

Title: Mr. Speaker made observation regarding notices of question of privilege given by Shri G. M. Banatwalla and Shri Priya Ranjan Dasmunshi against Shri Arun Jaitley, Minister of Law and Justice, for allegedly suppressing facts and misleading the House regarding dilution of charges by CBI against the accused in the Babri Masjid demolition case and referred the matter to the Hon'ble Chairman Rajya Sabha on 1 August, 2003 for appropriate action. Mr. Speaker also made observation regarding notice of question of privilege given by Shri G.M. Banatwalla against Shri George Fernandes, Minister of Defence for his refusal to furnish the Report of CVC to the Public Accounts Committee and decided that at appropriate time a ruling will be given.

MR. SPEAKER: Shri Banatwalla, you may speak now on your privilege notice.

(Interruptions)

SHRI G.M. BANATWALLA (PONNANI): Sir, my two notices are pending before you. One privilege notice is against the Law Minister, Shri Arun Jaitley, for misleading the House on the Ayodhya issue *(Interruptions)* Sir, I have to request you to mention the matter and your decision for the record of the House. *(Interruptions)* I have been informed by you that the matter has been referred to the Chairman of the Rajya Sabha. But I request you to mention the matter and record your findings that the matter has been referred to the Chairman of Rajya Sabha. *(Interruptions)*

My second notice is on the breach of privilege by the Defence Minister on obstruction of work of the PAC because the CVC Report was withheld from the Committee *(Interruptions)*

* Not recorded

12.12 hrs.

OBSERVATION BY SPEAKER

QUESTION OF PRIVILEGE

MR. SPEAKER: I have received notices of question of privilege given by Shri G.M. Banatwalla and Shri Priya Ranjan Dasmunsi against Shri Arun Jaitley, Minister of Law and Justice, for allegedly suppressing facts and misleading the House regarding dilution of charges by CBI against the accused in the Babri Masjid demolition case.

The Committees of Privileges of Lok Sabha and Rajya Sabha in the Report of their joint sitting in 1954 had laid down the procedure to be followed in case where a member of one House is alleged to have committed a breach of privilege of the other House. In terms of that procedure, when a question of breach of privilege is raised in one House in which a Member of the other House is involved, the Presiding Officer of the House in which question of privilege is raised, has to refer the case to the Presiding Officer of the other House for appropriate action.

Upon the case being so referred, the Presiding Officer of the other House shall deal with the matter in the same way as if it were a case of breach of privilege of that House. The Presiding Officer shall, thereafter, communicate to the Presiding Officer of the House where the question of privilege was originally raised, a report about the enquiry, if any, and the action taken on the reference.

The Report of the joint sitting of the Committees of Privileges of Lok Sabha and Rajya Sabha was presented to both the Houses on 23rd August, 1954. The Report was adopted by Lok Sabha on 2nd December, 1954 and by Rajya Sabha on 6th December, 1954.

This matter came up before the Conference of Presiding Officers of Legislative Bodies in India held in 1955 which appointed a Committee of Speakers to examine the matter. The Report of the Committee of Speakers, adopted by the Conference of Presiding Officers of Legislative Bodies in India on 17th September, 1956, laid down the procedure to be adopted in such cases.

The Committee in their Report observed:

"a convention should be developed to the effect that when a question of breach of privilege is raised in any Legislature in which a Member of the other House is involved, the Presiding Officer should refer the case to the Presiding Officer of the Legislature to which that Member belongs and the latter should deal with the matter in the same way as if it were a breach of privilege of that House."

There are several instances where questions of privilege against Members of Rajya Sabha were referred to the Chairman, Rajya Sabha.

Recently, a question of privilege given notice of by Shri Pawan Kumar Bansal, MP, against Shri Arun Shourie, the then Minister of State for Disinvestment and Member of Rajya Sabha, was referred by my predecessor, Shri G.M.C. Balayogi, to the Hon. Chairman, Rajya Sabha, on 30th August, 2001.

There are also instances where questions of privilege raised against Members of State Legislatures were referred to Presiding Officers of respective State Legislatures.

On 23rd April, 2003, I referred the matter regarding the notice of question of privilege dated 7th April, 2003, given by Shri Ram Vilas

Paswan, MP, against the Home Minister, Government of Gujarat, to the hon. Speaker, Gujarat Legislative Assembly for appropriate action.

There have also been instances of notices of question of privilege against Members of Lok Sabha being referred to the Speaker, Lok Sabha, by the Presiding Officers of State Legislatures.

In the instant case, I had also called for comments of Shri Arun Jaitley. After going through the material submitted to me by both the sides, I felt that the matter required further examination.

As Shri Arun Jaitley is a Member of Rajya Sabha, I felt that it would be appropriate, if the matter is considered by the hon. Chairman, Rajya Sabha. I have, therefore, referred this matter to the hon. Chairman, Rajya Sabha on 1st August, 2003 for appropriate action.

(Interruptions)

MR. SPEAKER: G.M. Banatwalla, I have received your notice of question of privilege dated 8th August, 2003 against Shri George Fernandes, Minister of Defence for his refusal to furnish the Report of CVC to the Public Accounts Committee. *(Interruptions)*

I have called for comments of the Minister of Defence in the matter. I will take a decision in the matter on receipt of his comments.

(Interruptions)
