

[Shri C. Subramaniam]

and he will be helped by this technical officer.

Various other suggestions were made with regard to the insurance of persons working in these things. I wish that not only for those who are working in the explosive and other risky jobs but, on the whole, there is some sort of a general insurance for all the workers concerned. But that is a different matter altogether. As far as the Workmen's Compensation Act is concerned, that takes into account the risks involved in these jobs and it is on that basis the compensation is also laid down. In addition to the compensation to which the workers' families are legally entitled I am sure, the company is taking a more generous attitude and they are already paying something more than what they are entitled to. So, that will be taken care of.

I do agree that this is a very tragic occurrence and nine lives have been lost. This should only put us to see that safety measures are taken in a proper manner, to see that there is better control on these explosives. But this is a very reputed firm and they are also not interested in having these accidents and then getting into difficulties. Taking into account their long record, I am sure, the company itself should be anxious to see that there are no undue risks involved in operating this.

12 33 hrs.

**RE. ALLEGED WRONG STATEMENT
BY MINISTER**

SHRI JYOTIRMOY BOSU (Diamond Harbour): I want to make a submission. I do not want to force anything on you. I just want to make a mention. On the 7th of this month when this question was being replied to.....

MR. SPEAKAR: Under direction 115....

SHRI JYOTIRMOY BOSU: Let him make a submission. This is a very serious matter.

श्री अटल बिहारी वाजपेयी (ग्वालियर):
कोई भी मिनिस्टर जान बूझ कर सदन को गुमराह करे तो वह प्रिविलेज है या नहीं; इसका एक बार निपटारा हो जाना चाहिए। वह गलती करे और आप उसको गलती ठीक करने का मौका दे तो मैं समझ सकता हूँ और यह आपकी डायरेक्शन के अन्तर्गत मामला आ जाता है। उस दिन मिश्र जी ने मामला उठाया था और आज यह मामला है। अगर जानबूझ कर सदन को गुमराह किया जाये और मंत्री महोदय अपनी गलती ठीक न करे तो वह प्रिविलेज में आयेगा या नहीं इसका एक बार आप निर्णय कर लें।

SHRI JYOTIRMOY BOSU: May I humbly point this out? Is it not a fact that they are misleading the House ...

MR. SPEAKER. Let the reply come. Then you can have a chance to speak, but not now.

SHRI JYOTIRMOY BOSU: May I make a submission? Please do not take it otherwise. When a Minister deliberately misleads the House, in spite of the fact that what he was saying is no right ...

MR. SPEAKER: No, please. (*Interruptions*)

SHRI SHYAMNANDAN MISHRA (Begusara): May I rise on a point of order Sir?

When such questions are raised in this House, the Chair is pleased to say that they can be raised only under Direction 115. My submission is that the question of Privilege is of such a great importance to the House and is of such a universal concern that there could not be a blanket ruling that such misleading statements could not be covered by the question of privilege. That is my humble submission. So, unless the House clinches the issue and the Chair also comes forward with a ruling which can satis-

fy us and also the percentage in the matter, this will continue to come up. May I submit to you that you seem to have an impression that such questions have not been allowed to be raised in the House earlier. That is not the correct position, Mr. Speaker. I have here several instances to quote which would go to show to you that questions have been allowed to be raised in the House for consideration of the House and for your consideration also. It is only at the stage when a substantive motion has to be moved against a person that the Chair withholds the consent or whatever it be. my humble submission would be that it is completely unfair to us, who are dedicated to public interests and have to serve the people of the country and the House, that certain Ministers have been misleading the House by giving wrong information. deliberately, and we are such handicapped in our public duty. So, we would like you to assist us in discharging our public duty in this matter. I am patiently waiting. I have got the message from you that my communication remains unanswered so far by the Minister and you are waiting for a reply. So I am raising the question of privilege just now.

So far as Mr. Bosu's contention is concerned, it is indeed, of a great importance, it relates to elections which are the very source of our democracy. It relates to the participation of the Prime Minister as Party leader in the elections at the cost of the exchequer. Therefore, there is an element of delibateness in the Minister making that statement.

