

adjournment motions about certain things which have taken place. But this is not a thing in that category. I have not allowed anything which goes against the rules, but I will always allow you things which are under the rules. There are other motions under which you can discuss them. You are not barred from doing that. They are free to do whatever they like, to protest or to publicise, but there is no question of adjournment. No.

(Interruptions)

MR. SPEAKER : I am not going to allow you.

(Interruptions)

MR. SPEAKER : Mr. Mohanty—on a privilege motion. Please sit down.

(Interruptions)

MR. SPEAKER : Overruled.

(Interruptions)

12.05 hrs.

RE QUESTION OF PRIVILEGE AGAINST SYED SHAHABUDDIN, M.P., FOR HIS DEROGATORY REMARKS AGAINST SHRI ARIF MOHD. KHAN, M.P. AS REPORTED IN "THE HINDUSTAN TIMES" OF 4.3.1986

[English]

MR. SPEAKER : Now, I have called Mr. Brajamohan Mohanty who is on a privilege motion.

(Interruptions)

MR. SPEAKER : Sit down. Over-ruled.
SHRI BASUDEB ACHARIA : Sir, I want to make a submission.

MR. SPEAKER : No question of submission. No, Sir. The rules do not permit it. The rules do not permit it and I would not allow it.

SHRI BASUDEB ACHARIA : Why ?

MR. SPEAKER : There is no question of "Why", because I say it.

(Interruptions)

MR. SPEAKER : Mr. Mohanty is on a privilege motion. And Mr. Mohanty is to be heard.

SHRI BRAJAMOHAN MOHANTY (Puri) : Sir, I have given a notice of privilege and contempt of the House against...

(Interruptions)

MR. SPEAKER : They can say whatever they like but not you can. You can do it on some other motion and I will allow it, not like this.

SHRI BASUDEB ACHARIA : What motion ?

MR. SPEAKER : There are so many other things which you can do—call-attention, rule 193 or anything you like. I will not bar you.

SHRI BASUDEB ACHARIA : Can we give it under rule 193 ?

MR. SPEAKER : Why not ? Who bars you ? It is your right. I never bar you.

(Interruptions)

MR. SPEAKER : No, no. It is not a question for adjournment at all.

(Interruptions)

MR. SPEAKER : Mr. Rao, just understand one thing. You can discuss it under drought ; you can discuss it under agriculture, but not like this. There is no question of adjournment.

(Interruptions)

MR. SPEAKER : Not allowed, absolutely.

Yes, Mr. Mohanty...

I have got the right and I say what I think is right.

SHRI BRAJAMOHAN MOHANTY : I have given a notice of privilege and contempt of the House.

(Interruptions)

MR. SPEAKER : My constituency also suffers from the same thing. But I cannot do it.

(Interruptions)

MR. SPEAKER : No. No question. Not allowed. Absolutely irrelevant. Please sit down. Please sit down. Not allowed.

*(Interruptions)***

MR. SPEAKER : Not a single word will form part of the record. Yes, Mr. Mohanty.

SHRI BRAJAMOHAN MOHANTY : I have given a notice for breach of privilege and contempt of the House against the hon. Member, Shri Syed Shahabuddin for his statement in the Hindustan Times dated 4th March, 1986 alleging serious imputation and intimidating the former Minister, Mr. Arif Mohammad Khan. Sir, I may be allowed to place my allegations. What has happened is, in the press...

MR. SPEAKER : I told you, it is a question of privilege. He has given a privilege motion against Mr. Shahbuddin for saying certain things against the hon. Member.

PROF. MADHU DANDAVATE : Have you examined whether there is *prima facie* case of privilege and then allowed ?

MR. SPEAKER : Yes, I have examined.

Order, order. I want order in the House.

SHRI BRAJAMOHAN MOHANTY : Meanwhile the statement issued by Mr. Shahbuddin against the former Minister, Mr. Arif Mohammad Khan describing him as an opportunistic has shocked many Janata MLAs. And then, in the next paragraph, he says, Mr. Khan has been totally rejected and disowned by the Muslim community and that for his political survival, he must court the Hindu chauvinist lobby.

(Interruptions)

So, my submission would be it is an intimidation and this constitutes a breach of privilege and contempt of the House.

