

12.12 hrs.

QUESTION OF PRIVILEGE  
AGAINST SHRI JANESHWAR  
MISRA, M. P. FOR HIS HAVING  
READ OUT IN THE HOUSE AN  
ALLEGED FORGED LETTER SAID  
TO HAVE BEEN WRITTEN BY  
EMPLOYEES OF HINDALCO

SHRI SHYAMNANDAN MISHRA  
(Begusarai): Mr. Speaker, Sir, under  
Rule 222, I want to raise a question  
of breach of privilege against an hon.  
Member of the House, Shri Janesh-  
war Misra. (Interruptions)

श्री सरजू पांडे (ग.जोपुर) पूरे देश में  
जमीन के सवाल पर आन्दोलन हागा।  
सारे देश में आन्दोलन होन जा रहा है लेकिन  
यह सरकार सुनने के लिए तैयार नहीं है।

श्री प्रदल बिहारी बाजपेयी (रामनिगर)  
पांडे जी को चाहिए कि हम जो अविश्वास  
प्रस्ताव ला रहे है उसका समर्थन करे और  
इस सवाल को उठाये।

श्री सरजू पांडे, पहले शङ्खुड कास्ट  
वाला प्रस्ताव तो पास होने दीजिए।

SHRI INDRAJIT GUPTA (Alh-  
pore): What are we discussing now?

MR. SPEAKER: Privilege.

SHRI INDRAJIT GUPTA: Then,  
you please ask him to go on Mr.  
Mishra, why do you have a back chat  
there? You have been told. Why  
don't you move your motion?

SHRI SHYAMNANDAN MISHRA:  
Under Rule 222, I want to raise a  
question of breach of privilege  
against an hon. member of the House,  
Shri Janeshwar Misra.

The nature of the breach of privi-  
lege is the presentation of a forged  
or fabricated document to the House.

According to May's Parliamentary  
Practice, 18th edition (p. 137), 'It is  
a breach of privilege to present or  
cause to be presented to either House  
or to Committees of either House,  
forged, falsified or fabricated docu-  
ments with intent to deceive such  
House or Committees or to subscribe  
the names of other persons or ficti-  
tious names to documents intended  
to be presented to either House or  
Committees of either House, or to be  
privy to, or cognisant of, such forgery  
or fraud'.

A number of cases have been cited  
in the book on the subject.

The book by Kaul and Shakhder  
also makes similar remarks on the  
subject.

The facts of the instant case are; as  
follows:

An hon member of the House, Shri  
Janeshwar Misra, read out on 2nd  
May, 1975 a letter as under:

"To

Shri S. S Kothari,  
President, HINDALCO,  
Renukoot.  
"Dear Sir,

We met the Prime Minister and  
her Private Secretary.

"We have paid a sum of Rs. 5  
lakhs to the P.S.

"He has promised us that he will  
use all his influence to see that no  
trade union activity is allowed in  
HINDALCO -

Yours faithfully,

For Hindustan Aluminium  
Corporation Ltd."

**SHRI VAYALAR RAVI** (Chirayinkil): Who signed that letter?

**SHRI SHYAMNANDAN MISHRA:** This has come in the proceedings. The hon. Minister, Shri Subramaniam, said the next day, i.e. on 5th May 1975, as follows:—

"This matter was placed before the Prime Minister and after finding that this matter has again been raised here, she has written the following letter to the Speaker:

"Dear Dr. Dhillon,

"I find from the proceedings of the Lok Sabha that on the 2nd May while speaking on the Finance Bill, Shri Janeshwar Misra alleged that Shri S. S. Kothari, President, Hindalco, Renukoot, had paid Rs. 5 lakhs to my Private Secretary to crush trade union activity in that company. He read out a letter allegedly written on behalf of this company to Shri Kothari. This is an entirely baseless allegation. Nobody on behalf of Hindalco ever gave any amount to my Private Secretary or any other officer in my Secretariat. Sometime ago, a photostat copy of the letter which presumably Shri Misra read in the House was brought to our notice by Shri Raj Narain, MP. I ordered an investigation into the matter which showed that the said photostat copy was a forgery and that no officer of the Hindalco had ever written."

A definite charge of forgery against Shri Janeshwar Misra emerges. The Prime Minister has asserted that she had ordered an investigation into the matter which showed that the said document 'was a forgery and that no officer of the Hindalco had ever written...."

