

QUESTION OF PRIVILEGE AGAINST FINANCE MINISTER, SHRI R. VENKATARAMAN FOR ALLEGEDLY MISLEADING THE HOUSE ON SEPTEMBER 2, 1981.

MR. SPEAKER: I had informed the House on 4 September 1981 that I had received notices of question of breach of privilege from Sarvashri George Fernandes, Atal Bihari Vajpayee, Jyotirmoy Bosu, Mani Ram Bagri and Prof. Madhu Dandavate against the Minister of Finance, Shri R. Venkataraman for allegedly misleading the House on September 2, 1981 while replying to clarificatory question on the Calling Attention regarding the reported irregularities in the matter of granting income-tax exemptions to certain Trusts in Maharashtra.

As I informed the House on that day, these notices were referred to the Minister of Finance for furnishing his factual comments. Today, I have also received notices of question of privilege on the same subject from Sarvashri Madhu Dandavate, K. P. Unnikrishnan, Ram Jethmalani, Ram Vilas Paswan...

AN HON. MEMBER: Is it on the same subject?

(Interruptions)

MR. SPEAKER: It is some other thing—simply connected with that

(Interruptions)

MR. SPEAKER: Prof. Madhu Dandavate and Sarvashri K. P. Unnikrishnan and Ram Vilas Paswan have, with their notices, enclosed zerox copies of the "LOKRAJYA" dated the 16th October 1980 which carried the caption: "Prime Minister Shrimati Indira Gandhi giving her consent to name the foundation to be established in

Maharashtra as 'Indira Gandhi Pratibha Pratishthan'. (Interruptions)

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Self-image.

MR. SPEAKER: This photograph is the same which had been enclosed with the earlier notices. I have this morning received a detailed note from the Minister of Finance, together with a number of enclosures, in which the Minister of Finance has *inter alia* stated that the notices rely on newspapers' reports which had reproduced a photograph with the caption: 'Prime Minister Indira Gandhi affixing her signature on the document giving her consent to name the Maharashtra Government Trust for promoting talent in literature and fine arts as "Indira Gandhi Pratibha Pratishthan."'

SHRI ATAL BIHARI VAJ-PAYEE (New Delhi) : But the newspaper got it from the Government of Maharashtra? (Interruptions)

MR. SPEAKER: Please look here. Please sit down.

(Interruptions)

MR. SPEAKER: Please sit down. Why don't you let me speak? (Interruptions. He may be referring; but I am to get to the facts. I have to get to the facts. For me, there are so many press clippings, but I have to get the very facts that are there.

SHRI RATANSINH RAJDA: (Bombay South) : Lokrajya in a publication of Government of Maharashtra.

MR. SPEAKER: What does it matter? I am not concerned with anything. Let the Maharashtra Government tackle it. I am trying to get the facts—which, if I am satisfied, I will put.

(Interruptions)

MR. SPEAKER: Please sit down. No question. Please sit down.

(Interruptions)

MR. SPEAKER: When I am clarifying the position, why don't you listen? You are jumping to conclusion. (Interruption) No; he is trying. ...The Finance Minister has furnished the original as well as zerox copy of the document in question and it is seen therefrom that the Prime Minister had signed a document bearing the caption 'Pratibha Pratishthan Maharashtra' and not 'Indira Gandhi Pratibha Pratishthan'.

(Interruptions)

SHRI JYOTIRMOY BOSU:
rose.

MR. SPEAKER: Please sit down.

SHRI JYOTIRMOY BOSU:
I am sitting.

MR. SPEAKER: Please don't speak then.

...The Finance Minister has also stated....

SHRI ATAL BIHARI VAJ-
PAYEE : You allows us to examine those documents.

MR. SPEAKER : I will. Sure.
Please sit down. (Interruptions).

Not only the Finance Minister.. I have also got a very large magnifying glass, so as to decipher what was in the paper, and what is there..

PROF. MADHU DANDAVATE
(Rajapur) : To see the caption no magnifying glass is required.

MR. SPEAKER : It is required
...in that paper.

..... The Finance Minister has also stated that the Trust in question was registered on 18 November 1980 and, therefore, there is no question of its being inaugurated by the Prime Minister on an earlier date, namely, 11 October 1980.

As I have already mentioned, the document which had in fact been signed by the Prime Minister was 'Pratibha Pratishthan Maharashtra' and not 'Indira Gandhi Pratibha Pratishthan'. The fact that some newspapers and other publications have given a wrong and misleading caption cannot alter the basic fact that the document signed by the Prime Minister referred only to 'Pratibha Prathishthan Maharashtra'.