PROF. MADHU DANDAVATE : We do not agree with the remark. It is not a breach of privilege, Sir, I do not agree with his remarks about the hon. Member. But where is the breach of privilege. Against us, everything has been said outside. It is said, we are anti-nationals. Even then, it does not become a breach of privilege. No less a person than the Prime Minister says that we are anti-nationals. But we have not considered it as a breach of privilege. I may not agree with the opinion about the ex-Minister. But where is the breach of privilege, where is the contempt of the House ?

(Interruptions)

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : Mr. Speaker, Sir, I take strong objection to Dandavateji's remarks that that the Prime Minister has said that they are anti-nationals. He has never said it and it should not be allowed to remain on record.

PROF. MADHU DANDAVATE : He said it the other day. Not about all, but he said so about certain sections.

SHRI BASUDEB ACHARIA : He said it in this very House. You were not present.
(Interruptions)

PROF. MADHU DANDAVATE : Mr. Speaker, Sir, on the eve of the last Lok Sabha elections, in a public meeting at Ratnagiri, he said that certain sections are playing in the hands of foreign countries. But we did not raise it as a privilege issue.

MR. SPEAKER : Some people are doing it even now.

PROF. MADHU DANDAVATE : I do not agree with this remark about the ex-Minister. There is no question of privilege.

MR. SPEAKER : Professor Saheb, even now some people are indulging in that. There are some people.

PROF. MADHU DANDAVATE : That is all right. But where is the privilege ?

MR. SPEAKER : The privilege is against a Member for saying something against another Member.

PROF. MADHU DANDAVATE : I would like to warn you everything that is said about us outside the House, will you accept that as a prima facie case for privilege ?

MR. SPEAKER : I will have to see.

PROF. MADHU DANDAVATE : What is the prima facie case of privilege ? There is no privilege.

(Interruptions)

MR. SPEAKER : Let us see if the House decides.

SHRI S. JAIPAL REDDY : Tell us.

PROF. MADHU DANDAVATE : We are entitled to know from you what is the basis of prima facie case of privilege. On flimsy grounds we have been told that there is no privilege. But here for some comment outside, you have said it is a breach of privilege. I do not agree with his remark. There is no breach of privilege.

MR. SPEAKER : It is not for me. I will not decide it. I leave it to the House. I never decide it.

PROF. MADHU DANDAVATE : But, there must be a prima facie case.

MR. SPEAKER : I never do it on my own. I am not the sole authority. It is the House or the Privileges Committee which decides it. So simple it is.

SHRI S. JAIPAL REDDY : Please hear me. Any number of privilege motions tabled by us, were dismissed out of hand from your Chamber. We were not even allowed to make statements. Now the question arises as to whether you found a prima facie case in this privilege motion. The question also arises as to whether a remark made by

somebody against somebody who may belong to the House, outside the House...

MR. SPEAKER : This is something regarding the procedure of the House.

PROF. MADHU DANDAVATE : Do you remember what the Prime Minister said about us in connection with the Anandpur Saheb Resolution ? Do you remember that ? Shall I give you the newspaper clippings ?

MR. SPEAKER : The Prime Minister did not say anything about you. *(Interruptions)*.

If you impair the working of an hon. Member of the House by intimidation, what am I to do ?

PROF. MADHU DANDAVATE : There is no impairing of the working of any hon. Member.

MR. SPEAKER : It is for the House to decide. I will put it to the House.

(Interruptions)

MR. SPEAKER : I shall put it to the House.

PROF. MADHU DANDAVATE : By naming personalities, it has been said that we are opportunistic. Sometimes it is said that we are communal. All sorts of things have been said. But we never came to the House.

MR. SPEAKER : I will have to see if there are enough number of Members of the House who would support this.

PROF. MADHU DANDAVATE : One can disagree.

(Interruptions)

MR. SPEAKER : I am putting it to the House.

SHRI G.M. BANATWALLA (Ponnani): Don't set up wrong precedents.

THE MINISTER OF STATE IN THE DEPARTMENT OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : It is not a remark. It is a speech by the hon.

Member. Certainly I want to know whether the hon. Member is approving that or is against it. That is the basic question.

(Interruptions)

MR. SPEAKER : Those hon. Members who are in favour of leave being granted may rise in their places.

(Interruptions)

SHRI S. JAIPAL REDDY : No, Sir. No, Sir.

SHRI G.M. BANATWALLA: You must listen to us, listen to our submission. Allow us to make our submission to the House.

(Interruptions)

MR. SPEAKER : What can I do ?

