

बात वह पंद्रह दिन पहले सरकार को बत चुके हैं, एजुकेशन मिनिस्टर यह कहते हैं कि हम भी चाहते हैं कि अध्यापकों का मामला शान्त हो, अध्यापक कहते हैं कि हमको डाई करोड रुपया मिल जाय इस समय तो इसी में हम शान्त हैं। फिर यह मामला उलझा कहा है।

माननीया, आज मुझे अफसोस के साथ यह पढ़ना पड़ा, और उसके बारे में मैंने चैयरमैन से निवेदन किया था, कि प्राइम मिनिस्टर साहिब ने यह कहा अपनी कांग्रेस पार्लियामेंटरी पार्टी की बैठक में, जब कि सवाल यहाँ उठाया जाता है, उनको चिट्ठी लिखी जाती है, तब यहाँ वह जवाब नहीं देती, उनके घर पर टेलीफोन करते हैं तो वह अपनी कमेटियों से फुसंत नहीं पाती, और कहती है :—

“The teachers appear to be under the influence of different political parties who told them all kinds of things.”

मैं निवेदन करना चाहता हूँ कि अगर प्राइम मिनिस्टर साहिब यह समझती हैं कि अध्यापकों को कोई राजनैतिक दल बहका रहा है तो यह गलतफहमी है, ऐसा समझेंगी तो अध्यापकों के साथ न्याय नहीं कर पायेंगी। अध्यापकों की मांग को शिक्षा मंत्री भी कहते हैं कि ठीक है, प्राइम मिनिस्टर भी कहती हैं कि ठीक है, मोरारजी भाई भी कहते हैं कि ठीक है, फिर यह मामला अटका कहा है, मैं समझ नहीं पा रहा हूँ।

राज्यपाल यहाँ आये हैं। हमने प्रेसिडेंट हाउस में कम से कम आठ बार फोन किया, साढ़े ग्यारह बजे से बारह बजे तक बराबर फोन किया तो मालूम हुआ कि वह डिनर पर हैं, डिनर में हैं, डिनर में हैं। एक आफत हो गई है। हमारे मुल्क में क्या हो गया है। राज्यपाल को फोन करो तो डिनर पर, मंत्री को फोन करो तो डिनर पर। यह क्या है। तो मैं निवेदन करना चाहता हूँ कि अध्यापक-संघ के वर्तमान अध्यक्ष, कार्यकारी अध्यक्ष, भूतपूर्व

अध्यक्ष, भूतपूर्व से भूतपूर्व अध्यक्ष सभी बैठे हुये हैं, वे सारे आ गये हैं, आप प्रधान मंत्री जी को हमारी भावना को भेजे कि प्रधान मंत्री जी उन अध्यापकों के प्रति न्याय करें...

उपसभापति : अब आप समाप्त कीजिये। अब तो आप कह चुके हैं।

श्री राजनारायण : ... और उनको बुला कर के आज इस समस्या का समाधान कर दे। यह हमारा निवेदन है। आज अगर इसका समाधान नहीं होता और स्थिति खराब होती है तो उसकी जिम्मेदारी यह सदन समझ ले कि प्राइम मिनिस्टर की होगी, हमारी नहीं होगी। यही हमारा निवेदन है।

श्री पीताम्बर दास (उत्तर प्रदेश) : माननीया, मुझे एक बात कहनी है...

THE DEPUTY CHAIRMAN: The Chairman has allowed him to say something for three minutes. I do not want any further discussion.

श्री पीताम्बर दास : ... मैं इस सम्बन्ध में केवल इतना बता रहा हूँ कि आज भी करीब आठ सौ अध्यापक यहाँ आये हुये हैं। इस मामले को जल्दी निपटाया जाय तो अच्छा है। इस आन्दोलन को राजनैतिक दलों से बचा कर चलाया जा रहा है यह इसकी विशेषता है। राजनैतिक दल इसमें नहीं हैं यह समझ कर चलना चाहिये।

THE DEPUTY CHAIRMAN : That is all right. Mr. Setalvad.

MOTION RE REPORT OF THE COMMITTEE OF PRIVILEGES

SHRI M. C. SETALVAD (Nominated): Madam, I beg to move:

“That the Twelfth Report of the Committee of Privileges presented to the Rajya Sabha on the 6th December, 1968, be taken into consideration.”

I will say just a few words. The question referred to the Committee was an important question. It went to the

[Shri M. C. Setalvad]

Privileges Committee; pursuant to Rule 203, it was sent to the Committee by the Chairman. The importance of the question lay in this that it related to the right of Members to function freely and unhampered in the discharge of their duties as Members. The Committee set to itself three questions. The first was: Can a Member be questioned in any court or place outside Parliament for any disclosure he makes in Parliament? The Committee answered it in the negative. The second issue was: Will not such questioning, if permitted, amount to impeding the Member in the discharge of his duties as a Member of Parliament and will it also not amount to molestation of the Member? The Committee answered it in the affirmative. The third issue was: Will it not amount to interference with the freedom of speech guaranteed under article 105 of the Constitution? To this the Committee answered: "Yes."

However, in order to balance the considerations which arise in respect of the administration of justice the Committee recommended a procedure. I will draw attention to the procedure. It is at the end of the Report—

"If in case a Member states something on the floor of the House which may be directly relevant to a criminal investigation and is, in the opinion of the investigating authorities, of vital importance to them as positive evidence, the investigating authority may make a report to the Minister of Home Affairs accordingly. If the Minister is satisfied that the matter requires seeking the assistance of the Member concerned, he would request the Member to meet him. If the Member agrees to meet the Home Minister and also agrees to give the required information, the Home Minister will use it in a manner which will not conflict with any parliamentary right of the Member. If however, the Member refuses to respond to the Home Minister's request, the matter should be allowed to rest there."

That is how the matter stands.

The question was proposed.

THE DEPUTY CHAIRMAN: Mr. Rajnarain, there is an amendment in your name. You move that amendment at this stage. You move it? Or shall I read it for you? After that, the discussion will begin.

श्री राजनारायण (उत्तर प्रदेश) : हा, आप रीड कर दीजिए। मैं मूव करता हूँ।

THE DEPUTY CHAIRMAN: The amendment of Shri Rajnarain reads:

"That the question which forms the subject-matter of this Report be recommitted to the Committee of Privileges."

The question was proposed.

SHRI M. N. KAUL (Nominated): Madam, I also wish to move an amendment now because we have no time to give notice.

THE DEPUTY CHAIRMAN: This was presented on the 6th.

SHRI M. N. KAUL: I will just state the facts. The List of Business of Friday was circulated a week ago. It is no doubt true that the Report was laid on the Table of the House some time ago and we took note of it. But this matter was not put down on the List of Business for Friday circulated some days back. Suddenly this morning I found that this item has been included in the Revised List of Business which has been issued for today. I do not in any way want to impede the progress of discussion on this Report. But what I want to say is that you should permit me to move an amendment just now on the floor of the House.

THE DEPUTY CHAIRMAN: I must tell you that Mr. Rajnarain's amendment came much earlier than this.

श्री राजनारायण : लेकिन यह तो नहीं था कि यह अज आयेगा।

THE DEPUTY CHAIRMAN: He has not given it just now. He had already given it over to the Secretary.

SHRI M. N. KAUL: Members are entitled to move any amendment even after the motion has appeared on the agenda. If any Member gives notice before the agenda, well, that does not matter.

SHRI A. P. JAIN (Uttar Pradesh): I agree with the observations of Mr. Kaul.

श्री राजनारायण : हम उनके आबजर्वेशन से सहमत हैं।

SHRI A. P. JAIN: I want to associate myself with the observations of Mr. Kaul. We got notice of this matter only this morning. Therefore, we did not have enough opportunity to give an amendment. Now we are prepared to move an amendment just now. It must be permitted and let it be discussed.

THE DEPUTY CHAIRMAN: The Members must understand that Mr. Rajnarain gave the amendment after this motion came on the Order Paper. He did not give the amendment just now. Your motion should have come before. I think you should have drawn the attention of the Chair before the motion was moved.

SHRI A. P. JAIN: I am prepared to accept that Mr. Rajnarain is more vigilant enough. But the matter is of such a vital importance that it should not be allowed to be discussed in a slipshod manner. Though our amendments are not going to be of a very material nature, they will have enough of substance. Please permit us to move the amendment.

THE DEPUTY CHAIRMAN: Have you got your amendment ready, Mr. Kaul?

SHRI M. N. KAUL: I have it ready.

श्री राजनारायण : मैडम, हमारी एक रिक्वेस्ट है। देखिये यह विशेषाधिकार का सवाल है। यह किसी दल विशेष का सवाल है नहीं। इस समय यह अभी कापी मिल रही है।

उपसभापति : अभी नहीं मिल रही है,

The copy has been circulated. Please do not give wrong information.

श्री राजनारायण : सुनिये, हम लोग यह कह रहे हैं अभी सूचना मिल रही है कि आज यह डिस्कशन पर आया है। यह रिवाइज्ड लिस्ट है और हमने बारीकी से इसे पढ़ा नहीं है। हम जस्टिस नहीं कर पायेंगे और मैं समझता हूँ सदन का शायद ही कोई सदस्य हो जिसने उसे ठीक से पढ़ा हो। तो बिना किसी चीज को फुल्ली पढ़े उस पर यहां कैसे विवाद कर दिया जाय. . .

THE DEPUTY CHAIRMAN: I have understood your point. That will do. In view of what you have said that this was only on the Revised List, I may permit. But it will not become a precedent under normal circumstances. Will you please read out your amendment . . .

SHRI A. P. JAIN: May I formally move the motion:

"That the consideration of this Report be suspended and it may be taken up on Monday."

THE DEPUTY CHAIRMAN: What is your amendment, Mr. Kaul?

SHRI M. N. KAUL: I move an amendment or a substitute motion as you may consider fit:

"That for the motion on the Order Paper the following motion be substituted, namely:

'That this House, while agreeing with the Report of the Committee on Privileges laid on the Table of the House direct the Home Minister to prepare a set of instructions for the guidance of the police officers who are investigating a criminal case and in that connection wish to make an enquiry from a Member of Parliament regarding any document divulged in or statement made in the House by him, and to make a report to this House, and that this set of instructions should be prepared in consultation with the Presiding Officers of Parliament.'"

