

COMMITTEE OF PRIVILEGES

(SIXTH LOK SABHA)

FOURTH REPORT

(Presented on the 22nd March, 1979)



**LOK SABHA SECRETARIAT
NEW DELHI**

March, 1979/Chaitra, 1901 (Saka)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1977—79)

*Professor Samar Guha—*Chairman*

MEMBERS

2. Shri Halimuddin Ahmed
3. Shri O. V. Alagesan
4. Shri Hitendra Desai
5. Shri Krishan Kant
6. Professor P. G. Mavalankar
7. Shri R. Mohanarangam
8. Dr. V. A. Seyid Muhammed
- **9. Shri Narsingh
10. Shri Narendra P. Nathwani
11. Shri Meetha Lal Patel
12. Shri B. Shankaranand
13. Shri Madhav Prasad Tripathi
14. Shri Ravindra Varma
15. * * *

SECRETARIAT

Shri I. Pershad—*Chief Legislative Committee Officer.*

Shri M. P. Gupta—*Senior Legislative Committee Officer.*

*Appointed Chairman with effect from 5-8-1977 *vice* Shri K. S. Hegde resigned from the Committee.

**Nominated with effect from 31-8-1977.

***Vacant on account of resignation of Shri Ram Jethmalani from membership of Committee, with effect from 13-12-78.

FOURTH REPORT OF THE COMMITTEE OF PRIVILEGES (SIXTH LOK SABHA)

I. Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Fourth Report to the House on the question of privilege raised¹ by Shri Vasant Sathe, M.P., against the Special Correspondent, *Times of India*, New Delhi, regarding alleged misreporting of certain proceedings² of Lok Sabha dated the 19th July, 1978, in the *Times of India*, dated the 20th July, 1978, and referred³ to the Committee by the House on the 16th August, 1978.

2. The Committee held five sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on the 8th November, 1978, the Committee decided to examine in person Shri Vasant Sathe, M.P., who had raised the matter in the House, and also the Editor of the *Times of India*, Bombay.

4. At their second sitting held on the 20th December, 1978, the Committee decided that as there was not sufficient time left during that Session to examine this question of privilege and present the Report of the Committee to the House by the scheduled date, i.e., by the end of that Session of Lok Sabha, a motion might be moved⁴ in the House by the Chairman seeking extension of time for presentation of their Report to the House on the matter till the end of March, 1979.

5. At their third sitting held on the 9th January, 1979, the Committee examined in person Shri Vasant Sathe, M.P., and Shri Girilal Jain, Editor, *Times of India*, Bombay.

1. L.S. Debs., dt. 1-8-1978, cc. 272—35.
and dt. 16-8-1978, cc. 233—45.

2. L.S. Debs., dt. 19-7-1978, cc. 245—52 (*See Appendix*).

3. L.S. Debs., dt. 16-8-1978, c. 245.

4. The following motion was adopted by the House on the 22nd December, 1978 :—

“That this House do extend till the end of March, 1979, the time for presentation of the Report of the Committee of Privileges on the question of Privilege against the Special Correspondent, *Times of India*, New Delhi regarding alleged misreporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India*, dated the 20th July, 1978.”

6. At their fourth sitting held on the 9th March, 1979, the Committee arrived at their conclusions and approved their findings and recommendation on the matter.

The Committee also authorised the Chairman to finalise the Report of the Committee and present it to the House on a convenient date.

II. Facts of the case

7. On the 19th July, 1978, after the Question House was over, Sarvashri Jyotirmoy Bosu and Vasant Sathe, MPs, raised⁵ a number of points of order regarding admissibility of their respective notices of Adjournment Motion, Calling Attention matters and matters under Rule 377. There were many interruptions in between and several times the Speaker had to order not to record anything said by the members without his permission.

At one stage, while Shri Jyotirmoy Bosu was speaking, the Speaker observed⁶ as follows:—

“I cannot be dictated by anybody. In the case of an adjournment motion, it is upto the Speaker to reject it. I am in possession of full facts. It is for me to place it before the House or not. I have not placed it before the House. You cannot place it before the House.... You cannot dictate to the Speaker. There should be an orderly House. I am on the ground that investigation is still going on.”

Later, while Shri Vasant Sathe and others were seeking to raise their points of order, the Speaker observed⁷ *inter alia* as follows:—

“Let me make it plain to the Hon. Members that no threat will deter me. I have said that I will certainly go according to the rules, according to my interpretation, subject to any resolution in the House. Therefore, there is no use making a threat. I am selecting Calling Attention notices according to what I consider to be important. I am to decide about it.”

