

†HIGH COURT FOR DIRECT TAX CASES

287. SHRI K. SUNDARAM : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether there is any proposal under Government's consideration to set up a Central High Court for hearing cases relating to direct taxes; and

(b) if so, what are the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI) : (a) and (b) There is no such proposal yet before the Government. The Law Minister is exploring the methods by which High Courts may be relieved of the arrears and the cases can be decided expeditiously.

12 NOON

REFERENCE TO REPORTING OF
PROCEEDINGS OF THE HOUSE BY
"THE TIMES OF INDIA"

MR. CHAIRMAN : Before I take up the calling attention notice, I would ask Mr. Bhupesh Gupta to explain to me so that I can understand his notice on the privilege question.

SHRI BHUPESH GUPTA (West Bengal) : Sir, I have given notice and I have to invite your kind attention to some headlines in the newspaper—"The Times of India"—of today. I will come to the privilege issue with regard to Mr. Subramaniam later. Before that there is another privilege issue and I would like to invite the attention of the Chairman to the report which has appeared in "The Times of India" of today, Delhi edition: "Sabotage by Reds in Durgapur Confirmed" And there is a second heading: "Uproar in Rajya Sabha." I am not concerned with other aspects of the report. But this is a very malicious headline because nothing was confirmed here. The Minister might have said something, that he had received some report. And others

too might have said something. But neither the Government nor anybody else was in a position to confirm the allegation of sabotage or some such thing. Therefore, I think the paper is guilty of deliberately misleading, with malicious intention, the readers against a Party in Parliament, against us here in particular. Therefore, I would request you to refer this matter to the Privileges Committee which can go into it and see whether this kind of headline is at all warranted or is permissible even, from what they have reported inside.

SHRI A. D. MANI (Madhya Pradesh) : Sir, I want to say something on this.

MR. CHAIRMAN : That is quite clear.

श्री राजनारायण (उत्तर प्रदेश) : एक प्रश्न मुझे ऐड करना है। जैसा कि श्री भूपेश गुप्ता ने कहा कि इसमें हमको कुछ अखबार के इन्टेन्शन का पता चलता है। उन्होंने जो हैडिंग दी है उसमें कम्युनिस्ट पार्टी के बारे में तो कह दिया है कि जो रपट है वह कन्फर्म हो गई है। मैं यह जानना चाहता हूँ कि आपको और मिनिस्टर साहब को खुद याद होगा कि जब हमने कांग्रेस पार्टी के सिलसिले में सवाल पूछा था तो दूसरे अखबारों ने दिया था। हमने सवाल किया था कि क्या सरकार को इस बात की जानकारी है कि श्रीमती इन्दिरा गांधी को प्रधान मंत्री पद से हटाने की कोशिश की जा रही है या टी० एन० सिंह को हटाने की कोशिश की जा रही है। कांग्रेस के अन्दर एक दूसरा ग्रुप है जो ऐसा काम कर रहा है? परपजली और इन्टेन्शनली इस अखबार ने यह खबर नहीं दी जब कि दूसरों में आई है। मेरा कहना यह है कि जब उन्होंने इस तरह की खबर दी है तो यह खबर भी देनी चाहिये थी। 'भेज पार्लियामेन्टरी प्रेक्टिस' में आप पायेंगे कि अखबारों के जो रिप्रेजेंटेटिव यहाँ पर आते हैं वे आपकी इजाजत से आते हैं और ऐसा नहीं है कि वे मनमानी रपट करें। अखबार के रिप्रेजेंटेटिव को हर सदस्य

†Transferred from the 3rd August, 1966.

को रिप्रजेंटेटिव खबर देनी चाहिये और उनको कोई ऐसी चीज नहीं करनी चाहिये जिससे सत्य पर परदा पड़ता हो। मेरा निवेदन है कि इस क्वेश्चन को प्रिविलेज कमेटी में भेजकर इसके बारे में छानबीन करें।

SHRI A. D. MANI : Sir, . . .

MR. CHAIRMAN : I am quite sure Mr. Mani that you will have something very important to say. But I don't think we should have any more discussion now.

