

and will examine if it can be raised in the shape of privilege or other discussion

As regards the other one about election. I will get the clarification. All of us are concerned about it. I will send your point to the Minister and ask for the report.

SHRI SHYAMNANDAN MISHRA: Sir, the problem is somewhat basic. If the House feels its proceedings have been mis-reported and the Government is using it as a mouth-piece of ruling party should there be no remedy open to the House except a privilege motion. (Interruptions)

12.15 hrs.

**QUESTION OF PRIVILEGE
AGAINST SHRI L. N. MISHRA RE.
IMPORT LICENCE CASE—contd.**

MR SPEAKER: Now, I have to give my ruling regarding the question of privilege against Shri L. N. Mishra. Sarvashri Atal Bihar Vajpayee, Madhu Limaye, Jyotirmoy Bosu and Shyamnandan Mishra gave notices of question of privilege against Shri L. N. Mishra, Minister of Railways. They also made their submissions in the House on the 4th, 5th, 11th and 12th December, 1974, on the admissibility of their notices.

The facts are as follows:—

(i) On the 28th August, 1974, Shri L. N. Mishra made a statement in the House as follows:—

"I recollect having received a letter purporting to bear the signatures of a number of MPs when I was in charge of the former Ministry of Foreign Trade. As far as I remember, I passed on the letter to the officer concerned in the normal course of business. No order was passed by me, nor any licence was issued during the period I

remained in that Ministry. I strongly repudiate the allegation that I had anything to do with the obtaining of signatures on the application or grant of licence. I repeat, Sir, none of these licences were issued during my stewardship of the Ministry of Foreign Trade."

(ii) On the 9th September, 1974, when Shri Atal Bihar Vajpayee said (original in Hindi) that Shri Tulmohan Ram was having a school constructed in his village in the name of Pandit Ravindra Nath Mishra, the father of Shri Lalit Narain Mishra, and that donations had been collected for that purpose, Shri L. N. Mishra, Minister of Railways, intervened to say:

'Hum Ko gyat nahin hai'

मम को जान नहीं है

The contention of the members is that by his above two statements Shri L. N. Mishra has deliberately misled the House. In support of their contention, these members have referred to the following passages in the Charge Sheet filed in the Court against Shri Tulmohan Ram, M.P., and others:—

(i) "On 23-11-1972 Shri Tulmohan Ram after meeting Shri L. N. Mishra in his office told S/Shri K. V. Nair and S. M. Pillai that the Minister had asked the CCI&E to examine the position and put up the case early"

(ii) "On 5-2-1973 Shri K. N. R. Pillai sent an interim report to Shri N. K. Singh saying that a detailed report of the Controller of Pondicherry in this matter was awaited and that the Minister be apprised, if necessary. On 5-2-1973 Shri L. N. Mishra took oath of office of Minister of Railways. On the relevant file there is a noting by Shri N. K. Singh, admitted to be dated 5-2-73, to the effect that Minister desires that this case should be finalised quickly, as it has been pending for a long time.

[Mr Speaker]

According to his understanding, the Public Notices were not properly worded or have been incorrectly interpreted. MFT also feels that if an injustice has been done to the appellant, remedial action should be taken and such reliefs as are possible under the Import Control Regulation should be given to them."

Shri Shyamnandan Mishra also referred to the following noting in a file of which there is no mention in the Charge Sheet:—

"Refer my minutes at page 11/N. This matter has been unduly delayed. I should like the points raised in my notes on page 12/N be examined with speed and file submitted to me by the 30th "

He also referred to Shri N. K. Singh's note dated the 5th February, 1973.

SHRI SHYAMNANDAN MISHRA (Begusarai): This was on 23-8-72. I pointed this out that day.

MR. SPEAKER: And argued that on the principle of ministerial responsibility, Shri L. N. Mishra should be held responsible for this Officer's action.

