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Title: Ruling regarding Notices of Question of Privilege .

MR. SPEAKER: Hon. Members, I have received notices of question of privilege from Sarvashri Basudeb Acharia, Rupchand Pal, K. Yerrannaaidu, Varkala Radhakrishan, N.N. Krishna Das and P. Rajendran, Members of Parliament against the Prime Minister wherein it has been alleged that the Prime Minister in his reply to the Motion of Confidence on 22nd July, 2008, which was laid on the Table of the House, *inter alia* stated as follows:

"I say in all sincerity that this session and debate was unnecessary because I have said on several occasions that our nuclear agreement after being endorsed by the IAEA and the Nuclear Suppliers Group would be submitted to this august House for expressing its view. All I had asked our Left colleagues was: please allow us to go through the negotiating process and I will come to Parliament before operationalising the nuclear agreement."

Members have contended that the Prime Minister, by not coming to Parliament before operationalising the nuclear agreement, has violated the assurance made by him to Parliament which amounts to a breach of privilege and contempt of the House.

The Prime Minister is a member of the other House. According to Kaul and Shakhder, "Neither House of Parliament can claim or exercise any authority over a member of the other House. Consequently, neither House can take upon itself to punish any breach of privilege or contempt offered to it by a member or officer of the other House." It is in the Fifth Edition, page 299, of Kaul and Shakhder.

The procedure to be followed in such cases has been stated at page 301 by Kaul and Shakhder as follows:-

"... when a question of breach of privilege or contempt of the House is raised in either House in which a member, officer or servant of the other House is involved, the procedure followed is that the Presiding Officer of the House in which the question of privilege is raised, refers the case to the Presiding Officer of the other House, only if he is satisfied on hearing the member who raises the question or on perusing any document where the complaint is based on a document that a breach of privilege has been committed".

Since the hon. Prime Minister is a member of the other House, before referring the matter to the hon. Presiding Officer of the other House, it is necessary, as per the established procedure, for me as the Presiding Officer of this House, where the matter is raised, to be satisfied that a breach of privilege has been committed.[\[KMR2\]](#)

I heard Shri Basu Deb Acharia in the matter on 20 October, 2008. As the notices of question of privilege given by other members are almost identical to that of Shri Acharia, it is not necessary for me to hear all the members. The allegation against the Prime Minister is that he has not fulfilled an assurance given by him to this House on 22 July, 2008. I have also perused the contents of the extracts of the speech of the hon. Prime Minister, as set out in the notices and quoted earlier.

According to Kaul & Shakhder, it is well established that "Non-implementation of an assurance given by a Minister on the floor of the House is neither a breach of privilege nor a contempt of the House..." (Fifth Edition, page 293)

In support of this, there are rulings in the past.

In view of the above, I am not satisfied that a breach of privilege has been committed by the Prime Minister. No reference to the Presiding Officer of the other House is, therefore, required. Accordingly, I have disallowed the notices of question of privilege.

...(Interruptions)

SHRI KINJARAPU YERRANNAIDU : Why are they clapping? ...(Interruptions)

MR. SPEAKER: I cannot control them. I have not persuaded them to do that.

Now, Papers to be laid. We have to start the discussion.

...(Interruptions)

MR. SPEAKER: You can bring a Motion that Speaker has misled the House.

SHRI RUPCHAND PAL (HOOGHLY): I am not saying that. ...(Interruptions)

MR. SPEAKER: You write to me. If necessary, I shall reconsider.

...(Interruptions)

MR. SPEAKER: If I am wrong, I will reconsider. Write to me.

...(Interruptions)

MR. SPEAKER: What are you saying, Shri Varkala Radhakrishnan?

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL) : I have every right to rise the matter of privilege against the Prime Minister. Every citizen of India has the privilegeâ€¦...(Interruptions)

MR. SPEAKER: You can take any step or action you like. You write a new law of privilege which I shall see.

...(Interruptions)
