

MR. SPEAKER: The proceedings say that the Committee recommended that the motion by Shri Jyotirmoy Bosu regarding amendment of the Representation of the People Act might be put down on the List of Business for 16th August without indicating the time by which it will be taken up. It will be taken up after the Coast Guard Bill. Now, there is no difficulty at all. (Interruptions). Now we come to the Privilege by Shri Sathe.

बोचरी बल बीर सिंह (होशियारपुर): अध्यक्ष महोदय, यह बहुत इम्पोर्टन्ट मवाल है, जिस पर बहुत से सदस्य बोलना चाहेंगे। इसलिए इस पर डिसकशन के लिए समय बढ़ाया जाना चाहिए। पहले इस के लिए तीन घंटे का समय रखा गया था, जिसको अब दो घंटे कर दिया गया है। पहले भी हाउस में ऐसे प्रेसिडेंट्स हैं कि बिजनेस एडवाइजरी कमेटी की रिपोर्ट पाम होने के बाद भी कई विषयों पर डिसकशन का समय बढ़ाया गया है।

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12.15 hrs.

QUESTION OF PRIVILEGE AGAINST
'TIMES OF INDIA' CORRESPOND-
ENT RE. ALLEGED MISREPORT-
ING OF CERTAIN PROCEEDINGS
OF LOK SABHA—contd.

MR. SPEAKER: Before we take this up, I would like to explain to the House one particular thing for the consideration of the House. Normally it has been the practice of this House that once the Speaker gives his consent, it goes to the Privileges Committee. This has a very important bearing on the working of Parliament. If the Opposition Party's motion for any privilege is given and if we are deciding that by the majority of the vote, then it will create a very bad precedent in my opinion. You have a right to do that. I am not saying that you have no right to do that. But it may not be proper to do it because the functioning of the House will be ineffective. When the Privilege Committee examines the matter, you will have the opportunity to do that. Particularly when the motion is from a Member belonging to a group or a party

which belongs to a minority party, it is better that he must have a hearing before the Committee and the matter may be decided. Having said that it is up to the House to decide. Before that, I would like to hear the Leader of the House.

THE PRIME MINISTER (SHRI MORARJI DESAI): I agree that it should be referred to the Privileges Committee and not decided by the House. That is my view.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I would not like to sit on judgment. But I would like to draw your attention to such and such.... (Interruptions)

SHRI VASAT SATHE (Akola): Are you hearing?

MR. SPEAKER: I am not hearing, Mr. Sathe. The Prime Minister himself said that it should be referred to the Privileges Committee.

SHRI VASANT SATHE: Why he is going on? (Interruptions)

SHRI JYOTIRMOY BOSU: I have got a copy of the uncorrected copy of the debate in front of me. That is very important. I suggest that, if I may take the liberty of doing so, you come to page 2002. You will see:

"Mr. Speaker: Let me make it plain to the hon'ble Members that no threat will deter me. I have said that I will certainly..."

MR. SPEAKER: You are going into the merits of the case. You can only express your views on the limited point that it need not go before the Privileges Committee and be decided by the House. You cannot question the consent.

SHRI JYOTIRMOY BOSU: I shall make out my case.

MR. SPEAKER: This is a matter which is not going to be debated.

SHRI JYOTIRMOY BOSU: Sir, I would like to speak on my amendment.

[Shri Jyotirmoy Bosu]

I would like to draw your attention to page 2002. There you say... (*Interruptions*)

SHRI VASANT SATHE: Sir, you follow the procedure. I must be allowed to make my submission first.

MR. SPEAKER: Do you want to make any submission?

SHRI VASANT SATHE: Yes, I do. I beg to move:

"That this matter be referred to the Committee of Privileges".

Sir, I am thankful to you for your kind remark and also that of the Prime Minister. All I would like to submit is that if this whole House were to convert itself into a Privilege Committee then all the procedure of natural justice required of hearing evidence, hearing witnesses, all that will have to be gone through by the House before it wants to decide. I do not mind if House tomorrow passes a vote in spite of what the Prime Minister has remarked. But if that is done then the House being judges must give me an opportunity of producing my witnesses and hearing me and hearing the other side. If that is what the House wants to do, I have no objection. I am in the hands of the House.

MR. SPEAKER: I will not call anybody except those who have given notices of amendment.