As regards the alleged construction of a school in the village of Shri Tul Mohan Ram, MP., Shri Vajpayee referred to proceedings of a Committee where Shri Tul Mohan Ram had suggested that the school might be named after the name of the father of Shri L. N. Mishra.

Shri L. N. Mishra, Minister of Railways, laid on the Table of the House a statement on the 9th December, 1974, explaining the position. In his statement, he stated *inter alia* as follows:—

"My above statement of August 28, 1974 is factually correct and is fully borne out by the CBI charge-sheet

My hon'ble friends opposite have tried to make much of a note (referred to in the charge-sheet) recorded by Shri N. K. Singh, OSD on the relevant file. The date of the note is admitted to be 5-2-1973, the date on which I ceased to be a Minister of Foreign Trade. Since this note has been quoted to establish that it is in conflict, with my statement before this House of August 28th 1974, I would like to submit that any such assumption is unwarranted and baseless. Even taking the note as it is, I would emphatically assert that by no stretch of imagination can it be construed as an order or directive from me sanctioning the licence. In fact, no order relating to the issue of these licences, as already stated earlier, was issued until seven months after this note.

I reiterate that my entire statement of 28th August, 1974 is factually correct and in no way conflicts with the contents of the charge-sheet.

On 4th December, 1974 Shri Vajpayee quoted from a document which he described as the proceedings of a meeting of the school Managing Committee held on 22nd February, 1973. According to this document, at the meeting, Shri Tul Mohan Ram had suggested the naming of the school after the Railway Minister's late father, Shri Ravindra Nath Mishra. My father's name is *Pandit Ravi Nandan Mishra* and not *Ravindra Nath Mishra*.

According to the document from which Shri Vajpayee has quoted, Shri Tulmohan Ram is reported to have said that he had talked to me about this subject. Sir, it is not for me to explain Shri Tulmohan Ram's statements. I repeat that I said on 9th September, 1974 is factually correct. Shri Tulmohan Ram had at no stage discussed with me any proposal in this regard.

I had recorded, I remember, a note almost three months earlier i.e. in August and that note related to the examination of the matter in the Ministry of Law on certain legal points of discrimination etc. This was for contesting the case in a court of law, and not for helping anybody. This was three months before the memorandum in question was received or you can say memorandum was born."

In his further statements on the 12th December, 1974, Shri L. N. Mishra has stated *inter alia*:

- (a) "My note of 23rd August, 1972 as also the notings on pages 11 and 12, now popularly known as 11//N and 12,N of the file to which Shri Vajpayee has referred, relate to my decision to contest the case in a Court of Law and obtaining opinion of the Ministry of Law on legal aspects including discrimination. My note of 23rd August, 1972 called for speedy action only in direction of contesting the case in a Court of Law and not for speedy issue of the licences as alleged"

On the 5th morning, I became Railway Minister. Therefore, whatever happens after I left the Ministry I cannot be held responsible."

During the course of their speeches, Members have raised many issues. Some of them are obviously for debate and decision by the House and do not call for a ruling by me.

However, one important issue raised by Shri Shyamnandan Mishra is whether a Minister is responsible to this House for the actions of his officers. There is no doubt that Ministers are responsible to this House for all the actions of their officers, and from the statement of Shri L. N. Mishra, I find that he has not denied responsibility for the actions of his

officers during his tenure as Minister of Foreign Trade.

As regards the note by an officer of the Ministry of Foreign Trade on the 5th February, 1973, Shri Mishra has stated that he became Railway Minister that day and he cannot be held responsible for any notings done in the Ministry of Foreign Trade (renamed as Ministry of Commerce) on that day. Strictly speaking, the constitutional position is that any notings done after a Minister has ceased to be Minister of a Ministry will be the responsibility of the Minister who has assumed office of that Ministry on that day and not of the Minister who had left the Ministry.

With respect to the noting in August 1972 on a file, it is stated by the Minister that it had nothing to do with the application signed by the Members of Parliament for grant of a licence, which was of course submitted in November, 1972. So, this is not relevant to the question of privilege under consideration.