When the charge has been made the fact that it is being denied by the member against whom the charge is made cannot be of much consequence in this matter, and on this account it cannot be considered to be a disputed case. The alleged forger will more often than not deny the charge of forgery. That by itself cannot make it a disputed case. Moreover, the concept of 'disputed case' is strange to the law of privileges.

The House has to ascertain the truth in the matter and there must be a remedy open to it to repair the injury done to it by the commission of the offence of forgery. On the other hand, the member who has been accused of such a serious charge must also have a forum of the House to defend himself and vindicate his honour. Had this charge been made outside the House, it could have been actionable in a court of law. The immunity enjoyed may well have been abused.

This can only be done by referring the matter to the Committee of Privileges.

In fact, there seems to be an agreement between the ruling party and the Opposition and more particularly between the Government and the member concerned, as is clear from the following:

"श्री जनेश्वर मिश्र : मैं चाहता हूँ कि इस मामले को प्रिविलेज कमेटी के पास भेजा जाय और दस्तावेजों को प्रटेस्ट करवाया जाय, उनकी जांच करवाई जाय।"

What has the Minister to say?

"Shri C. Subramaniam: Kindly sit down. You have got the prerogative. A privilege will be raised against you for bringing in a photostat copy".

“श्री जनेश्वर मिश्र : इसको कमेटी के पास भेजे और जाच करवायें ।”

So it is clear that there seems to be an agreement on this subject that this is a fit case for reference to the Committee of Privileges.

श्री मधु लिमये (बाबा) : सब मे पहले मेरा नोटिस था । मुझ को नहीं सुनेगे ? माननीय प्रयाग बाबू को हम ने पहल मौका दिया उस का मतलब यह नहीं है कि हम उन की मदद नहीं करेये ।

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय, हमारा भी नोटिस है ।

MR SPEAKER: That privilege motion was disposed of yesterday as I made it clear that was disposed of This is something against a different background

यह तो डिसपोज प्राफ कल कर दिया ।

श्री ज्योतिर्भय बसु (डायमण्ड हार्ब ) : हमारा भी मोशन है

अध्यक्ष महोदय प्राफ का और इचका आइडेंटिकल है ।

श्री ज्योतिर्भय बसु हमारा आइडेंटिकल नहीं है ।

MR SPEAKER Mr Vajpayee gave it to me I received Mr. Mishra's notice yesterday. Mr. Vajpayee's notice came today. Mr. Bosu, your notice came today.

श्री मधु लिमये 6 मई का मेरा नोटिस है ।

MR. SPEAKER: I got Mr. Mishra's notice first; the notices previous to yesterday, were all disposed of.

श्री मधु लिमये डिसपोज प्राफ किये हो गया । वही डेक्स्ट है मेरे नोटिस का प्राफ को मैं पढ कर सुनाता हू ।

अध्यक्ष महोदय प्राफ का भी इस में हो जायगा ।

श्री मधु लिमये मैं इन की टाईड मे दो, चार बाते धरज क'ना चाहता हू ।

अध्यक्ष महोदय टाईड की क्या बात है हाउस को इजाजत लेनी है । प्राफ इस को प्रपोज करन है कि नहीं ?

SHRI JYOTIRMOY BOSU: I want to say something Either you allow me on this, or on the other one

अध्यक्ष महोदय सभी आइडेंटिकल है । इस मे सभी आ जाते हैं । अगर आइडेंटिकल नहीं हैं तो उस को में अलग देखू गा, इसमे कैसे आ सकते हैं ।

श्री मधु लिमये एक प्रोसीजर यह हो सकता है कि उन्हें प्रस्ताव रखने दीजिए, उस पर डिबेट होगी, हम लोग बोलेंगे ।

अध्यक्ष महोदय लीव प्राफ दी हाउस तो पढ़े हा । माननीय मिश्रा जी, प्राफ सदन से इजाजत लीजिए ।

SHRI SHYAMNANDAN MISHRA  
I seek the leave of the House to move a motion of privilege.

MR SPEAKER: Is there any objection to leave being granted? There is no objection Leave is granted, unanimously. You may move the motion.

**SHRI SHYAMNANDAN MISHRA:**  
 I beg to move:

"That the question of privilege against Shri Janeshwar Misra, a Member of this House, for his having read out in the House on 2nd May, 1975, a letter by an employee of HINDALCO to the Company's President saying that a sum of Rs. 5 lakhs was paid to the Private Secretary of the Prime Minister to prevent trade union activity, which letter the Prime Minister has alleged is a forged one, be referred to the Committee of Privileges."

