

(c) Details information is being collected and will be laid on the Table of the House.

12 Noon

RULING BY CHAIRMAN RE. THE QUESTION OF PRIVILEGE AGAINST THE AUTHORS OF AN ARTICLE AND AN EDITORIAL PUBLISHED ON JULY 29, 1982 IN THE INDIAN EXPRESS AND THE TIMES OF INDIA RESPECTIVELY.

MR. CHAIRMAN: I have an announcement to make.

On July 29, 1982 immediately after the Question Hour, Shri Sankar Prasad Mitra mentioned about a notice of breach of privilege given by him against the authors of an article and an editorial respectively published in the "Indian Express" and the "Times of India". Shri U. R. Krishnan had also signed the notice. A third notice on the same lines was given by Shri Gulam Mohi-ud-din Shawl. Since I gave my ruling rejecting diverse notice for breach of privilege for action against an honourable Member of this House, the Chairman of the Committee on Public Undertakings, and the complaint of Shri Advani that he was held not entitled to peruse the records although he was a former Member of the said Committee, many things have happened. What I considered as the basis of my decision was the fact whether the Committee on Public Undertakings can fit in Rule 187 of our rules as a Committee of our House. After considering the matter with great care and attention I came to the conclusion that it did not. Perhaps, my meaning was not appreciated and it has led to all kinds of misunderstandings. I reached the conclusion without meaning any reflection upon the Members of my House. I have always been very jealous of the Honour and rights of the hon. Members of my House. On more than one occasion I have said so. This anomalous position that some of those who work in the Committee should be able to raise every issue of privilege while the Members of this House cannot except in some cases mentioned by me, troubled me not a little. It was only out of solicitude for the rights of members of this House in such Committees where they sit with Lok Sabha Members but

are not full Members themselves that I said what I felt was necessary. It seems that this question troubled this House earlier also. The very fact that Pandit Nehru and Mr. Kanungo had to assure of 'equal status and grade' shows that this did not arise as of right.

I am glad that the hon'ble Speaker on his part has again given this assurance. I never doubted that this was so. But whatever the assurances in the past and today, they fall short of the requirements of rule 187 because they cannot convert a Committee of the Lok Sabha into one of this House. I am however happy that the hon'ble Speaker and the Committee treat Members of this House equally and with the same regard. The anomaly arises because our Members cannot raise the issue in the other House and by reason of our own rule cannot raise it in our House. I have already shown the slender opening for action in this House. For these reasons I had to decline the motions which were moved before me even as I decline to allow revival of them again. I cannot by any valid reasoning hold that this Committee is of our Council. I am glad that the hon. Members who had resigned because they thought I was denigrating them now feel reassured and are happy. This ends this event happily.

Remain now the motions for privilege against the two newspapers. These are raised because I have been attacked in these articles. They are based on a misunderstanding of my ruling. I was not considering the status and grade of our Members. I was considering whether "association" made the Committee a Committee of our House. Personally I value the independence of the newspapers whom I have called the eyes and ears of the public and whom I have shown considerable latitude in the performance of their tasks. It was not so very long ago that I had to deal with these two newspapers. Their views on the present issue are contradicted by some other newspapers. Hon. Members will recall that one of these same newspapers described *inter alia* the hon. Members of Parliament as 'dacoits, smugglers and bottleggers' and although I cautioned the editor for his generalisation and scurrility, I treated the whole thing as unworthy of notice by us.

[Mr. Charman]

I had then said what I say again with your permission. And I am quoting:

"It is only when a point is reached and the writing ceases to be journalistic vapouring and becomes an improper obstruction to the functioning of Parliament—and its Members by patent falsehood or otherwise, that action to the extent of punishment is called for."

This time the scurrility is my personal share. As a Judge I have been subjected to worse criticisms over the years for my judgments, one of which has already led to an amendment of the Constitution and in three others the views contrary to mine will soon be considered by you in constitutional amendments. Therefore, I do not find it necessary to take action. Calm reflection without sentiment will show that I was right in my views. I, therefore, have withheld my consent to the privilege motion against the newspapers. I am sorry to take so much of your time but my dignity is your dignity also. . . . Otherwise, I would have let the matter pass without such long comment. I am the custodian of the dignity of the House as a whole, including myself. (Interruptions).