The limited question for my consideration is whether the two statements made by the Minister in the House on August 28 and September 9, which are the basis of the questions of privilege by the Members, have been shown to be false and made deliberately to mislead the House in those respects.

On the 28th August the Minister stated that he acknowledged the receipt of the letter purported to bear signatures of a number of Members of Parliament. He also stated that he sent this letter in the normal course of business and that he did not pass any order nor any licence was issued during the period he remained in that Ministry. From the submissions made by the members and the Minister, it is clear that the said statements made by the Minister are factually correct and none of them has been proved false.

[Mr Speaker]

So far as Shri Vajpayee's allegation is concerned, the Minister has stated that he had no knowledge. Shri Vajpayee in his statement has quoted Shri Tulmohan Ram and minutes of a Committee. He has not shown anywhere that the statements made by Shri Tulmohan Ram in a Committee were with the knowledge of Shri L. N. Mishra. In a question of privilege the responsibility and the act of commission or omission must be direct. I do not think this is a case where Shri L. N. Mishra has misled the House.

I therefore do not give my consent to these notices of question of privilege

(Interruptions)

MR. SPEAKER: No points of order now. No discussion on this. I am not here to explain my ruling. I am not allowing anything. I have done it with a full conscience. I have not called any member. Nothing said will go on record. There should be no discussion on this. I am so sorry.

MR. SPEAKER: There can be no discussion; no points of order on a ruling.

(Interruptions)

MR. SPEAKER: Whatever was relevant in the records I have seen. Shri Indrajit Gupta—absent. Shri Ramavatar Shastri—absent.

(Interruptions)

MR. SPEAKER: Whatever any Member has said and whatever has happened, it will not go on record. I have not called any Member on this item. I have gone to the next item. Shri Darbara Singh.

(Interruptions)

MR. SPEAKER: I have given my ruling. You cannot compel me to give a ruling which suits you. It may be right; it may be wrong; it is according to my conscience. No

Member is allowed except Mr. Darbara Singh. Only Sardar Darbara Singh is on his legs.

SHRI SHYAMNANDAN MISHRA: We walk out as a protest against your ruling. (Interruptions).

Shri Shyamnandan Mishra and some other hon. members then left the House.

MR. SPEAKER: Shri Darbara Singh.

SHRI BHOGENDRA JHA (Jainagar): Sir, I have sought your permission. I have some very important documents.

MR. SPEAKER: You have already spoken. I cannot give you a second chance.

12.40 hrs.

QUESTIONS OF PRIVILEGE AGAINST SHRI R. N. GOENKA —contd.

श्री बरबारा सिंह (होशियारपुर) : अध्यक्ष महोदय, मैं इस प्रिविलेज मोशन पर कुछ कहना चाहता हूँ जो श्री गोयनका के खिलाफ लाया गया है। मैं सिर्फ यह अर्ज करना चाहता हूँ कि हम अपने हाउस की रज्जत को बरकरार रखने के लिए यह चीज चाहते हैं। यहाँ सवाल उठा मिस-कांडक्ट का। इस हाउस की प्रिविलेज को गिराने का काम किया गया, कुछ लोगो ने चीटिंग की, कुछ और खराबियाँ की जो इस हाउस को जीव नहीं देती। इसलिए हम एक मेम्बर की प्रोटेक्शन चाहते हैं और वह मेम्बर हमें पता नहीं, मुझे तो जो मालूम हुआ वह यह कि वह जनसच के मेम्बर थे, हट गये, हट कर फिर इंडिपेंडेंट एलेक्शन लड़े, लेकिन फिर सिम्बल जो था वह जनसच का इस्तेमाल किया, इसलिए मैं समझता हूँ कि उनकी जिम्मेदारी हो जाती है और वह अपनी जिम्मेदारी से मुनहुरफ नहीं हो सकते हैं। उन्होंने ठीक कहा है कि जहाँ जनसच रहेगा