श्री मधु लिमये : अध्यक्ष महोदय, मेरा प्रमैडमेंट है ।

अध्यक्ष महोदय : मेरे पास प्रमैडमेंट का नोटिस नहीं है । आप मुझे कोई कापी भेज दीजिए ।

श्री मधु लिमये : अध्यक्ष महोदय, मेरा प्रमैडमेंट इस प्रकार है । पहले आप आदेश देगे तब मैं अपना प्रमैडमेंट पढ़ूंगा ।

अध्यक्ष महोदय . कहने वाले कहते हैं कि वह भी ठीक है, इधर वाले भी ठीक हैं । जिन के खिलाफ हो रहा है वह भी बड़े खूब है, फिर इस में झगडा कौन सा है ?

श्री मधु लिमये : इन का चेहरा मुरझाया हुआ लग रहा है ।

**SHRI VASANT SATHE (Akola):**  
 Sir, on a point of order. There is no provision for amendment under Rule 225. Let us know that, Sir. If you were to follow the procedure regarding the 'Questions of Privilege' under rules 225 and 226, then a lot of troubles can be avoided.

**MR. SPEAKER:** Mr. Sathe, the leave was granted and the motion is moved.

**SHRI VASANT SATHE:** I want to know whether a requisite number was there before the leave was granted.

**MR. SPEAKER:** No objection was raised when I put it before the House. So the leave was granted and the motion was moved.

**SHRI VASANT SATHE:** Sir, kindly see Rule 225 and Rule No. 227.

**MR. SPEAKER:** I quite follow your point.

**SHRI H. N. MUKHERJEE (Calcutta-North-East):** On a point of order as well as propriety what I want to submit is, since the intention of the House is quite clear that with regard to the substance of the matter raised by Mr. Mishra, we want adjudication by the Committee of Privileges, and any attempt at amending a straightforward reference to the Committee of Privileges would be out of order, improper, inappropriate and out of conformity with the desire of the House to have the matter investigated, let us not worry only about hearing the sound of our own voices in the House and our name in the papers tomorrow....

**SHRI MADHU LIMAYE:** Don't try to teach us. I am on a point of order.

मुझे प्रीच करने की कोशिश न कीजिए । अध्यक्ष महोदय, मेरा पॉइंट ऑर्डर है । मुझे उतना ही अधिकार है जितना आप को है, वाननीय सुबर्जी आप बुर्जु हैं, मैं हमेशा आप की इज्जत करता हूँ । इस तरह आप को बोलने का अधिकार नहीं है । आप बड़े हो जाते हैं तो मैं हमेशा सम्मान में बैठ जाता हूँ

Sir, I strongly object to this.

**SHRI H. N. MUKHERJEE:** Too much of Madhu is pour....

**SHRI MADHU LIMAYE:** Sir, I am on a point of order.

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय, उन्होंने अपना प्रस्ताव रख दिया, उस पर मुझे कोई आपत्ति नहीं है। नियम 226 के अन्तर्गत फैसला होना है। मदन के मामले दो रास्ते हैं। या तो सदन कर सकता है, या मामला प्रिविलेज कमेटी का भ्रजा जा सकता है। लेकिन अध्यक्ष महोदय, अगर कोई सदस्य चाहे तो इस बात पर बल दे सकता है कि अभी बहम होनी चाहिए।

श्री बसन्त साठे यह ठीक है यह पीसिविल है। आप इस को सदन के सामने पुट कीजिए।

श्री अटल बिहारी वाजपेयी . अभी बहम होनी चाहिए इस बात पर बल दिया जा सकता है।

**SHRI VASANT SATHE:** Sir, it is possible to put it to the House.

(Interruptions)

**MR SPEAKER:** I will reply to your point of order. I have followed your point of order.

**SHRI VASANT SATHE:** Sir, you leave it to the House to decide whether there will be discussion on it or whether it should be referred to the Privileges Committee, it is for the House to decide.

**MR. SPEAKER:** Rule 226 says "If leave under rule 225 is granted the House may consider the question and come to a decision or refer it to a Committee of Privileges...." If it is agreed that it is to go to the Privileges Committee, there is no question of amendment.