श्री शिव चन्द्र भाः (बिहार): मैंने प्रिविलेज मोशन दिया था. . . सुन लीजिए, आप तो चले जाते हैं, 10-15 मिनट सुन लीजिए और भी बातें हैं।

SHRI PILOO MODY (Gujarat): Mr. Chairman, Sir, if I may make a humble submission on what you have just now said, I do not doubt that whatever you said is correct as you see it and I am also prepared to accept your interpretation to the earlier references made by Pandit Nehru and Shri Kanungo and reiterated by the hon. Speaker. But if the situation is to be based only on the assurances or the courtesy or the chivalry shown by people in the past and today, the matter cannot be allowed to rest at that point. And, therefore, something more fundamental has to be done to see that parity is not only to be restored as a matter of courtesy but also as a matter of fact. And, therefore, in the reading of the laws if you find that there is some anomaly, that anomaly has to be removed and in the re-

moval of that anomaly a reframing or redrafting of those sections is necessary. It must be done. In that respect, Sir, I would urge upon you and I would urge upon the Leader of the House and all sections of the House to co-operate with each other and to propose an amendment to the original statute or rules or regulations. I have never read any of them and so can imagine that I cannot specify where the proper amendment to be brought which will restore the position in keeping with the assurances given in the past and today. This is my humble request to you. Thank you. (Interruptions).

MR. CHAIRMAN: One by one please. I will first reply to Mr. Mody. Mr. Piloo Mody, in my previous ruling I had said that I am sympathetic and that this anomaly must be removed. Today I have received a letter from Mr. Morarka, which says that if we have to work on the Committees, we should have the same rights of privileges and on motions as the Members of the other House have. That is something which I am prepared to consider in consultation with the Speaker and other Members and the Leader of the House. That is a matter which we will have to do with deliberation. But you precipitated matters, if I may say so, by looking at my opinion or ruling as if I was trying to belittle you. I was not. I never do.

SHRI PILOO MODY: Resignations were not against you. We did not resign from you. We resigned from the Committees because of the legal position as defined by you. . . .

MR. CHAIRMAN: Mr. Piloo Mody, we will leave that matter completely out now. . . .

SHRI PILOO MODY: I did not. . . .

MR. CHAIRMAN: And we will do what you and Mr. Morarka have suggested. (Interruptions).

SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir, I just wanted to submit to you on whatever you have said now in your ruling on the letter received from Justice Mitra, and what

you have said in your earlier ruling also, that I was having the same feelings and wanted to say the same things as have been said by Mr. Mody. I do not want to take the time but I want to say that now the time has come when the Leader of the House has to assure you and the House that he will take his party into confidence and you know that the anomaly which has remained in the rules of the Public Undertakings Committee has to be removed as early as possible. Thank you.

MR. CHAIRMAN: I do not think that you can ask the Leader of the House to give an assurance of this type.

SHRI ARVIND GANESH KULKARNI: Why not? Then who else can give us?

MR. CHAIRMAN: Not immediately.

SHRI ARVIND GANESH KULKARNI: He is ready, He is prepared. (*Interruptions*).

श्री शिव चन्द्र भा : सुनिए.

श्री संदीप बागाईतकर (महाराष्ट्र) : श्रीमन्... (व्यवधान)