SHRI JYOTIRMOY BOSU: No, Sir, on page 2001 Mr. Sathe says I quote:

"Shri Vasant Sathe: You suggest Sir, what is the method to be followed. I will obey you. But if you want to shut me out, then we will not sit down..."

Then an observation is made by you. In between Mr. Ugrasen butts in. I quote:

"Mr. Speaker: Let me make it plain to the hon'ble Members that no threat will deter me. I have said

that I will certainly go according to the rules, according to my interpretation, subject to any resolution in the House. Therefore, there is no use making a threat. I am selecting Calling Attention motions according to what I consider to be important. I am to decide about it."

Then you come to page 2000. I quote:

"Shri Vasant Sathe: You cannot gag us; you cannot shut us out.

Mr. Speaker: Who can shut you out?

Shri Vasant Sathe: You cannot. You are deliberately trying to shut me. I have sought every forum."

Then you come to... (*Interruptions*)

SHRI MALLIKARJUN (Medak): Sir, why does he want to waste the precious time of the House? The Leader of the House has already made an observation. I am unable to understand.

SHRI JYOTIRMOY BOSU: Then Mr. Vasant Sathe says:

"We are not going to sit down unless the Prime Minister or the Government cooperates to give this correspondence."

Then, "Interruptions" are there and then Mr. Stephen says:

"This matter comes as a point of order under these circumstances..."

MR. SPEAKER: It has nothing to do. That is at a later stage.

SHRI JYOTIRMOY BOSU: Then, Shri Vasant Sathe says:

"I have done everything under the rules. You have to decide. You cannot shut us out."

Sir, in this context you made observations regarding the exchanges between yourself and Shri Vasant Sathe. And the *Times of India* has rightly inferred... (*Interruptions*)

MR. SPEAKER: He is moving his Motion.

SHRI VAYALAR RAVI (Chirayinkil): On a point of order. Kindly hear me....

SHRI VASANT SATHE: Mr. Speaker, I don't understand how this Motion comes in.

MR. SPEAKER: I have considered all these aspects. I have considered my own observations. I am the best judge of what I said and to whom I have said that. I suppose, at least that you will concede.

SHRI JYOTIRMOY BOSU: Please hear me. You will see how right I am, Sir.

MR. SPEAKER: I will come to that.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Kindly hear me Sir..

SHRI VAYALAR RAVI: My amendment is there.

SHRI JYOTIRMOY BOSU: I have one submission to make. You kindly apprise the hon. Leader of the House fully with the facts. After that if he makes a comment, certainly, we will certainly take that into account.

SHRI KANWAR LAL GUPTA: Kindly hear me Mr. Speaker.

MR. SPEAKER: I will come to your amendment.

SHRI KANWAR LAL GUPTA: Mr. Speaker, Sir, I totally agree with you.

SHRI VASANT SATHE: His contingent motion will come after I move my motion. What sort of procedure is this?

SHRI KANWAR LAL GUPTA: I totally agree with you and the Prime Minister that this is not a party issue and should not be decided by majority.

SHRI KANWAR LAL GUPTA: Then why are you bringing the motion?

SHRI JYOTIRMOY BOSU: There is no privilege at all Sir.

SHRI KANWAR LAL GUPTA: I have followed you. I have followed the direction given by you, Sir. I totally agree with you. Kindly listen to me for two or three minutes. It is a question of privilege of a Member, whether it is this side or that side. The party question does not come into play.

SHRI VASANT SATHE: Then why have you brought in your Contingent Motion? You speak on that.

SHRI KANWAR LAL GUPTA: That is my difficulty, Sir. You have spoken for 20 minutes last time. Please allow me to speak just for three minutes. Ultimately I will agree. I have told you. Still if you don't want to hear me, this means, there is nothing in that. You please allow me to speak.

AN HON. MEMBER: Let him speak.

SHRI KANWAR LAL GUPTA: I agree with you, Sir. It is not a party question. There are certain privileges of a Member. Likewise there are privileges of the Press also. As the House is aware, these privileges are not codified. You cannot take action unless the publication is substantially not correct. If it is substantially correct, you cannot take any action. If it is not actuated by malice, you will not take any action against that. So far as this question of privilege against the *Times of India* is concerned, to my mind, there is nothing which attracts the privilege motion.

MR. SPEAKER: You plead it before the Privileges Committee...

SHRI KANWAR LAL GUPTA: May I request you this, Sir? You must have referred this whole issue to the Editor, *Times of India*.

MR. SPEAKER: I have done it. I have got a letter.