THE DEPUTY CHAIRMAN: What you are moving is not an amendment. You are putting to the House a substitute motion which I rule out. And Mr. Jain's I rule out altogether because there is no provision to suspend the discussion today. Rule 200 is very clear. The proviso thereto says:

"Provided that an amendment may be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter."

That is ruled out. Yours is substitute motion which also I am not prepared to consider.

SHRI A. P. JAIN: Madam, permit me to move my amendment.

श्री राजनारायण : माननीया, हमारा पॉइन्ट आफ ऑर्डर है...

THE DEPUTY CHAIRMAN. There must be a limit to this. (*Interruptions*) An hon. Member cannot go on from one amendment to another amendment.

श्री राजनारायण : माननीया, अब हमारा हमारा पॉइन्ट आफ ऑर्डर है। वह यह है कि अब तक इस रपट की हिन्दी में काफी हमको नहीं मिली।

उपसभापति : अच्छा जी।

श्री राजनारायण : देखा जाय, आप बार बार अच्छा कहती हैं मगर राष्ट्र के लोगों के पास खबर जाती है कि राज्य सभा का सेक्रेटरी-एट इस योग्य नहीं है कि आज इसकी हिन्दी कापी दे सके और मम्बरों को सुलभ कर सके और वह कानून की और सविधान की मर्यादा की रक्षा कर सके। यह हसी होगी। इसलिये मैं चाहूंगा जब तक हिन्दी की कापी नहीं आयेगी तब तक सविधान और कानून को मद्देनजर रखते हुए इस पर बहस नहीं होगी क्योंकि कानून यह है कि हिन्दी में सदन की कार्यवाही होगी, दश्लिश में उसका ट्रांसलेशन होगा और उस कानून की उपेक्षा नित्यप्रति इस सदन में हो। यह इस सदन का अवमान है, सारे पार्लियामेंट का अवमान है, सारे देश का अवमान है, सारे राष्ट्र का अवमान है।

THE DEPUTY CHAIRMAN: I will look into the matter. Please sit down.

SHRI A. P. JAIN: You allowed Mr. Kaul to move an amendment. I also want to move my amendment. I should not be stopped.

THE DEPUTY CHAIRMAN: You moved one amendment which I have ruled out.

SHRI A. P. JAIN: My present amendment is a different one.

THE DEPUTY CHAIRMAN: What is your amendment?

SHRI A. P. JAIN: My amendment is this. I move:

"That on page 12, for the words 'Minister of Home Affairs' wherever they occur in the last paragraph, the word 'Chairman' may be substituted."

श्री राजनारायण : माननीया, हमारे पॉइन्ट आफ ऑर्डर पर आपकी क्या व्यवस्था है। देखिये जैन साहब, एक वैलिड पॉइन्ट आफ ऑर्डर है। अगर यह सदन मान ले कि यह सदन अपने को कन्डेम करता है कि अपने ही द्वारा बनाए कानून को अनादर से देखा जाय, तो सदन कहे यह निन्दनीय है। यह कोई मजाक है, एक आफिशल लैंग्वेज ऐक्ट पास है कि हिन्दी में कार्यवाही होगी, अंग्रेजी में अनुवाद होगा। अंग्रेजी हो गई प्राथमिक और हिन्दी का अनुवाद भी न हो। फिर भी आप कहते हैं यह सदन की कार्यवाही सुचारु रूप से चले।

THE DEPUTY CHAIRMAN: About the Hindi version, I admit there is no copy of this. Normally all these Committees' proceedings are done in English. All the members were there and, therefore, it has been printed in English. There is no translation of it, I admit. But we must carry on. I will take notice of it for future purposes. But today we must carry on.

श्री राजनारायण : इसी से तो देश बरबाद हो रहा है।

श्री सुन्दर सिंह भंडारी : (राजस्थान) नाट आन् दिस पॉइन्ट। मुझे आपसे निवेदन करना है, राज्य सभा का जो प्रतिदिन के विवाद का साराण मिलता है वह हिन्दी में भी दिया जाय इस बात को म्वीकार किया गया था। आज जो हमे पेपर्स डिस्ट्रिब्यूट किये गये हैं उसमें 10 तारीख के विवाद का हिन्दी साराण है जो आज 20 तारीख को दिया गया है। मैं समझता हूँ साराण इसलिए दिया जाता है...

THE DEPUTY CHAIRMAN: I have got the information. You may stop here. This has already gone to the press. But we have not received the Hindi version.

श्री सुन्दर सिंह भंडारी : मेरा आपसे निवेदन है, क्योंकि मैं अलग समय में इसको उठाना नहीं चाहता था। 10 तारीख के विवाद का सारांश आज 20 तारीख को हिन्दी में मिला है। शुरू में यह कठिनाई बनना थी कि वह अंग्रेजी में पहले तैयार होता है, उसके अनुवाद में एक दिन का देर हो सकती है। हमने यह माना था कि एक दिन की भी देरी अगर हो, परन्तु एक बार अगर हम पद्धति चला दे तो फिर धीरे धीरे सारांश भी समय पर हमको मिलने लगेगा। लेकिन एक दिन की देरी की बजाय आज दस दिनों की देरी से विवाद का सारांश हिन्दी में मिला है तो उसका मतलब ही यह है कि हिन्दी में सारांश पाने वाले और बढ़ने वाले लोगों को उस सारांश का कुछ लाभ नहीं होगा। मैं यह जानना चाहूँगा कि यह देरी क्या स्वयं हमारे सेक्रेटरीएट में हो रही है या छपने में देरी है, प्रेस में देरी होती है, कहीं भी यह देरी हो, तो कम से कम अगले सत्र में इस बात का पक्का इंतजाम किया जाय कि हमें हिन्दी का सारांश भी उसी के साथ साथ प्राप्त हो, जिस तरह से अंग्रेजी का मिलता है।

THE DEPUTY CHAIRMAN: I do not want discussion from everybody. We must carry on with the work.

श्री राजनारायण : माननीया, अगर मैं यह कहूँ, अगर आज मैं यह पोजीशन ले लूँ कि यह सदन संविधान और कानून को तोड़ रहा है आपकी चेयरमैनशिप में, तो हमारा क्या नुकसान है—मैं पूछना चाहता हूँ आपके जरिये? क्या यह मेरा अपराध होगा अगर मैं कहूँ यह काम असंसदीय हो रहा है।

THE DEPUTY CHAIRMAN: There are certain difficulties that we are experiencing . . .

श्री राजनारायण : तो आप पोस्टपोन कीजिए। यह रोज़ होता है। ऐसा कोई आकेज़न आया नहीं जब हमने आपसे निवेदन न किया हो। एक भार्गव जी हैं, उनको हमने निवेदन किया तो उन्होंने हिन्दी की

कापी मंगवा कर दे दी थी। आज हमने यह फैसला ले लिया है मैं कार्यवाही नहीं चलने दूंगा चहे आप हमें निकलवा दे। कहीं अंत होगा इसका? माननीया, अपने इस बारे में क्या फैसला किया है। हम आज इस बात का फैसला चाहते हैं चाहे आप हमें निकाल दे।

SHRI PITAMBER DAS (Uttar Pradesh): Madam, if you permit me. . . (Interruption)

THE DEPUTY CHAIRMAN: One cannot get up on everything.

श्री पीताम्बर दास : आपकी इजाजत से मैं एक सुझाव देना चाहता हूँ। वह यह है कि मोशन तो मूव हो चुका है और अमेंडमेंट भी मूव हो चुके हैं। जहाँ तक डिस्कशन का सवाल है वह हम अगले सप्ताह कर सकते हैं क्योंकि इस बीच में हिन्दी की कापी मिल जायेगी। It is simple. We neither postpone it nor do we shelve it. The discussion continues.

श्री गोडे मुराहरि : इस बहस को सोमवार को लिया जाय ताकि उस समय हिन्दी की कापी आ जायेगी।

श्री पीताम्बर दास : जो अमेंडमेंट आने होंगे वे भी आ जायेंगे।

THE DEPUTY CHAIRMAN: This is only in English. This has not gone for translation in Hindi yet. The Privileges Committee Reports up to now have never been done in Hindi and we have carried on without any objection from anybody in the House. (Interruption) Please, let me say. Up to now this has not been the practice. But I have already assured you that from the next time, the Privileges Committee will make it a point that Hindi translations are given simultaneously. To-day let us proceed with the work.

श्री राजनारायण : मैं फिर कहना चाहता हूँ कि जिस बात को आप आज कह रही हैं वही बात दूसरी बार भी कह सकती हूँ।

THE DEPUTY CHAIRMAN: I want the indulgence of the House. This time this report is not in Hindi. But

[The Deputy Chairman]

the Privileges Committee of which I am the Chairman, takes note of it and everything will be given in Hindi as well as in English from the next occasion. Now I have before me the amendment of Mr. Rajnarain. I am adding on Mr. A. P. Jain's amendment.

SHRI M. N. KAUL: Madam, I have an amendment. My amendment is, "After the word Report in the Motion"—I am amending the Motion itself which is before the House . . .

SHRI BHUPESH GUPTA (West Bengal): On a point of order. The Motion is given in the name of some Member and it is not for him to amend the Motion.

THE DEPUTY CHAIRMAN: I have already said that after I have put the Motion, amendments should not come. You should have also been vigilant, and at least during the Question Hour you could have drafted your amendment and handed it over at the Table here. I do not think we should flout the procedure, much less Mr. Kaul.

SHRI M. N. KAUL: Madam, I moved a substitute motion. You directed that instead of that an amendment should be moved. So in response to your direction, I am putting the same thing as an amendment. My amendment is:

"After the word 'Report' in the Motion, the following words be added:—

'and directs the Home Minister to prepare a set of instructions for the guidance of the police officers who are investigating a criminal case and in that connection wish to make an enquiry . . .'

THE DEPUTY CHAIRMAN: That does not come now. Now the Motion and the two amendments of Mr. Jain and Mr. Rajnarain are before the House. Mr. Rajnarain.

श्री राजनारायण : माननीया . . .

SHRI N. R. MUNISWAMY (Madras): Madam, I want to make a suggestion.

THE DEPUTY CHAIRMAN: No. No suggestions.

SHRI N. R. MUNISWAMY: It is only a submission. There are some papers to be laid on the Table of the House. If that is over, we can go on . . .