श्री सभापति : इनका सुनने नहीं तो आपकी आवाज को सुनने नहीं दूँगे।

श्री शिव चन्द्र भा : आपने जो कुछ पढ़ा उसमें मैं जानना चाहता हूँ कि मेरे प्रिविलेज नोटिस का क्या हुआ, जो मैंने कहा था रिवाइज कीजिए, जो पहले आपने किया था। जरा सुन लीजिए तब आप अपना ओपीनियन देंगे। अभी आपने जो कहा कि जो पहले स्टेटमेंट आपने दिया, रूलिंग दी उसमें आपने कुछ लैकना बताए, कुछ कमियाँ बताईं उनके रूल्स आफ प्रोसीजर में और यहाँ के प्रोसीजर में। उनको ठीक करना चाहिए, फिर अभी आपने कहा कि मैं कन्सीड करता हूँ, आप मानते हैं कि कुछ कमी है और इस एनोमली को हटाने के लिए कुछ करना चाहिए और इस पर हम विचार करेंगे। यह तो हुआ कि जब रूल्स में स्टेट्यूट अमेंडमेंट्स होंगे कि कैसे दोनों बराबर होकर के काम करें। लेकिन अभी जो यह ट्रांजीशनल पीरियड है जब कि

प्रिविलेज मोशन आपके सामने है, क्या यह नहीं हो सकता कि आप इस पर रूलिंग देकर... (व्यवधान)

श्री सभापति : आपने सुना नहीं, मैंने आपका प्रिविलेज मोशन एक्सेप्ट नहीं किया है।

श्री शिव चन्द्र भा : तो आपने कहा भी नहीं।

श्री सभापति : आप पढ़ करके देखिये... (व्यवधान)

श्री शिव चन्द्र भा : ट्रांजीशनल पीरियड में आप... (व्यवधान)

श्री बी. सत्यनारायण रेड्डी (आंध्र प्रदेश) : मैं पब्लिक एकाउंट्स कमिटी का मम्बर हूँ। आपकी पहली और दूसरी रूलिंग के खिलाफ नहीं - बल्कि जो रूल्स एण्ड रेगुलेशंस मौजूदा हैं, जिसकी वजह से एनोमली पैदा हो गई है, इसको सत्तम करने के लिए हमने रेजिगनेशन दे दिया था। फिर इसके बाद लीडर आफ दी हाउस ने यहाँ तमाम लोगों को एश्वोरस दिया कि इसका रास्ता निकालेंगे और जो यह रूल्स एण्ड रेगुलेशंस हैं... (व्यवधान)

नौबहन तथा परिवहन मंत्रालय में राज्य-मंत्री (श्री सीता राम केसरी): यह क्या नई बात कर रहे हैं।

श्री बी. सत्यनारायण रेड्डी: कि जो रूल्स एण्ड रेगुलेशंस हैं, इनको बदलने का भी विचार करेंगे। मैं इस्तदजा करता हूँ कि यह रूल्स एण्ड रेगुलेशंस जो एनोमली पैदा कर रहे हैं, उनको बदलना चाहिए। ताकि दोनों हाउस के मम्बरान जो पब्लिक एकाउंट्स कमिटी या पब्लिक अण्डरटैकिंग कमिटी में हैं उनका इक्वल स्टेटस, वह कायम रह सकता है, वरना नहीं। - !

इसलिए मैं लीडर आफ दी हाउस से इस्तदजा करूँगा कि वह बयान दें, एश्वोरस दें, और आपसे भी इस्तदजा करूँगा कि आप भी अपनी पावर का इस्तमाल कीजिए और रूल्स एण्ड रेगुलेशंस को बदलिये और जरूरी रूल्स बनाएं।

श्री सदाशिव बागाईतकर: श्रीमन्, मेरा निवेदन है कि जो स्थिति बन चुकी है, उसमें एसोशिएट मम्बर को लेकर भी उसकी डेफिनिशन हो गई है।

यह बात भी आ गई है। मेरा आपसे यह निवेदन है कि

What exactly is the status of member who associates with the committee?

