

COMMITTEE OF PRIVILEGES

(SIXTH LOK SABHA)

FIRST REPORT

(Presented on the 14th November, 1977)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES

(1977-78)

Shri Samar Guha—*Chairman*

MEMBERS

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

SECRETARIAT

Shri J. R. Kapur—*Chief Legislative Committee Officer.*

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

I. Introduction and procedure

1. The Chairman of the Committee of Privileges, having been authorised by the Committee to submit the report on their behalf, present this their First Report to the House on the question of privilege raised¹ by Shri Jyotirmoy Bosu, M.P., against Shri Kishore J. Tanna of M|s. Jamnadas Madhavji and Co., Bombay, for making alleged insinuations in a letter² to the Editor published in the *Times of India*, New Delhi, dated the 11th July, 1977 in respect of a statement made by the Minister of Commerce and Civil Supplies and Cooperation (Shri Mohan Dharía) in Lok Sabha on the 27th June, 1977 and referred³ to the Committee by the Deputy Speaker in the House on the 12th July, 1977.

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

3. At the first sitting held on the 9th August, 1977, the Committee decided that Shri Kishore J. Tanna be asked, in the first instance, to state what he might have to say in the matter for the consideration of the Committee.

4. At the second sitting held on the 12th September, 1977, the Committee deliberated on the matter and arrived at their conclusions.

5. At their third sitting held on the 3rd October, 1977, the Committee considered their draft Report and adopted it.

II. Facts of the case

6. On the 11th July, 1977, Shri Jyotirmoy Bosu, M.P., sought to raise⁴ a question of privilege against Shri Kishore J. Tanna of M|s. Jamnadas Madhavji and Co., Bombay, for making alleged insinuations in a letter⁵ to the Editor published in the *Times of India*, New Delhi dated the 11th July, 1977, in respect of a statement made by the Minister of Commerce and Civil Supplies and Cooperation (Shri

1. L.S. Deb. dt. 11-7-1977, cc. 199-201.

2. See Appendix-I.

3. L.S. Deb. dt. 12-7-1977, c. 189.

4. L.S. Deb. dt. 11-7-1977, cc. 199-201.

5. See Appendix I.

Mohan Dharia) in Lok Sabha on the 27th June, 1977, during the discussion on Demands for Grants of the Ministries of Commerce and Civil Supplies and Cooperation.

7. In his statement in question made on the 27th June, 1977 in Lok Sabha, the Minister of Commerce and Civil Supplies and Cooperation (Shri Mohan Dharia) had stated⁶ *inter alia* as follows:—

“The STC had played a very good role at that time when the licences to whom they were given did not fulfil their obligations. It was very clear in the order. It says: ‘In view of the shortage of oil, it has been decided to give these licences to the private traders to the tune of Rs. 544 crores’. In spite of this, it was not done. Now a question is being asked by Mr. Jyotirmoy Bosu and other friends what the Government has been doing. Immediately after my taking over the charge, I took care to see that those who had not imported oil or had not entered into any permanent contract, their licences were cancelled and they should not be given licences.... There were certain cases.... I do not know why they have not published **certain names** against whom some enquiries have been instituted.... We have noted the names of those who are responsible for this. My office was convinced about 13 names. **Against 13 firms**, they had sent the cases to the Central Bureau of Investigation. Out of them, six are such persons whose cases have been referred to the Finance Ministry because these alleged offences are under the Foreign Exchange Regulation Act.....

Action has been initiated against parties who were suspected of having misutilised licences issued to them for import of edible oils. Cases of the following 13 parties have been referred to Central Bureau of Investigation for detailed enquiry and advice:

(i) * * * *

(ii) M/s. Jamnadas Madhavji & Co., Jamnagar.

* * * *

(vi) * * * *

Their matters have also been referred to the Director of Enforcement, Ministry of Finance for enquiry under the Foreign Exchange Regulation Act. The others are:

- | | | | |
|----------|---|---|----|
| (vii) * | * | * | * |
| | * | * | * |
| (xiii) * | * | * | ** |

8. While raising the question of privilege in the House on the 11th July, 1977, Shri Jyotirmoy Bosu, M.P., stated^r *inter alia* as follows:—

“Shri Kishore J. Tanna of Jamnadas Madhavji and Company Bombay, one of the firms against whom serious charges of economic offences and malpractices have been correctly levelled has written a letter^s to the Editor of the *Times of India* and got it published in the issue today. The relevant portion which is related to my privilege motion reads as follows:—

‘While we do not mind any enquiry against us we feel that the official action in publicising the names of the firms without any proved charge against them is unfair. It seems to be a politically motivated cheap gimmick.’