श्री मधु लिमये : आप ने मेरे एमेंटमेंट को सुना तो है नहीं और पहले ही रूल आउट कर दिया। आप मेरे एमेंटमेंट को सुन लीजिए।

**MR SPEAKER** Rule 226 says:

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member"

So, unless it is decided that this House will discuss it or it will go to the Privileges Committee thereafter, the question of amendment cannot come

श्री मधु लिमये मैं प्वाइन्ट ऑफ आर्डर पर खड़ा हू। आप सुनते क्यों नहीं है। . . (व्यवधान) आप पहले मेरी बात सुन लीजिए और उस के बाद रूल आउट दीजिए, मुझे कोई एतराज नहीं है। (व्यवधान)

**SHRI SAMAR GUHA** Mr. Mukherjee has made many disparaging remarks about Mr Madhu Limaye It was not expected of an hon member like him to make those remarks

**MR SPEAKER** You do not follow my reply to the point of order

श्री मधु लिमये मैंने अभी प्वाइन्ट ऑफ आर्डर रैज ही नहीं किया है और उस पर आप पहले कसे रूलिंग दे चुके है ?

**MR SPEAKER:** Are you rising on a point of order or moving an amendment?

श्री मधु लिमये : अध्यक्ष महोदय, आप निर्णय दीजिए कि यह जो मेरा एमेंडमेंट है, वह नियमानुसार है या नहीं। मैं आप के निर्णय को मानूंगा। मैं इस प्रस्ताव के अन्त में दो वाक्य जोड़ना चाहता हूँ। ... (अध-धाम) ...

SHRI VASANT SATHE: He cannot move an amendment. There is no scope for moving an amendment.

SHRI MADHU LIMAYE: It is within the scope of the motion.

SHRI VAYALAR RAVI: The only question is whether he could move an amendment or not.

MR SPEAKER: Now after the leave was granted, Shri Mishra brought his motion that the question of privilege against so and so be referred to the Committee of Privileges. That is under rule 226. That motion is before the House. If you have any point of order regarding this, you can raise it.

श्री मधु लिमये यह जो प्रस्ताव है, वह अपूर्ण है क्योंकि इस में समय नहीं दिया गया है कि कब तक रिपोर्ट कमटी देगी। कमटी को इन्वेस्टिगेशन देना। इस मदन को अधिकार है। आप मेरी बात पहले सुन लीजिए और उस के बाद चाहे रूल आउट कर दीजिए। मैं उस को मान लूंगा। मैं 100 प्रीमिडेट्स निकाल कर दे सकता हूँ जहाँ पर मोशन को एमेंड किया गया है। बिना सुने बात करना चाहते हैं? मेरा एमेंडमेंट यह है

"The House directs that the Committee call in the handwriting experts and allows Shri Janeshwar Misra to call his own handwriting experts and witnesses to find out the truth or otherwise of the allegation that the said letter was a

forgery and further that the Committee submit its report in the last week of the next session."

It is perfectly in order. . . (Interruptions).

MR. SPEAKER: Now this is a simple motion that has been brought that it may be referred to the Privileges Committee. As to how that will be done, it is for the Committee to decide.

श्री मधु लिमये . हाउस मालिक है।

अध्यक्ष महोदय : हाउस कैसे मालिक है, इस के लिए तो कमटी मालिक है।

श्री मधु लिमये : हाउस मालिक है और वह कमटी को इन्वेस्टिगेशन दे सकता है।

MR SPEAKER This amendment is not in order. So, I am going to put this motion by Shri Shyamnandan Mishra

श्री अटल बिहारी वाजपेयी : समय के बारे में जो श्री मधु लिमये का संशोधन है, वह ठीक है। समय के बारे में जो संशोधन है, वह तो स्वीकार होना चाहिए लेकिन प्रिविलेजज कमटी को बांधने की जरूरत नहीं है। इसलिए मेरा कहना यह है कि टाइम लिमिट होनी चाहिए।

श्री मधु लिमये : आप पहले हिस्सा काट दीजिए लेकिन टाइम वाला हिस्सा रखिये।

MR. SPEAKER I have no objection to this amendment, if it is only confined to the time limit. That can be put to the vote

SHRI VASANT SATHE. He can only move the resolution or motion. No time limit can be placed. You cannot prescribe any time limit like

[Shri Vasant Sathe]

this to the Privileges Committee. There are only two alternatives—either we decide it ourselves, or we leave it to the Privileges Committee. We cannot put a time limit

SHRI C M. STEPHEN (Muvattupuzha) Under rule 228 only you could give a direction

MR SPEAKER Rule 277 deals with the report of the Committee

It says

'Where the House has not fixed any time for the presentation of a report by a Committee, the report shall be presented within one month of the date on which reference to the Committee was made'

श्री मधु लिमये लेकिन कमेटी को इन्हरेकाम्स देने का अधिकार हाउस को है।

MR SPEAKER

"Provided that the House may at any time on a motion being made direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion"

So, it is always understood that if no time limit is fixed, it is one month

SHRI SEZHIAN (Kumbakonam). If you want you can fix the time The House has got the right to fix the time.