THE DEPUTY CHAIRMAN: Please take your seat. I am in the Chair; I know what I am doing. Mr. Rajnarain.

श्री राजनारायण : माननीया, इस विशेषाधिकार समिति की रपट को पुनः विशेषाधिकार समिति के पास भेजने का सङ्गोष्ण क्यों पेश किया है, उसको स्पष्ट करना इस समय मेरा कर्त्तव्य है। हमने जब सरसरी तौर पर इस रपट को देखा तो उसमें हमको बहुत सी कमियाँ मालूम हुई। मझे आश्चर्य है कि इस कमेटी के मेम्बर श्री सीतलवाड साहब भी हैं, इस कमेटी के मेम्बर श्री भूपेश गुप्त भी हैं और इस कमेटी के मेम्बर श्री पीताम्बर दास भी हैं। मुझे याद है कि एक नहीं अनेक बार कि उत्तर प्रदेश की विधान सभा के सदस्यों के जितने अधिकार सुरक्षित रहे हैं, उनसे अधिकार आज इस संसद के सदस्यों के नहीं रह गये हैं। हमारे यहाँ जब भी सदन चल रहा हो बिना स्पीकर के आदेश के किसी भी मेम्बर के पास किसी भी पुलिस अधिकारी की हिम्मत जाने की नहीं होती है किनी वरन्ट को लेकर ताकि उसे गिरफ्तार किया जा सके। जब किसी पुलिस आफिसर को किसी फौजदरी के लिए जख्खरन पड़ती थी कि वह सदन के किसी मेम्बर को गिरफ्तार करे तो सर्वप्रथम वह सूचना स्पीकर को देता था।

श्री महाबीर प्रसाद भार्गव : इसमें गिरफ्तार करने का सवाल कहां पैदा होता है।

श्री राजनारायण : मैं बतला रहा हूँ तो कुछ समझने की भी कोशिश करें। मोटे हो गये हो तो क्या दिमाग भी मोटा हो गया है ?

श्री महाबीर प्रसाद भार्गव : आपने ही अभी कहा कि मैंने सरसरी तौर पर रिपोर्ट को देखा है और फिर उस पर आप कमेंट कर रहे हैं।

श्री राजनारायण : शरीर मोटा होने के साथ दिमाग मोटा नहीं होना चाहिये।

श्री महावीर प्रसाद भार्गव : यह तो आपका दिमाग मोटा है।

श्री राजनारायण : माननीया, इस रपट को पढ़ लिया जाय। हमारे मित्र श्री जैन ने इस रपट में "होम मिनिस्टर" की जगह "चेयरमैन" शब्द लाने की जो बात कही है वह बिल्कुल सही बात है क्योंकि हमारे अधिकार चेयरमैन के पास ही सुरक्षित हैं और माननीया, आपके हाथ में है। एक सुपरिटेण्डेंट के काम को आप मिनिस्टर को सौंप रहे हैं। मिनिस्टर क्या है? यह एक बड़ा सुपरिटेण्डेंट है और एक बड़ा सुपरिटेण्डेंट होते हुए भी उसको इतना हक नहीं है जितना कि एक छुटका सुपरिटेण्डेंट को जो जिले में होता है। इसलिए यह कह देना कि होम मिनिस्टर के पास भेजे और होम मिनिस्टर जब चाहे मेम्बर के पास जाय और मेम्बर से यह कहे कि साहब आपके ऊपर यह मामला है। जो हमारे मित्र कहते हैं, उसको मैं पढ़ देना चाहता हूँ। माननीया, देखा जाय कि कमेटी के मेम्बर ने कहा है यानी जब कमेटी बैठी थी तो तमाम कमेटी के मेम्बर ने कहा था कि यह बात उनकी समझ में नहीं आती है। तो मैं यह जानना चाहता हूँ कि इस चीज को यहाँ पर क्यों रखा गया है :

"At the outset, the Committee would like to observe that the reference before it is not primarily one which calls for a finding whether the question raised involves a breach of privilege or not."

मैं समझता हूँ कि यह वाक्य खुद ऐसा है जिसे निकालने के लिए इसको पुनः विशेषाधिकार समिति के पास भेजा जाना चाहिये। यह प्रश्न इसलिए विशेषाधिकार समिति के पास गया था क्योंकि विशेषाधिकार समिति ने अपनी यह सम्मति प्रकट करनी थी कि यह प्रश्न विशेषाधिकार के अवहेलना से संबंधित है या नहीं। अगर यह प्रश्न विशेषाधिकार अवहेलना से संबंधित नहीं था

तो कमेटी ने पहले ही इस को क्यों मान लिया और यह प्रश्न विशेषाधिकार समिति के पास गया ही क्यों। यह चेयरमैन के ऊपर एक रिफ्लेक्शन है कि चेयरमैन ने इस प्रश्न को विशेषाधिकार समिति के पास जो भेजा वह गलत है क्योंकि यह प्रश्न होता नहीं है कि समिति उसको बतलाये कि इससे विशेषाधिकार बनता है या बिगड़ता है। केवल वहाँ बैठकर एक 5 पेज की रपट लिखना इसका क्या मतलब है क्योंकि रपट की पोथी की पोथी हमने पढ़ी है।

आगे देखा जाय :

"In fact, Shri Bhupesh Gupta himself did not raise this matter in the House as a question of privilege;"...

SHRI BHUPESH GUPTA : No, no; that is incorrect.

SHRI RAINARAIN : "... his object was to bring to the notice of the House the impropriety of the visit of a police officer to a Member to question him in connection with some disclosure he made in Parliament."

माननीया, अब यह कमेटी अपने इस गलत तरीके के समर्थन में श्री भूपेश गुप्त को खड़ा कर रही है। कमेटी यह कहती है कि श्री भूपेश गुप्त ने स्वतः इस सवाल को विशेषाधिकार का सवाल नहीं बनाया था।

SHRI BHUPESH GUPTA: I would like to make one thing clear, Madam. It is unfortunate because I am not saying anything. I have not given any amendments. In fact, my submission was, "It is a gross breach of privilege of the House" and I also repeated that thing. I said when I asked for a statement by Mr. Chavan "I will not pursue it although I can bring in a privilege motion against the Home Minister because he is in charge of the Chandigarh Administration." I only said I am not bringing a privilege motion against the Home Minister. But you see in the particular statement itself which I wrote to the Chairman bringing it to his notice, I said, "It is a gross breach of privilege of the House." That is what I said. That position I never withdrew. And here you will find,

[Shri Bhupesh Gupta]

Madam Deputy Chairman, I do not know how it came to be written, the impression they have got of it . . . (interruption) In my letter of the 19th April I said, "This is a serious interference with the work of Members of Parliament and indeed it is a gross breach of privilege of the House. I have orally mentioned this matter to the Union Home Minister, Shri Chavan . . ." My position is quite clear. Since I was involved and wanted the matter to be discussed, I may give my views on it. But it is not fair, and I would ask the mover himself to correct it. If he does not, I would not seek it by an amendment . . .

SHRI M. C. SETALVAD: But if there is any inaccuracy—my learned friend can correct it.

SHRI BHUPESH GUPTA: . . . (Interruptions) If I have to say I will say. But being a member of the Privileges Committee I did not attend its meeting. It is not for me to question. . .

THE DEPUTY CHAIRMAN: That will do. Mr. Rajnarain, you can take five minutes more.

श्री राजनारायण : माननीया, मुझे इस बात से थोड़ी राहत है कि श्री भूपेश जी ने स्वतः अपने सम्बन्ध में सफाई दी। अगर हम इस बात को मान लें कि श्री भूपेश जी अपनी सफाई में खुदबखुद खड़े न हों तो भी जहां तक हमारा प्रश्न है उसमें कोई परिवर्तन नहीं होता। जब यह प्रश्न आ गया तो माननीया, इसकी कार्रवाई को जरा देखा जाय। यहां पर यह सवाल उठा कि प्रिविलेज का सवाल उठा है कि नहीं। अब इसमें देखा जाय :

"श्री राजनारायण : अब मैं विशेषाधिकार का प्रश्न उठाता हूं। मैं विशेषाधिकार का नोटिस दे रहा हूं। हम क्या कोई ऐसी बात कर रहे हैं जो नियम के विरुद्ध है। विशेषाधिकार का सवाल उठाने से आप हम को किस नियम के तहत रोक सकती हैं।"

माननीया, उस समय आप ही इस चेयर पर विराजमान थीं जब विशेषाधिकार का

नोटिस हमने दिया और विशेषाधिकार अवहेलना का प्रश्न हमने उठाया। मैं लीजिये किसी मौके पर इस सदन के किसी सम्मानित सदस्य के खयाल में यह बात न आये कि विशेषाधिकार अवहेलना हुई या नहीं क्योंकि कभी कभी लोग बैठे रहते हैं और सुनते रहते हैं, मगर जब इस सदन में सवाल आ गया तो इस सदन का कोई भी सदस्य यह पूरा हक रखता है कि अगर वह विशेषाधिकार अवहेलना का प्रश्न है तो वह उसको उठा सकता है और उसको विशेषाधिकार अवहेलना के रूप में माना जाना चाहिये।

मुझे अफसोस है कि जो यह अदरणीय समिति विशेषाधिकार की बैठी उसने हमारे कथन को पढ़ने की कृपा नहीं की। जब यह कमेटी अपने तर्क में श्री भूपेश गुप्त जी को खड़ा करती है तो इसको कहना चाहिये था कि हा, भूपेश गुप्त जी ने नहीं उठाया मगर राजनारायण ने उठाया था। हमारे इस प्रश्न को कमेटी क्यों छोड़ गई। इससे मैं यह समझता हूं कि कमेटी एक दिमाग बना कर बैठी थी पहले ही से कि कोई न कोई बीच का रास्ता निकाले, कुछ इधर भी कर दे, कुछ उधर भी कर दे, गाय भी गाभिन कर दे और बैल भी गाभिन कर दे जिस से एक मसला सुलझ जाय। लेकिन यह मसले को सुलझाने वाली बात नहीं है, मसले को उलझाने वाली बात हुई। जैसा कि नौकर-शाही का एक ट्रेडीशन होता है, एक दिमाग होता है, उसी दिमाग से इस कमेटी ने काम किया है। इसमें यह देखिये।

"If in a case a Member states something on the floor of the House which may be directly relevant to a criminal investigation and is, in the opinion of the investigating authorities, of vital importance to them as positive evidence, the investigating authority may make a report to the Minister of Home Affairs."