This refers to the reply the Commerce Minister, Shri Mohan Dharia, gave in response to my compelling insistence on the floor of the House during the debate on the Demands of the Ministry. He did not do it *suo motu*. I also gave a notice to the Lok Sabha and also wrote to the Minister insisting to get fullest details about the criminal misappropriation of our precious foreign exchange of about 600 crores of rupees by 13 firms dealing in oils. In the list of names this firm's name should also be seen.

The unwarranted criticism and insinuations made in the letter under reference clearly amounts to a breach of privilege of the House where it is the right of the House to get fullest details on matters of public importance and therefore, this action is motivated and deliberate. The writer of this letter has shown contempt of the House and for this serious misdeed, he should be brought to book im-

7. L.S. Deb., dt. 11-7-1977, cc. 199-201.

8. See Appendix I.

diately and that could be done by referring the matter to the Privileges Committee unless of course, they tender unconditional apology and get it published for three consecutive days within a fortnight from the date of this letter."

The Deputy Speaker, thereupon, observed⁹ that he was considering the matter and that he would bring it before the House next day.

9. On the 12th July, 1977, the Deputy Speaker informed¹⁰ the House that he was referring the matter to the Committee of Privileges under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report.

III. Findings of the Committee

10. Shri Kishore J. Tanna of M/s. Jamnadas Madhavji and Co., Bombay, who was asked by a letter to state for consideration of the Committee what he might have to say in the matter of the complaint against him, submitted a written statement¹¹ in which he stated *inter alia* as follows:—

"At the outset I wish to state that I realised the gravity of my observations in the letter sent to press only when I received your letter. I or my firm had no intention at any time to question the right or authority of Government of India, or of the Parliament to discuss the matters, or expressing their opinion about our firm. I and my firm hold the Parliament in the highest esteem, as the Parliament is a protector of our liberty and repository of our sovereignty.

* * * *

While acknowledging the error in the expression, I offer my unqualified apology to the Hon. Committee of Privileges. I am sorry that the letter contained certain motivation which I never intended to reflect on either the august Parliament or any of the Hon. Members. It was really a cry of certain anguish and pain—and not a shout of studied malice prompted by any intent.

⁹. L.S. Deb. dt. 11-7-1977, c. 201.

¹⁰. L.S. Deb. dt. 12-7-1977, c. 189.

¹¹. See Appendix II.

I wish to add further that if the Hon. Members of the Privileges Committee desire, they can call me before them and I will orally express my sincere and unqualified apology.

* * * *

11. The Committee are of the view that the unqualified apology tendered to the Committee by Shri Kishore J. Tanna, may be considered as sufficient and adequate and that no further action need be taken by the House in the matter.

IV. Recommendation of the Committee

12. The Committee recommend that no further action be taken by the House in the matter and it may be closed.

SAMAR GUHA

Chairman,

Committee of Privileges.

NEW DELHI;

Dated the 3rd October, 1977.

MINUTES

I

First Sitting

NEW DELHI, TUESDAY, THE 9TH AUGUST, 1977

The Committee sat from 11.00 to 12.00 hours.

PRESENT

Shri Samar Guha—*Chairman*

MEMBERS

2. Shri Halimuddin Ahmed
3. Shri O. V. Alagesan
4. Shri Hitendra Desai
5. Shri Krishan Kant
6. Shri P. G. Mavalankar
7. Dr. V. A. Seyid Muhammed
8. Shri Narendra P. Nathwani
9. Shri Meetha Lal Patel
10. Shri B. Shankaranand
11. Shri Madhav Prasad Tripathi

SECRETARIAT

Shri H. G. Paranjpe—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Chief Legislative Committee Officer.*

2. At the outset the Chairman welcomed the members of the new Committee.

3. The Chairman then informed the Committee that he had received a letter from Shri Ravindra Varma, a member of the Committee, regretting his inability to attend the sitting of the Committee due to his pre-occupation in Rajya Sabha.

4. The Committee discussed generally the procedure to be followed by the Committee in dealing with questions of privilege under reference to them.

