forums. The Minister appealed to him not to indulge in this sort of exercise. Shri Chatterjee retorted that the External Affairs Minister was in the pay of the Americans and that was why he was fighting against Bangladesh.

The Deputy Chairman ruled:

When we are performing our duties in this House hon'ble members should use responsible language in the House. The paramount consideration in everybody's mind should be that we will not do anything which will do even the slightest harm to our national interests.

(R.S. deb. dt. 21.7.1971, Cols. 104-07)

**301. Debates: Rules: Anything said without permission of the Chair, not to be recorded**

On 8 December 1971, when Shri Rajnarain raised the matter about unstarred question no.161 of 17 November 1971 regarding rustication of 24 students of the Kashi University, the Chairman observed:

Mr. Rajnarain, I have not permitted you to speak. If you continue speaking, I will have to order it to be off the record.

(R.S. deb. dt. 8.12.1971, Col. 3)

**302. Debates: Rules: Cross-talks and whisperings not to go on record unless they form part of the proceedings**

During a discussion on a calling attention notice, when some cross-talk was going on between some members, the Deputy Chairman observed:

No cross-talks, please..They will not go on record unless they have to form part of the proceedings. No cross-talks and whisperings will go on record.

(R.S. deb. dt. 13.12.1974, Col. 129)

**303. Debates: Rules: No member can speak in place of a member who is not present in the House**

On 29 March 1976, when the House was discussing the Appropriation (Railways) No. 2 Bill, 1976, at one stage the Deputy Chairman who was in the Chair called upon Shri Nageshwar Prasad Shahi to speak. As the member was absent, another member, Shri Gunanand Thakur enquired from the Chair whether he could speak in the place of the absent member.

The Deputy Chairman then ruled:

Nobody can speak by proxy.

(R.S. deb. dt. 29.3.1976, Col. 105)

**304. Debates: Rules: Members should not be addressed in a derogatory way**

While speaking on the Budget (General) 1977-78, Shri P. K. Kunjachan said that Congress goondas were attacking the opposition people in Kerala. Shri Kalpnath Rai objected to the use of the words "Congress goondas" and asked for their expunction.

The Vice-Chairman observed:

If anybody has addressed another member of the House in a derogatory term, that has to be expunged.

(R.S. deb. dt. 30.3.1977, Cols. 154-55)

**305. Debates: Rules: No other member is allowed to speak after the member who had been arrested makes a statement in the House**

A question of privilege of the members of the House was raised in the House on 4 December 1978, on the arrest of Miss Saroj Khaparde, and subsequent order of the Magistrate to enable her to attend the session. The discussion started when she did not come to the House in the morning. After some time, when she came to the House, she made a statement about her arrest and the treatment meted out to her by the concerned authorities. After her statement, some members wanted to continue the discussion on the subject, but the Chairman intervened and observed:

...after the member has made the statement, no other member is allowed to speak, according to the Rules.

Later on, when Shri Bhupesh Gupta suggested to the Chair to ask the leader of each group to say as to what should be done in the matter and thereafter the members would give their opinion, the Chairman further observed:

Now, no other member is allowed to make a statement...This matter is over and we will go over to the next item.

(R.S. deb. dt. 4.12.1978, Cols. 46-57)

**306. Debates: Rules: Members should not be allowed to raise their voice in protest without giving notice to the Chairman that they are going to speak**

On 19 February 1982, before the papers could be laid on the Table of the House, by the Deputy Minister in the Ministry of Communications, Shri V. N. Patil, some of the members from opposition parties protested against the increase of the postal rates on the eve of the Budget session. At that time, the Finance Minister, Shri Pranab Kumar Mukherjee said that the Chairman should not allow anybody and everybody to raise his voice in protest without giving a notice.

The Chairman said:

I agree with the hon'ble Finance Minister that I should not allow anybody and everybody to raise his voice in protest without giving a notice.

(R.S. deb. dt. 19.2.1982, Cols. 182-84)

**307. Debates: Rules: Members should not cast reflections on other members who criticise the Government**

On 25 February 1982, when the House was discussing the Motion of Thanks on the President's Address, Shri Hari Shankar Bhabhra from the Opposition, strongly criticised the Government policies and the Prime Minister. Many members from the ruling party, including Shrimati Usha Malhotra and Shri J. K. Jain, took serious objections continuously.

The Vice-Chairman ruled:

I don't think it is fair to cast reflection on another member because he is making an observation and a member has a right to make his observation in the House. It may be agreeable or it may not be agreeable to some. But I don't think it is fair to cast reflection on another member. I don't think democratic process will be able to run properly if we start making reflections on one another... Therefore, I will request the hon'ble members not to cast reflection on other members.