अब यह आगे देखिये:

"If the Minister is satisfied that the matter requires seeking the assistance of the Member concerned, he would request the Member to meet him."

बिना पूजीवादी, नौकरशाही मनोवृत्ति के सने हुये दिमाग के कमेटी होम मिनिस्टर को बीच में ला ही नहीं सकती। हमने भी मेज़ पार्लियामेंटी प्रैक्टिस को देखा है, विधान सभा में काम किया है, प्रिविलेज कमेटियों की कार्रवाइयों में हिस्सा लिया है। कभी भी एक जनतंत्रीय संसदीय प्रथा का जानकारी व्यक्ति होम मिनिस्टर को रिफ्रेंस करने की बात करता ही नहीं। माननीया, क्या आप बता सकती हैं कि आज के इस युग में भारत का कोई भी मंत्री इतना सक्षम है कि अपने सुपरिटेण्डेंट की राय के विरुद्ध कोई राय दे दे। हरगिज़ नहीं। सुपरिटेण्डेंट जो चाहेगा नतमस्तक हो कर उसको शुक्ल जी और चव्हाण जी मानेंगे।

THE DEPUTY CHAIRMAN: Please wind up. I must give a chance to others.

श्री राजनारायण : क्या इसमें भी समय का सवाल है।

उपसभापति : हां, दूसरे भी बोलने वाले हैं।

श्री राजनारायण : अच्छा, हम को खत्म कर लेने दीजिये।

उपसभापति : मैंने 5 मिनट दिये थे।

श्री राजनारायण : पांच मिनट में खत्म कर देंगे।

उपसभापति : पांच मिनट हो गये। आपने सब मिला कर बीस मिनट ले लिये।

श्री राजनारायण : माननीया, मैं यह कहता हूँ कि यह कमेटी की रपट जिस दिमाग से बनी है मैं उसका मूलतः विरोधी हूँ। मैं इसके बारे में कुछ सुझाव देना चाहता हूँ। मैं चाहता हूँ कि यह पुनः विशेषाधिकार समिति को भेजा जाय। विशेषाधिकार समिति से मैं यह निवेदन करना चाहूँगा कि मेम्बरों को अधूण अधिकार प्राप्त हैं। हर मेम्बरों जो चाहें वह इस सदन में बोले और जिस बात

की उसको जानकारी हो उसका उद्घाटन करे और कोई भी पुलिस अधिकारी उसके बारे में कहीं पूछताछ नहीं कर सकता। अगर किसी स्थल पर कहीं ऐसा मौका आता है तो उसको चेयरमैन के सामने आवेदन ले कर जाना चाहिये। चेयरमैन उसकी छानबीन करेंगे और अगर चेयरमैन उचित समझेंगे तो उस मेम्बर से सलाह मशवरा कर के आगे की कार्रवाई को नियोजित करेंगे।

इस लिये मैं सदन के सम्मानित सदस्यों से निवेदन करूँगा कि वे इसको पार्टी का सवाल न बनायें और इसको वे पुनः विशेषाधिकार समिति में जाने दें जो फिर सोच-समझ कर अपनी रपट आगे दे।

THE DEPUTY CHAIRMAN: Mr. A. P. Jain. The time is very limited. Just state your points.

SHRI A. P. JAIN : Yes. First I would like to read out the last paragraph as it will stand after my amendment, because I gave my amendment in a hurry and it would be better if things are clarified. It will read as follows :

"If in a case a Member states something on the floor of the House which may be directly relevant to a criminal investigation and is, in the opinion of the investigating authority, of vital importance to them as positive evidence, the investigating authority may make a report to the Chairman accordingly. If the Chairman is satisfied that the matter requires seeking the assistance of the Member concerned, he would request the Member to meet him. If the Member agrees to meet the Chairman and also agrees to give the required information, the Chairman will use it in the manner which will not conflict with any parliamentary right of the Member. If, however, the Member refuses to respond to the Chairman's request, the matter may be allowed to rest there."

Now, I must congratulate the Privileges Committee on giving very clear findings on the issues dealt with by them, and these findings fully protect the freedom of the Members of this House to act in the manner that they think proper in the House and to express

[Shri A. P. Jain]

their opinion. Now, one of the questions which was posed by this Committee is contained on page 6, "We may proceed to examine the position regarding disclosures made by Members of Parliament on the floor of the House and their accountability to any outside body therefor." The important word is "accountability" to any outside body. The opinion of the Committee, is clear that the Member is not accountable to anybody outside the House. If the power to enquire from the Member is given to the Home Minister for this purpose, the Home Minister is an authority outside the House. I want the House to be the master of its own affairs. The Chairman is an officer of this House and I think he is the proper person who should first examine it whether it should further be discussed. If he is of the opinion: 'Yes, it is a fit case' he may request the Member to see the Chairman. If the Member sees the Chairman and supplies him the information, well and good. Then the matter ends there. If the Member refuses to do, I think any interference by an outsider—the Home Minister in this case—will not be proper. After all the Home Minister is the head of the investigating authority and if the Member is subjected even to questioning by him although he may have no ultimate power to make any order, I think it will be an infringement of the rights of the Members of this House. It is with that object that I have moved this amendment. It is with the object of maintaining the autonomy and full rights of this House that this power should be entrusted to the Chairman and not to the Minister of Home Affairs. These are the few words I wanted to say.

श्री पीताम्बर दास : मैडम डिपुटी चेयरमैन, इस रिपोर्ट को समझने के लिए एक बैकग्राउंड है। बैकग्राउंड यह है कि श्री भूपेश गुप्त ने इस प्रश्न को यहां उठाया था। उनका स्वयं का यह कहना था, यानी अखिर में जो उनका कहना था वह यह था कि :

"Therefore I suggest that you kindly ask the Home Minister to furnish you information, the names of the officers who came, who sent them. And certainly the man who sent them he should be penalised.

I am not interested in bringing a privilege motion against the Home Minister if I can help it. But if the Home Minister tries to hide it, then I will be within my rights to start privilege proceedings against the Home Minister, based on the statement of the Home Minister."

What the Home Ministry wrote to the Chairman of the House was:

"Shri Kuldip Singh, Inspector CID, was deputed to contact Shri Bhupesh Gupta, MP, Delhi, in connection with the investigation of this case. Shri Kuldip Singh has been deputed to request Shri Bhupesh Gupta MP, to hand over the original sheet which was reported to be in his possession as it was wanted in a cognizable case."

तो उसका अर्थ यह हुआ कि होम मिनिस्टर ने न तो कोई चीज छिपाई और न उन लोगों के नाम छिपाए जो संबन्धित थे। भूपेश गुप्त की ये दोनों चीजें मानी गईं—

"He wanted the name of the officer who came and that the Home Minister should not try to hide things, the Home Minister did not hide things and he gave the names of the persons concerned."

अब एक प्रश्न और रहा। भूपेश गुप्त का कहना था कि:—

"If I wanted I could bring privilege motion". Respectfully I submit that he could not. हाउस आफ कामन्स की यह प्रथा है कि अगर कोई सदस्य उस आदमी को पत्र लिख दे जिसके खिलाफ वह ब्रीच आफ प्रिविलेज का मामला हाउस में उठाना चाहता है यानी अगर कोई वह चिट्ठी उसने उस आदमी को सीधे-सीधे लिख दी है तो फिर वह मामला हाउस में ब्रीच आफ प्रिविलेज का नहीं उठाया जा सकता ब्रीच आफ प्रिविलेज का मामला तभी उठाया जा सकता है जब सदस्य ने उस आदमी को जिसके खिलाफ मामला उठाना है कुछ नहीं लिखा हो उसको सिर्फ यह सूचना दी जाती है कि मैं तुम्हारे खिलाफ मामला उठाने वाला हूं। हाउस आफ कामन्स की प्रथा के हिसाब से जब एक बार होम

मिनिस्टर को चिट्ठी लिख दी गई तो टेक्नीकली वह मामला हाउस में नहीं उठाया जा सकता था लेकिन मैं इस टेकनिकैलिटी पर ज्यादा ज़ोर नहीं देता क्योंकि उन्होंने स्वयं यह कहा है कि :

"The matter is serious. I have written to the Chair leaving it in the hands of the Chair."

अब देखना यह है कि इतना सारा कुछ होने के बाद भी इसकी क्या ज़रूरत पड़ी कि यह मामला प्रिविलेज कमेटी में गया। उसकी अव्यक्तता इसलिए पड़ी कि भूपेश गुप्त साहब ने यह बात कही है कि:—

"Let the Chair deal with it. I do not want to make it a point of personal privilege."

उन्होंने भी हाउस की प्रेस्टिज का सवाल समझ कर इसको उठाया है पर्सनल नहीं। होम मिनिस्टर साहब का इस संबंध में यह कहना था कि :

"If the conduct of the investigating officer in this case were to be regarded as in any manner unusual, it might be useful that the police administration in general and investigating agencies in particular were to be given clear guidance as to how they should proceed in such cases, and he would therefore suggest that if the Chairman considered it proper the question might be referred to the Privileges Committee 'whose findings would provide the necessary guidance to officers who have a statutory duty to perform in such matters'."

जो मद्दम्य यह कहते हैं कि चीजों को मिला कर चलने की कोशिश की गई है उनका कहना बिल्कुल ठीक है, न इसमें कुछ छिपाने की बात है, न लज्जा की बात है, और न घबड़ाने की बात है।

मूल मुद्दा इसलिए खड़ा हुआ कि हाउस के मेम्बर का प्रिविलेज :

"came into conflict with the duties of the administration".

इस ऐसे मामले में होम मिनिस्टर साहब ने भी यह ठीक समझा कि हाउस की गाइडेंस ले ली जाय कि अगर ऐसा मामला फिर कभी उठे तो शसन के अधिकारियों का व्यवहार क्या होना चाहिए। भूपेश गुप्त जी ने यह ठीक समझा कि सदस्यों के अधिकारों का यदि प्रश्न खड़ा होता है तो ऐसी हालत में क्या होना चाहिए इसका निश्चय हो जाये। यह स्थिति दोनों तरफ के स्टेटमेंट्स में प्रगट हुई है और उन चिट्ठियों से भी कि जिनका आदान-प्रदान हुआ है। इस सारे मामले की यह बैकग्राउण्ड थी। होम मिनिस्टर ने यह कि प्रिविलेज कमेटी आगे के लिए कोई प्रोमीज़र ले अउट कर दे। भूपेश गुप्त भी पर्सनल मैटर इसे नहीं बनाना चाहते थे, बल्कि चाहते थे कि :

"the rights and privileges of Members of the House should be safeguarded."