5. The Committee then considered the question of privilege raised by Shri Jyotirmoy Bosu, M.P., against Shri Kishore J. Tanna of M/s. Jannadas Madhavji and Co., Bombay, for making alleged insinuations in a letter to the Editor published in the *Times of India*, New Delhi, dated the 11th July, 1977, in respect of a statement made by the Minister of Commerce and Civil Supplies and Cooperation in Lok Sabha on the 27th June, 1977.

The Committee decided that, in the first instance, Shri Kishore J. Tanna might be asked to state what he might have to say in the matter for consideration by the Committee. The Committee directed that Shri Kishore J. Tanna might be asked to send his written statement so as to reach the Lok Sabha Secretariat by the 31st August, 1977, at the latest.

10. The Committee decided to hold their next sitting on the 12th September, 1977, at 11.00 hours.

The Committee then adjourned.

II

Second Sitting

NEW DELHI, MONDAY THE 12TH SEPTEMBER, 1977

The Committee sat from 11.00 to 12.35 hours.

PRESENT

Shri Samar Guha—*Chairman.*

MEMBERS

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

SECRETARIAT

Shri J. R. Kapur—*Chief Legislative Committee Officer.*

2. The Committee considered the question of privilege raised by Shri Jyotirmoy Bosu, M.P., against Shri Kishore J. Tanna of M/s. Jamnadas Madhavji and Co., Bombay, for making alleged insinuations in a letter to the Editor published in the *Times of India*, New Delhi, dated the 11th July, 1977, in respect of a statement made by the Minister of Commerce and Civil Supplies and Cooperation in Lok Sabha on the 27th June, 1977.

The Committee noted that Shri Kishore J. Tanna, in his letter dated the 5th September, 1977, had tendered an unqualified apology to the Committee and had expressed regret that his impugnd letter published in the *Times of India* dated the 11th July, 1977, contained certain motivation which he never intended to reflect on either the Parliament or any of the members. The Committee were satisfied with the unqualified apology tendered by Shri Kishore J. Tanna and decided to recommend to the House that the matter be closed.

* * * * *

5. The Committee decided to hold their next sitting on the 3rd October, 1977, at 15.00 hours.

The Committee then adjourned.

III

Third Sitting

NEW DELHI, MONDAY, THE 3RD OCTOBER, 1977

The Committee sat from 15.00 to 17.05 hours.

PRESENT

Shri Samar Guha—*Chairman*.

MEMBERS

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

SECRETARIAT

Shri J. R. Kapur—*Chief Legislative Committee Officer*.

2. The Committee considered their draft First Report on the question of privilege raised by Shri Jyotirmoy Bosu, M.P., against Shri Kishore J. Tanna of M/s. Jamnadas Madhavji and Co., Bombay, for making alleged insinuations in a letter to the Editor published in the *Times of India*, New Delhi, dated the 11th July, 1977, in respect of a statement made by the Minister of Commerce and Civil Supplies and Cooperation in Lok Sabha on the 27th June, 1977.

3. The Committee decided that since the unqualified apology tendered to the Committee by Shri Kishore J. Tanna had been considered by the Committee as "sufficient and adequate", the following paragraphs 11 and 12 of the draft Report were not necessary and be deleted:—

- "11. It is well established that speeches and writings reflecting upon Members of Parliament or attributing motives to them, concerning their character or conduct as such members, constitute a breach of privilege and contempt of the House.
12. The Committee are of the opinion that the passage in question in the impugned letter of Shri Kishore J. Tanna, to the Editor, published in the *Times of India*, New Delhi, dated the 11th July, 1977, imputes motives to the Minister of Commerce and Civil Supplies and Cooperation (Shri Mohan Dharia), in respect of his statement in the House and, therefore, constitutes a breach of privilege and contempt of the House."

The Committee also decided to delete the word "however" occurring in the first line of paragraph 13 of the draft Report.

The Committee then adopted the draft Report as amended.

4. The Committee authorised the Chairman and, in his absence, Shri Narendra P. Nathwani, M.P., to present their First Report to the House.

* * * * *

The Committee then adjourned to meet again on the 13th October, 1977, at 11.00 hours.

APPENDIX I

(See paras 1, 6 and 8 of the Report)

Letter to the Editor published in *The Times of India*, New Delhi, dated the 11th July, 1977.

