

12.01 hrs.

QUESTION OF PRIVILEGE RE: A  
NEWS ITEM PUBLISHED IN  
'CURRENT' WEEKLY

MR. SPEAKER: Shri Nawal Kishore Sinha.

SHRI NAWAL KISHORE SINHA (Muzaffarpur): Mr. Speaker, I am grateful to you for allowing me to move a question of privilege.

Under Rules 222 and 223 of the Rules of Procedure and Conduct of Business, I am raising a question involving a breach of privilege concerning me as a Member of Parliament.

The facts of the case are as follows:

That in its issue of Saturday, August 21, 1976, Vol XXVII, No. 52 the Printer, Publisher and Editor of the *Current Weekly* published from Meher House, 15, Cawasji Patel Street, Bombay—400001, has published the photograph of Sri M. Karunanidhi, former Chief Minister of Tamil Nadu on one side and my photograph on the other with the boldest of headings "Corrupt Caught". It has also published a caption "Confused Identity" under my photograph. It hopes to do the impossible by confusing me with one Sri Nawal Kishore Sinha who is at present M.L.A., Bihar and hinting a sinister link between me and the abovementioned person. It, by implication, makes me a party to the worst slander in history which is placing the Gandhi Maidan, alongside the Patna Station Railway Platform. As this is most atrocious of lies and a fabrication deliberately meant to involve me, I wish to deny every facet of the same. I was never in any capacity, whatsoever, connected with the things mentioned in that news coverage. The news coverage reveals certain allegations against the Urban Co-operative Bank, Patna of which one Sri Nawal Kishore Sinha presently M.L.A. of Bihar was the Chairman. I was in no way associated or connected with the Bank referred to above.

I am the Chairman of the Bihar State Co-operative Marketing Union against which no charge has been preferred and no findings recorded.

Sir, on page 183 and 184 of "Practice and Procedure of Parliament" by Kaul and Shakdher, Second Edition 1972 in the first paragraph on 'Powers, Privileges and Immunities of the Houses, their Committees and members', it is stated:

"The term 'privilege' applies to certain rights and immunities enjoyed by each House of Parliament collectively and by members of each House individually without which they could not discharge their functions, and which exceed those possessed by other bodies and individuals"

The abovementioned privilege of the members of Parliament, according to the same book by Kaul and Shakdher, says:

"They are enjoyed by individual members because the House cannot perform its functions without the unimpeded use of the service of its members and by each House collectively for the protection of its members and the vindication of its own authority and dignity."

Sir, by the publication of the above news with my photograph inserted with defamatory intent, I, as a member of this august body, have been deprived of the unimpeded use of this House. This news has brought me in a bad light, it has lowered me in public estimation and deprived me of the peace of mind and heart. It is in view of that, I seek your protection and that of the House for vindication of my honour and dignity as a Member of this House.

Therefore, invoking the spirit of Para 2 of page 184 of Kaul & Shakdher, I state that I have been deprived of the ability to perform my duties in Parliament without let or hindrance.

[Shri Nawal Kishore Sinha]

A detailed perusal of the news item on page 1 of the above mentioned issue purporting to Bihar and involving me amounted to 'libel' and therefore again I quote Kaul and Shakhder at page 184: "When any individual or authority disregards or attacks any of the privileges, rights or immunities, either of the members individually or of the House in its collective capacity, the offence is termed a breach of privilege and is punishable by the House."

In this case, the Printer, Publisher and Editor of the "Current" Weekly of Bombay, in its issue dated Saturday, August 21, 1976, Vol. XXII, No. 52, has attacked the privilege of a Member of Parliament and therefore has invited upon themselves as Printer, Publisher and Editor, the charge of a breach of privileges of Parliament.

Therefore, Sir, under the Rules 222 and 223, I seek your protection and that of the House to bring charge of breach of privilege of Parliament against the Printer, Publisher and Editor of the "Current" Weekly of Bombay.

MR. SPEAKER: In accordance with the rules of procedure on this matter and the normal practice too, I shall first direct the Printer, Publisher and Editor of this paper, the Current Weekly, to make their statement or report, whatever it is, on this matter and after their report comes, I will bring this matter again to the House.

SHRI INDRAJIT GUPTA (Alipore): In accordance with your direction, whatever the Editor, Publisher or Printer would give, would come subsequently. The very fact that Mr. Sinha's photograph has been published and circulated in thousands of copies throughout the country, the defamation that he is complaining of, has taken place and his public image has been defamed. No remedy can be brought by the editor writing a letter saying it was printed by mistake and so on.