According to May's parliamentary Practice, in the British House of Commons, a deliberately misleading statement by a Member or Minister is a contempt of the House as had happened in the Profumo's case in 1963. It has been ruled earlier by my distinguished predecessors that in order to constitute a breach of the privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A Breach of Privilege can arise only when Member or the Minister makes a false statement or an incorrect statement wilfully, deliberately and knowingly.

I had also occasion to rule on a similar notice of Question of Privilege against the Minister of Law on 2nd February 1980 that no question of Privilege is involved unless it is proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House.

Having regard to the fact of the case as mentioned above and the ruling and precedent bearing on the subject, I am convinced that there was no attempt by the Minister of Finance to mislead the House much

ss deliberately while replying to the clarificatory questions on the Calling Attention on 2nd September 1961 and therefore I do not give my consent to these Notices under Rule 222.

(Interruptions)

SHRI JOYTIRMOY BOSU :
I am on a point of order.

PROF. MADHU DANDAVATE:
I am rising under Direction 118.

(Interruptions)

MR. SPEAKER : Please sit down.

(Interruptions)

SHRI JOTIRMOY BOSU : I am on a point of order. Those who submit notices of a breach of privilege take the responsibility of establishing that what they say is right. Therefore, as far as I am concerned, I can say...

MR. SPEAKER : Not allowed. Irrelevant.

(Interruptions)**

PROF. MADHU DANDAVATE:
I am rising under Direction 118.

(Interruptions)

SHRI JYOTIRMOY BOSU :
Please give me half a minute, Sir.

(Interruptions)

MR. SPEAKER : You tell me. I will consult you.

(Interruptions)

MR. SPEAKER : I did not bar you, Sir. You come to me.

(Interruptions)

MR. SPEAKER : Not allowed. What I have said is all right. You can come to me, you can give your verdict.

(Interruptions)**

PROF. MADHU DANDAVATE :
I am rising under Direction 118. You had just now quoted that the Finance Minister had given you certain information regarding documents. I want to give a counter document here to establish the fact that not merely what had appeared in the newspaper is the basis of my notice of a breach of privilege against the Finance Minister .. (Interruptions) Please listen to me. I am rising under Direction 118 to make a submission. I will make the submission. I never commit a mistake regarding the rules. Therefore, I want to bring to your notice that when we submitted a counter document to establish the fact, we did it, not relying on the newspaper, not relying on the *Indian Express* but I had quoted LOK RAJYA (Interruptions)

MR. SPEAKER : Order please. You give me the paper.

PROF. MADHU DANDAVATE:
You ask the Minister not to interfere.

Let me complete my submission.

MR. SPEAKER : You give it me to me.

PROF. MADHU DANDAVATE:
When I had produced, not the newspaper document but *Lok Rajya* which is the official publication of the Maharashtra Government... (Interruptions).

MR. SPEAKER : You give it to me. I have seen that.

PROF. MADHU DANDAVATE:
I seek your permission to lay* this document on the Table of the House.

MR. SPEAKER : You give it to me. I will look into it.

PROF. MADHU DANDAVATE:
I have followed all the procedure.

** Not recorded.

*The Speaker not having subsequently accorded the necessary permission, the document was not treated as laid on the Table.

What is your ruling ? You have not rejected that ?

MR. SPEAKER : You give it to me. I will examine it.

PROF. MADHU DANDAVATE : I had already given it to you.

MR. SPEAKER : You give it to me. I will examine it.

PROF. MADHU DANDAVATE : I had already given it to you. You have not seen what I had given you.

MR. SPEAKER : Is it the same which you had given to me early in the morning ? I had seen it. There is no need of doing it.

PROF. MADHU DANDAVATE : What is your ruling ?

MR. SPEAKER : I have given my ruling. I had seen that. I had referred to it.

PROF. MADHU DANDAVATE : Just now you had said that you are examining it. Then why do you change your ruling within 2 seconds ?

MR. SPEAKER : Why don't you understand, Professor ? I thought that it was a new thing. I had referred to *Lok Rajya*.

PROF. MADHU DANDAVATE : In addition to that, I had given you a new thing.

MR. SPEAKER : I had seen that.

THE MINISTER OF COMMUNICATIONS (SHRI C.M. STEPHEN) : This cannot be raised at all under the rules.

PROF. MADHU DANDAVATE : If you kindly permit me, I will lay* it on the Table of the House.

MR. SPEAKER : I shall see that.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, ऐसा होता है, रूलिंग देने से पहले आप हमारी बात सुनते हैं...

