

RAJYA SABHA

*Saturday, the 27th August, 1966/the
5th Bhadra, 1888 (Saka)*

The House met at eleven of the clock,
Mr. CHAIRMAN in the Chair.

CHAIRMAN'S RULING RE ISSUE OF BREACH OF PRIVILEGE AGAINST THE MINISTER OF STATE IN THE MINIS- TRY OF HOME AFFAIRS

MR. CHAIRMAN : Shri Bhupesh Gupta and Shri Rajnarain gave notice of a question of breach of privilege against Shri Jaisukhlal Hathi, Minister of State in the Ministry of Home Affairs, in relation to a statement made by him in the Rajya Sabha on August 11, 1966, concerning a report which appeared in the 'Statesman' of New Delhi, dated August 10, 1966, under the caption "Sabotage plans by C.P.I. claimed". In the notice they drew my attention to an editorial appearing in the same paper of August 26, 1966 under the heading "Home Truth" which, according to the two Members, "virtually repudiates the statement made on behalf of the Ministry of Home Affairs on August 11, by Shri Jaisukhlal Hathi". The notice further added that the issue should be referred to the Privileges Committee so that "the Committee can find out the truth or otherwise of the statement of Shri Hathi made in the House on the 11th."

At the sitting of the House yesterday (26-8-66) I permitted Shri Bhupesh Gupta, Shri Rajnarain and some other Members to make their submissions on the question whether I should give my consent to raising the matter in the House as a question of breach of privilege. I also permitted Shri Gulzarilal Nanda, Minister of Home Affairs and Shri Jaisukhlal Hathi, Minister of State in the Ministry of Home Affairs, to make their submissions in the matter.

In coming to a decision on the question whether I should give my consent in this matter, the test I have to apply is whether by his statement in the Rajya Sabha on August 11, in respect of the particular report in the 'Statesman', Shri Hathi had said

anything which he knew to be untrue and thereby misled the House. The exact words used by Shri Hathi on that occasion were as follows :

"Sir, so far as the first subject raised by Shri Bhupesh Gupta is concerned, namely, the report that appeared yesterday, I may say that I was surprised to see the report that it should claim to be based on information supplied by the Ministry of Home Affairs. I state categorically that no such information as is mentioned in the report has been given by the Ministry of Home Affairs."

Shri Bhupesh Gupta and some other Members in the course of their submissions in the House on 26th August, 1966 referred to certain details given in the editorial of the 'Statesman' of the same date concerning the publication of the impugned report in the paper on August 10. For the purpose of dealing with the breach of privilege charge against Shri Hathi, they do not seem to be strictly relevant.

I asked Shri Hathi on August 26 whether he wished to say anything in regard to the matter, in view of the editorial of the 'Statesman' and in the light of the submissions made in the House. Shri Hathi reiterated the stand that he had taken earlier and said :

"So far as I am concerned, Sir, I may say that at the time I made the statement I had made it according to my knowledge, that the Home Ministry or none from the Home Ministry had given this information outside. That is what I knew. As regards the subsequent letter and other news, I am not concerned at this time. When the statement was made I knew what I said and I said what I knew."

On the submissions made before me, I am unable to hold that a case has been made out to prove that Shri Hathi made any statement in this House which he believed to be untrue on August 11, 1966, and that he attempted to mislead the House. I accordingly withhold my consent for raising the question of breach of privilege.

In the normal course, a matter like this would not have probably come before

[Mr. Chairman.]

Parliament. In the present case, since the report made certain serious allegations against a political party and the source of the report was alleged to be the Ministry of Home Affairs, the matter was raised in Parliament. The precise source of the information, one may say, still remains somewhat obscure. Government should I feel, therefore, inquire as to how and under what circumstances the newspaper gave the source of its information as the Ministry of Home Affairs.

श्री अटल बिहारी वाजपेयी (उत्तर प्रदेश) :

सभापति जी, आपने जो व्यवस्था दी है मैं उसको चुनौती देना नहीं चाहता, वह आपकी व्यवस्था है, मगर मेरा एक निवेदन है कि हाथी साहब ने पहले दिन जो बक्तव्य दिया उसमें इस बात से इन्कार किया था कि "स्टेड्समैन" में जो कुछ छपा है वह गृह मंत्रालय का ओर से दिया गया है और कल उन्होंने यह कहा कि मैंने जो कुछ कहा था, जहां तक मेरी जानकारी थी, मैंने नहीं कहा था। लेकिन "स्टेड्समैन" इन बात को चुनौती दे रहा है कि जा भा उसे जानकारी दी गई वह गृह मंत्रालय ने दी गई।

श्री सभापति : देखिये, वाजपेयी जी, मैं इस बात पर आश्चर्य नहीं करना चाहता। मैंने उसको गौर से पढ़ा है। मेरे खयाल में "स्टेड्समैन" ने कोई ऐसा नहीं कहा है कि हाथी साहब ने मिला है। अगर आप "स्टेड्समैन" को पढ़ेंगे तो आपका मालूम होगा। मैं इन पर चाहता हूं कि बहस न हो।

श्री अटल बिहारी वाजपेयी : सभापति जी, आप मुझे कहने का मौका दें जिस कि आपकी रूनिंग से मैं संतुष्ट नहीं हूं।

श्री सभापति : यह अलग खग है।

SHRI NIREN GHOSH (West Bengal) : Sir, we are not satisfied with the ruling. I hope we can express our dissatisfaction.

SOME HON. MEMBERS : No, no.

SHRI NIREN GHOSH : It is no aspersion on the Chair. We can express our dissatisfaction.

SHRI ARJUN ARORA (Uttar Pradesh) : Sir, on a point of order. I do not know under what rules Mr. Vajpayee, who is a very senior Member of our House, has risen to say that he is not satisfied with the ruling. As far as I know the rules and parliamentary procedure, there is nowhere . . .

MR. CHAIRMAN : He said he does not want to question the ruling but he is not satisfied with it.

SHRI ARJUN ARORA : Sir, my point of order is that Mr. Vajpayee's remark should be expunged.

MR. CHAIRMAN : No, no.

SHRI ARJUN ARORA : If Mr. Vajpayee's remarks are not expunged, it will set a bad precedent. In that case Mr. Niren Ghosh, Mr. Chatterjee, Mr. D. L. Sen Gupta and others may also rise and express their dissatisfaction and even some on this side may rise and express their dissatisfaction.

MR. CHAIRMAN : I will take the necessary decision when such a situation arises, but I hope that it will not arise. Mr. Vajpayee has not questioned my ruling; he simply said he wanted to express his dissatisfaction. (Interruptions).

Next item.

ANNOUNCEMENT RE GOVERNMENT BUSINESS

THE LEADER OF THE HOUSE (SHRI M. C. CHAGLA) : With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 29th August, 1966 will consist of :—

- (1) Consideration of any business carried over from today's Order Paper.
- (2) Consideration and return of the Appropriation (No. 3) Bill, 1966, as passed by Lok Sabha.
- (3) Consideration and passing of—

The Jayanti Shipping Company (Taking over of Management) Bill, 1966, as passed by Lok Sabha.