

12.15 hrs.

**RULING ON QUESTION OF PRIVILEGE AGAINST SHRI P. C. SETHI, SHRI ZAIL SINGH AND OTHERS**

MR. SPEAKER: During the Budget session, Shri K.P. Unnikrishnan and several other Members had given notices of a question of privilege against Shri P. C. Sethi, Minister of Petroleum, Chemicals and Fertilizers, Giani Zail Singh, Minister of Home Affairs, and others for causing an enquiry into how he "came into possession of photo copies of the files, notings and Reports", which Shri K. P. Unnikrishnan had "quoted and laid on the Table of the House" on 23 December, 1980, during the discussion in the Lok Sabha on 23 December, 1980 under Rule 193 on the choice of technology and foreign collaboration for the urea and ammonia fertilizer plants, to be built on the basis of Bombay High Complex.

On 8 May 1981, I had informed the House that, in the light of the factual information received by me from the Ministries concerned, I had discussed the matter with Shri Unnikrishnan and some other Members, who had given notices of question of privilege on the subject. As they raised some further points, I had observed in the House that I would look into the matter further. I, accordingly, directed that the Ministries concerned might be asked to furnish the factual information on the points raised by Shri K. P. Unnikrishnan in his letter dated 6th May 1981.

The Ministries concerned, in their comments, approved by the Minister of Petroleum, Chemicals and Fertilizers and the Minister of Home Affairs, have stated *inter alia* that "references to the MP and his speech in the Lok Sabha in the FIR and the affidavits filed in the courts are only statements of facts and do not form basis of any action by the CBI in the matter. The investigations and proceedings of the CBI do not rely on the debate or the proceedings of the Lok Sabha on

23-12-80, nor has the CBI made, or propose to make, any enquiries from the hon. Member or any other Member of Parliament in this matter." They have also stated that "though investigations have been in progress for about three months, Shri Unnikrishnan has neither been contacted by the CBI, nor examined by them. Nor is it the intention of the investigating authorities to contact Shri Unnikrishnan or examine him in this context. The CBI have not collected any evidence regarding what happened in Parliament in regard to this incident." They have further stated that "some time in September, 1980, the concerned agencies of the Government made discreet inquiries regarding the alleged leakage of certain classified documents from the file of the Ministry of Petroleum, Chemicals and Fertilizers relating to the selection of consultants for the ammonia plants at That-Vai-shet and Hazira. The above inquiries and investigations by the authorities of the Government were prior to the disclosure made by the hon. Member on the floor of the Lok Sabha on 23rd December, 1980."

They have also clarified that "the CBI probe and thorough investigation, which the Minister referred to, was not for the purpose of intimidating the Member or for proceeding against the Member, but for the purpose of maintaining secrecy of documents and material of vital importance in the larger interests of the country."

I cannot but stress the need for every care being taken, and prudence being exercised, while speaking in the House on such sensitive matters, so as to avoid occasions for any misunderstanding whatsoever.

I have gone through the texts of the First Information Report filed by the CBI on 6 March, 1981, the affidavit filed by the Superintendent of Police, CBI, in the Court of Sessions for Greater Bombay on the 25th March, 1981, and the affidavit filed by the Superintendent of Police, CBI, in the

Bombay High Court on the 31 March, 1981 regarding the alleged leakage of "information|documents of the classified nature, forming part of the filed of the Ministry of Petroleum, Chemicals and Fertilizers" etc. I find that these documents contain references to the disclosures made by Shri K. P. Unnikrishnan in the Lok Sabha and the documents laid by him on the Table of the House, during the discussion under Rule 193 on the 23 December, 1980. On reading these documents as a whole, it appears that these references are not intended to form the basis of any action by the CBI, against Shri K. P. Unnikrishnan, MP, for what he stated in the Lok Sabha.

It would have been better if the proceedings in the House had not been mentioned in the FIR and Affidavits filed by the Investigating Agencies in the manner done. I am sure this will be taken note of by the concerned for the future purposes.

However, in view of the position stated by the Ministry of Home Affairs and the Ministry of Petroleum, Chemicals and Fertilizers, specially their categorical statement that "Shri Unnikrishnan has neither been contacted by the CBI nor examined by them" and "nor is it the intention of the investigating authorities to contact Shri Unnikrishnan or examine him in this context", no question of privilege is involved in the matter and I do not, therefore, give my consent to raise this matter under Rule 222.

I would, however, reiterate that nothing should be done by any agency which would impinge upon or detract from the right of a Member to freely function in Parliament.

(Interruptions)

MR. SPEAKER: Are not you satisfied?

SHRI CHANDRAJIT YADAV (Azamgarh): It is a good ruling.

12.21 hrs.

#### PAPERS LAID ON THE TABLE

U.G.C. (DISQUALIFICATION, RETIREMENT AND CONDITIONS OF SERVICE OF MEMBERS) AMDT. RULES, 1981, ANNUAL ACCOUNTS OF INDIAN COUNCIL OF SOCIAL SCIENCE RESEARCH, NEW DELHI FOR 1979-80 WITH STATEMENT FOR DELAY ANNUAL REPORT AND REVIEW OF INDIAN INSTITUTE OF MANAGEMENT, AHMEDABAD FOR 1980-81, ETC. ETC.

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND SOCIAL WELFARE (SHRI-MATI SHEILA KAUL): I beg to lay on the Table:

(1) A copy of the University Grants Commission (Disqualification, retirement and conditions of service of Members) Amendment Rules, 1981 (Hindi and English versions) published in Notification No. G.S.R. 539 in Gazette of India dated the 6th June, 1981, under sub-section (3) of section 25 of the University Grants Commission Act, 1956. [Placed in Library. See No. LT-3089/81].

(2) (i) A copy of Annual Accounts (Hindi and English versions) of the Indian Council of Social Science Research, New Delhi, for the year 1979-80 along with Audit Report thereon.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the Annual Accounts of the Indian Council of Social Science Research, New Delhi, for the year 1979-80. [Place in Library. See No. LT-3090-81].

(3) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Management, Ahmedabad, for the year 1980-81 along with Accounts and the Audit Report thereon.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Management, Ahmedabad, for the year 1980.81.