

*Sabha recharges  
against Ministers*

12.45 hrs.

**PROCEDURE TO BE FOLLOWED  
WHEN CHARGES ARE MADE  
AGAINST MINISTERS**

Mr. Speaker: Yesterday when the Calling Attention Notice was being answered by the Prime Minister, Shri Madhu Limaye referred to notice of a motion which he had tabled regarding the appointment of a Committee of Parliament to investigate into the charges against the Ministers who were on the pay of Birlas. I then said that I had not seen the notice and after I had considered it, I would give my decision.

I have now looked into the notice by the Member. The hon. Member has tabled it under rule 184. The notice reads as follows:

"This House resolves that a Committee of 15 Members of Parliament be appointed to investigate into the charges against the members of the Cabinet that they are in the pay of Birla group, and that Rajya Sabha be requested to appoint 6 of these Members."

The hon. Member has not specified the names of the Ministers nor the charges against them. The notice is in the nature of an inquiry into the conduct of Members of this House or the other House. At present there is no Minister who is not a Member of either House. In order that a notice of a motion on the conduct of a Member may be admissible, certain preliminary procedures have to be followed. I would refer the hon. Member to the procedure that was adopted in 1951 when a Committee of inquiry into the conduct of H. G. Mudgal, a Member of Provisional Parliament, was appointed. Briefly speaking, the procedure antecedent to the discussion of a motion in the House is as follows:

"Anyone who has reasonable belief that a Member of Parliament has acted in a manner which,

in his opinion, is inconsistent with the dignity of the House or the standard expected of a Member of Parliament may inform the Leader of the House (Prime Minister) or the Speaker about it. The person making such an allegation should first make sure of his facts and base them on such authentic evidence, documentary or circumstantial, as he may have. He should be careful in shifting and arranging facts because, if the allegations are proved to be frivolous, worthless or based on personal jealousy or animosity, directly or indirectly, he will himself be liable to a charge of the breach of privilege of the House. Therefore, it is of the utmost importance that allegations are based on solid, tested and checked facts.

When information regarding the alleged misconduct on the part of a Member of Parliament is received, the usual practice is that the Prime Minister examines the whole evidence and if he is satisfied that the matter should be proceeded with, he should give a full and fair opportunity to the Member to state his own version of the case, to disprove the allegations against him and to place before the Prime Minister such information as may assist him to come to a conclusion. After the Member's explanation, oral or written, is received by the Prime Minister, he shifts the evidence critically and together with his conclusions places the whole matter before the Speaker. If the Member has given adequate explanation and it is found that there is nothing improper in his conduct and he has cleared all the doubts, the matter may be dropped and the Member exonerated. If, however, on the basis of the explanation given by the Member and the evidence it is held by the speaker that there is a *prima facie* case for further investigation the matter is brought before the House on a motion for

[Mr. Speaker].

the appointment of a Parliamentary Committee to investigate the specific matter and to report to the House by the specified date.

However, if in the course of preliminary investigation it is found that the person making the allegations has supplied incorrect facts or tried to bring discredit to the name of the Member willfully or through carelessness he shall be deemed to be guilty of a breach of privilege of the House."

I will, therefore, suggest to the Members or anyone who wishes to make any charges against any Minister to follow the above procedure.

**Shrimati Lakshmikanthamma** (Khammam): Sir, on a point of order.

**Mr. Speaker:** There cannot be any point of order on my ruling.

**Shrimati Lakshmikanthamma:** It is not on this.

**Mr. Speaker:** You cannot have a discussion on this.

श्री मधु लिवडे (मुंनेर) : अध्यक्ष महोदय, आपने जो प्रक्रिया बतलाई है वह ठीक है, लेकिन उसमें दो सवाल उठते हैं। एक तो यह संविधान के मातहत नई लोक सभा के गठन के पहले की बात है और इस लोक सभा को नई प्रक्रिया बनाने का अधिकार है, दूसरी बात यह कि अभी जो विधेवाधिकार प्रस्ताव या नया प्रस्ताव है उनके बारे में कार्यवाही क्या होगी। यह आप बतला दीजिये।

**Shrimati Lakshmikanthamma:** They have asked for a committee about it. I want to know the legal and technical aspect of it.

**Shri Hem Barua (Mangaldai):** May I draw your attention to another precedent set up in this House?

**Mr. Speaker:** You can bring it to my notice but not now. I will be very happy for any light to be thrown on it and to learn from you, but I am not prepared for a discussion in the House.

**Shri Hem Barua:** There were two proposals. One was made by Shri Nath Pai. You promised to consider both of them but you have given your ruling only on one of them and have not said anything about Shri Nath Pai's suggestion.

**Mr. Speaker:** There was only one proposition before me.

**Shrimati Lakshmikanthamma:** I wanted to know about the legal aspect of any Minister or any Member being... (Interruption).

**Mr. Speaker:** After careful examination I have explained the whole procedure now.

12.48 hrs.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS SECOND REPORT

**Shri Khadilkar (Khed):** Sir, I beg to present the Second Report of the Committee on Private Members' Bills and Resolutions.

#### STATEMENT BY MEMBER UNDER DIRECTION 115 RE. FOOD SUPPLY TO BIHAR AND MINISTER'S REPLY THERE TO

श्री शि० चं० झा (मुजफ्फरी) : अध्यक्ष महोदय, आदेश सं० 115 के मातहत, जो कि कृषि और प्रोसीजर ऐंड कॉन्सुमर प्राविसिज इन दि लोक सभा नामक पुस्तिका में है, इस सदन में बाबू मंत्री कायम रोको प्रस्ताव पर जो प्रांकी बिहार के दे रहे के उनके सम्बन्ध में कहना चाहता हूँ कि अब मैं उन प्रांकी की तुलना बिहार सरकार की रफ्त में बिने हुए प्रांकी के करता हूँ कि बिने हुए