Shri B. P. Maurya was not satisfied with ruling of the Chair and said that a member had a right to express his views and make observations but he could not say anything which goes against the interest of the nation. Shri J. K. Jain said that irrelevant things should be deleted from the record.

The Vice-Chairman further ruled:

On this subject members' views will vary and it will not be fair for a member to impose his views on the other. In this matter the parties' views will vary and members' views will vary...I have told umpteen number of times that the Chair would like to acquire the power of deleting irrelevant things.

(R.S. deb. dt. 25.2.1982, Cols. 245-47)

**308. Debates: Rules: Name of a member of other House not to be taken**

On 16 March 1982, when the House was discussing the General Budget, Shri Satya Pal Malik referred to some members of the other House. Shrimati Usha Malhotra raised a point of order and took serious objection to that. She asked for a ruling from the Chair.

The Vice-Chairman ruled:

...It is very difficult for the Chair to put a complete ban on the speeches, because, after all, in a political speech names may come in. But I would request hon'ble members to keep in view that it is better, as far as possible, not to take the name of an hon'ble member of the other House because that will be against the comity of both Houses.

(R.S. deb. dt. 16.3.1982, Col. 220)

**309. Debates: Rules: Names of the officers not to be mentioned**

Shri Suresh Kalmadi, while calling attention to the Report submitted by the Joshi Enquiry Committee on the Ferranti Deal concerning procurement of Telemetry system for Oil and Natural Gas

Commission and Indian Oil Corporation, referred to some officers of the Department of Electronics as a gang of four and also mentioned the Secretary of the Electronics Commission by name.

The Minister of State in the Departments of Science and Technology, Atomic Energy, Space, Electronics and Ocean Development, Shri Shivraj V. Patil, raised a point of order that the rule provides that names of officers are not mentioned.

The Deputy Chairman ruled:

The name will not be recorded.

(R.S. deb. dt. 3.5.1983, Cols. 192-93)

### **310. Debates: Rules: A concluded debate is not to be re-opened**

On 12 March 1984, when the Minister of State in the Ministry of Industry, Shri Pattabhi Rama Rao, started replying to the debate on the Industries (Development and Regulation) Amendment Bill, 1984, which had concluded on the previous day, Shri K. Mohanan said that the discussion had not concluded that day and, therefore, he wanted to speak on the Bill. When the Deputy Chairman said that no member was present that day when names were called out, Shri Dipen Ghosh pleaded with the Chair to allow Shri K. Mohanan as he was ill and had to go to the clinic that day. Following him, many members pleaded with the Chair to allow him to speak.

Thereupon, the Deputy Chairman observed:

Sometimes we have the list of members but the members are not present in the House. So, it is taken that they are not interested in the debate. If you are so much keen now..we can allow him in the third reading; but we cannot re-open the whole debate. If one member is so keen, I can allow him in the third reading.

(R.S. deb. dt. 12.3.1984, Cols. 247-51)

### **311. Debates: Rules: No issue can be raised without proper notice**

On 2 August 1984, Shri Suresh Kalmadi demanded a full-scale discussion on the law and order problem in Jammu and Kashmir.

Shri M. S. Gurupadaswamy also joined the issue demanding a discussion on the subject. The Deputy Chairman said that the law and order problem being a State subject, could not be discussed in the House and that too without proper notice. He further said that the issue had already been discussed to the extent possible.

As some more members started demanding a discussion stating that there were new developments, the Deputy Chairman ruled:

May I tell hon'ble members that if they want to discuss any subject, they should give proper notice for that; for example, by way of calling attention motion or some other motion. May be, some new developments might have taken place there. But that is entirely the responsibility of the State administration there... If hon'ble members want that certain matters should be discussed, as I said, they should give proper notice, for calling attention motion or some other motion or they can put a question. Then this can be taken up. But matters cannot be raised in this way.

(R.S. deb. dt. 2.8.1984, Cols. 174-77)

**312. Debates: Rules: A member should use the word, "alleged" if he is not sure about the involvement of a Minister in some incident**

On 19 March 1985, speaking on the Budget (Railways) 1985-86, Shri Parvathaneni Upendra referred to a scandal regarding a proposal to import some cranes from abroad in which the previous Railway Minister was involved. Shri Madhavrao Scindia objected to the reference.

The Deputy Chairman observed:

You may say: it is alleged. You cannot say that he is involved because you are not sure about it.

(R.S. deb. dt. 19.3.1985, Col. 201)

**313. Debates: Rules: Members should confine themselves to the subject-matter while speaking**

On 12 August 1985, while calling attention of the Minister of Health and Family Welfare to the situation arising out of the decision of the

Medical Council of India to hold an All India Entrance Examination for admission to 30 per cent/50 per cent open seats in undergraduate/post-graduate medical courses and the action taken by the Government in the matter, Shri Aladi Aruna *alias* V. Arunachalam was discussing the judgement of the Supreme Court on this matter.