SHRI KANWAR LAL GUPTA: Let us know the reply. You have asked Mr. Sathé to speak. He has spoken. The view of the other side should also

[Shri Kanwar Lal Gupta]

come before the public and then you can refer it to the Privileges Committee. I have no objection. Kindly let me know why you are not reading it. You have received a reply from the Editor.

MR. SPEAKER: I have not even shown it to Mr. Sathe. That is a matter for me to decide: whether I should give consent or not.

SHRI KANWAR LAL GUPTA: I am prepared to withdraw, Sir, on your request. But I feel it should not be decided by majority. Therefore, I accept that position. But the public must know as to what the reaction of the Editor is.

SHRI VAYALAR RAVI: I am moving an amendment to Mr. Sathe's Motion:

"That at the end of the motion moved by Shri Vasant Sathe, add—

"with instructions to report before the end of the next session."
(1).

You are the best judge, as you said earlier. The report appearing in the Times of India has a direct connection with the Speaker also. It is for the Speaker to say, about whom he made that comment, whether to Shri Sathe or to the House. Shri Jyotirmoy Bosu has said something which has gone on record, so I want to state the facts. If you kindly see the record of proceedings of 19th July, 1978, Shri Jyotirmoy Bosu said to you:

"You cannot have double standards ... You must follow a standard. You cannot be partial".

This discussion went on for half an hour or so. Then, while replying to Shri Jyotirmoy Bosu, you said, Sir:

"I cannot be dictated by anybody."

Then, Shri Jyotirmoy Bosu said a little later:

"You are not acting impartially". So, Sir, Shri Jyotirmoy Bosu was all along charging you that you were

partial, were not following a standard; you were following different standards, but the Speaker asserted that Shri Jyotirmoy Bosu could not dictate anything to him. This went on for some time. Then Shri Stephen raised his point of order. Shri Ugresen then said in Hindi in anger:

प्रत्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। ये लोग रोज़ सदन का कोई बड़ा बप्टा समय बरबाद करते हैं। इस तरह से कैसे काम चलेगा।

Then, Speaker says:

"Let me make it plain to the hon. Members that no threat will deter me."

It was all as a consequence of something started by Shri Jyotirmoy Bosu.

Sir, the Speaker is directly connected with this matter and in your wisdom, you have given the permission to the hon. Member to raise the issue under Rule 222. It is for the Speaker to say to whom he made that comment, whether to Shri Sathe or anybody else. Based on your judgement and sense of justice, you allowed Shri Sathe to raise the issue.

I fully appreciate the spirit shown by the hon. Prime Minister that this question relates to the privileges of the House and the hon. Members. Today, it may be Shri Sathe; tomorrow, it can be Shri Jyotirmoy Bosu. And, I assure Shri Jyotirmoy Bosu that if any comment is made on his parliamentary functioning, we will stand by him. As a Member of Parliament, we will protect his rights. We have nothing against our friends sitting in the press galleries; they are all our friends and are the guardians of the Indian democracy, but freedom should not be misused, and the reporting must be done in a fair manner.

As the Prime Minister has rightly said, it is not a matter to be decided on the basis of majority; it is not a question of politics; this question relates to the privileges of the House and its Members and it is in that

spirit that I have moved my amendment.... (*Interruptions*).

MR. SPEAKER: I will now put the motion moved by Shri Vasant Sathe to the vote of the House...

SHRI KANWAR LAL GUPTA: Kindly read the reply of the editor; otherwise.... (*Interruptions*).

SHRI JYOTIRMOY BOSU: The news item says: 'At one stage, the Speaker.... (*Interruptions*).

SHRI KANWAR LAL GUPTA: May I request you to read the reply of the editor otherwise we will have only one side of the picture.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): On a point of order, Sir. You have taken a very correct stand that all privilege motions, if given consent to, have to be referred to the Committee of Privileges. The motion is that it should be referred to the Committee of Privileges, and in spite of the Prime Minister giving his consent, there is opposition also. If it is going to be put to vote, I have to exercise my right either to vote for it or against it. When that question comes up, I will like to know what the Editor has to say. (*Interruptions*).

SHRI KANWAR LAL GUPTA: I can withdraw it. (*Interruptions*) You must tell us what he says.

SHRI M. KALYANASUNDARAM: You should tell us what the Editor has to say. (*Interruptions*).

MR. SPEAKER: Mr. Kalyanasundaram, I don't want to do it, if the matter is to go to the Committee of Privileges. If I say something.... (*Interruptions*).