(Interruptions)

MR. SPEAKER : I have to do something.

PROF. MADHU DANDAVATE : Unless there is a *prima facie* case, you cannot do it. Have you applied your mind ?

MR. SPEAKER : Yes ; I have applied my mind. I am satisfied.

(Interruptions)

SHRI G.M. BANATWALLA : You must listen to our submissions.

(Interruptions)

MR. SPEAKER : Mr. Banatwalla, go back and stand in your place. Why are you standing here ? Stand in your place. You are an hon. Member of this House. You know where to stand and when to talk. Go to your place and stand there. Tomorrow if you are going to be gagged, what can I do for you ? I am going to do the same thing for you as for anybody else. I do not discriminate.

(Interruptions)

SHRI S. JAIPAL REDDY : You have not done it in the past and you are not going to do in the future.

MR. SPEAKER : The future has to be looked after by this House.

(Interruptions)

SHRI S. JAIPAL REDDY : You are not allowing a discussion.

MR. SPEAKER : Mr. Jaipal Reddy, why do you get angry ?

(Interruptions)

PROF. MADHU DANDAVATE : Before you put it to the vote of the House, please allow us to make our submissions.

(Interruptions)

MR. SPEAKER : I find that more than 25 member are in favour. Leave is granted. But I can reserve it for the time being.

(Interruptions)

MR. SPEAKER : You move your Motion, Mr. Mohanty.

SHRI BRAJAMOHAN MOHANTY : I am quoting Mr. Brown's case in the House of Commons...

SHRI S. JAIPAL REDDY : On a point of order.

MR. SPEAKER : There is no question of point of order at this time.

(Interruptions)

[*Translation*]

MR. SPEAKER : Please allow the hon. Member to speak.

[*English*]

SHRI BRAJAMOHAN MOHANTY: I am quoting Mr. Brown's case. The Committee of Privileges of the House of Commons (U.K.) stated in the Brown's case :

"It is a breach of privilege to take or threaten action which is not merely calculated to affect the Member's course of action in Parliament, but is of a kind against which it is absolutely necessary that Members should be protected if they are to discharge their duties as such independently and without fear of punishment or hope of reward."

(Interruptions)

PROF. MADHU DANDAVATE : Allow us to express our views before you take the decision to refer it to the Privileges Committee.

(Interruptions)

MR. SPEAKER : I will give you a chance later.

SHRI BRAJAMOHAN MOHANTY : Mr. Arif Mohammad Khan is being threatened that for his political survival he must court the Hindu chauvinist lobby.

Another thing is this. I am grateful to Mr. Syed Shahabuddin. In his reply he has accepted the statement which has been published in the press and he has accepted that so far as 'opportunistic' is concerned, this is a very serious reflection on the political conduct of Mr. Arif Mohammad Khan. I am placing his reply before you.....
(Interruptions)

I am now quoting May's Parliamentary Practice, page 159 :

"Written imputations, as affecting a Member of Parliament..."

(Interruptions)

PROF. MAHU DANDAVATE : Every day I will produce the speeches made by the Congress leaders against us. I do not agree with Mr. Syed Shahabuddin's assessment of the ex-Minister. But I do not feel that it is a privilege. The Prime Minister has been publicly condemning us by name. Our Chairman, Shri Chandrashekhar, has been condemned. We have been condemned. But we have never raised any privilege issue

(Interruptions)

MR. SPEAKER : I will give you also an opportunity.

SHRI S. JAIPAL REDDY : Kindly hear us.

MR. SPEAKER : I am not going to bar any gentleman.

SHRI S. JAIPAL REDDY : You are putting the motion to the vote of the House.

How can the House express itself on the motion without applying its mind ?

MR. SPEAKER : He has sought the permission of the House. If it is passed, then we shall have a discussion. So simple it is.

SHRI S. JAIPAL REDDY : It is amazing.

MR. SPEAKER : It is the House which decides. I do not do anything.

(Interruptions)

PROF. MADHU DANDAVATE : In advance I am giving you a privilege notice. Tomorrow I will produce the speeches of the Prime Minister by naming the members of the opposition.

MR. SPEAKER : I will see. *(Interruptions)*

MR. SPEAKER : Jaipalji don't break this. Your hands will be broken. I am worried about that.

SHRI S. JAIPAL REDDY : When the conventions of the House are being broken, I don't care for my hands.

MR. SPEAKER : Why are you losing your temper unnecessarily ?