MR. SPEAKER: Don't decide anything.

SHRI INDRAJIT GUPTA: This matter must be referred to the Committee of privileges.

श्री शंकर दयाल सिंह (चतरा) : अध्यक्ष महोदय, यह ऐसा मामला है कि जब तक इसी तरह से फ्रंट पेज पर मोटे अक्षरों में नहीं निकलेंगे कि हम से गलती हो गई है, हम क्षमा मांगते हैं। तब तक काम नहीं चलेगा। मैंने इस अखबार को बम्बई में देखा था, इस को देख का मुझे बहुत ताज्जुब हुआ। इस सदन में पहले भी कई बार इस सम्बन्ध में चर्चा हो चुकी है। इस लिये, मान्यवर इस को गम्भीरता से लेते हुए आपको ऐसा निर्णय देना है जिस से इस सदन के सदस्यों की इज्जत बच सके तथा इस तरह के जो बोलचाल और निराधार आरोप लगाये जाते हैं उनसे इनकी रक्षा हो सके।

SHRI S.A. SHAMIN (Shrinagar): Sir, I want to make a submission with your permission. While I genuinely sympathise with Mr. Sinha that great damage is done, I want to draw the attention of the House to the fact that there is a great distinction between pure and simple case of defamation and a question of privilege.

MR. SPEAKER: Let us not go into it. Let us not argue over it now.

SHRI S.A. SHAMIM: You will be deciding whether it is a *prima facie* case of breach of privilege. You will make up your mind.

MR. SPEAKER: There is no question of making up mind.

SHRI S.A. SHAMIM: This a serious case of defamation, not breach of privilege.

MR. SPEAKER: I am not making up my mind.

SHRI S.A. SHAMIM: That does not matter.

MR. SPEAKER: No more debate. This is a very serious matter.

Interruptions

MR. SPEAKER: Order please. There is no point of order. I am sorry, we are going into the extraneous matters.  
*(Interruptions)*

MR. SPEAKER: Order please. I will not allow anything in this matter. Nothing will go on record. I will not allow anything to go on record.

I would request the hon. Members to hold their views.

SHRI INDRAJIT GUPTA: Sir, you have given an indication of the procedure that you would prefer to follow, namely of first asking the editor or publisher or whoever he is to give some sort of an explanation as to how it has happened and why it has happened. Am I to take it that in the event of some apology or some expression of regret by this Editor, the matter would then be closed? Just a minute please. It is a long time since we had the motion of privilege. As far as I know, and you know very well, sir, I think, the Editor of this paper is not a stranger to Mr. Sinha; he knows him personally. He knows him very well and I cannot believe that an editor has not seen the format, the matter of the front page of the paper, before it is put on the printing machine.

Therefore, as Mr. Sinha is complaining, when this has been done with a malicious intent, this is a serious matter. A serious charge has been brought. I have no objection to your writing a letter to the editor. But, I would not allow the matter to rest there simply because we have taken cognisance of it. I therefore suggest that you may write a letter to the Editor. But, the matter is serious enough to be referred to the Committee of Privileges.

SHRI VASANT SATHE (Akola): The most important point here is this. When a particular thing on a front page in an important paper is published against a public representative, like a Member of Parliament, is it not the duty of the editor or of the person who published the paper at least, as

a courtesy, to try to enquire from the Member concerned that they have received such and such a thing; what has he got to say. Without doing that, suddenly you go with his photograph without trying to ascertain whether he is even the person concerned and publish all types of scandalous things against him. What is the protection that the Member will have?

MR. SPEAKER: You are not suggesting anything.

SHRI VASANT SATHE: I am suggesting that this is a matter for the Privileges Committee and this should be referred to the Privileges Committee and let them write to the Editor whatever he wants to say.

MR. SPEAKER: Let us not go into it any more now.

It is a serious matter. I know the whole House shares the anxiety and feelings of the hon. Member who is aggrieved because of this. The only thing I was suggesting was that in such matters the normal procedure is that we straightway refer it to the Privileges Committee or ask for an explanation from the paper. The Committee cannot also come to any decision without asking for an explanation from the paper. So what I was suggesting before I was interrupted was that I will direct the printer, publisher, and editor to submit his explanation, and then come to the House. At that stage, we can refer the matter again to the Privileges Committee. This is the normal procedure. Let us follow it. We can give them a very short time and ask them to submit the explanation within a week. If necessary, we can do that. Then we will come to the House. At that stage, the House will decide.

SHRI R. K. SINHA (Faizabad): Before this session adjourns.

MR. SPEAKER: I said within a week.