Thereupon, the Chairman observed:

He is not a lawyer and we will allow him some latitude. He is making a proposition which may be right or which may be totally absurd. It is for you to say so when your turn comes. You should not stop him. He has got the right to say the right things as well as the wrong things. He has got the right even to make mistakes. You cannot stop him from committing mistakes. You can correct him later on.

When some members objected to Shri Aladi Aruna going into the merits of the Supreme Court judgement on the issue, the Chairman observed:

I have considered this matter fully at the time of admitting the motion. What the hon'ble member said was that the Supreme Court's rule did not cover reservation on the basis of domicile. That is his contention and, to that extent he is entitled to say that the Supreme Court judgement does not cover any matter relating to the condition of admission based on domicile. I told him at one time, "You are now exceeding your limits; be careful; otherwise, you will be inviting my ruling."

In regard to the second point which is of academic interest, I do not think, the House cannot say that the judgement of the Supreme Court is not right in a particular way because even as lawyers, all of us have filed appeals when we say that the judgement of the court below is contrary to law, facts and material circumstances of the case. This is the very first sentence we write. This is the burden of the song. Therefore, there is nothing wrong in saying that...

At this point Shri N. K. P. Salve interrupted by saying that that was not the issue.

Thereupon, the Chairman continued to observe:

That is not the issue. Therefore, my request to you is, you confine yourself to the submission that so far as the Supreme Court's rule is concerned, it does not cover reservation based on the condition of domicile. You can go ahead now.

(R.S. deb. dt. 12.8.1985, Cols. 249-53)

#### **314. Debates: Rules: Members must use proper language**

On 28 November 1985, in the course of a short duration discussion relating to action taken or proposed to be taken by the Government in the light of the Supreme Court judgement relating to the *Indian Express Building* case, Shri M. S. Gurupadaswamy raised a point of order on Shri J. K. Jain's referring to the Opposition as "these people" and questioned the propriety of using such a language. At this the Deputy Chairman ruled, "You must use proper language".

The Deputy Chairman further commented:

I would request all the members concerned to be serious when they are discussing any subject in the House. There is no need for controversy and using not very good language against each other.

(R.S. deb. dt. 28.11.1985, Cols. 241-42)

#### **315. Debates: Rules: A member cannot obstruct the Minister merely because he differs in his viewpoint with the Minister**

On 13 March 1987, while the Prime Minister and the Minister of Finance, Shri Rajiv Gandhi, was replying to the discussion on the Budget (General) 1987-88, Shri Jaswant Singh wanted to object to certain references made by the Prime Minister.

Disallowing Shri Jaswant Singh to make any objection, the Chairman observed:

I am exercising the rights of Chairman, I am not allowing you. Please sit down. The Prime Minister has not yielded. Please sit

down. He has not yielded. Unless it is a point of order or unless you want to contradict something, you cannot rise and say anything else. Therefore, I allow the Prime Minister to continue to speak.

The Chairman further remarked:

You cannot comment. You know the rules of debate. You cannot comment on Prime Minister's statement. You may differ and you may have other opportunities to put forward your point of view. Merely because you differ from the Prime Minister you cannot stop the Prime Minister's speech, or any member for that matter. Now, the Prime Minister, please go on. And don't yield.

(R.S. deb. dt. 13.3.1987, Cols. 295-96)

**316. Debates: Rules: Anything spoken without the permission of the Chair has not to be recorded**

On 15 April 1987, participating in the discussion on a calling attention on the engagement of the US Agency Fairfax Group by the Government of India for the investigation of cases of illegal holding of funds by certain parties abroad, Shri J. P. Goyal referred to certain issues reported in a magazine without the permission of the Chairman.

Admonishing the member for violating his rulings, the Chairman observed:

Not allowed. Not recorded. I have already said, 'Not allowed' so why do you want to shout? Nothing is to be recorded.

Mr. Goyal do not provoke me. You know my powers. But I do not want to exercise them and I want to have the friendliest relations. You cannot do whatever you like and you cannot say whatever you think. It means you do not know my powers. Please do not do that. I think you have concluded. Yes, Mr. Gurupadaswamy. Nothing of what Mr. Goyal says is to be recorded.

(R.S. deb. dt. 15.4.1987, Cols. 210-11)

**317. Debates: Rules: Running commentary on the proceedings should not be made by any member**

On 21 April 1987, while Shri M. S. Gurupadaswamy was initiating a short duration discussion on the purchase of guns from the Bofors of Sweden, Shri Mahendra Mohan Mishra and Shri Parvathaneni Upendra were making a sort of running commentary on the proceedings of the House.