8. The *Times of India*, New Delhi, in its issue, dated the 20th July, 1978, in a news report under the caption “Uproar in House over PM-Charan letters”, published *inter alia* the following passage:—

“At one stage, the Speaker, Mr. K. S. Hegde, had to remind Mr. Sathe that he should refrain from making threats in the House.”

⁵ L. S. Debs., dt. 19-7-1978 cc. 245—252 (See Appendix).

⁶ *Ibid*, c. 247.

⁷ *Ibid*, c. 252.

9. On the 21st July, 1978, Shri Vasant Sathe, MP, made^a a complaint in the House against the Special Correspondent of the *Times of India*, New Delhi, for publishing the above remarks, and stated *inter alia* as follows:—

“Mr. Speaker, Sir, the other day, on the 19th, you remember, there were certain points of order, interruptions and all that. And, I was requesting you that you should give a ruling on the Point of Order.

Sir, I have gone through the proceedings where you have made certain observations. This is at page 1995. It reads like this:—

Mr. Jyotirmoy Bosu said something. There were interruptions. Then you say this:

‘MR. SPEAKER: I cannot be dictated by anybody. In the case of an adjournment motion, it is upto the Speaker to reject it. I am in possession of full facts.’

Then, Sir, Mr. Jyotirmoy Bosu again, who says:

‘SHRI JYOTIRMOY BOSU: I will give the facts.’ Then you say this, Sir:

‘MR. SPEAKER: You cannot dictate to the Speaker. There should be an orderly House. I am on the ground that investigation is still going on.’

Then, Shri Jyotirmoy Bosu again, who says:

‘SHRI JYOTIRMOY BOSU: You are not acting impartially.’

And then you say, Sir:

‘MR. SPEAKER: Everybody thinks, when it goes against him, the Speaker is not impartial....’

Now, this thing was going on. And then, Sir, at one stage, you said:—

‘Do not record anything.’

Then, certain things have been expunged.

Then, again, Sir, you said this:

‘MR. SPEAKER: Let me make it plain to the Hon. Members that no threat will deter me. I have said that I will certainly go according to the rules, according to my interpretation, subject to any resolution in the House. Therefore,

^a L. S. Debs., dt. 21-7-1978, cc. 227-228.

there is no use making a threat. I am selecting Calling Attention Notices....'

Now, Sir, unfortunately, what happened was this:

Normally I do not take any exception to what appears in the newspapers. They are free to write what they like, whether it is favourable or otherwise, it is perfectly all right.

But, Sir, it was really very unkind on the part of the Correspondent of the *Times of India* to say like this. The next day, on the 20th, in the issue dated the 20th, of the *Times of India*, their Special Correspondent, reporting on this, said:

'At one stage, the Speaker, Mr. K. S. Hegde, had to remind Mr. Sathe that he should refrain from making threats in the House.'

Sir, I have read out this to you. You had never said like this. (a) I had not given any threat. (b) You had no occasion to remind me.

* * * * *

Therefore, this is really incorrect. I do not want to bring a privilege motion on this though it is a case of clear breach of privilege, misreporting and making an aspersion against a member. You were also wrongly reported.

I hope you will make an observation that the *Times of India* should correct itself and the Special Correspondent. I will be satisfied."

10. Thereupon, the Speaker observed⁹ as follows:—

"Mr. Sathe, you are right. I think the reporting is wrong and the paper should correct itself."

11. The *Times of India*, New Delhi, in its issue dated the 22nd July, 1978, published the following news report regarding the above proceedings of the House about the complaint made by Shri Vasant Sathe, M.P.:—

"IN DEFENCE OF NEWSMEN

NEW DELHI, July 21 (UNI): 'The gentlemen sitting above (in the Press gallery) are not magicians' Mr. Jyotirmoy Bosu (CPI-M) told the Congress (I) member, Dr. V. P. Sathe, whose grievance against 'misreporting,' by a local

daily was upheld by Speaker, Mr. K. S. Hegde, in the Lok Sabha today.

'When 10 people stand up and shout there is bound to be confusion and misreporting' Mr. Bosu said in defence of the scribes.

The impugned newspaper report had quoted the Speaker as having asked Mr. Sathe not to hold out 'threats'. Mr. Sathe read out from the official records of the proceedings to show that the exchanges took place between Mr. Bosu and the Speaker and that the Speaker's observations were apparently directed against Mr. Bosu.