SHRI S. JAIPAL REDDY : Why not Sir, when the whole House is losing its balance ? *(Interruptions)*

MR. SPEAKER : Do not give it.

SHRI BRAJAMOHAN MOHANTY : The May's Parliamentary Practice page-159, says :

"Written imputations as affecting a Member of Parliament may amount to a breach of privilege without, perhaps being libel at common law, but to constitute a breach of privilege libel upon a member must concern the character or conduct of the member in that capacity".

My submission is that he has admitted that it is a serious reflection and it is a serious imputation. That part he has admitted. Now the question is, when he takes the plea of fair comment, the plea of fair comment may be available in a court

of law; whether he has exceeded the limits of fair comment or not that may be checked up by a court of law. But so far as this House is concerned, it is a serious imputation, and it is a serious intimidation, so that it is a fit case of breach of privilege and contempt of the House.

(Interruptions)

MR. SPEAKER : Shri Shahabuddin.

(Interruptions)

SHRI S. JAIPAL REDDY : Before the Motion is put to vote, we shall have to be heard. It is our fundamental right to be heard. Nobody on the earth can deny our fundamental rights.

[Translation]

MR. SPEAKER : You read the Motion.

[English]

SHRI BRAJAMOHAN MOHANTY : I beg to move :

“That the matter be referred to the Committee of Privileges for examination and report”.

PROF. MADHU DANDAVATE : By calling Shahabuddinji to speak here you are taking it for granted that the privilege notice is already admitted and you are asking him to clarify the position. Afterwards if it is decided to allow the matter to go before the Committee, in that case Shri Shahabuddin may be asked to appear before the Committee. There is no need of asking him to speak now.

(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND TOURISM (SHRI H. K. L. BHAGAT) : I would submit that this matter, this question may be taken up sometime later and not today.

MR. SPEAKER : Look here, what I can do is.....*(Interruptions)*.....

[Translation]

You should not lose your nerve.

[English]

The only thing is I go by the consensus of this House.

SHRI S. JAIPAL REDDY : You must also go by the rules of this House.

MR. SPEAKER : That is what I do.

PROF. MADHU DANDAVATE : You cannot allow the consensus to be built up on a wrong procedure. Tomorrow you can say that Madhu Dandavate should be hanged, let us take the vote. Can you do it ?

MR. SPEAKER : No, no, I would not do it. Professor, don't take things too far. I know what I am doing, please listen. The only thing is that when we become impatient and passion takes the place of reason, then it will be a problem. I am open to reason and I am always open to reason. I can discuss, I can listen to arguments even in my chamber if you like from both the sides. I have got no problem against that, I can defer...

SHRI S. JAIPAL REDDY : You allow it inside the House ?

MR. SPEAKER : Where do I take it ? Will I take it to my house ? It has to be done on the floor of the House.

SHRI S. JAIPAL REDDY : You never allowed it in the House earlier. In one last one year no privilege motion was ever sought to be discussed in the House before it was admitted.

MR. SPEAKER : It was not brought. What could I do ? If there was no problem what could I do ?

PROF. MADHU DANDAVATE : Very humbly I would like to bring to your notice.

(Interruptions)

MR. SPEAKER : What are you doing? Unnecessarily you are getting agitated and getting heart attack. What will I do for you ?

PROF. MADHU DANDAVATE : I may point out to you that even in those cases my privilege notices where you ultimately gave a ruling in my favour, even in those cases you did not allow submissions in the House the before you studied the *Prima facie* case.

(Interruptions)

MR. SPEAKER : I did it very carefully.

PROF. MADHU DANDAVATE : Let me make it very clear that I completely agree with him as far as the views about the ex-Minister are concerned. That is different. But as far as the privilege is concerned, the question is different.

(Interruptions)

MR. SPEAKER : Jaipalji you always get so much agitated that you also make me agitated. I try to be fair. I want to listen. Don't lose your temper.

SHRI S. JAIPAL REDDY : I do not want to be shouted at, I am an hon. Member and as honourable as any other Member.

MR. SPEAKER : That is what I am saying. Do not make me agitated. When you do it I also get agitated. That is what I am appealing to you.

SHRI S. JAIPAL REDDY : I may inform you that I suffer from a malady. I am very allergic to shouting.

MR. SPEAKER : Please sit down. I only want to say do not get agitated. That is what I am saying. Why do you make me agitated? Please sit down.