Disallowing the members from doing so, the Chairman remarked:

I will tell you one thing. In parliamentary democracy, a person is entitled to say what he wants provided he is within the limits of propriety and it is not unparliamentary. Therefore, you should not go on giving a running commentary on what they say. This applies equally to this side also. They have a right to say what they like so long as they are within the limits of propriety and it is parliamentary. You should not go on giving a running commentary all the time. I would request hon'ble members from both sides to help me in this.

(R.S. deb. dt. 21.4.1987, Cols. 166-67)

**318. Debates: Rules: Members should not obstruct the Minister's reply to a debate**

On 13 November 1987, while the Minister of State for External Affairs, Shri K. Natwar Singh, was replying to a short duration discussion on Sri Lankan situation. Shri V. Gopalsamy repeatedly interrupted the Minister saying that the points raised by him are not properly replied to. At this point of time, Mirza Irshadbaig and Shri Gopalsamy engaged themselves in a verbal duel.

On this, the Deputy Chairman remarked:

Both of you please sit down now. You should listen now. You see, there is a limit to interruption also. If you go on interrupting like this, that crosses the limit of interruption and it amounts to obstruction to the right of reply of the Minister. Mr. Gopalsamy, you have initiated the debate and now you are not ready to listen to the reply.

I am on my legs, you may, therefore, please sit down. You may not agree. When you said certain things, probably, the Minister also did not agree with your views. But he did listen patiently. And, therefore, he has listened to it. You may not agree to what he says. But that does not mean that you will not allow him to reply. Therefore, listen to him now. This is a very important matter on which not only you but the whole country wants to know what the Government is doing about it and what the policy of the Government is. Therefore, the Minister is giving the reply to the whole country and not only to one member. It is to the whole House and to the country that he is stating what the policy of the Government is. Therefore, you please do not obstruct. Otherwise, I will have to take a very serious view. Mind you please.

(R.S. deb. dt. 13.11.1987, Cols. 219-20)

**319. Debates: Rules: Members should not refer to the proceedings of the other House**

On 8 March 1989, Shri Aladi Aruna *alias* V. Arunachalam was speaking on the reported raids on offices of *The Indian Express* in Bombay and Ahmedabad by the Income Tax Department. During his speech he referred to a Privileges Committee Report presented in Lok Sabha the previous day.

Directing the member not to refer to the proceedings of the other House, the Deputy Chairman observed:

I will direct you. It has been going on in this House. For the last one week we have been hearing that what is mentioned in the other House should not be mentioned here. It is the Report of the Privileges Committee of the other House. Please do not mention it.

(R.S. deb. dt. 8.3.1989, Cols. 228-29)

**320. Debates: Rules: State Assembly matters need not be raised in Rajya Sabha**

On 27 March 1992, Shri S. S. Ahluwalia rose to speak on the violation of the Constitution in Bihar Legislative Assembly. Dr. Narreddy Thulasi Reddy, Shri K. G. Maheswarappa and Shri Arangil Sreedharan

raised points of order and objected to raising a matter concerning a State Assembly in the Council of States.

Responding to the points of order, the Deputy Chairman gave the following ruling:

Mr. Ahluwalia, you cannot raise the issue of a State Assembly here. We might be Council of States or we are the Council of States. What happens of that nature in the State Assembly, we cannot discuss it in the House. I cannot allow you to discuss it.

(R.S. deb. dt. 27.3.1992, Cols. 431-32)

**321. Debates: Rules: Members cannot speak on a matter not before the House**

On 27 November 1992, Shri S. R. Bommai read the notice of breach of privilege regarding the Joint Parliamentary Committee appointed to enquire into Irregularities in Securities and Banking Transactions and demanded that the matter be referred to the Privileges Committee. The Deputy Chairman said that many members had also written a letter to the Chairman regarding the breach of privilege and that the matter was under his consideration. The Deputy Chairman maintained that it was not a matter before the House in a formal motion or a discussion. However, Shri V. Gopalsamy requested again and again to be allowed to discuss the Joint Parliamentary Committee but was not permitted by the Deputy Chairman. The member argued as to what was wrong in the discussion.

The Deputy Chairman then made the following statement :

...there is no provision in the Rules to allow you to speak on a subject which is not under discussion. Then, you have not given notice of privilege. If it had been given by you, I would have permitted you.

(R.S. deb. dt. 27.11.1992, Cols. 311-17)

**322. Debates: Rules: No insinuation should be made against those not present in the House**

On 15 May 1997, Prof. Vijay Kumar Malhotra raised a question of privilege in the House regarding alleged leaking of a report on the Bofors

scam to the press and appearance of related reports in newspapers, before it was placed in the House. Other members objected saying that it was not a question of privilege and requested that the observation made by the member be withdrawn.