इस बैकग्राउण्ड में चेयरमैन साहब ने यह ठीक समझा कि प्रिविलेज कमेटी को यह मामला सौंप दिया जाय। प्रिविलेज कमेटी ने मामले को इसी बैकग्राउण्ड में विचार किया। यह नियम है कि जब कन्फ्लिक्ट होती है बड़ी चीजों में तो वहां rule of harmonious interpretation को एप्लाइ किया जाता है। इसमें कोई दिक्कत नहीं होती इसलिए rule of harmonious interpretation को एप्लाइ करके कमेटी ने अपनी फाइन्डिंग दी है। और वह यह दी है कि सरकारी अधिकारी होम मिनिस्टर साहब को सारा नामला सौंपे और वे सदस्य से रिक्वेस्ट कर सकते हैं। एक मुद्दा उठाया गया है कि बजाय होम मिनिस्टर के चेयरमैन को क्यों न रखा जाय। वास्तव में इनवेस्टीगेटिंग अथॉरिटी का हेड आफ द डिपार्टमेंट तो होम मिनिस्टर ही है, इसलिए :

"The authority may make a report to the ministry of Home Affairs accordingly. If the Minister is satisfied, the matter ends there; if not and

[श्री पीताम्बर दास]

if the matter requires seeking the assistance of the Member concerned"—It is assistance that is sought . . ."

सदस्य को कमरे में बुलाने का सवाल नहीं है, कहीं प्रश्न पूछने का सवाल भी नहीं है। राजनारायण जी ने जिस भाषा का प्रयोग किया है वह उनके लिए नई नहीं है। लेकिन जब हम कांस्टीट्यूशन के शब्द या पार्लियामेंटरी लैंग्वेज देखते हैं तो एक एक लफज का ध्यान रखना पड़ेगा। वे सदस्य को कमरे में बुलाएंगे और इन्टरोगेट करेंगे सिफारिश में यह कहीं नहीं है। बल्कि सिफारिश यह है कि :

"He would request the Member to meet him". It may be at the Member's own house. He can invite the Home Minister to his own house and say "You can meet me here". "If the Member agrees to meet the Home Minister and also agrees to give the information required" it is all right. अगर ये दोनों बातें पूरी होती है तो आगे कि कार्यवाही होगी। क्योंकि the member may agree to meet but may not agree to give the information. But if he gives the information, then "the Minister will use it" and that also "in a manner which will not conflict with any parliamentary rights of the Member."

इससे ज्यादा सेफगार्ड में पूछना चाहत हूँ कि और क्या सदस्यों के अधिकारों के लिए हो सकते हैं? इसलिए मैं समझता हूँ कि प्रिविलेज कमेटी ने जो डिगनिटी होनी चाहिए हाउस की उसको मेन्टेन किया है, जो सदस्यों के अधिकार है उनको भी मेन्टेन किया है। हम सबका भी यह कर्तव्य है कि जहाँ अपने अधिकारों का रक्षण करें, वहाँ यह भी ध्यान रखें कि अपने देश का प्रशासन ठीक तरह से चले। इस पाइन्ट आफ व्यू को सामने रख कर कमेटी ने जो रिपोर्ट तैयार की है वह बिलकुल ठीक है। उसे स्वीकार कर लिया जाये।

THE DEPUTY CHAIRMAN: I would request Members that whatever points they object to, they may state and make it as brief as possible.

SHRI BHUPESH GUPTA: I was a Member of the Privileges Committee. Normally I do not speak but here I will have to because it involves certain factual statements which have to be corrected but even then I would not insist on my moving the amendment. Let it come from the Privileges Committee. I could have easily got it through the Committee had I attended it. The fault is mine rather than that of the Committee if any minor errors had crept in. So I do not blame the Committee. Hence I would not like to move the amendment when I did not attend the meetings except once. I did not attend the meeting because I was personally involved in this matter, because I was the complainant. Now I followed the principle that no one can be a judge in his own cause. Here it was a cause of the House, and although it was a cause of the House I thought I should leave it to the Committee—and I had faith in the Privileges Committee and I felt that if the Privileges Committee goes wrong, I would not be able to correct it even if I were present. But anyhow I had faith in the Privileges Committee and left it in their hands. Just as you see, right at the beginning I left the entire matter in the hands of the Chair because I did not like it to be made a personal issue. Somebody came to my house, a police Officer. I got irritated. Therefore I did it. Why did I not want to make a personal issue against Mr. Chavan at that time although I said it was within my rights? Punjab was under the Centre at that time as it is now. I have said it. So I left it in the hands of the Chair. My main complaint, hon. Members should note, which was sent really to the Privileges Committee, made the Chair move *suo motu*, and I am grateful to the Chair. The Chair moved *suo motu* in this matter instead of the matter coming to the House, as indeed it should be in a case. Now here is a short thing; I will read it out because hon. Members, many of them, may not have got it. This is from my letter dated April 19, 1968, addressed to the Chairman.

"I would like to draw your attention to a serious matter. You will remember that during the last ses-

sion I had the occasion to invite the attention of the House to some part of the Punjab Appropriation Bill signed by the Governor of Punjab but without any signature thereon of the Speaker or even the Deputy Speaker. The matter was discussed at some length in the House.

After the Session was over, a certain Police Officer from Chandigarh came to my house to enquire about the document I had referred to in the House. I did not of course say anything to him and I asked him to leave my place, which he did.

This is a serious interference with the work of Members of Parliament and indeed it is a gross breach of privilege of the House". . .

I am not saying that it is a breach of my privilege.

"I have orally mentioned this matter to the Union Home Minister, Shri Y. B. Chavan. I propose to formally take it up on the floor of the House as soon as the next session starts. In this connection I may further mention that the Chandigarh Police is under the Central Government. The Union Home Minister should find out for you as to which Officer of the Government actually sent the policeman to my house."

Then the Privileges Committee gives an extract from the proceedings of the House of May 2, 1968. There is in House I said, "Sir, I leave the matter entirely in your hands. I do not wish to pursue it from the narrow personal or even party angle. If you think that what I have said makes a very strong case for investigation and action, I would expect that you would give it your attention. If you do not think so and would like the matter to be dropped, I will not pursue it although I can bring in a privilege motion against the Home Minister because he is in charge of the Chandigarh Administration." Let it not be interpreted that I did not want to bring a Privilege Motion against the Home Minister. All that I showed in this was that I displayed great respect and confidence in the Chair. I was so sure of my case that any Chair could not but take cognizance of it—any Chairman of the Privileges Committee—and hence I was not bothered as to what I should say against the Home Minister or some other people.

Then I thought that the Home Minister would appreciate this kind of thing, namely, that a Member of the House who sought to be subjected to investigation.

Then, Madam, finally, in the proceedings of the House of May 2, 1968, which you quote, I have said, "But here a police officer is sent to start investigation with regard to a matter which relates to Parliament. Still the Home Minister is not at all bothered. Therefore I suggest that you kindly ask the Home Minister to furnish you information, the names of the officers who came, who sent them. And certainly the man who sent them, he should be penalised." I was not interested in the small fry who came to my house; it would be unfair even though he happened to be a police officer. I am not interested in bringing a privilege motion against the Home Minister if I can help it. There also I did not give up my right. Madam Deputy Chairman, you may think that I am not careful in my words, but I am, and if the Home Minister tries to hide it, then I will be within my rights to start privilege proceedings against the Home Minister based on statements of the Home Minister. I am within my rights even now. I can even start a privilege motion now if I want to. And I have said in that day's proceedings, "If he admits it, then either he is liable, or the police officer concerned." Madam, this is important. "I do not like to prosecute the man who came here, the subordinate officer, but the authorities who actually sent them." Now this was my contention as far as the case is concerned. I did not even ask the officer who came to my house, "Gentleman, what is your name?" After all, I knew that he had been asked to come here, and I told him, "Now you go", and he politely went away. Then I did not know who sent him. He said he had been sent by some higher officer. I did not ask him about it because I did not want to enter into any discussion with that officer who had come, by asking him who gave him such an assignment; I want Mr. Chavan to tell us. Up to today Mr. Chavan has not revealed the name of the officer who had sent him.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL) : How does that interest you?

SHRI BHUPESH GUPTA: Madam Deputy Chairman, that is why I say that I feel very strongly about it with all respect to the Privileges Committee. How is it that the Privileges Committee did not succeed in getting the name of the officer who sent that policeman in this matter?—it was necessary for the Privileges Committee. Mr. Chavan is hiding facts; that is my regret today. Even I say I would have submitted to the Report of the Privileges Committee; I would not have brought any amendment, but certainly the Privileges Committee should have told us who is that officer in Chandigarh who authorised or asked or ordered that inspector to go to a Member's house and behave in this manner. Is it not relevant information to be given? Madam Deputy Chairman, to you as Chairman of the Privileges Committee I will submit that you ask Mr. Chavan to find out as to who is that officer who sent the inspector to my house. I do not think Mr. Chavan ordered him—in all fairness to him. Yet Mr. Chavan's vicarious responsibility does appear in this connection. But I would not blame Mr. Chavan. I do not think he personally ordered it. Well, there I am concerned with the officer at the top who initiated this thing and asked the inspector to go. Who passed the order? That should have been by an officer. Now this information has been withheld from the House in Mr. Chavan's statement. It is regrettable, Madam Deputy Chairman, that this information could not be elicited in the Privileges Committee. When the Privileges Committee examines things, well, if I were in the Privileges Committee, I would have asked Mr. Chavan to come before the Privileges Committee and I would have asked him questions. I know my esteemed friends and colleagues in the Privileges Committee have done their job well and therefore I do not impute anything to them, but it does occur to me that Mr. Chavan has deliberately not revealed the name of that higher officer even after my request. This is number one. The second point I should like to make is this Mr. Chavan could have divulged it on the floor of the House. Why I did not initially bring a privilege motion against that officer? It may be asked. It is because I did not know his name. I wanted Mr. Chavan to divulge the name; then I can bring it, and that is what I mentioned in my letter and, fortunately, the Chairman moved *suo motu*. I leave it

entirely in your hands that the people, that not only the name of the inspector who came here—his name is given here, Madam Deputy Chairman; the inspector's name is given here; it is Inder Singh; his name is given but, you see, he has been sent by somebody; why that man's name alone is given, I cannot understand; always there is an attempt to find a scape-goat among smaller officers; always there is an attempt to punish a little inspector here or a sub-inspector there or a constable in some other place—I also demand, Madam Deputy Chairman, I as a Member of the Privileges Committee also demand that it should be brought before the House, the name of the man who ordered this.