'The Press has the freedom to write what it likes and I have no grouse against it, Mr. Sathe said adding: 'I will be satisfied if the newspaper corrects the report.'

The Speaker agreed that Mr. Sathe had been misreported and that the newspaper should correct the report."

12. On the 24th July, 1978, Shri Vasant Sathe, M.P., gave notice of a question of privilege against the Special Correspondent, *Times of India*, New Delhi, in regard to the following news report published in the *Times of India*, dated the 20th July, 1978:—

"At one stage, the Speaker, Mr. K. S. Hegde, had to remind Mr. Sathe that he should refrain from making threats in the House."

13. As directed by the Speaker, the Editor of the *Times of India* was asked on the 25th July, 1978, to state what he might have to say in the matter, alongwith the comments of the Special Correspondent concerned, for the consideration of the Speaker.

14. The Editor of the *Times of India*, in his reply dated the 26th July, 1978, stated *inter alia* as follows:—

"I have gone into the matter and I am convinced that we have not committed any breach of privilege of the Lok Sabha.

The facts of the case are that there were exchanges between the Speaker and Mr. Sathe on July 19 during the course of which Mr. Sathe said: 'You are deliberately trying to shut me. I have sought every forum (*interruptions*).... We are not going to sit down unless the Prime Minister or the Government co-operates to give this correspondence.... You cannot shut us out.... If you want to shut

us out, then we will not sit down....' (Official Records pages 2000 and 2001). Thereupon the Speaker observed: 'Let me make it plain to the honourable members that no threat will deter me.... Therefore, there is no use making a threat.' (Official Records page 2002).

You will appreciate that since the Speaker's observation came in the wake of Mr. Sathe's statement quoted above our correspondent was not wrong in drawing the inference that 'at one stage the Speaker, Mr. K. S. Hegde, had to remind Mr. Sathe that he should refrain from making threats in the House.'

It is true that the Speaker had used the term 'Members' (in plural) but I would submit that the context in which he made the above observation is relevant.

In this context it may be pertinent to add that since the exchanges between Mr. Jyotirmoy Bosu and the Speaker had taken place much earlier in the day, (Official Records pages 1994 to 1997) the Speaker's observation cannot be said to have been addressed to Mr. Bosu.

It will also be proper for me to add that the correspondent in question has been in the profession for 30 long years and he has had the privilege of covering the proceedings of the House of Commons in London for several years. He is, therefore, familiar with parliamentary rules and practices."

15. On the 1st August, 1978, Shri Vasant Sathe, M.P. raised¹⁰ a question of privilege in the House against the Special Correspondent, *Times of India*, New Delhi, regarding alleged misreporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India*, dated the 20th July, 1978, and stated *inter alia* as follows:

"I had hoped that after this the paper would correct itself. Unfortunately although it was pointed out to the correspondent and to the newspaper editor, they had not corrected it. Therefore, I sought your permission to raise it.... I would request you to consider that to report the proceedings of the House incorrectly—which had never happened, which had never taken place, which tends to malign a Member—is *per se* a breach of privilege... I feel it is for the House to decide whether a breach of privilege has been committed or not and I leave it to the House."

¹⁰ L. S. Debs., dt. 1-8-1978, cc. 275—85.

16. Shri Vasant Sathe, M.P., then moved¹¹ the following motion:—

“That this matter be referred to the Committee of Privileges”.

17. Thereupon, Shri Jyotirmoy Bosu, M.P., moved¹² the following motion:—

“That the House may consider the question and come to a decision with regard to this question of privilege.”

18. The discussion on the above motions was not concluded and the Speaker observed¹³ that the matter would be taken up on some other day.

19. On the 16th August, 1978, the House took up¹⁴ further consideration of the above motions moved by Sarvashri Vasant Sathe and Jyotirmoy Bosu, M.Ps., on the 1st August, 1978.

20. During the course of the discussion in the House the Speaker made *inter alia* the following observations¹⁵:—

“Whenever an Editor or a Correspondent either accepts his mistake or apologizes, I invariably persuade the Members to drop the matter. If only the Correspondent had apologized or even said he was regretting what he said, probably things would have been different. He did not either apologize or express regret.”

21. Thereafter, the following motion was adopted¹⁶ by the House:—

“That this matter be referred to the Committee of Privileges with instructions to report before the end of the next session.”