SHRI A. D. MANI : Sir, I do not want to take up your time unnecessarily. I agree with Shri Bhupesh Gupta that the headline is unfortunate and is certainly not borne out by what happened in the House. But with regard to the allegation made here that this was malicious, I would request the hon. Member and also other hon. Members to bear in mind that journalists work under great pressure and it is possible that an error has occurred. So I would suggest to you, Sir, that before you send it to the Privileges Committee you may ask the editor of the paper for his explanation.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Sir, I would like to invite your attention to the previous convention that has been there in this House because twice I have raised this matter of privileges against certain papers for misquoting me in this House. And not only that, the editor in writing apologised to you and in spite of my request that matter was not brought before the House because you were gracious enough to say that newspaper reporters work under very strenuous circumstances and unless and until the matter is very serious the House should not be touchy and it should not be made a matter of privilege. I do not know what my hon. friend Shri Bhupesh Gupta means. I have not read that newspaper report and I do not know what it contains. But my submission, Sir, is that you may very kindly take into consideration the previous practice that has been in this House before sending the matter to the Privileges Committee. We must always keep in mind that unless and until it is established that

this has been deliberately done by the newspaper, it should not be sent to the Privileges Committee.

MR. CHAIRMAN : Mr. Chandra Shekhar, I think you would believe that I know the practice of the House and what I have done before.

SHRI CHANDRA SHEKHAR : Sir, I know that once I was maligned by a newspaper and that paper apologised and the matter was not brought before the House. But now this matter has been brought before the House even before the editor had tendered any apology.

MR. CHAIRMAN : This had been brought to my notice and I have given him consent. I know what I have done in your case.

SHRI BHUPESH GUPTA : Sir, I would be quite satisfied and in order to cut short the thing, I would be quite satisfied so far as I am concerned, if the editor of the paper apologises to you for putting out such headlines. I will not pursue the matter. But I cannot allow it to go unchallenged as such a headline is not warranted even by what Mr. Chandra Shekhar said yesterday.

MR. CHAIRMAN : Mr. Gupta, please sit down. Will you please sit down ?

SHRI DAHYABHAI V. PATEL (Gujarat) : Mr. Chairman, I think we are setting up a rather undesirable precedent. If every comment in newspapers is brought up before the House in this manner or comments made on speeches are brought up like this, then where will it end ? For instance, I may say that some newspapers were not fair to me. About my speech nothing was mentioned and while columns and columns appeared of the speech of the External Affairs Minister, Sardar Swaran Singh, the points that I made were not there at all. I can also say that this is particularly not helpful to my Party. Everybody can say this. Every party can say this. Sir, it will be a very bad precedent if such matters are allowed to be raised in the House.

MR CHAIRMAN : No, no.

SHRI DAHYABHAI V. PATEL : Sir, I submit that you are submitting to a very bad precedent just because somebody has got a loud voice and he is in the practice of obstructing the proceedings of the House again and again by means of that voice.

MR. CHAIRMAN : I can assure you that you are equally loud, that you have as loud a voice as he has.

SHRI BHUPESH GUPTA : He refers to me?

SHRI DAHYABHAI V. PATEL : Then I would say he is not restrained enough that he does not observe the restraint that I do. Sir, if you do this then you will be encouraging us also to do it. You will be forcing us to do the same.

SHRI BHUPESH GUPTA : Sir, . . .

MR. CHAIRMAN : Mr. Gupta, you have made your point.

SHRI BHUPESH GUPTA : Sir, only I would request . . .

MR. CHAIRMAN : I will not allow any further discussion. It is not under discussion.

SHRI BHUPESH GUPTA : I am not taking any exception, Sir. They may say whatever they may like about me or anybody else. But the matter which . . .

MR. CHAIRMAN : Mr. Gupta, I have understood you.

SHRI BHUPESH GUPTA : But these headlines give the impression that the Government confirmed the thing, sabotage and all that. You cannot get away with it.

SHRI M. M. DHARIA (Maharashtra) : Sir, on a point of order.

SHRI BHUPESH GUPTA : What is the point of order?

SHRI M. M. DHARIA : It is for the Chair to ask me what the point of order is, not for Mr. Bhupesh Gupta. Sir, my point of order is this. Mr. Gupta has raised a point of privilege of the House. I would like to know, and the House would like to know whether permission was sought

from the Chairman to raise this issue in the House, because this was discussed only yesterday and unless . . .