श्री सभापति: एक वर्ड मम्बर डल जाए रूल्स में, तो कम से कम मम्बर तो कह-लाए आप।

श्री सदाशिव बागाईतकर: तो इसलिए मेरा निवेदन है कि आपने जो फरमाया कि वह अभी पूरा होना है और इस तरह से जो सदन के सदस्य कमेट्री पर मम्बर बन कर के काम करते हैं, उनको जो डिसेंबिल्टी महसूस हो रही है, इसको आप समझ लें और मेरा निवेदन यह है कि आपने जो अभी सदन के सामने इस बात को रखा कि आवश्यक सुधार उन नियमों में किया जाए, यह काम बहुत जल्दी होना चाहिए, ऐसी मेरी राय है, क्योंकि जब तक आपकी वह रूलिंग रिकार्ड पर है और जो डिसेंबिल्टीज की डेफिनिशन की गई है, तब तक उसमें सुधार नहीं होंगे।

श्री सभापति: आप समझे नहीं। बहुत सी डिसेंबिल्टीज नहीं हैं, एक ही डिसेंबिल्टी है, और वह यह है कि उसमें कमेट्री—Committee thereof, i.e. Committee of the Council.

उसकी कमेट्री आफ दी काउंसिल है ही नहीं वह, तो उसमें मुश्किल पड़ती है।

श्री सदाशिव बागाईतकर: तो, इसीलिए मेरा यह निवेदन है कि इसके लिए जो सुधार आवश्यक है, उसको तुरंत किया जाए, जल्दी से जल्दी किया जाए, वरना हमको यह महसूस होगा कि हम निम्न श्रेणी के लोग हैं और जहां तक यह फीलिंग रहेगा... (व्यवधान)...

श्री सभापति: सुनिये। आपके इस घर में कोई रमेडी अगर कम आती है, तो

उससे आपकी पोजीशन सैकण्ड-क्लास नहीं होती। आप जब कमेट्री में बैठते हैं, तो पूरे मम्बर रहते हैं और स्पीकर साहब ने आपका एश्वर किया है कि काई इम्प्लाय या फर्क नहीं किया जाएगा, जितने राइट्स उनके मम्बरों के हैं, उतने ही आपके होंगे। सवाल यह है कि वहां से उठ कर जब आप यहां बैठते हैं और क्वेश्चन उठावेंगे... (व्यवधान)...

SHRI SADASHIV BAGAITKAR: It is not a matter of anybody's grace; it should be a matter of privilege; it is not a matter of grace or generosity.

श्री सभापति: सुनिये, आप पूरा बात तो सुनते नहीं हैं। तो मैं उनके रूल्स पढ़ कर नहीं करता, अपने रूल्स पढ़ करके करता हूँ और अपने रूल्स में कमी है।

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): I am a member of the Public Undertakings Committee, I want to say something.

SHRI DINESH GOSWAMI (Assam): Sir, I feel assured by your remarks that you are taking steps so that the present anomaly can be removed. In fact, if I recollect correctly, this point was discussed as early as 1954 between the hon. Speaker and hon. Chairman and I made a reference to you in my letter. In what context it was discussed and what was the final outcome, I do not know.

MR. CHAIRMAN: We will find out.

SHRI DINESH GOSWAMI: I have also myself noticed that so far as the Public Undertakings Committee is concerned, the words are that "the Members of the Rajya Sabha do associate..." In regard to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, the provision is "Members of the Rajya Sabha do join..." I do not know what is the distinction, really speaking, between these two words, I would like you also...

MR. CHAIRMAN: It is a question of numbers

SHRI DINESH GOSWAMI: to consider this. This point was taken up once, that we are not associated or in any way connected with the Estimates Committee. At one point of time, it was thought that the Rajya Sabha should have its own

Estimates Committee. Therefore, when this point is taken up in regard to the status of the Members, you may also keep in mind as to how the Rajya Sabha can effectively join or associate itself with the estimates Committee also.

SHRI SANKAR PRASAD MITRA (West Bengal): Mr. Chairman, Sir, in your ruling, you have made certain statements to which I respectfully draw your attention.

MR. CHAIRMAN: Which one, this or the other?

SHRI SANKAR PRASAD MITRA: The other, the earlier one. On page 7 of your ruling. . .

SHRI PILOO MODY: Today's was an announcement.

SHRI SANKAR PRASAD MITRA: . . . of the 26th July, 1982, you have said I quote:

"It need hardly be said that if a personal privilege of a member be breached, the right to raise a proper question will always be upheld by me."