III. Evidence before the Committee

22. The Committee at their sitting held on the 9th January, 1979, examined on oath Shri Vasant Sathe, M.P. and Shri Girilal Jain, Editor, *Times of India*, Bombay.

During the evidence, it was pointed out to Shri Girilal Jain, Editor, *Times of India*, that on the 21st July, 1978, when the matter

¹¹ *Ibid*, c. 276.

¹² *Ibid*, c. 282.

¹³ *Ibid*, c. 185.

¹⁴ L. S. Debs., dt. 16-8-1978, cc. 233—45.

¹⁵ *Ibid*, c. 244.

¹⁶ L. S. Deb., dt. 16-8-1978, c. 245.

was first raised in the House by Shri Vasant Sathe, M.P., the Speaker had observed:—

“Mr. Sathe you are right. I think the reporting is wrong and the paper should correct itself.”

It was also pointed out to the Editor, *Times of India*, that a UNI news report containing the above observations of the Speaker had also been published in the *Times of India*, in its issue dated the 22nd July, 1978.

23. The Editor, *Times of India*, thereupon, stated as follows:—

“If this is the interpretation, I am nobody to differ with his interpretation. I will say, ‘I am sorry’....I cannot differ with the Speaker in the interpretation of his own observation.... I obviously did not pay the attention to the U.N.I. report it deserved.... I cannot differ from the Speaker’s interpretation of his own statement.”

IV. Findings of the Committee

24. The Committee observe that when Shri Vasant Sathe, M.P., raised the matter in the House on the 21st July, 1978, the Speaker observed:—

“Mr. Sathe, you are right. I think the reporting is wrong and the paper should correct itself.”

A U.N.I. newsreport containing the above observations of the Speaker was published in the *Times of India* dated the 22nd July, 1978. However, the Editor of the *Times of India* failed to publish the necessary correction as directed by the Speaker. The Editor, *Times of India* also failed to take note of the Speaker’s above observations, in his letter of explanation dated the 26th July, 1978, in response to the notice of question of privilege dated the 24th July, 1978, given by Shri Vasant Sathe, M.P.

25. The Committee are of the view that it was obligatory on the part of the Editor of the *Times of India* to have paid due attention to the Speaker’s observations made on the 21st July, 1978, in the House and publish the necessary correction as directed by the Speaker.

26. In view, however, of the explanation given and regret expressed by the Editor, *Times of India*, before the Committee, the Committee consider that no further action need be taken in the matter.

27. The Committee are conscious that the freedom of the Press is an integral part of the fundamental right of the freedom of speech and expression guaranteed to all citizens under Article 19(1) (a) of

the Constitution. The Committee consider it important that in a Parliamentary system, the Press should enjoy complete freedom to report the proceedings of Parliament fairly and faithfully. If, however, freedom of the Press is exercised *mala fide*, it is the duty of Parliament to intervene in such cases. At the same time, the Committee are of the view that Parliamentary privilege should in no way fetter or discourage the free expression of opinion or fair comment.

V. Recommendation of the Committee

28. The Committee recommend that no further action be taken by the House in the matter and it may be dropped."

NEW DELHI;
The 20th March, 1979.

SAMAR GUHA,
Chairman,
Committee of Privileges.

MINUTES

I

First Sitting

New Delhi, Wednesday the 8th November, 1978

The Committee sat from 11.00 to 12.30 hours.

PRESENT

Professor Samar Guha—*Chairman*

MEMBERS

2. Shri Halimuddin Ahmed
3. Shri Ram Jethmalani
4. Shri Krishan Kant
5. Professor P. G. Mavalankar
6. Shri Narsingh
7. Shri Narendra P. Nathwani
8. Shri Meetha Lal Patel
9. Shri B. Shankaranand
10. Shri Madhav Prasad Tripathi
11. Shri Ravindra Varma

SECRETARIAT

Shri I. Pershad—*Chief Legislative Committee Officer.*

Shri M. P. Gupta—*Senior Legislative Committee Officer.*

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4. The Committee then took up consideration of Memorandum No. 12 regarding the question of privilege against the Special Correspondent, *Times of India*, New Delhi, regarding alleged misreporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India* dated the 20th July, 1978.

The Committee decided that Shri Vasant Sathe, M.P., who had raised the question of privilege in the House and the Editor, *Times of India*, might be heard by the Committee at a subsequent sitting.

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6. The Committee authorised the Chairman to fix the next date of the sitting of the Committee.

The Committee then adjourned.