SHRI SRIFUDDIN CHOWDHARY (Katwa); Sir, the point in this is about intimidation of Shri Arif Mohammad Khan, and I believe this privilege should be directed against the Prime Minister because he prevented his going there. (Interruptions)

MR. SPEAKER : Please sit down. Why are you trying to involve everything? Please sit down.

SHRI SAIFUDDIN CHOWDHARY : I take a very serious view of that.

(Interruptions)

MR. SPEAKER : Please sit down. Why don't you listen now? Please sit down. Don't record anything.

(Interruptions)**

MR. SPEAKER : Mr. Kurup I have not allowed you. Please sit down. I am not allowing. Please take your seat. I have not allowed you. Mr. Kurup I am not allowing you also. Mr. Kurup please sit down. What I want to say...Please sit down. Again Jaipalji will say that you are shouting. I want to say a simple thing that I can take advice. We can defer this matter if you are so much agitated about this. I am not bound by any hard and fast. There is nothing about this. It is a simple question pertaining to the Member and this august House and if we can take it and talk it over we can talk it. There is no problem in that also. We can do it. My simple formula is to put the thing before the House and go according to what the House says. If you want it this side also wants and that side also wants. You can come to me and we can talk it over as you like.

PROF. MADHU DANDAVATE : I want to point out that you have to be the greatest non-aligned force in this House.

MR. SPEAKER : That is what I am.

PROF. MADHU DANDAVATE : You are a non-aligned person here. Therefore, try to listen to both sides and try to find the way. Once you allow individual comments then it will land us into all sorts of complications.

MR. SPEAKER : I will call all of you and listen to you.

PROF. MADHU DANDAVATE : That is all right I accept your suggestion. (Interruptions)

MR. SPEAKER : Sir, I do not wish to annoy Prof. Dandavate. He is a very seasoned and senior Member of the House but

the difficulty is that all Members are equal. He does not have an unlimited power of speaking. I have suggested that the matter need not be taken up today.

(Interruptions)

MR. SPEAKER : That is what it is. Now you also want and they also want I have got nothing to do on my own. You can come and talk to me—both sides—and then we will see. No problem. That is what I always say. Do not get agitated. If you are very calm I am always calm. I will listen to you, talk to you and then form my opinion. There is nothing hard and fast.

PROF. MADHU DANDAVATE : Sir, to get a sober note from the Minister we have to lose our temper. That is all

MR. SPEAKER : You could have done otherwise also. This was unnecessary.

SHRI SOMNATH CHATTERJEE : Sir, I am on a separate matter.

MR. SPEAKER : What is that ?

SHRI SOMNATH CHATTERJEE : I have given a notice of breach of privilege against the Prime Minister and Mr. Ajit Panja, Minister of State for Planning.

MR. SPEAKER : I will see to it.

SHRI SOMNATH CHATTERJEE : I have given all the documents. I have given the notice.

MR. SPEAKER : I will have to look into it.

SHRI SOMNATH CHATTERJEE : On 11th April I had given it.

MR. SPEAKER : Does not matter.

SHRI SOMNATH CHATTERJEE : Is it under your consideration ? (Interruptions) I have given all the facts.

MR. SPEAKER : You have done but I have to find the facts.

12.30 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

[English]

PAPERS LAID ON THE TABLE

Detailed demands for grants of Ministry of Agriculture for 1986-87.

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : I beg to lay on the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of the Ministry of Agriculture for 1986-87. [Placed in library. See No. LT-2503/86]

Notification under Prevention of Food Adulteration Act, Annual Report etc. of and Review on Post graduate Institute of Medical Education and Research, Chandigarh 1984-85.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRIMATI MOHSINA KIDWAI) : I beg to lay on the Table—

- (1) A copy of the prevention of Food Adulteration (Fifth Amendment) Rules, 1985 (Hindi and English versions) published in Notification No. G. S. R. 550 (E) in Gazette of India dated the 4th July, 1985 under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954. [Placed in library See No. LT-2504/86]
- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Postgraduate Institute of Medical Education and Research, Chandigarh, for the year 1984-85 under section 19 of the Postgraduate Institute of Medical Education and Research, Chandigarh, Act, 1966.
(ii) A copy of the Annual Accounts (Hindi and English versions) of the Postgraduate Institute of Medical Education and Research, Chandigarh, for the year 1984-85 together with Audit Report thereon, under sub-section (4) of Section