The Deputy Chairman ordered expunction of some portions of the observation and ruled:

It is a right of a member to raise an issue of privilege and it is entirely up to the Chairman to accept it or to reject it..But while you are speaking about your privilege in Parliament, there are certain privileges of other people who are not members of this House, they cannot defend themselves..So, please do not make any insinuation against those people who are not present here..While we protect your privilege in Parliament, we should also protect the privilege of those people who cannot come to this House.

(R.S. deb. dt. 15.5.1997, Cols. 300-02)

### **323. Debates: Rules: Members should abide by the time**

On 12 March 1999, when the Companies (Amendment) Bill, 1999 was being discussed, Shri Gurudas Das Gupta wanted the Chair's favour to have full time to make the points clear.

The Chairman observed:

What I am trying to put before you for the future is that you just cannot ask for one hour and then expect the other members to sit for three hours just because you wanted. You could have made your point very clear in the Business Advisory Committee. I have one hour printed here and I will abide by the time.

(R.S. deb. dt. 12.3.1999, Cols. 320-21)

### **324. Debates: Rules: Lok Sabha: Rajya Sabha cannot discuss the loss of majority support to the Government in Lok Sabha due to defections**

On the first day of the seventieth session of Rajya Sabha, as soon as the House met, Shri Rajnarain rose on a point of order and said that it was learnt from the newspapers that sixty-five members of

the ruling Congress Party in Lok Sabha had withdrawn their support to the Prime Minister, Shrimati Indira Gandhi. The question, therefore, arose whether the Prime Minister enjoyed the support of the majority in the other House or not. The member said that in his view the Prime Minister did not any longer enjoy majority support. So, he argued that according to the democratic traditions, the Prime Minister should resign.

The Chairman ruled the point out of order and observed:

It is the President who has got the power to appoint the Prime Minister and his Government. It is the other House to which the Government is responsible. We cannot trespass on the powers of others.

(R.S. deb. dt. 17.11.1969, Cols. 2-5)

**325. Debates: Rules: Lok Sabha: Speaker: A matter relating to the Speaker of Lok Sabha cannot be raised in the House**

On 9 January 1991, Shri K. G. Maheswarappa wanted to raise a matter regarding powers of the Chairman of Rajya Sabha and the Speaker of Lok Sabha for which the Attorney-General of India had filed an affidavit before the Delhi High Court on behalf of the Union Government.

Thereupon, the Vice-Chairman ruled:

This is a matter which concerns the other House and its Speaker..Kindly hear my ruling. You want my ruling. I am giving it to you. It is a matter which is *sub judice* in the High Court. What is specific in the issue is the disqualification of Lok Sabha members. It is to do with the powers of the Speaker. I am ruling this matter out. It will not be raised in this House and I am not allowing any further discussion.

(R.S. deb. dt. 9.1.1991, Cols. 28-33)

**326. Debates: Rules: Special mentions: No member, other than the one who has been allowed by the Chair, can speak**

On being permitted by the Chairman, Shrimati Sumitra G. Kulkarni made a special mention regarding the alleged suicide by Miss K. Jyoti,

an ICAR employee. After this when Shri Krishan Kant, who had tabled a calling attention notice on the subject wanted to make a submission, the Deputy Chairman observed:

Your calling attention notice perhaps has not been admitted. How can you get up in the House and question the Chairman's discretion?...If every member wants to get up in the House and makes a submission on all the notices that he has given, then it will become impossible to run the House. And there is no such provision in the rules.

When Shri Krishan Kant said that he wanted to request that the whole issue of the admission of the calling attention notice might be reconsidered, the Deputy Chairman remarked:

That you can do, but not in the House.

(R.S. deb. dt. 18.3.1975, Col. 156)

**327. Debates: Rules: Special mentions: Members should not make observations, except with the prior permission of the Chairman**

On 31 July 1980, as soon as Shri B. V. Abdulla Koya had made a special mention, several members rose to make certain observations on that.

Disallowing them, the Deputy Chairman observed:

In these special mentions there is no such procedure. In the rules and in the procedure that was evolved and discussed by all the leaders of the parties and which has been circulated to all the hon'ble members, there is no discussion and no other member can be allowed to make observations on any special mention which is given in the name of a certain member. If any person wanted to make a special mention, he could have sought the permission of the Chairman. I do not think any other person has got the permission. Therefore, I am sorry, I will not be able to allow anybody else to make observations.

(R.S. deb. dt. 31.7.1980, Cols. 168-72)

**328. Debates: Rules: Special mentions: Any insinuation on the Office of the Prime Minister which offends the Rules will be removed from the record**

On 17 March 1987, participating in a discussion on the "Threat to the freedom of the Press", Shri Parvathaneni Upendra said that "threats are held out from the Prime Ministers' Office to the press". Taking the name of the Prime Minister's Office was objected by the Minister of Commerce, Shri P. Shiv Shanker. Some members demanded that the reference to the Prime Minister's Office should be expunged.