**Paras 2, 3 and 5 relate to other cases and have, accordingly, been omitted.

II

Second Sitting

New Delhi, Wednesday, the 20th December, 1978.

The Committee sat from 15.30 to 16.15 hours.

PRESENT

Professor Samar Guha—*Chairman*

MEMBERS

2. Shri O. V. Alagesan
3. Shri Hitendra Desai
4. Professor P. G. Mavalankar
5. Shri R. Mohanarangam
6. Shri Narendra P. Nathwani
7. Shri Meetha Lal Patel
8. Shri B. Shankaranand
9. Shri Madhav Prasad Tripathi

SECRETARIAT

Shri I. Pershad—*Chief Legislative Committee Officer.*

Shri M. P. Gupta—*Senior Legislative Committee Officer.*

2. The Committee took up further consideration of the question of privilege raised by Shri Vasant Sathe, M.P., against the Special Correspondent, *Times of India*, New Delhi, regarding alleged mis-reporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India* dated the 20th July, 1978.

The Committee decided that as there was not sufficient time left during the current Session to examine this question of privilege and present the Report of the Committee to the House by the scheduled date i.e., by the end of the current Session of Lok Sabha, a motion might be moved by the Chairman in the House seeking extension of time for presentation of the Report of the Committee on this matter till the end of March, 1979.

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**Paras. 3 to 5 relate to another case and have, accordingly, been omitted.

6. The Committee decided to hold their next sittings on the 8th, 9th, 11th and 12th January, 1979, to consider the cases pending before the Committee.

The Committee authorised the Chairman to decide the agenda for these sittings of the Committee and to call such witnesses as he might consider necessary for giving evidence before the Committee in the cases pending before the Committee.

The Committee then adjourned.

III

Third Sitting

New Delhi, Tuesday, the 9th January, 1979.

The Committee sat from 11.00 to 13.20 hours and again from 15.30 to 16.45 hours.

PRESENT

Professor Samar Guha—*Chairman*

2. Shri Halimuddin Ahmed
2. Shri Malimuddin Ahmed
3. Shri O. V. Alagesan
4. Shri Hitendra Desai
5. Professor P. G. Mavalankar
6. Shri Narsingh
7. Shri Narendra P. Nathwani
8. Shri Meetha Lal Patel
9. Shri Ravindra Varma

SECRETARIAT

Shri I. Pershad—*Chief Legislative Committee Officer.*

Shri M. P. Gupta—*Senior Legislative Committee Officer.*

WITNESSES

- (1) Shri Vasant Sathe, M.P.
- (2) Shri Girilal Jain, Editor,
Times of India, Bombay.

2. The Committee took up further consideration of the question of privilege raised by Shri Vasant Sathe, M.P., against the Special Correspondent of the *Times of India*, New Delhi, regarding alleged misreporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India* dated the 20th July, 1978.

3. Shri Vasant Sathe, M.P., was then called in and examined on oath by the Committee.

[Verbatim record of evidence was kept.]

The witness then withdrew.

4. Shri Girilal Jain, Editor, *Times of India*, Bombay, was then called in and examined on oath by the Committee.

5. Shri Girilal Jain expressed regret regarding misreporting of the relevant proceedings of Lok Sabha dated the 19th July, 1978 in the *Times of India*, dated the 20th July, 1978.

(Verbatim record of evidence was kept.)

The witness then withdrew.

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7. The Committee cancelled their sittings fixed for the 11th and 12th January, 1979.

The Committee then adjourned.

IV

Fourth Sitting

New Delhi, Friday, the 9th March, 1979

PRESENT

Professor Samar Guha—*Chairman*.

MEMBERS

2. Shri O. V. Alagesan
3. Professor P. G. Mavalankar
4. Dr. V. A. Seyid Muhammed
5. Shri Narendra P. Nathwani
6. Shri Madhav Prasad Tripathi

SECRETARIAT

Shri I. Pershad—*Chief Legislative Committee Officer*.

Shri M. P. Gupta—*Senior Legislative Committee Officer*.

2. The Committee took up further consideration of the question of privilege raised by Shri Vasant Sathe, M.P., against the Special Correspondent, *Times of India*, New Delhi, regarding alleged mis-reporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India*, dated the 20th July, 1978.

The Committee appointed the following findings and recommendation of the Committee for being incorporated in the Report of the Committee on the matter:—

“Findings of the Committee

1. The Committee observe that when Shri Vasant Sathe, M.P., raised the matter in the House on the 21st July, 1978, the Speaker observed:

‘Mr. Sathe, you are right. I think the reporting is wrong and the paper should correct itself.’