Now I might divulge one information which I did not mention here. When I went to Chandigarh immediately after that, I was told that Mr. Gill, the then Chief Minister, was thinking of starting a prosecution against me under section 380 for theft of that Budget paper. Well, I had been told this thing by the lawyers in Chandigarh that they were thinking in terms of starting a prosecution against me in a court of law for theft of the Budget paper. This is a serious statement I am making. If you like, Madam Deputy Chairman, I can produce the lawyers who had told me this in Chandigarh—in the Punjab High Court. Therefore, there was a conspiracy at the top, and perhaps later on better counsel prevailed and they shield away from this thing and behaved in this

1 P.M. manner. Madam Deputy Chairman, I am very grateful to the Privilege Committee for the kind words they have uttered about me that I resisted this thing and that I am a Member of considerable standing. If I am a Member of considerable standing it is because of the House itself (*Interruptions*) Because I am accustomed to receiving policemen all my life. From the age of 13 I have been receiving them. They have come to search my house, put me in detention, arrest me, arrest my father. So many things happened in the days of the British and even under the Congress. So I was not irritated about that, but as I mentioned here in the sixteen years of our parliamentary career this is the first case of this kind.

And how did Mr. Chavan react? He says he cannot make a statement because he was not sure if that would assuage the feelings of the Members. Is

that what is to be said? Mr. Chavan was the Minister in charge; he should have come and apologised to the House. I am sure if Jawaharlal Nehru had been there he would have apologised to the House. I know how Jawaharlal Nehru apologised to the House one day when Acharya Kripalani said that in some district he was being dogged by policemen, shadowed by policemen. He expressed regrets for that kind of thing but we have passed those days. Everybody thinks that others must apologise. Mr. Morarji Desai thinks that Mr. Dharia must apologise to him but Shrimati Indra Gandhi does not think that she must sometimes apologise to the House; Mr. Morarji Desai does not think that he must apologise to the House; Mr. Chavan does not think that he must apologise to the House. Madam Deputy Chairman, I congratulate the Members of the Privileges Committee for the way they have discussed this matter and applied their mind. And congratulation coming from me is something which can't be thrown away easily because you know I am niggardly in such matters. I say all this because they have gone into this matter on merits from the point of view of the larger interests. Therefore I am not interested in what they say about me or how they interpret my words. And what is more, I am interested in the proposition before the Privileges Committee. They have seriously considered it as indeed they should and for once I am happy about the Privileges Committee of which I have been a Member ever since 1952.

श्री राजनारायण : आपने काफी कह दिया, आगे भी तो कहोगे।

SHRI BHUPESH GUPTA : Madam, these recommendations are good. You might consider the amendment made by him. But one thing I should like to say. This is a good thing; adopt it. We are being subjected to all kinds of harassment outside and therefore...

श्री राजनारायण : आपसे सवाल कर रहा हूँ कि आप क्यों अपील करते हैं कि एंडाण्ट किया जाय। प्रिविलेज कमेटी ने अपने कर्तव्यों का पालन नहीं किया, उमने उस आदमी को छोड़ दिया जिस आदमी को पदच्युत होना चाहिये था।

SHRI BHUPESH GUPTA : I did not go to the Privileges Committee because as I said I am the complainant; I would not because it is not a good thing.

THE DEPUTY CHAIRMAN : You have said all that. It is one o'clock; we must finish now.

SHRI BHUPESH GUPTA : On the basic issue they have given a good judgment. But I should like to say here that a newspaper report which appeared has upset me that a Member of this House was asked to apologise for some remarks or observations he made in this House. Madam, you may say that Mr. Dharia is from our party and it is a party matter. Then keep the party matter secret. If you are not in a position to conduct the party matters so secretly that they do not get into the press, naturally they will be taken up. Therefore I say that Mr. Morarji Desai or those who asked Mr. Dharia to apologise were entirely wrong. What is the use of passing this Resolution here if we allow such things?

THE DEPUTY CHAIRMAN : Mr. Gupta, please sit down. We must finish this.

SHRI BHUPESH GUPTA : I am finishing.

THE DEPUTY CHAIRMAN : You must be relevant.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, such things should not have gone outside. The manner in which it was done, two things are there. If it is an internal party matter you must be able to see that it does not come out.

THE DEPUTY CHAIRMAN : That is another issue altogether. Let us finish this.

श्री राजनारायण : मैडम, देखिये कुछ टाइम का भी आप खयाल कीजिए। 1 बजे से मैरत से तमाम अध्यापक आए हुए हैं। एक बजे उनकी मीटिंग है, प्राइम मिनिस्टर के यहां जा रहे हैं। सदन एक बजे उठ जाया करेगा यह तय किया था हम लोगों ने।

THE DEPUTY CHAIRMAN : I want to seek the indulgence of the House that we sit till 1.30 and finish this business.

श्री राजनारायण : देखिये मैडम, आपकी इस रूलिंग और इस व्यवस्था में चेयरमैन की व्यवस्था का उल्लंघन है। चेयरमैन ने कहा था, आटोमेटिकली सदन 1 बजे उठ जायेगा। आपकी कार्यवाही चेयर की व्यवस्था का उल्लंघन है। जब जो चीज किसी को सूट करती है उस के मुताबिक व्यवस्था हो जाती है। इसलिए...

THE DEPUTY CHAIRMAN : Mr. Rajnarain, please sit down. This is no decision I am giving. I am only asking the indulgence of the House. If you want to go, you may go. The mover is Mr. Setalvad and if he is indulgent enough, we will sit till 1.30 and finish this and rise for lunch for one hour.

श्री राजनारायण : आपकी व्यवस्था के लिये मैं निजी तौर पर सदन का त्याग करता हूँ।

[At this stage, Shri Rajnarain left the House.]

THE DEPUTY CHAIRMAN : Now, Mr. Bhupesh Gupta, you must finish.

SHRI BHUPESH GUPTA : Madam, Just one minute; I accept that suggestion but one thing, before I sit down, I would like to bring to your notice. As you know such things are happening and I hope the House will take note of it. Once I mentioned something about a CIA agent Mr. Sen in this very House...

SHRI SUNDAR SINGH BHANDARI : Can we not...

SHRI BHUPESH GUPTA : Why should you stop me?

SHRI SUNDAR SINGH BHANDARI : I only say that it seems the debate is going to be long; so why should we not take it up after lunch?

SHRI GODEY MURAHARI : Let us meet at 2 o'clock.

(Interruptions)

THE DEPUTY CHAIRMAN : You must talk on this privilege motion and not on all other things.

SHRI BHUPESH GUPTA : Let us meet at 2 o'clock.

THE DEPUTY CHAIRMAN : You go on and finish.

SHRI BHUPESH GUPTA : They do not want it, you see.

THE DEPUTY CHAIRMAN : But you will not get more time even if we meet at 2 o'clock.

SHRI BHUPESH GUPTA : Madam, this is very objectionable. Did I say that I should be given more time?

(Interruptions)

THE DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, let us concentrate on this Report; let us not go into other things. You will have other opportunities for saying all that.

SHRI BHUPESH GUPTA : Always we are insulted. I said I would take just one minute and after that you say that I want adjournment for getting more time.

THE DEPUTY CHAIRMAN : You take your one minute and finish it. You wanted a minute.

SHRI BHUPESH GUPTA : Not now. All my colleagues want adjournment. Let us adjourn.

SHRI GODEY MURAHARI : Let us meet at 2 o'clock.

THE DEPUTY CHAIRMAN : Please be reasonable. The one minute you wanted I was going to give you now.

SHRI BHUPESH GUPTA : I will take that one minute after lunch at 2 o'clock.

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : Mr. Setalvad has to reply. Let us show some consideration to him. Let us not compel him to come again at 2 o'clock.

SHRI BHUPESH GUPTA : You want to have it both ways. When we agree you abuse us. When we do not agree you appeal to us? We want adjournment.

SHRI JAISUKHLAL HATHI : Let us show some consideration to a senior Member like Mr. Setalvad.

(Interruptions)

SHRI B. K. P. SINHA (Bihar) : May I appeal to the good sense of hon. Members? Mr. Setalvad is an old man. Even in the Supreme Court he has permission to argue while sitting. He does not have to stand up. It means a great strain on him. Therefore, we should be a bit generous and allow this debate to finish and not compel him to come at two.

(Interruptions)

SHRI A. P. CHATTERJEE : We also want to speak.

THE DEPUTY CHAIRMAN : Mr. Gupta said that he would finish in one minute. I gave him one minute and he took another minute.

SHRI BHUPESH GUPTA : You cannot say it. Now, it is no longer there. I will continue after lunch.

(Interruptions)

SHRI GODEY MORAHARI : Let us adjourn for lunch...

SHRI BHUPESH GUPTA : I will not break with the Opposition.

THE DEPUTY CHAIRMAN : So, we will rise for lunch and meet again at 2 P.M. The House stands adjourned till 2 P.M.

The House then adjourned for lunch at eleven minutes past one of the clock.

The House reassembled after lunch at two of the clock, THE DEPUTY CHAIRMAN in the Chair.

THE DEPUTY CHAIRMAN : Mr. Gupta.

SHRI BHUPESH GUPTA : Madam, to convince you that I did not want to speak before adjourning, I do not wish to speak. You can call the next speaker.

SHRI A. P. CHATTERJEE (West Bengal) : Madam Deputy Chairman...

SHRI D. L. SEN GUPTA (West Bengal) : Will you kindly permit me to mention that today, Friday is non-official day. We have already...

THE DEPUTY CHAIRMAN : We are trying to hurry it up.

SHRI D. L. SEN GUPTA : If Members do not hurry up, I have no control. But I would submit is, let this matter be shifted to Monday.