The Chairman gave the following ruling over this controversy:

You use Government instead of Prime Minister. That is an accepted statement which includes everybody from the Prime Minister, President, Vice-President... I have already said that I will look into the record and then I will decide. I know the rules of debates.. I have said that I will go into the record and see if it offends the Rules, namely, if there is any insinuation, I will remove it. Please trust me to follow the Rules correctly and strictly.

(R.S. deb. dt. 17.3.1987, Cols. 239-43)

## **RULINGS**

**329. Debates: Rulings: Should not be discussed in the House**

Shri Bhupesh Gupta questioned the decision of the Chairman rejecting a calling attention notice on the campaign for the Indianisation of Muslims.

The Chairman observed:

Now, according to the practice which prevails in this House, any hon'ble member who wishes to say something about the ruling or the decision of the Chair should meet the Chairman in his Chamber. His ruling cannot be contested or his decision cannot be contested on the floor of the House.

(R.S. deb. dt. 25.2.1970, Cols. 121-23)

**330. Debates: Rulings: Should not be discussed in the House**

On 25 February 1970, Shri Niren Ghosh made some remark against the Supreme Court which was expunged by the Chair. Next day, Shri Niren Ghosh raised the question of expunction. Some other members also took part in the discussion.

The Deputy Chairman observed:

It is rather an unfortunate thing that this has been discussed in this House..If at all any person feels aggrieved by any ruling given by the Presiding Officer, the normal course would be for him to approach the Chairman and, in consultation with the Presiding Officer at that time to discuss the whole matter and to get it settled. It is not desirable that the rulings of the Presiding Officers should be discussed in this House. I hope this will not be treated as a precedent but only as a sort of exception. I hope no such ruling would be debated and discussed in this House in future.

(R.S. deb. dt. 26.2.1970, Cols. 132-42)

**331. Debates: Rulings: Ruling given by the Vice-Chairman is as good as a ruling given by the Chairman. It is not to be revised by the Chairman**

On 1 July 1980, soon after the question hour, Shri Bhupesh Gupta questioned the right of the Chair to say: "nothing will go into the proceedings", with reference to an earlier direction given by one of the Vice-Chairmen, adding that it could not be done so long as the Rules were not violated and the Constitution was not disrespected. He objected to some portion of the proceedings being thus expunged by the Vice-Chairman the other day.

Replying to this, the Chairman made the following observations:

I must stand by the ruling given by the Vice-Chairman who was in the Chair. It is as good a ruling as given by me. If I were to begin revising those rulings, then the work will never be finished and there will be lot of trouble.

(R.S. deb. dt. 1.7.1980, Cols. 125-26)

**332. Debates: Rulings: No point of order on the Chair's ruling**

On 18 December 2000, when Shri Pranab Mukherjee rose to move a motion, Shri Adhik Shirodkar raised a point of order under rule 169 (ii), (viii), (ix) and (xii). Shri Pranab Mukherjee said that rule 169 deals with conditions of admissibility and once the motion is admitted by the Chairman of the House there is no scope for raising a question on the ground of admissibility. The Chairman too said, "That is right. You cannot raise it."

However, when Shri Adhik Shirodkar insisted again that he wished to raise a point of order, the Chairman maintained:

No point of order can be raised on the Chairman's decisions or rulings.

(R.S. deb. dt. 18.12.2000, pp. 18-19)

**SUB JUDICE MATTERS**

**333. Debates: Sub judice matters: Minister cannot be compelled to answer**

On 7 December 1970, Shri A. G. Kulkarni called the attention of the Minister of Irrigation and Power to the reported protest by the Government of Maharashtra to the Central Government in allowing the Government of Andhra Pradesh to raise the height of the Nagarjun Sagar Dam by fixing crest gates. Certain questions were put by Shri M. M. Dharia, Shri V. B. Raju and Shri M. V. Bhadram. The Minister said that he would not be able to enter into a discussion about the matter as it was before the tribunal.

When Shri Bhadram insisted on getting information from the Minister, the Deputy Chairman observed:

The hon'ble Minister has just now stated that all the questions that have been asked by Mr. Dharia or Mr. Raju refer to matters which are being referred to and will be decided by the tribunal and, therefore, the hon'ble Minister does not want to give any information as the proceedings before the tribunal may be prejudiced. Therefore, it would not be desirable to compel the hon'ble Minister to give information on the facts which are before the tribunal for consideration..