MR. CHAIRMAN : Yes, yes, yes. I had permitted him to raise the issue. But I have not given him consent to discuss it. Therefore, I say there should be no discussion. He wanted to raise it.

SHRI CHANDRA SHEKHAR : Sir, under the rules no matter of privilege can be raised in this House unless and until you are satisfied that it is *prima facie* a case of privilege.

SHRI BHUPESH GUPTA : No.

SHRI CHANDRA SHEKHAR : I ask whether he had taken the permission of the Chair or not.

MR. CHAIRMAN : I am telling you I have permitted him to mention this matter so that I can understand the position and finish with it.

SHRI CHANDRA SHEKHAR : Mr. Chairman, I do not question your authority but the whole point is that a paper or any individual can be maligned by simply mentioning a point. Tomorrow you may say that *prima facie* it is no case of breach of privilege but once a mention is made here in this House, the reputation of the paper or of the individual concerned may be at stake. So any matter may be raised whether it is permissible or not under the rules. It is a serious matter of breach of privilege. So no matter of breach of privilege in this House should be raised unless and until a *prima facie* case is established. This is my contention. Of course, if you generously allow Mr. Gupta to raise this matter, it is all right and in that case I have nothing to say, but my only submission is . . .

SHRI RAJNARAIN : On a point of order, Sir, मेरा वैधानिक प्रश्न यह है कि श्री चन्द्र शेखर जी चेयर पर आक्षेप कर रहे हैं कि आपने जनरासिटी और आउट आफ वे जा कर के भूपेश गुप्ता जी को ऐसा करने दिया। मेरा कहना है कि माननीय चन्द्र शेखर जी का यह वाक्य निश्चित रूप से चेयर पर और चेयर की नीयत पर आक्षेप है।

श्री सम्भाषित : नहीं है ।

श्री राजनारायण . माननीय चेयरमैन साहब, जरा सुन लीजिये । मैं यह इसलिये कह रहा हूँ कि चेयर के ऊपर आक्षेप हम लोगों के ऊपर आक्षेप हो जाता है । यह सही है कि आखिर फैसला जो कुछ आप को करना होगा, वह तो होगा । मगर मैं आपके द्वारा बड़े अदब के साथ चन्द्र शेखर जी से यह निवेदन करना चाहता हूँ कि वे एक ऐसी हैबिट बना रहे हैं कि आन ए प्वाइन्ट आफ आर्डर कह कर कुछ भी कहना शुरू कर देते हैं । ऐसी हैबिट वे न बनाये, यह बुरी हैबिट है ।

SHRI CHANDRA SHEKHAR : On a point of personal explanation, Sir, because one thing has been said about me.

SHRI BHUPESH GUPTA : What is that ?

SHRI CHANDRA SHEKHAR . Mr. Bhupesh Gupta, I am not going to be cowed down by you.

Sir, Mr. Rajnarain has unnecessarily made an allegation. I never meant any disrespect to the Chair. In fact I shall be the last person to do so. I do not want any lessons from Mr. Rajnarain on parliamentary decorum. On the contrary, Sir, his behaviour is known all over the world (Interruption) I do not want to join issue. Sir, but with all humility I was only submitting what I felt about it without meaning any disrespect to you, Sir. I hope Mr. Rajnarain will also take some lessons.

SHRI BHUPESH GUPTA : Sir, I rise on a point of order. Mr point of order is whether an hon. Member, without reading the Rules of Procedure, can rise on a frivolous point of order to obstruct the proceedings of the House and frustrate the motion. This is my point of order, and I will presently show it to you. If they play the game, they must play it properly. Sir, you have even been questioned for asking me to speak. In this connection I would like to draw your attention to Rules 189 and 190. It is clearly stated that if I go to your Chamber and ask for your permission,

you can under Rule 187 allow me to raise it. After that you decide whichever way you like, you can even throw it out. Therefore, Sir, I was perfectly within my right to approach you and you were also perfectly within your right and authority to ask me to speak and I was also perfectly within my right to observe and follow what you had said. (Interruption) You can't get up like that.

SHRI M. M. DHARIA : Mr. Gupta was allowed to speak on the Public Accounts Committee Report

MR. CHAIRMAN : Mr. Dharia, please.