- A.U.N.I. news report containing the above observations of the Speaker was published in the *Times of India* dated the 22nd July, 1978. However, the Editor of the *Times of India* failed to publish the necessary correction as directed by the Speaker. The Editor, *Times of India* also

failed to take note of the Speaker's above observations, in his letter of explanation dated the 26th July, 1978, in response to the notice of question of privilege dated the 24th July, 1978, given by Shri Vasant Sathe, M.P.

2. The Committee are of the view that it was obligatory on the part of the Editor of the *Times of India* to have paid due attention to the Speaker's observations made on the 21st July, 1978, in the House and publish the necessary correction as directed by the Speaker.
3. In view, however, of the explanation given and regret expressed by the Editor, *Times of India*, before the Committee, the Committee consider that no further action need be taken in the matter.
4. The Committee are conscious that the freedom of the Press is an integral part of the fundamental right of the freedom of speech and expression guaranteed to all citizens under Article 19(1) (a) of the Constitution. The Committee consider it important that in a Parliamentary system, the Press should enjoy complete freedom to report the proceedings of Parliament fairly and faithfully. If, however, freedom of the Press is exercised *mala fide*, it is the duty of Parliament to intervene in such cases. At the same time, the Committee are of the view that Parliamentary privilege should in no way fetter or discourage the free expression of opinion or fair comment.

Recommendation of the Committee

5. The Committee recommend that no further action be taken by the House in the matter and it may be dropped."

3. The Committee authorised the Chairman to finalise the Report of the Committee incorporating the above findings and recommendation and present the Report to the House on a convenient date.

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The Committee then adjourned.

V

Fifth Sitting

New Delhi, Tuesday, the 20th March, 1979

The Committee sat from 15.00 to 15.35 hours.

PRESENT

Professor Samar Guha—*Chairman*

MEMBERS

2. Shri Halimuddin Ahmed
3. Shri Krishan Kant
4. Shri Narendra P. Nathwani
5. Shri Madhav Prasad Tripathi

SECRETARIAT

Shri I. Pershad—*Chief Legislative Committee Officer.*

Shri M. P. Gupta—*Senior Legislative Committee Officer.*

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6. In regard to the question of privilege against the Special Correspondent, *Times of India*, New Delhi, regarding alleged misreporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India* dated the 20th July, 1978, the Committee decided that the evidence given before the Committee by Shri Vasant Sathe, M.P., and Shri Girilal Jain, Editor, *Times of India*, New Delhi, on the 9th January, 1979, need not be appended to the Report of the Committee.

The Committee authorised the Chairman and, in his absence, Shri Narendra P. Nathwani, M.P., to present their Fourth Report on the matter to the House on the 22nd March, 1979.

The Committee then adjourned to meet again on Tuesday, the 27th March, 1979

**Paras 2 to 5 relate to other cases and have accordingly been omitted.

APPENDIX

(See Para 1 of the Report)

ASADHA 28, 1900 (SAKA) *Re Adjournment Motion*
L.S. Debate dt. 19-7-78

RE ADJOURNMENT MOTION

Shri Vasant Sathe (Akola): On a point of order, Sir, under rule 378.

Shri Jyotirmoy Bosu (Diamond Harbour): There is no business before the House.

Mr. Speaker: I have overruled the adjournment motion you have given notice of. I have informed you.

Shri Jyotirmoy Bosu: You cannot have double standards. Yesterday you allow Mr. Stephan to read out under proviso 2 of rule 60....

Mr. Speaker: Yesterday, the matter was totally discussed. It is open to the Speaker to reject it outright.

Shri Jyotirmoy Bosu: You must follow a standard. You cannot be partial. (*Interruptions*).

Mr. Speaker: This question was thoroughly discussed.

Shri Jyotirmoy Bosu: The ex-Lt. Governor, Mr. Kishan Chand, has been murdered. The police are trying to bring out the facts. You must allow me under rule 60.....

Mr. Speaker: It is for me to decide, whether I should allow under rule 60. It is not for you to compel me..... (*Interruptions*)

Shri Saugata Roy (Barrackpore): Don't you think that the matter regarding the murder of ex-Lt. Governor. Mr. Kishan Chand, is of great importance to everybody? You must allow it to be raised in the House. There is a systery about it.

Mr. Speaker: The reason for the rejection is that the matter is under investigation.