(R.S. deb. dt. 7.12.1970, Cols. 98-116)

**334. Debates: Sub judice matters: A sub judice matter should not be referred to in the House**

On 15 March 1972, while Shri Niren Ghosh was going into the details of a case which was *sub judice*, Shri Pranab Kumar Mukherjee objected and said that a case which was *sub judice* could not be brought before the House in any manner or form.

The Deputy Chairman upheld his view and observed:

If it is *sub judice*, you should not refer to it.

(R.S. deb. dt. 15.3.1972, Col. 125)

**335. Debates: Sub judice matters: A sub judice matter should not be referred to in the House**

On 27 February 1982, while speaking on the President's Address, Shri Dinesh Goswami was going into the details of a case which was *sub judice*. Shri J. K. Jain raised a point of order and said that a case which was *sub judice* could not be brought before the House in any manner or form.

The Deputy Chairman observed:

You know the rules that a *sub judice* matter is not discussed. He has referred to the conflict between the High Court and the Supreme Court; he has referred to the proceedings of the Supreme Court. Better not comment on these.

(R.S. deb. dt. 27.2.1982, Cols. 22-24)

**336. Debates: Sub judice matters: A sub judice matter cannot be allowed for discussion**

On 25 November 1986, Shri K. Mohanan wanted to raise a question with regard to the decision of the Court in Kerala. He said that Mr. Justice Sukumaran of the Kerala High Court in his verdict had stated that the Electricity Minister, Shri R. Balakrishna Pillai had violated his oath of office and his reappointment as a Minister of State was unconstitutional.

The Chairman observed:

Now I must stop. The point is this, as I have understood the matter. The Kerala High Court has said that this has been referred to the Division Bench of Kerala High Court to advise them whether it has powers under article 226 of the Constitution on the matter raised. Therefore, it is again fully *sub judice* and no decision has been taken. I am afraid, I cannot allow this discussion. I therefore say, I rule this out.

(R.S. deb. dt. 25.11.1986, Cols. 183-84)

**337. Debates: *Sub judice* matters: Members not to exceed the scope of the subject permitted by the Chairman, when the matter is *sub judice***

On 12 December 1994, immediately after the papers were laid on the Table, Dr. Biplab Dasgupta raised a point regarding settlement of Babri Masjid issue. Prof. Vijay Kumar Malhotra also joined the issue and made certain observation. At this point Syed Sibtey Razi raised a point of order regarding the desirability of discussing a subject which was pending in the Allahabad High Court.

Responding to that point of the order, the Deputy Chairman ruled:

I would say that any matter which is pending before any court, which is *sub judice*, we do not take up in this House. As the Chairman Sahab has given permission to Dr. Biplab Dasgupta—I can read out the title which says 'Settlement of the Babri Masjid Issue' – we should limit ourselves to the topic. We should not go into the details of it. To talk about a settlement of any problem is permitted but let us not go into the details which may be bringing us into difficulties when the matter is pending in the court.

(R.S. deb. dt. 12.12.1994, Cols. 324-26)

**338. Debates: *Sub judice* matters: No comments can be made on a *sub judice* matter**

On 18 April 2000, when a special mention regarding the role of CBI in cases against Shri Laloo Prasad Yadav and Shrimati Babri Devi was being made, Shri Kapil Sibal stated that the allegations levelled

were frivolous. The Vice-Chairman told the members that once a charge-sheet was filed, the matter becomes *sub judice* and it was for the court to decide whether the matter was right, wrong, frivolous, manipulated, malicious or not and that any comment which tended to reflect upon the outcome was improper and should not be made. It should satisfy the requirement of rule 238.

Shri M. Venkaiah Naidu rose on a point of order and said that it had been clearly held that when a charge-sheet was filed, it was taken cognizance of, and then charges were framed, so the merits of the case could not be discussed because they were not allegations then. The member said that there was nothing wrong in raising the issue with regard to the CBI and discussing it and urged the Vice-Chairman to refer to rule 238.

The Vice-Chairman, thereupon, ruled:

The matter is at the investigating stage. After the investigation, the prosecuting, or the investigating agency files a charge-sheet. The moment the charge-sheet is filed, a *prima facie* case is made out and without considering the defence, charges are framed. So, charge-sheet is the basis. The moment that is done, it becomes *sub judice* by virtue of the fact that a charge-sheet has been filed.

(R.S. deb. dt. 18.4.2000, pp. 183-86)

## SUSPENSION OF RULES

### 339. Debates: Suspension of Rules: No rule can be suspended without the consent of the Chairman

On 22 May 1990, as soon as the House assembled, Shri Shabbir Ahmad Salaria demanded that the question hour be suspended and the Kashmir issue be taken up because in his view it was a serious issue for 302 persons were injured in the firings in Jammu and Kashmir. Soon he was joined by Shri S. S. Ahluwalia and Shri Suresh Kalmadi who demanded that the question hour should be suspended to protect

democracy. But the Chairman observed that he would not permit anything outside the Rules and, therefore, he would not suspend the question hour. But as some members insisted on suspension of the question hour, the Chairman observed:

It is with my consent that the question hour can be suspended.  
I am not giving consent..Without my consent, no rule can be suspended.