THE DEPUTY CHAIRMAN : No, it cannot be done. This is not Government business. This is the business of our House and we must finish it today.

SHRI D. L. SEN GUPTA : Today is specifically mentioned as non-official day.

SHRI A. P. CHATTERJEE : Madam, I must, of course, say that the Report of the Privilege Committee is certainly welcome to the extent it goes, because the Privileges Committee has at least categorically and clearly said that a Member cannot be questioned in any court or place outside Parliament for any disclosure he makes in Parliament. Also, all the answers which the Committee of Privileges has given to issues 2 and 3 go to show that such questioning amounts to impeding the Member in the discharge of his duties and also it amounts to molestation and also it amounts to interference with his freedom of speech. To that extent certainly it is a welcome report of the Committee of Privileges. But I am on my legs to pinpoint only a particular fact and it is this. After arriving at the finding that such questioning amounts to impeding the Member in the discharge of his duties and amounts to molestation of the Member and also after coming to the finding that it amounts to interference with his freedom of speech, the thing that follows is this. Shri Kuldeep Singh, who came to ask Mr. Bhupesh Gupta certain questions at his residence during the inter-session period, committed a gross breach of privilege of this House. It is true that Mr. Bhupesh Gupta did not, as the Report goes, in so many words ask the person who questioned him to be committed for gross breach of privilege of the House. It is true that he did not ask that. I may also point out that in the application that Mr. Bhupesh Gupta placed before the Chairman at page 19 he has said that it is a gross breach of privilege of the House. Having found that such questioning would amount to interference with the activities of the Member, in other words, would amount to a gross breach of privilege of the House, why did not the Committee of Privileges go further and haul up this particular Police Inspector, who went

[Shri A. P. Chatterjee]

to the house of Mr. Bhupesh Gupta, namely, Shri Kuldip Singh, for breach of privilege of the House? I do not understand why this Committee stopped half-way after coming to this finding.

Secondly, I find—this is very important—and it is the feeling of some Members of the House also, that there is an attempt to shield the real person behind the show. If Shri Kuldip Singh came to the question Mr. Bhupesh Gupta, he did not come on his own. He certainly was deputed by somebody else. The Office Memorandum signed by a Deputy Secretary in the Ministry of Home Affairs and sent to the Rajya Sabha Secretariat clearly shows that Shri Kuldip Singh had been deputed to request Shri Bhupesh Gupta, etc. Now, of course, Mr. Bhupesh Gupta has said that he was not certainly asked to hand over the original and that it was absolutely a false thing. If one thing comes out of the Office Memorandum sent to the Rajya Sabha it is that Shri Kuldip Singh was deputed. Now, if he was deputed, he must have been deputed by somebody. Who has actually deputed Shri Kuldip Singh? That particular fact also should have been before us and I think the Committee of Privileges should have gone into these two questions: First of all, whether Shri Kuldip Singh himself committed a gross breach of privilege of the House or not; and secondly, if somebody had sent Shri Kuldip Singh to question Mr. Bhupesh Gupta in his house that somebody also should have been located and identified in order that he also might have been proceeded against for a gross breach of privilege of the House. Therefore, what I am submitting is this. As far as this Report is concerned, it is certainly okay. We certainly support it so far as it goes, but it should be resubmitted. I am supporting the motion of Shri Rajnarain for this reason that it should be resubmitted to the Committee of Privileges in order that the Privileges Committee may proceed first against Shri Kuldip Singh and then find out who sent Shri Kuldip Singh and thereafter proceed against that person also for breach of privilege of the House.

SHRI M. N. KAUL: Madam, Deputy Chairman, we are grateful to the Committee of Privileges for this Report, over which you had the honour to preside. I think that this Report will be a historic document in the annals of Parliament because it lays down, for the

first time, clearly and unequivocally what are the privileges of Members in this context. The Report is a valuable one and I have no doubt that in its preparation you have had able assistance.

Now, I will confine myself to the questions which the Committee framed and which it has answered. I agree with the answers given by the Committee and they are quite appropriate for our purpose. The sum and substance of the recommendation of the Committee is that for anything that is said or done by a Member in Parliament he cannot be questioned by any outside authority, judicial or otherwise. That is the undoubted proposition that the Committee has laid down and it flows from the privilege of freedom of speech, which is guaranteed under the Constitution.

Let me make it quite clear that we should bear in mind what the Committee has said elsewhere in its report. It is true that the Member is not subject to control of any outside authority for what he has said or done in the House, but he is subject to the disciplinary control of the House itself, that is to say, what is called the domestic jurisdiction of the House. It is not that the Constitution guarantees some sort of licence. What the Constitution guarantees is that the House in this matter would be sovereign. I think the Committee has done well in saying that this privilege is subject to the Rules of the House and ultimately to the disciplinary jurisdiction of the House itself, which can be exercised on an appropriate motion.

In another place the Committee has again emphasized the jurisdiction of the House by saying that what a Member says or does in the House is subject only to the provisions of the Constitution and the Rules of the House which are enforced by the Chairman. That is the substance of what the Committee has said, and we should, I think, endorse it completely.

Now there are one or two words that I have to say in regard to what the Committee says about the national interest. It is the undoubted power of the Chairman at any time to stop a Member from quoting from a document which in his judgment—because he represents the House—would not be

in the national interest having regard to the security of the country to be divulged, I refer to that because that emphasizes the domestic jurisdiction of the House in this matter. So, no investigation of any kind can take place by police or any outside authority in respect of what a Member has said or done in the House or any document from which he has quoted in the House.

The question still remains that it is open to the Member to volunteer information. That is for the Member concerned and in some cases, where it is a question of giving evidence, the Member has also got to take the permission of the House. It is not as if the Member is his own master in this matter. On the whole I feel that since it is a mixed question a Member should be well advised if he is prepared to volunteer information of his own accord or after an inquiry has been made from him by the appropriate authority to consult the Chairman in the matter and, if the Chairman so desires, to bring the matter before the House so that he is free from committing any breach of privilege that may be involved in his dealing with the matter himself without the authority of the House. The authority of the House will completely protect him.

There is one matter to which I would specifically refer. At page 8 the Committee says :

"The right of a Member to obtain information (including secret information) from any source he chooses, in the performance of his parliamentary duties, and to disclose such information in the House is today unquestioned."

I personally prefer the word 'receive' information because that is the appropriate word which has been used in these privilege cases—that is to say, whatever information he receives he can disclose. A Member should not set about soliciting information from confidential sources. That is not his function. A Member is entitled to receive information from all quarters, from wherever it comes. He can then use that information in the House.

At the appropriate stage, Madam, I will move an amendment, with your permission, as you directed in the morning, as to what exactly should be

the procedure that should be adopted in case a Member decides to volunteer information or the appropriate authority wishes to consult him. I think that the matter should be carefully considered, and after the Government have considered the matter and framed appropriate proposals the matter should come again before the House and we should consider it, because whatever instructions are given to the police officers should not be a matter for the executive Government itself but should come before the House as to what exactly are the instructions that will be given to the police officers, and after the House has given its endorsement those instructions should be issued and they will be binding on all concerned for all time to come, and any breach thereof will be a breach of privilege.

SHRI BANKA BEHARY DAS : I congratulate the Committee of Privileges for pronouncing the principle for a situation in which there is a conflict between the rights and privileges of a Member and the duties of an administrative officer. Though I agree with Mr. Bhupesh Gupta that the officer was not performing his duty of his own but must have been doing it at the dictate of somebody who was guided by some nefarious motive, the principles that have been pronounced here will operate in all cases even when an officer wants to do his duty in a *bona fide* manner. Madam, I am more inclined to accept the amendment that has been moved by Mr. A. P. Jain obviously for this reason because it is not only a question of privilege of a Member but these privileges can be well protected by the House and by the Chair, as Mr. Kaul indirectly referred. I again would like to emphasize the fact that this is the parliamentary convention about privileges that if a Member in the course of evidence wants to say something about the proceedings of the House, then he cannot be compelled nor can he volunteer such evidence before a court of law unless he seeks the permission of the House or the Chair on behalf of the House gives him permission. That is the well established convention in our country that a Member cannot give evidence either of his own initiative or by compulsion of circumstances without the permission of the House. How can the Privilege Committee permit the Home Minister to approach a Member directly to help him in the investigation? That is a contradiction. So I would like

[Shri Banka Behary Das]

rather to support the amendment of Mr. A. P. Jain where if the Home Minister thinks that the assistance of a Member should be secured, he must approach the Chair, also if the Member wants to help the administration at that stage when the Home Minister approaches him. Why go in a circuitous manner? Why not the Privilege Committee say that because Chairman is the custodian of the privileges of the House, the Home Minister will approach the Chairman and should not approach the Member directly? Then only the Chairman will discuss with the Member and, if necessary, will take the House into confidence before he permits the Member to go and volunteer that information either to the police or before a court of law. That is why if we want to follow the well established principles about privileges that have been accepted here, I think there would be a lacuna if we accept this. That is why I want to say here that the amendment of Mr. A. P. Jain should be accepted so that we will entrust the matter entirely to the Chairman of the House as to how to deal with the matter, either with the permission of the House or directly getting in contact with the Member.

Madam, here I want to say one thing only. I am not in favour of punishing that official. I would have been very happy if the Privileges Committee had gone into the very root of the matter as to who was the man who was responsible to direct that inspector to come to Mr. Bhupesh Gupta's house. It ought to have been done. That man should have been exposed. But here I want to say that I am not in favour of punishing that officer in the case of this privilege. We should not be touchy in this matter. The inspector might not be at fault. Somebody might have instigated him. I am not at all in favour of punishing a person specially under the circumstances when we ourselves do not know what our privileges are. That is why I have always pleaded in this House that when after so many years Mr. Bhupesh Gupta and other Members of the House do not know what are the privileges and they have to go to the Committee of Privileges to pronounce certain principles...

(Interruption)

THE DEPUTY CHAIRMAN : Please wind up.