Then, Sir, if you come to page 11, I find, your ruling of the 26th July, 1982, is based purely on a grammatical construction of on the language used in rule 187 of the Rules of this House. You have further gone on to say. I quote:

"It is no use saying that thereby they become second-class Members of the Committee or of Parliament."

Towards the end of your ruling, you have made a recommendation. I read the recommendation. The recommendation is this, I quote:

"Perhaps the Committee can be included as a Committee of both Houses in the Rules of the Houses with special provision for breach of privilege which will have to be framed with deliberation."

This is your recommendation. My respectful submission to you is that the authorities concerned should give effect to this recommendation and try to implement this recommendation as early as possible.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Sir, I wholeheartedly support Mr. Mitra. On the last point. (*Interruption*).

SHRI MANUBHAI PATEL (Gujarat): Sir, my limited point is this. You, in your wisdom and experience, in your earlier ruling, tried to interpret the existing rules. You did not give your own ruling. But it was based on the existing rules. You tried to interpret them. This made us feel, those who were sitting Members, three Members of the Public Undertakings Committee and three Members of the Public Accounts Committee, that though in the Committees, we are equal Members, but because of the existence of this particular rule. . .

MR. CHAIRMAN: Mr. Manubhai Patel, I would like to tell you one thing. I wish you had asked me before you resigned.

SHRI MANUBHAI PATEL: That is alright. Even there, Sir, if we had not done that, this would not have been clarified. Sir, now, when the whole House is practically unanimous, till that thing is amended and if the feeling is prevailing, it will be a little delicate for us, six Members, who have tried to highlight the anomaly. It is also the Members of this House from the ruling party, seven Members on the Public Undertakings Committee and seven Members on the Public Accounts Committee, fourteen altogether who are represented on both these Committees from this House, and that is why, I would like to say that until this rule is amended, in the meantime, it will be delicate for us, even though we may be attending. Till this is clarified and amended. . .

MR. CHAIRMAN: Mr. Manubhai Patel, I can rely upon my Members not to create a situation in the Committee. We can discuss it and do everything in our House, without having to take it to the Committee. In the Committee where you are there, behave normally and don't try to do abnormal things. You will be perfectly well received there. . . (*Interruptions*).

SHRI B. SATYANARAYAN REDDY: When the question of privilege arises, then the difficulty will arise in this House and not there.

SHRI NIRMAL CHATTERJEE (West Bengal): Sir, I was one of these who resigned.

MR. CHAIRMAN: I will hear you. (*Interruptions*).

SHRI NIRMAL CHATTERJEE: Even in your today's ruling you have mentioned that we are not full Members of the Committee.

SHRI KALYAN ROY (West Bengal): No, no, he did not say that.

SHRI NIRMAL CHATTERJEE: He said that we are not full Members of the Committee. (*Interruptions*). L

SHRI R. RAMAKRISHNAN: No, he has clarified the position. (*Interruptions*)

MR. CHAIRMAN: You are full Member when you sit there. I cannot use your membership—whatever kind it may be—by giving you rights which our rules do not allow.

SHRI NIRMAL CHATTERJEE: To add to what Mr. Mitra has said, may I request you that of the three financial Committees, two are where we are associated and there is the third one where we are not joined at all. In your previous ruling you have asserted that these two Committees where we are associated, might be converted into Joint Committees.

MR. CHAIRMAN: We will see that. (*Interruptions*) I think there is enough said now. . . (*Interruptions*).

DR. BHAI MAHAVIR (Madhya Pradesh): Sir, you called me.

SHRI HARKISHAN SINGH SURJEET (Punjab): Sir, since everybody is agreed on the exact position, to defend the dignity of the House and to defend your dignity, I would request the Leader of the House to make a statement and the matter should be put an end to. We have unanimously expressed our opinion. Whatever form you have to adopt, to change the rules, to amend them, he is the man who can help us. (*Interruptions*)

MR. CHAIRMAN: I think enough has been said. It will be a repetition of the same thing. Before I ask. . . Just a minute . . .

SHRI R. RAMAKRISHNAN: Sir, all is well that end. well. (*Interruptions*).