अध्यक्ष महोदय : आप मेरे पास आ जाइये, मैं समझा दूंगा ।

श्री अटल बिहारी वाजपेयी : लेकिन इसके बारे में वित्त मंत्री को जवाब देना चाहिये...

(व्यवधान)

MR. SPEAKER : You give it to me. There is no question. I cannot hear you now: I can hear you in the Chamber.

SHRI GEORGE FERNANDES (Muzaffarpur) : You must hear us here.

SHRI ATAL BIHARI VAJ-PAYEE : you have given your ruling without listening to us.

MR. SPEAKER : I get the facts and if I am satisfied, I give my ruling.

SHRI GEORGE FERNANDES : There is a contradiction in your ruling. You had said that you used a magnifying glass to see what was the title of the document.

MR. SPEAKER : That was for my satisfaction, not for you.

SHRI GEORGE FERNANDES : It is a Maharashtra Government publication.

MR. SPEAKER : I have not questioned.

(Interruptions)

MR. SPEAKER : I am not responsible for the Maharashtra Government. I am responsible for only the Minister here ...

*The Speaker not having subsequently accorded the necessary permission, the document was not treated as laid on the Table.

SHRI GEORGE FERNANDES: You are responsible to see that the proof is established.
(Interruptions)

MR. SPEAKER: If there is anything more you can come to me for discussion. I am open to suggestions, but not here. Shri Bhishma Narain Singh.

(Interruptions)

SHRI JYOTIRMOY BOSU: I am on a point of order. (Interruptions)

अध्यक्ष महोदय : मेरे पास सब कुछ है । वैसे मैं कोई बात गलत नहीं करूंगा और अगर करूंगा, तो वापस लेने के लिए तयार हूँ । : (व्यवधान)....

श्री अटल बिहारी वाजपेयी : अभी कुछ सवाल हैं, जिन का जवाब मिलना बाकी है ।... (व्यवधान)...

अध्यक्ष महोदय : देखिये, मेरी बात सुनिये । आर्डर, आर्डर ।

PROF. MADHU DANDAVATE: You have not given us a hearing. Without listening... (Interruptions) You are only listening to the Minister. What about us? This is a unilateral decision. You could have called us in your chamber. (Interruptions)

SHRI JANARDHAN POOJARY (Mangalore): Why are you allowing them to violate your own decision? They are....(Interruptions).

MR. SPEAKER: Who told you that I am allowing them?

SHRI JANARDHANA POOJARY: It is a fact you allowed them.

MR. SPEAKER: Who allowed them?

(Interruptions)

MR. SPEAKER: Why are you saying a wrong thing?

(Interruptions)

SHRI JANARDHANA POOJARY: Otherwise, you should take action against them under the rules.

(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: I am sorry, you gave a ruling without consulting us. You could have invited us to the Chamber.

अध्यक्ष महोदय : मेरी बात सुनगे आप लोग ।

SHRI ATAL BIHARI VAJPAYEE: How did you arrive at the conclusion without listening to us?

PROF. MADHU DANDAVATE: You are inviting us to the Chamber for the funeral of our motion. (Interruptions)

MR. SPEAKER: Are you ready to...

(Interruptions)

अध्यक्ष महोदय : मेरी बात सुन लीजिए ।

(व्यवधान)

अध्यक्ष महोदय : अगर नहीं सुनना चाहते, तो आप की मर्जी ।

SHRI CHANDRA SHEKHAR (Ballia): May I catch your eye? Mr. Speaker, I have nothing to say about your ruling. (Interruptions)

MR. SPEAKER: I have allowed Mr. Chandra Shekhar.

SHRI CHANDRA SHEKHAR: Mr. Speaker, I have nothing to say about your ruling. But the other day I read your statement from Hyderabad that you will give your ruling on the basis of your conscience. You

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have been witnessing this scene in this House for quite some time. (Interruptions)

MR. SPEAKER: My conscience is very clear

(Interruptions)

अध्यक्ष महोदय : चन्द्रशेखर जी, आप मुझसे बात कीजिए ।

SHRI JAGDISH TYTLER (Delhi Sadar) : Parliament should take note as to who is making a mockery of this Parliament. (Interruptions) You are making a mockery of this Parliament.

अध्यक्ष महोदय : चन्द्रशेखर जी, यह झगड़ा नहीं रहेगा अगर आप मेरी बात सुन लेंगे । मैं कह रहा हूँ कि कोई झगड़ा नहीं रहेगा ।

SHRI CHANDRA SHEKHAR: Only three days back a national daily has given certain facts about the statement of Mr. Venkataraman. Was it not proper for you to consult all those who raised the matter of privilege before giving your ruling? It was an ordinary courtesy. (Interruptions)

SHRI C. M. STEPHEN: That has never happened.