SHRI M. KALYANASUNDARAM: Has he apologized?

MR. SPEAKER: No. He has refused to apologize. I may tell you why I am not placing it here. He came and met me. We had a talk. I do not want to mention it to the

House, lest it should prejudice one or the other side. The matter should be impartially dealt with. Therefore I have kept it out of the records, so that the Privileges Committee may not have any difficulty.

SHRI KANWAR LAL GUPTA: Is there anything in writing, Sir?

MR. SPEAKER: There is nothing in writing. The sum and substance of it is this.... (*Interruptions*).

SHRI KRISHAN KANT rose—

MR. SPEAKER: I have not told Mr. Sathe also.

SHRI KANWAR LAL GUPTA: There is freedom of the press also.

SHRI NIRMAL CHANDRA JAIN (Seoni): Did you receive that communication from the *Times of India* after you gave the consent on the privilege motion, or before that?

MR. SPEAKER: Before. I called for the comments. Before giving consent, I called for comments. The normal practice adopted in the case of newspapers is that we call for comments, and then consider it.... (*Interruptions*).

SHRI KANWAR LAL GUPTA: Please let us know what he has written.

MR. SPEAKER: The Privileges Committee will look into it.

SHRI KANWAR LAL GUPTA: I am prepared to withdraw my resolution.

MR. SPEAKER: I am not bidding anybody to do anything.

SHRI KANWAR LAL GUPTA: I am ready to withdraw it.

MR. SPEAKER: I put it to this House, that this matter be referred to the Privileges Committee, with instructions to report to the House before the end.... (*Interruptions*).

SHRI MUKUNDA MANDAL (Mathurapur): I have got a point of order. Whenever anything is put to vote, we should know what it is about.

[Shri Mukunda Mandal]

Some of us were absent on that day. (Interruptions). We should know what is the subject, and how it has been published in the Press. We should not be asked to vote on something which we do not know. We would like to know what Mr. Sathe has said, and what was published in the Press.

SHRI VAYALAR RAVI: It is in the Order Paper.

SHRI MUKUNDA MANDAL: Before you ask the House to vote, every Member should know on which he has got to vote.

MR. SPEAKER: You are putting us in a very difficult position, Mr. Mandal. One Member or the other will be absent, necessarily. If this is to be done each time, it will be difficult.

श्री राज नारायण (रायबरेली): मेरा प्वाइन्ट ऑफ़ ऑर्डर है ।

श्री यमुना प्रसाद शास्त्री (रोवा): मेरा प्वाइन्ट ऑफ़ ऑर्डर है । जब आप हाऊस में बोटिंग कराने जा रहे हैं, तो यह पता होना चाहिये कि किस बात पर बोटिंग हो रही है। यह हम लोगों के सामने पड़ा जाना चाहिये कि किस बात पर आप बोटिंग करा रहे हैं । इस बारे में आपको हमें बताना चाहिए ।

श्री राज नारायण : अध्यक्ष महोदय, अब आप यह बताएँ कि हाऊस किस के पोजेशन में है । मैं प्वाइन्ट ऑफ़ ऑर्डर पर खड़ा हुआ हूँ और माननीय शास्त्री जी हमारे बाद खड़े होकर बोलने लगे । कम से कम यह तो होना चाहिए कि जब एक प्रादमी खड़ा हो, तो दूसरा खड़ा न हो और उसको आपको बैठा देना चाहिये । एक समय में हाऊस एक प्रादमी के पोजेशन में रहेगा, और दो, तीन और चार प्रादमियों के पोजेशन में नहीं रहेगा । मान्यवर, मेरा प्वाइन्ट ऑफ़ ऑर्डर यह है कि आप ने यह क्रमाया कि आप ने भ्रष्टाचार के एडीटर को बुलाया । भ्रष्टाचार के एडीटर ने आप को कुछ कहा ।

MR. SPEAKER: Not the Editor, but the Correspondent. I did not call him. He interviewed me.