MR. CHAIRMAN: Before I ask the Leader of the House to make any statement, I do not wish personally that he should make a categorical statement just now, because, as I said, this will have to be deliberated upon.

SHRI PILOO MODY: Sir, you leave it to his political judgement on the subject.

THE LEADER OF THE HOUSE (SHRI PRANAB MUKHERJEE): In fact, I am not going to make any statement. I am simply reacting to some of the points which the hon. Members have mentioned.

I do appreciate that unfortunately a situation was created. Let us not go back to the reasons why it happened. But because of our collective efforts—including you, Sir—it has been possible to settle the matter. Let us not re-open it.

There are two aspects of the problem. One aspect is there was this temporary problem which has been sorted out and I do hope that that position continues.

In regard to the other problem—whether we can prevent such a situation occurring in future and what type of arrangements we can make—that is a matter where we shall have to examine in a little detail because after all over a period of years, we have built up certain things and it is not necessarily that we have put everything in the rules. A lot of things have developed through practice, usage and convention. In the functioning of Parliament, these things are also very important. It is not merely that everything should be put in the rules in printed letter. A lot of things we have developed through convention, usage and practice. And that has strengthened our system. In fact, to my mind, even the ruling of the Speaker is in that context. And your observation is also there. I fully appreciate the sentiments of the Members. I shall have to talk to my other colleagues also and I do hope that it will be possible to have a mutually acceptable satisfactory solution of the problem.

SHRI PILOO MODY: I very much appreciate what the leader has said and being the Leader, he must take the lead in the matter in bringing about a solution. I also appreciate what he says. . .

MR. CHAIRMAN: The difficulty is not about his leadership; the difficulty is whether you are willing to follow him.

SHRI PILOO MODY: No, Sir, you have again put it wrongly. There is something wrong with the manner in which you twist the phrase. There is nothing wrong with his being the Leader as long as I acknowledge him as the Leader. This is the way you should put it, Sir. Therefore, Sir, I would say that while it is normal to accept the practices and traditions we have built up over a period of time and that we will follow them, every now and then we come across a particular point where a particular decision has to be taken as happened recently. At that time we forget all the case law and we go back to the original statute. This is what I don't want to happen and, therefore, I feel that a more positive initiative is required to put the question beyond the pale of interpretation which is why I appeal that the Leader should take a more positive lead in the matter.

MR. CHAIRMAN: I take it that the House thinks, now that this matter is agreeably settled, we might leave it there.

PAPERS LAID ON THE TABLE

[Mr. Deputy Chairman in the Chair.]

SHRI SHIVA CHANDRA JHA (Bihar): Point of order.

MR. DEPUTY CHAIRMAN: Just a moment. Papers to be laid.

Report and Accounts (1980-81) of the Film and Television Institute of India, Pune and related papers

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI ARIF MOHAMMED KHAN): Sir, I beg to lay on

the Table a copy each (in English and Hindi) of the following papers:—

(i) Annual Report and Accounts of the Film and Television Institute of India, Pune, for the year 1980-81, and the Audit Report on the Accounts.

(ii) Review by Government on the working of the Institute.

(iii) Statement giving reasons for the delay in laying the paper mentioned at (i) above.

[Placed in Library. See No. LT—4384/82].

Notification of the Ministry of Finance (Department of Revenue)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SAWAI SINGH SISODIA): Sir, I beg to lay on the Table—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under section 159 of the Customs Act, 1962, together with Explanatory Memoranda on the Notifications:—

(i) G.S.R. No. 509(E), dated the 26th July, 1982.

[Placed in Library. See No. LT—4344/82].

(ii) No. 187/82-Customs, dated the 30th July, 1982.

[Placed in Library. See No. LT—4375/82].

(iii) No. 188/82-Customs, dated the 31st July, 1982.

(iv) No. 189/82-Customs, dated the 31st July, 1982.

[Placed in Library. See No. LT—4382/82 for (iii) and (iv)].

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), together with Explanatory Memoranda thereon:—

(i) G.S.R. No. 611, dated the 17th July, 1982.