SHRI CHANDRA SHEKHAR: I know more than you, Mr. Stephen. I have been in Parliament for more years than you have been. So, don't teach me on that. Mr. Speaker, on such matters, where the whole House is agitated, and where people are raising apprehensions outside, it was the duty of the Speaker to consult all members who raised the privilege. (Interruptions)

अध्यक्ष महोदय : आप बैठिये, आप बैठिये । देखिये मैं कोई काम करने से पहले अपनी तसल्ली करता हूँ चूंकि मुझे

हाउस के सामने कुछ कहना है और जिम्मेदारी के साथ कहना है । जब तक कि मेरी तसल्ली नहीं होती, मैं बिल्कुल नहीं कहूंगा । इस के लिए मैंने सौ दफा हाउस में कहा है और आज फिर कह रहा हूँ । इस बात पर अगर मैं कोई गलती करता हूँ तो गलती को ओर करने में मैं बिल्कुल देरी नहीं करूंगा । आप भी मुझे बता सकते हैं । मैंने कभी यह नहीं कहा कि यह पत्थर की लकीर हो जाएगा । गलती हो सकती है, वह ठीक भी हो सकती है ।

(व्यवधान)

अध्यक्ष महोदय : आप बात करिये, आप मेरे से फिर से बात करिये ।

You convince me and I will see. You convince me. My ruling is final till it is revised.

SHRI CHANDRA SHEKHAR: It means, if hon. members bring new facts, you are ready to reconsider your ruling?

MR. SPEAKER: I am always open to suggestions in this House.

(Interruptions)

MR. SPEAKER: This ruling is final. If there is any other thing which is open for discussion, I will allow that. This is my ruling.

(Interruptions)

SHRI GEORGE FERNANDES: You have not answered all the points. You said, you looked at it with a magnifying glass....

(Interruptions)

MR. SPEAKER: I never mentioned it in that. I just wanted to tell you. That is what I did. I have given my ruling as it is.

SHRI JYOTIRMOY BOSU: On a point of order, Sir.

(Interruptions)

MR. SPEAKER: You come to me; you are welcome, Sir.

SHRI RAM JETHMALANI : If we come, you will hear us on this question?

MR. SPEAKER: Any question, Sir.

SHRI RAM JETHMALANI : You will revise your decision?

MR. SPEAKER: I am open to correction. I am open to suggestion. I accept advice; I value it. I am not a dictator.

(Interruptions)

MR. SPEAKER: Papers to be laid. Shri Bhishma Narain Singh :

12.18 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER LAND (CEILING AND REGULATION) ACT, 1976 WITH AN EXPLANATORY MEMORANDUM

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH): I beg to lay on the Table :—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section(3) of section 46 of the Urban Land (Ceiling and Regulation) Act, 1976 :—

(i) The Urban Land (Ceiling and Regulation) Amendment Rules, 1981, published in Notification No. G.S.R. 655 in Gazette of India dated the 11th July, 1981.

(ii) The Urban Land (Ceiling and Regulation) (Second Amendment) Rules, 1981, published in Notification No. G.S.R. 477(E) in Gazette of India dated the 6th August, 1981.

(2) A copy of the Explanatory Memorandum (Hindi and English versions) explaining the need for the issue of Notifications.

[Placed in Library. See No. LT-2759/81].

(Interruptions)

[ANNUAL REPORTS WITH AUDITED ACCOUNTS OF CENTRAL BOARD OF IRRIGATION AND POWER, NEW DELHI FOR 1978-79 AND 1979-80 WITH STATEMENT FOR DELAY

THE MINISTER OF STATE IN THE MINISTRY OF IRRIGATION (SHRI Z. R. ANSARI): I beg to lay on the Table :

(a) A copy of the Annual Report (Hindi and English versions) of the Central Board of Irrigation and Power, New Delhi, for the year 1978-79 along with Audited Accounts.

(2) A copy of the Annual Report (Hindi and English versions) of the Central Board of Irrigation and Power, New Delhi, for the year 1979-80 along with Audited Accounts.

(3) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) and (2) above.

[Placed in Library. See No. LT-2760/81].

(Interruptions)

MR. SPEAKER: Nothing is allowed. This is unparliamentary.

(Interruptions)

MR. SPEAKER : No adjournment motion allowed. Mr. Swaminathan.

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