Shri Jyotirmoy Bosu: You are allowing irrelevant and bogus adjournment motion.... (*Interruptions*). You allow me to read out the adjournment motion....

Mr. Speaker: No. The rule is very clear.

Shri Jyotirmoy Bosu: Day before yesterday, you violated rule 60. We had it yesterday also. You allowed Mr. Stephen.

Mr. Speaker: It is only when the Speaker wants to be clear. This is a matter not to be cleared.

Shri Jyotirmoy Bosu: I would like to ask you one question

Mr. Speaker: I am not answering any question. I am not on the Treasury Benches; I am the Speaker.

Shri Jyotirmoy Bosu: On a point of order.

Mr. Speaker: What is the rule?

Shri Jyotirmoy Bosu: Your Assistant came and told me that the inquiry is going on and, therefore, the adjournment motion is not being admitted. That shows that you are not in possession of full facts. Here, rule 60 proviso 2, comes in.

Mr. Speaker: It is for me to decide.

Shri Jyotirmoy Bosu: What does rule 60 proviso 2, say? It says:

“Provided further that where the Speaker is not in possession of full facts about the matter mentioned therein he may before giving or refusing his consent read the notice of the motion”

Mr. Speaker: I am in possession of full facts.

Shri Jyotirmoy Bosu: How can you say that?

Mr. Speaker: You cannot decide whether I am in possession of full facts or not.

Shri Jyotirmoy Bosu: Your Assistant communicated to me that an inquiry is going on and, therefore, the permission is being withheld. That establishes that you are not in possession of full facts (*Interruptions*)

Mr. Speaker: No recording hereafter.

Shri Jyotirmoy Bosu: ** (*Interruption*) **

Mr. Speaker: I cannot be dictated by anybody, in case of an adjournment motion, it is upto the Speaker to reject it. I am in possession of full facts. It is for me to place it before the House or not. I have not placed it before the House. You cannot place it before the House.

Shri Jyotirmoy Bosu: I am on a point of order. Let me make out my case. Let, it be clearly understood.

Mr. Speaker: You can only read out rule 60, not the facts.

Shri Jyotirmoy Bosu: I will give the facts.

Mr. Speaker: You cannot dictate to the Speaker. There should be an orderly House. I am on the ground that investigation is still going on.

Shri Jyotirmoy Bosu: You are not acting impartially.

Mr. Speaker: Everybody thinks, when it goes against him, the Speaker is not impartial.

Shri Saugata Roy: Do you think that the alleged suicide of ex-Lt. Governor is not an important matter whether there is a mystery about it.

Mr. Speaker: Even in important matters, there are certain norms. When an investigation is going on, the House should not discuss it.

Shri Jyotirmoy Bosu: I am on a point of order
.... (Interruptions).

Mr. Speaker: You have been on the point of order all the time.

Shri Jyotirmoy Bosu: Your Secretariat Assistant conveyed to me your decision regarding admission of adjournment motion.

(Interruptions)

Mr. Speaker: There is a matter of my decision. Whether I have full facts or not. It is not for you to say that I have full facts or not.

Shri Jyotirmoy Bosu: Whether you have already communicated it.

Mr. Speaker: Yes, I have already communicated it. The investigation is going on.

Shri Jyotirmoy Bosu: You are not in possession of full facts. That is the case.

(Interruptions)

Mr. Speaker: I am unable to accept this suggestion.

Shri Jyotirmoy Bosu: You are not in possession of full facts. That is an undisputed matter. Now the rule already provides for a situation like this. Rule 60, proviso (2) says:

“Provided further that where the Speaker is not in possession of full facts about the matter mentioned therein....”

(Interruptions)

Mr. Speaker: I am not allowing the facts.

(Interruptions)

Mr. Bosu: I have repeatedly told you whether I am in possession of the full facts or not, it is not for you to decide; it is not for you to say whether I am in possession of full facts or not. I have disallowed it. Do not record.

*(Interruptions)***

The Prime Minister (Shri Morarji Desai): After the ruling of the Speaker, you should not go on like this. You can find out other method of bringing it up, if you like.

(Interruptions)

This is not correct.

(Interruptions)

Mr. Speaker: We are familiar with the rules. Do not unnecessarily discuss it.

(Interruptions)

RE. POINT OF ORDER

Shri Vasant Sathe (Akola): The other day, the Leader of the opposition and the Leader of the House, while replying between two business matters—Sir, a specific demand was made about the correspondence between the ex-Home Minister and the Prime Minister....