EDIBLE OILS

To the Editor, The Times of India

Sir,

This refers to your report (June 28/29) that the Government of India has instituted inquiries against some importers of edible oils, following an allegation that there is a *prima facie* case against them for misutilisation of import licences. We are surprised to read the name of our firm in the published list. We wish to clarify through this column that there has been no misutilisation of any licence by us. We have at no time cancelled any of our purchases nor settled any purchases. In our humble way we have arranged for the import of edible oils worth Rs. 2.40 crores within a short time. The oils imported were marketed by us immediately all over India, and even in consumer packs to ensure that the consumers get the oil directly. We have a plan to keep up the flow of oils, keeping in view the storage and financial facilities available to us. We are, therefore, unable to understand how the Government can charge us with any irregularity.

We wish to point out that the dilatory policy adopted by the authorities in issuing import licences, even against firm commitments in terms of the Government policy, shows that they themselves were confused. This will seriously affect supplies, and create avoidable international trade disputes. The Government may then find it hard to keep prices in check and even assure a regular supply of oils. While we do not mind any inquiry against us, we feel that the official action in publicising the names of firms without any proved charge against them is unfair. It seems to be a politically motivated, cheap gimmick.

Bombay, June 30.

KISHORE J. TANNA,
Jamnadas Madhavji & Co.

APPENDIX II

(See para 10 of the Report)

JAMNADAS MADHAVJI & CO.

RECOGNISED EXPORT HOUSE
BY GOVERNMENT OF INDIA

'TANNA HOUSE' 11-A,
NATHALAL PAREKH
MARG, BOMBAY-400 039.

September 5, 1977.

From

Shri Kishore J. Tanna,
C/o Jamnadas Madhavji & Co.,
Tanna House,
11A, Nathalal Parekh Marg,
Bombay-400 039.

To

Shri J. R. Kapur,
Chief Legislative Committee Officer,
Parliament House,
New Delhi-110 001.

Gentleman,

QUESTION OF PRIVILEGE

This is in acknowledgement of your letter No. 18/1/CI/77, dated 18th August, 1977, by which you were pleased to inform me that the Committee of Privileges of Lok Sabha has directed you to ask me for a statement on the subject of a privilege motion raised by Hon. Shri Jyotirmoy Bose. You had asked me to file my statement by 31st August, 1977 and at my request you were good enough to extend the time upto 7th September, 1977.

2. At the outset I wish to state that I realised the gravity of my observations in the letter sent to press only when I received your letter. I or my firm had no intention at any time to question the right or authority of Government of India, or of the Parliament to discuss the matters, or expressing their opinion about our firm. I and my firm hold the Parliament in the highest esteem, as the Parliament is a protector of our liberty and repository of our sovereignty.

3. The question may arise as to why and how this letter was sent for publication in this style. I am stating my view—not as a pleading for justification or an excuse, but merely to offer an explanation based on facts.

4. I was, indeed, shocked and surprised when an announcement was made in the Parliament about our firm being one of the group against whom serious charges about misutilisation of Import Licences of Oil were alleged. As far as I knew, my firm had satisfied all the authorities, who inquired from us about the utilisation of licences, and there were nothing in our dealings which could be described as alleged violation or misutilisation of licences. As a business house, engaged in international trade, having global contacts and good reputation internally and internationally in the commercial world, the naming of our firm, as one of those as if engaged in shady dealings upset me, and it was under this strain that this letter was written. It was under these circumstances that the restraint on certain expressions was not maintained. I am confident that after a full inquiry is made, it will be found that our firm has acted honourably in discharging its obligations and the stigma casted on our firm by the remark in the Parliament would be removed.

5. While acknowledging the error in the expression, I offer my unqualified apology to the Hon. Committee of Privileges, I am sorry that the letter contained certain motivation which I never intended to reflect on either the august Parliament or any of the Hon. Members. It was really a cry of certain anguish and pain—and not a shout of studied malice prompted by any intent.

6. I wish to add further that if the Hon. Members of the Privileges Committee desire, they can call me before them and I will orally express my sincere and unqualified apology.

7. I request and pray that this unqualified apology be considered sufficient by the Hon. Members of the Committee of Privileges and the matter be closed, as being a question of lapse of restraint.

Thanking you,

Yours sincerely,

(Sd/-) KISHORE J. TANNA,
Partner,

Jamnadas Madhavji & Co.