श्री राज नारायण : वे स्वयं आए । अब इस सदन के सदस्यों को जानने का अधिकार हो गया । अगर उस कोरेस्पोंडेंट ने या

भ्रष्टाचार के किसी प्रतिनिधि ने क्षमा याचना की है, अपनी गलती कबूल की है, तो मामला उसी पर खत्म हो जाता है । फिर उस को प्रिविलेज कमेटी में भेजने या न भेजने का प्रश्न सदन में नहीं उठता है । आपको कह देना चाहिये कि यह प्रश्न अब यहाँ नहीं उठता । अब तक की जो संसदीय प्रथा रही है, उस में यह देखा गया है कि जो समाचार पत्र का एडीटर है या भ्रष्टाचार में न्यूज देने वाला कोरेस्पोंडेंट है, उस ने अगर गलती कबूल कर ली, तो उस की क्षमा याचना के बाद मामला वहीं पर खत्म हो जाता है । इसलिए यह मामला यहीं खत्म हो जाना चाहिए और आगे की कार्यवाही नहीं होनी चाहिये । मेरा निवेदन यह है कि आया उसने ऐसा किया है ...

श्री कृष्ण कान्त (चंडीगढ़): उस ने ऐसा नहीं किया है, उस ने क्षमा नहीं मांगी है ।

MR. SPEAKER: Mr. Raj Narain, you are absolutely right. Whenever an Editor or a Correspondent either accepts his mistake or apologizes, I invariably persuade the Members to drop the matter. If only the Correspondent had apologized or even said he was regretting what he said, probably things would have been different. He did not either apologize or express regret. Therefore, this demand is justified.

SHRI JYOTIRMOY BOSU: Why should he apologise?

MR. SPEAKER: I have heard you; I will not hear you again.

SHRI KANWAR LAL GUPTA: I want to withdraw my resolution.

MR. SPEAKER: Your resolution comes only afterwards.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I do not think it would be a happy thing if the remarks that have been made about Mr. Y. P. Shastri go on record, because he cannot see.

MR. SPEAKER: But he must hear at least. I take it that the House agrees to refer the matter to the Privileges Committee as amended by Shri Ravi's amendment.

SOME HON. MEMBERS: Yes.

MR. SPEAKER: The matter will be referred to the Privileges Committee.

The question is:

"That this matter be referred to the Committee of Privileges with instructions to report before the end of the next session."

The motion was adopted.

MR. SPEAKER: The other motions do not arise.

12.37 hrs.

PAPERS LAID ON THE TABLE

MILD STEEL TUBES (QUALITY CONTROL)
ORDER, 1978

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRIMATI ABHA MAITI): I beg to lay on the Table a copy of the Mild Steel Tubes (excluding seamless tubes and tubes according to API specifications) (Quality Control) Order, 1978 (Hindi and English versions) published in Notification No. G.S.R. 374 (E) in Gazette of India dated the 18th July, 1978, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-2644/78].

ANNUAL ACCOUNTS OF COCHIN PORT
TRUST FOR 1976-77

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): I beg to re-lay** on the Table a copy of the Annual Accounts (Hindi and English versions) of the Cochin Port Trust for the year 1976-77 and the Audit Report thereon under sub-section (2) of section 103 of the Major Port Trusts Act, 1963. [Placed in Library. See No. LT-2122/78].

SIRH GURDWARAS BOARD EVICTION (AMENDMENT) RULES, 1978

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): I beg to lay on the Table a copy of the Sikh Gurdwaras Board Election (Amendment) Rules, 1978 (Hindi and English versions) published in Notification No. G.S.R. 382(E) in Gazette of India dated the 26th July, 1978, under sub-section (3) of section 146 of the Sikh Gurdwaras Act, 1925. [Placed in Library. See No. LT-2645/78].

**NAVY (PENSION) FIRST AMENDMENT
REGULATIONS, 1978**

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (PROF. SHER SINGH): I beg to lay on the Table a copy of the Navy (Pension) First Amendment Regulations, 1978 (Hindi and English versions) published in Notification No. S.R.O. 236 in Gazette of India dated the 5th August, 1978, under section 185 of the Navy Act, 1957. [Placed in Library. See No. LT-2646/78].

**NOTIFICATIONS UNDER CUSTOMS ACT, 1962 AND CENTRAL EXCISE RULES, 1944
AND A STATEMENT**

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATISH AGRAWAL): I beg to lay:

(1) A copy of Notification No. 160/78-Customs (Hindi and English versions) published in Gazette of India dated the 16th August, 1978 together with an explanatory memorandum regarding exemption from Customs Duty on copper wirebars (produced out of copper reverts which will be sent out of India for conversion) under section 159 of the Customs Act, 1962. [Placed in Library. See No. LT-2647/78].

*The papers were previously laid on the Table on the 19th April, 1978.