MR SPEAKER It is for the House to do so

SHRI MADHU LIMAYE Put it to the House मैं कहना 'न' कह रहा हू।

SHRI P VENKATASUBBAIAH (Nandyal) The main question is whether any privilege motion agreed upon by the House can be amended. There

is no specific indication that there can be an amendment to a privilege motion that has been moved So his amendment becomes irrelevant.

MR SPEAKER Mr Limaye is bringing a separate motion for fixing the time limit. ट इन तो है। नहीं होना उस बीच तो और से सकते है।

श्री मधु लिमये हम टाइम देना चाहते हैं तो आपको क्या एतराब है? हर सिलेक्ट कमेटी या जब यट कमेटी के लिए मोशन में समय होता है। वह काम पूरा नहीं करती है तो कमेटी हमारे सामने आती है।

श्री अटल बिहारी वाजपेयी हर कमेटी की रिपोर्ट के लिए समय तय सदन करता है और हाउस च है तो समय भंग भी बढ़ा सकता है। कमेटी सदन के सामने आती है अगर उसका काम पूरा नहीं होता है और समय मांगती है। मैं नहीं मन्मस पाया हू कि इसे स्वीकार करने में क्या आपत्ति है?

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RA MAIAH) Leave has been asked to refer the matter to the Privileges Committee If it is to go to the Privileges Committee why do you want to fetter the discretion of the Committee? Let the Committee take its own time and go thoroughly into it and if they want more time let them come to the House We should not fetter it in any way by laying down a time limit

SHRI SHYAMNANDAN MISHRA. The hon. Minister has stated that it should receive proper attention at the hands of the Committee and there should be no hurry about it I quite

agree with him, but according to the rule that you have just now quoted, the Committee will have to present its report within one month. However, that does not seem to be a practicable proposition during this recess because we will be occupied with so many things including the elections in Gujarat. So the hon. Minister should consider giving more time to this Committee. So the amendment should be acceptable to them.

MR. SPEAKER: The question is:

"That this House directs that the Committee submit its Report in the last week of the next session."

The motion was negated.

MR. SPEAKER: The question is:

"That the question of privilege against Shri Janeshwar Misra, a Member of this House, for his having read out in the House on 2nd May, 1975, a letter by an employee of HINDALCO to the Company's President saying that a sum of Rs. 5 lakhs was paid to the Private Secretary of the Prime Minister to prevent trade union activity, which letter the Prime Minister has alleged is a forged one, be referred to the Committee of Privileges."

The motion was adopted.

12.45 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT, CERTIFIED ACCOUNTS AND AUDIT REPORT OF INTERNATIONAL AIRPORT AUTHORITY OF INDIA

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (SHRI SURENDRA PAL SINGH): I beg to lay on the Table—

(1) A copy of the Annual Report (Hindi and English versions) of the International Airports Authority of

India for the year 1973-74, under sub-section (2) of section 25 of the International Airports Authority Act, 1971.

(2) A copy of the Certified Accounts (Hindi and English versions) of the International Airports Authority of India for the year ended 31st March, 1974 together with the Audit Report thereon, under sub-section (4) of section 24 of the International Airports Authority Act, 1971. [Placed in Library. See No. LT-9689/75]

NOTIFICATION UNDER GUJARAT CO-OPERATIVE SOCIETIES ACT, A STATEMENT, AND REVIEW AND ANNUAL REPORT OF NATIONAL INDUSTRIAL DEVELOPMENT CORPORATION, LTD. FOR 1973-74

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI A. C. GEORGE): I beg to lay on the Table—

(1) A copy of the Gujarat Co-operative Societies (Amendment I) Rules, 1972, published in Notification No. GHKH/5/CSR-4971/21729/B in Gujarat Government Gazette, dated the 24th August, 1972, under sub-section (4) of section 188 of the Gujarat Cooperative Societies Act, 1961, read with clause (c) (iii) of the Proclamation dated the 9th February, 1974, issued by the President in relation to the State of Gujarat.

(2) A statement (Hindi and English versions) explaining reasons for not laying the Hindi versions of the above Notification. [Placed in Library. See No. LT-9700/75.]

(3) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 519A of the Companies Act, 1956:—

(i) Review by the Government on the working of the National