SHRI BANKA BEHARY DAS : I am saying broadly that the House is to pronounce from time to time what are its privileges. Otherwise, how can we expect any official to know what are its privileges? When the All India Editors' Conference wants that the privileges of the Members of Parliament and of the Assembly should be codified as to what are their privileges, how can we expect the common man in the street to know them? And can we book them? Whenever this question of privileges comes—I will again plead here in this House—let us not be touchy, let us for all time to come decide and codify what are the privileges because we cannot have extra privileges now. The Constitution has categorically stated that we can have only all those privileges which the House of Commons enjoyed at the time when the Constitution went into operation in our country. What are those privileges, we are supposed to know. It is only proper that we should codify them because you always refer to the Privileges Committee about this matter. Why do you put the common man, the administrator and everybody in difficulty without saying anything about what our privileges are? I will again plead with the House that it should discuss this matter as to what are the privileges. Let them be codified so that everybody in the country, the Common man, the administrative officer including the police man and others know, and the matter may be solved for all time to come.

I support the Report of the Committee of Privileges and the amendment moved by Mr. Jain.

SHRI B. K. P. SINHA : Madam, I am glad that the House has extended its unanimous support to the main recommendation of the Committee that a Member of Parliament is only amenable to the jurisdiction of Parliament in respect of things said or done in the House and is not responsible to any external body, judiciary or executive. But some doubts have been expressed about some other recommendations made by this Committee. Mr. Jain's amendment seeks to substitute the Chairman of the House for the Minister of Home Affairs. That, in my opinion, will not make matters better; rather, it will make matters worse. Now, an investigating agency operates under the executive at whose head presides the Home Minister. There are many a matter which an investigating agency or

those in charge of law and order may disclose to the Home Minister but which they may not disclose to the Chairman. Moreover, if we vest this in the Chairman, then the Chairman who should be above all controversy, who should be, like Caesar's wife, above suspicion, shall become an object of controversy. That, in my opinion, will really not lead to the enhancement either of the prestige of the Chairman or the prestige of the House. Therefore, I feel that that amendment is not a proper amendment because it does more harm than good. But a firm practice, almost amounting to a convention, may be developed that the Home Minister should route his request through the Chairman and the Chairman may merely pass on that request to the Member concerned. If the Member feels inclined to go and explain, he can tell the Chairman that he is agreeable to that proposition or course of action. But if the Member is not agreeable, it is open to him to inform the Chairman and the Chairman then has to do nothing but to discharge a routine and mechanical duty to pass on that communication of the Member to the Home Minister.

Mr Kaul's suggestion for providing guide-lines looks so simple and so well drafted. But let us not create more complications. If an amendment of the last paragraph at page 12 is required or if there are same difficulties found or some gaps are to be filled, it is open to the Chairman, by an executive action or order, to fill up those gaps. There is no use bringing into the House such matters.

About Mr Rajnaram's amendment, again, I do not know why he has put forth this amendment. Mr Banka Behary Das rightly said that he would not like the particular officer who questioned Mr Bhupesh Gupta to be punished. It should be realised that that officer was acting under the orders of his superiors. If he disobeys those orders, he is liable to disciplinary action by them. If he carries out those orders, he in a way encroaches upon the privileges of the House and the privileges of the Member. He is under two fires. We must take a generous view of the matter. There is no use of referring this matter back to the Privileges Committee or recommitting it to them for this. Nor is it proper to expect the Privileges Committee to go on a foraging expedition trying to find out who was the

officer who directed him. That is not the real purpose of the Privileges Committee of the House.

Therefore, I feel that the Report including the last paragraph to which objection has been taken—an amendment has been moved by Mr Jain—the whole of it should be accepted. But then it should be kept in mind by the Home Minister that he should route his request through the Chairman. That would be in conformity with the dignity of a Member of Parliament and the dignity of the House because Members here are equal. Whether a person is a Minister or a private Member, that makes no difference so far as the House is concerned. They are co-equals.

SHRI BANKA BEHARY DAS : If your suggestion is there, there is no use of that amendment.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Madam, we welcome the Report of the Privileges Committee and as soon as it is approved by the House, we shall take steps to frame instructions and circulate them to the State Governments so that these principles that have been laid down by the Committee are observed properly.

As far as the amendment of the hon. Mr Jain is concerned, we would have no objection if that amendment is accepted by the House. But if the House in its wisdom is inclined to keep the original Report as it is, it may do so. Either this way or that way we have no objection. But if Mr Jain's amendment is accepted, I think it would be better for all concerned. And in fact, I would hope that the House will accord its approval to this Committee's Report.

SHRI M. C. SETALVAD : In view of what my hon. friend, Mr Bhupesh Gupta has said, I am suggesting the deletion of one sentence on page 3 of the Report. The sentence to be deleted will be—

"In fact, Shri Bhupesh Gupta himself did not raise this matter in the House as a question of privilege."

That will be deleted, and the next sentence will begin a little differently, thus—

"Shri Bhupesh Gupta's object was to bring to the notice of the House..." etc.

[Shri M. C. Setalvad]

Further in view of Mr. Ajit Prasad Jain's suggestion, I will try to meet it half way. I may suggest that on page 12 after the sentence "If the Minister is satisfied that the matter requires seeking the assistance of the Member concerned, he would request the Member" I would add three words "through the Chairman", so that the Chairman will request the Member. The rest will remain as it is.

With these suggested amendments, I move for the adoption of the Report.

THE DEPUTY CHAIRMAN : The question is :

"That the question which forms the subject-matter of this Report be re-committed to the Committee of Privileges."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

"That the Twelfth Report of the Committee of Privileges presented to the Rajya Sabha on the 6th December, 1968, be taken into consideration."

The motion was adopted.

SHRI M. C. SETALVAD : Madam, I move :

1. "That the House agrees with the Report subject to the following amendments :—

"(i) that at page 3, in lines 29 to 31, the words 'In fact, Shri Bhupesh Gupta himself did not raise this matter in the House as a question of privilege;' be deleted; and in line 31, for the words "his object" the words "Shri Bhupesh Gupta's object" be substituted.

(ii) that at page 12, in lines 35-36, after the words 'he would request the Member' the words 'through the Chairman' be inserted."

The question was proposed.

THE DEPUTY CHAIRMAN : Now I shall first put Mr. Jain's amendment to the House. The question is :

2. "That on page 12 for the words 'Minister of Home Affairs'

wherever they occur in the last paragraph the word 'Chairman' be substituted."

The motion was negatived.

SHRI M. N. KAUL : I move :

3. "That for the words 'agrees with the Report' the words 'while agreeing with the Report of the Committee directs the Home Minister to prepare a set of instructions for the guidance of the police officers who are investigating a criminal case and in that connection wish to make an enquiry from a Member of Parliament regarding any document divulged in or statement made in the House by him and to make a report to this House' be substituted."

Now what I want is...

THE DEPUTY CHAIRMAN : I do not think that needs a speech...

SHRI M. N. KAUL : It states the current practice. That is to say...

THE DEPUTY CHAIRMAN : The Home Minister has already given the assurance. You did not follow the Home Minister's intervention.

SHRI VIDYA CHARAN SHUKLA : I said that we would prepare a set of instructions and circulate them to the State Governments so that they can follow the procedure as suggested by the Committee.

SHRI M. N. KAUL : And you will also show them to the Presiding Officers of Parliament.

SHRI VIDYA CHARAN SHUKLA : There is no objection.

SHRI M. N. KAUL : That is the whole point. That has been a long-established practice.

THE DEPUTY CHAIRMAN : In view of this do you withdraw that amendment ?

SHRI M. N. KAUL : Madam. I beg leave to withdraw my amendment.

**The amendment was, by leave, withdrawn.*

For text of amendment, vide col. 5074 *supra*.

THE DEPUTY CHAIRMAN : Now we come to the Report itself with the amendments of Mr. Setalvad, the mover of the motion. The question is :

1. "That the House agrees with the Report subject to the following amendments :—

(i) 'that at page 3, in lines 29 to 31, the words 'In fact, Shri Bhupesh Gupta himself did not raise this matter in the House as a question of privilege:' be deleted; and in line 31, for the words "his object" the words "Shri Bhupesh Gupta's object" be substituted;

(ii) 'That at page 12, in lines 35-36, after the words 'he would request the Member' the words 'through the Chairman' be inserted."

The motion was adopted.

PAPERS LAID ON THE TABLE

I. AUDIT REPORT (DEFENCE SERVICES), 1968

II. APPROPRIATION ACCOUNTS (DEFENCE SERVICES), 1966-67

III. AUDIT REPORT (POSTS AND TELEGRAPHS), 1968

IV. APPROPRIATION ACCOUNTS (POSTS AND TELEGRAPHS), 1966-67

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI JAGANNATH PAHADIA) : Madam, I beg to lay on the Table a copy each of the following papers (in Hindi) :—

(i) Audit Report (Defence Services), 1968.

(ii) Appropriation Accounts (Defence Services), 1966-67.

(iii) Audit Report (Posts and Telegraphs), 1968.

(iv) Appropriation Accounts (Posts and Telegraphs), 1966-67.

[Placed in Library. See No. LT-2794/68 for I to IV.]

ANNUAL REPORT AND ACCOUNTS (1967-68) OF THE FILM FINANCE CORPORATION LIMITED, BOMBAY AND RELATED PAPERS

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL) : Madam, on behalf of Shri K. K. Shah, I beg to lay on the table, under sub-section (1) of section 619A of the Companies, Act, 1956, a copy each of the following papers :—

(i) Annual Report and Accounts of the Film Finance Corporation Limited, Bombay, for the year 1967-68, together with the Auditors' Report on the Accounts.

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

[Placed in Library. See No. LT-2797/68 for I and II]

I. ANNUAL REPORT (1967-68) OF AIR INDIA

II. ANNUAL ACCOUNTS (1967-68) OF AIR INDIA AND AUDIT REPORT THEREON

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI JAGANNATH PAHADIA) : Madam, on behalf of Dr. Karan Singh, I beg to lay on the Table :—

(i) A copy of the Annual Report of the Air-India for the year 1967-68, under sub-section (2) of section 37 of the Air Corporations Act, 1953.

(ii) A copy of the Annual Accounts of the Air-India for the year 1967-68, together with the Audit Report thereon, under sub-section (4) of section 15 of the Air Corporations Act, 1953.

[Placed in Library. See No. LT-2798/68 for (i) and (ii)]

NOTIFICATIONS OF THE MINISTRY OF COMMUNICATIONS (DEPARTMENT OF POSTS AND TELEGRAPHS)

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL) : Madam, I beg to lay on the Table, under sub-section (5) of section