(Interruptions)

I am on a point of order. Please listen.

(Interruptions)

You yourself have observed that under rule 199, it could not be done. There are other means under which....

(Interruptions)

*Not recorded.

You have advised that there are rules, ways of doing it.

(Interruptions)

I have given notices on this subject under Rule 377, 184, 170 and 193. Sir, I have exhausted every single rule for bringing this matter of questioning the order....

Mr. Speaker: This is not a point of order.

Shri Vasant Sathe: Of the Prime Minister by Ex-Home Minister. This is a matter of importance. How can the Government go on if a Home Minister questions....

(Interruptions)

Mr. Speaker: The point of order may be raised in relation to the business before the House. This is not before the House.

(Interruptions)

Shri Vasant Sathe: I would like to know from you—we are agitating; the whole country is agitating, you know about it—we are entitled to know what has happened to that serious charge of corruption levelled by the ex-Home Minister against not only the Prime Minister but of other Ministers. What has happened to that?

Mr. Speaker: That is not a point of order.

Shri Vasant Sathe: We want that correspondence to be placed on the Table of the House. Let the Prime Minister assure us that that correspondence will be placed on the Table of the House. You cannot gag us; you cannot shut us out.

Mr. Speaker: Who can shut you out?

Shri Vasant Sathe: You cannot. You are deliberately trying to shut me. I have sought every forum. *(Interruptions)*.

You may recall what happened when Mr. L. N. Mishra's case was there. These very people were asking for those papers to be laid on the Table of the House.

Mr. Speaker: This is no point of order.

Shri Vasant Sathe: How are you going to allow this? You rejected my Adjournment Motion yesterday. You are rejecting Call-Attention. You are rejecting the notice under rule 377. Here is the notice that I had given under rule 377. What are you intending to do? You have to guide us, tell us. *(Interruptions)*. We are not

going to sit down unless the Prime Minister or the Government co-operates to give this correspondence. (*Interruptions*).

Shri C. M. Stephen (Idukki): This matter comes as a point of order under these circumstances. I am rising on a point of order. (*Interruptions*).

Shri Vasant Sathe: I have done everything under the rules. You have to decide. You cannot shut us out.

Shri C. M. Stephen: I am on a point of order.

Mr. Speaker: Mr. Sathe's point of order has already been overruled because that is not a point of order. It may be that he may come and ask us why this has not been selected.

Shri C. M. Stephen: I am not on that. I am on a different matter altogether.

Mr. Speaker: Then I must hear Mr. Ravi first. He had risen on a point of order.

Shri Vasant Sathe: You suggest, Sir, what is the method to be followed. I will obey you. But if you want to shut us out, then we will not sit down. You tell us, Sir. Let the Government tell us. You tell us how you are going to allow this. I will obey you. (*Interruptions*).

श्री उगृसेन (देवरिया) अक्षयमहोदय सेरा व्यवस्था का प्रश्न है। वे लोग न ठाई बंटा समय बर्बाद करते है इस तरह से कसे काम चलेगा (व्यवधान)।

Mr. Speaker: Do not record anything.

(*Interruptions*)*

Mr. Speaker: Let me make it plain to the Hon. Members that no threat will deter me. I have said that I will certainly go according to the rules, according to my interpretation, subject to any resolution in the House. Therefore, there is no use making a threat. I am selecting Calling Attention notices according to what I consider to be important. I am to decide about it.

(*Interruptions*)*

Shri C. M. Stephen: Sir, I want to make a submission. The whole thing is here....

Mr. Speaker: Yes?

Shri C. M. Stephen: You permitted the Prime Minister to make a statement. I am seeking to make a submission. The whole point you will kindly understand, is this; the issue projects out of the proceedings of the other day. The other day I stated, after you per-

*Not recorded.

mitted me.... (*Interruptions*). I had your permission and I am standing here.... (*Interruptions*). I have got the floor of the House? I am not yielding now. My point of order comes under this. I said on that day:

“....The Prime Minister....just tell us the reasons why they were eased out of the Ministries. This is a very important matter; national issues are involved....I demand the Prime Minister to tell us the truth nothing but the truth and the whole truth about this.”

You gave a ruling; under Rule 190, two demands have been put forward. One, the Minister must make.... (*Interruptions*). It is for you to decide whether this is a point of order or not. You gave a ruling and the ruling was.... (*Interruptions*).

Shri Samar Guha (Contai):*

(*Interruptions*)

*Not recorded.

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