(R.S. deb. dt. 22.5.1990, Cols. 1-2)

**340. Debates: Suspension of Rules: One-time suspension of Rules and conventions cannot be quoted as precedent**

On 24 March 1995, after the mover of a private member's resolution regarding measures to tackle crimes against women, Shri Viren J. Shah, had replied to the discussion on the resolution, the resolution was put to the voice vote by the Vice-Chairman who, thereafter, declared that the resolution was adopted. But some members raised objections saying that the resolution should have been put to division before such adoption since there were dissenting voices. They wanted the resolution to be put to vote once again.

Meanwhile, the Deputy Chairman came and occupied the Chair. Then a consensus was reached to adopt the resolution unanimously after making some amendments.

Before putting the resolution to vote (which had been declared adopted by the Vice-Chairman), the Deputy Chairman observed:

...because of the importance of the resolution, I have suspended all Rules and conventions of this House. But this will not become a precedent for future to be quoted any time. Any ruling of the Vice-Chairman, or any Presiding Officer would be binding on the House. Whatever is said, it is final.

(R.S. deb. dt. 24.3.1995, Col. 541)

## DELEGATED LEGISLATION

**341. Delegated legislation: Memorandum on delegated legislation is necessary only when a Bill delegates legislative powers to the President or the Governor and not when it confers executive authority on them**

On 26 February 1981, the Minister of Law, Justice and Company Affairs, Shri Shiv Shanker, had moved that the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Bill, 1980, be taken into consideration, after giving the House briefly the background of the measure. Shri Era Sezhiyan immediately rose on a point of order and said that in spite of clear rulings earlier, the date on which the Presidential recommendation was given was not mentioned in the Bulletin. Further, the term "as passed by the Lok Sabha" was also not mentioned in relation to the Bill. Shri Era Sezhiyan also wanted to know from the Minister -

- (i) whether the Government had actually obtained the recommendation of the President under article 117(3) at all for consideration of the Bill in Rajya Sabha; and
- (ii) the exact amount expected to be taken out of the Consolidated Fund of India pursuant to the enactment of the legislation.

The Minister of Law, Justice and Company Affairs promised to furnish information on both the points at the time of his reply to the debate. On 20 August 1981, when the Bill came up before the House for further consideration, it was piloted by the Minister of State in the Ministry of Defence, Shri Shivraj V. Patil, since the Law Minister was busy at that time in Lok Sabha.

Shri Era Sezhiyan again rose on a point of order and reminded the Chair of the Law Minister's assurance to furnish information on the points he had raised on 26 February 1981, when the Bill was first taken up for consideration. He pointed out that clause 10 related to withdrawal of money from the Consolidated Fund of India as such this clause should have been mentioned in the financial memorandum. He argued that clause 10 of the Bill clearly delegated authority to the executive and that there should have been a memorandum regarding delegated

legislation. To drive home his point he stated that when there was a memorandum on delegated legislation in the case of the State of Nagaland (Amendment) Bill, 1981, there was no reason why it should not be there in the case of the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Bill, 1980.

The Vice-Chairman directed the Minister to reply to the points raised by Shri Era Sezhiyan at the time of his reply to the debate. The Minister, in the course of his reply, dealt extensively with the points raised by Shri Era Sezhiyan and offered to abide by the ruling of the Chair.

After listening to the explanation given by the Minister, the Vice-Chairman, *inter alia*, observed as follows:

In the case of the Nagaland Bill the legislative power of Parliament for making laws on emoluments, allowances, etc. has been delegated to the Governor and, therefore, there is delegation of legislative power and as such the memorandum on delegated legislation is required.

But here in this case, no legislative power of Parliament is delegated under clause 10 of the Bill. What is done is that Parliament has conferred executive power on the President. Therefore, I do not think there is any need for memorandum on delegated legislation.

Regarding financial memorandum, the Vice-Chairman ruled as follows:

So far as financial memorandum is concerned, the position is like this. So far as expenditure is concerned, I feel it is clause 9 of the Bill which is the operative clause. Clause 10 only speaks of apportionment and it only confers on the President power to make apportionment of the expenditure between the State of Maharashtra and the Union. The only objection that can be taken is that in the financial memorandum there could be a paragraph stating that so much expenditure would be there from the Consolidated Fund of India. But that cannot be stated just now because it will depend on the decision of the President under clause 10. This is a technical omission and I rule out the objection raised.

(R.S. deb. dt. 20.8.1981, Cols. 276-302)