SHRI BHUPESH GUPTA : Sir, as an elected Member of Parliament I gave notice in writing with regard to this matter, sought your permission that I should raise it. I simply say . . .

MR. CHAIRMAN : Mr. Gupta, it would facilitate matters if you finish. I know the rules.

SHRI BHUPESH GUPTA : Will you reprimand Mr. Chandra Shekhar for obstructing the proceedings of the House ?

(Interruptions)

MR. CHAIRMAN : I will not allow any further discussion. I do not consider that Mr. Chandra Shekhar's point of order was at all frivolous. He wanted to point out what he thought under the rules should be done. I know the rules. He pointed out something that I had done before and I said I knew it. I had allowed Mr. Gupta to raise this point. I had not given my consent to it as a privilege motion. That is a different matter. I had allowed him to raise the point because, as I had done before, it facilitates matters if I ask one or two Members of the House to express their views. I had, therefore, allowed him to do so. I had, therefore, allowed him to raise that point and he has raised that point. Now my view about this matter is that the headline of "The Times of India" does not conform to the report that "The Times of India" has given and there was no confirmation of it by anything that was said below. Therefore that headline, in my opinion, is not justified. Of course, I do not want to take a serious view of it but I

[Mr. Chairman.]

only want to point out to the press that they owe a great responsibility to this House and in giving headlines they should not do anything which can be taken as partisanship or any such thing.

SHRI BHUPESH GUPTA : Thank you, Sir. I withdraw the motion. I am quite satisfied with the observation that you have made.

REFERENCE TO NOTICE OF QUESTION OF PRIVILEGE AGAINST SHRI C. SUBRAMANIAM, THE FOOD MINISTER

MR. CHAIRMAN : Mr. Bhupesh Gupta will you please, if possible, briefly tell me why you want to raise the question of privilege ?

SHRI BHUPESH GUPTA (West Bengal) : Even in this matter, Sir much as I would like to follow your direction, it is very difficult to be very brief.

MR. CHAIRMAN : This matter has been pending for two days. Mr Gupta has given a notice of privilege question against hon. Mr Subramaniam. I have not given my consent to that being taken up as a privilege motion. There are several things which he has said and which are not clear to me. Therefore, I would like him to tell me why he thinks it should be done. I would allow him and the other gentleman. Shri Rajnarain who has raised this, to have their say and then the Leader of the House will say something.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Mr. Chairman, I would request you to look at Rule 190 of the Rules of Procedure. My friend, Mr. Gupta, has read Rule 187 whereby you can give consent to raise any matter. But Rule 190 says :

“The Chairman, if he gives consent under rule 187 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his

place and, while asking for leave to raise the question of privilege make a short statement relevant thereto :”

If you give your consent, that matter can be raised as a question of privilege. If it is granted that you are going to give this consent to the hon. Member . . .

MR. CHAIRMAN : I have not given my consent. Why don't you listen to me ? I have not given my consent to entertain this as a privilege motion. I am only wanting an explanation from him as to why he wants that consent.

SHRI I. K. GUJRAL (Delhi) : On a point of order, Sir. My submission is that you are, while permitting the hon. Member. Mr. Gupta, and another gentleman in the House to raise this question and also permitting the Leader of the House to express his views, limiting our right to express our views. This is complete denial of this privilege to us. When an hon. Member raises a point in connection with the privileges of the House, we also have an equal right to express our views on the issue. Therefore, Sir, if you are going to give permission to Mr. Bhupesh Gupta or the other gentleman to raise an issue which is of vital importance, whether the privilege of the House has been breached or not, we also should be given an equal opportunity to express our views; an equal opportunity should be afforded to some of us who might also have to say something about it.

MR. CHAIRMAN : If I give my consent . . .

SHRI I. K. GUJRAL : I will take one second. You know, Sir, I never encroach upon your time. If you, Sir, come to the conclusion that this question has to be a limited one and that you will allow only two hon'ble Members to speak and the Leader will reply, then since it is a very sensitive matter you should allow us also to express our view instead of having a discussion with the gentlemen and coming to a conclusion rather than deny us the opportunity . . .

MR. CHAIRMAN : As a matter of fact, two days ago I told Mr. Gupta, when he wanted my permission, that I would allow him to explain to me the position. And I said that I would ask the House also to explain their views to me . . .