SHRI PILOO MODY (Godhra): Before you make your observation, I have a submission to make on the same point. I think we have to come to some conclusion. The Minister makes a statement which is at variance with the facts. If he makes a statement and if that statement is allowed to stand, it is a deliberate attempt to mislead the public at large and it is our bounden duty to bring

it to the attention of the House, to you and to the people at large. If such a thing happens, we have always been courteous enough that if the Minister realises that he has said something that is wrong and accidentally, we have always given him the courtesy of coming here and correcting it so that the people at large know what is happening. But if there is something that he deliberately wishes to hide, if he thereafter continues to hold that what he said was correct, then the matter of privilege comes into play immediately, and that also has to be thoroughly investigated so that the record is set right. The people must not be cheated of what is true and what they should know for, after all, they are the ultimate sovereigns of this country and they must decide as to the behaviour of Ministers individuals and Members of Parliament. And, therefore, this procedure has to be streamlined so that the Ministers are not allowed to get away after having made deliberately false statements on the floor of the House.

SHRI BHOGENDRA JHA (Jainagar): I think this issue should not be taken to be a Party issue nor should it be seen from a political angle. I also happened to be present on that day when this question was put. The question was very clear, and equally clear and emphatic was the answer. Then Mr. Bosu protested. But, despite that, the Minister held his ground... (*Interruptions*).

Here, both with regard to the contents and the form, the matter comes under the purview of privilege. I hope Members from that side also would support it. It is a clearcut question. If the Minister expresses regret, it is for the House to decide, but it should be treated as a privilege.

SHRI JYOTIRMOY BOSU: Sir, the House is not aware of certain facts. So, I have to bring this here. I asked a question:

"Will the hon. Minister kindly tell us if it is or it is not a fact that

{Shri Jyotirmoy Bosu} before November 1969 the tours undertaken by Prime Minister for election and other party purposes used to be paid by the Party but since November 1969 the procedure has been changed and the expenditure is now debited to the Exchequer.

MR. SPEAKER: You need not read the whole thing.

SHRI SHYAMNANDAN MISHRA: Otherwise how can such things be brought here, Sir?

MR. SPEAKER: You need not read the whole thing.

SHRI JYOTIRMOY BOSU: Sir, I will just take only one minute. Shri F. H. Mohsin said 'It is not a fact.' Then I asked;

"They are misleading the House. I can prove it by an extract from the blue book. In November, 1969 the whole thing was unscrupulously changed."

And now, Sir, for your perusal I have given the extract from the blue book. I have given the existing paragraph and the amended paragraph as on 19-11-1969. The procedure in respect of election tour of Prime Minister was quite different before 1969 November....

MR. SPEAKER: Kindly sit down. Since I gave my ruling I thought whether I may not have been wrong, and I had three days. When a Minister or a Member gives some statement in the House and the other Member says it is incorrect, then, I thought, what is the use of this Direction 115, if it is to be straightway dealt with as a privilege. But, if you want that the Speaker should hold it in order, I was very clear that if it is a question of legality or interpretation, I cannot give my ruling. On disputed facts I cannot give my ruling. This is obviously a very clear practice, and we have been following the practices and procedures of the House of Commons.

SHRI ATAL BINARI VAJPAYEE: The Privileges Committee can find it out.

MR. SPEAKER: No, no. I cannot hold it in order if the facts are disputed or if it is a question of interpretation of law. That is why this Direction No. 115 was introduced. I send it to the Minister and when the Minister gives the reply I send that reply to the Member. Both in the case of Members and Ministers, regarding their statements, on anything that they say in the House, a Member can send his reply to the Minister and the Minister can send his reply to the Member objecting. Thereafter if the Member is not satisfied, then, he can speak in the House on this. After that, if the Minister admits that he is wrong, he should express his regret in the House. I follow the same practice. If it is not to be treated as a privilege, then what else? I have no objection to the whole House discussing this, both the statement made by the Minister and by the member, and then deciding it themselves. There is no question about that. They can have a discussion; they can have a discussion on any other motion on the subject.

This is the procedure we have been following. I tried to know from the British House of Commons what was the practice they followed, or any where in any other country or here in our House. This is the only reason why Direction 115 was introduced. If both the Member and the Minister are not agreeing with each other, leave it to the House to discuss and decide, but not as a privilege motion. It can be on any other motion the House likes. When it is a disputed question of interpretation and legality or disputed facts, the Speaker is not able to give any ruling.

(Interruptions).

MR. SPEAKER: I am not allowing anything.

SHRI SHYAMNANDAN MISHRA: We are prepared to agree with you that on any question of interpretation or legality or disputed facts, there may not be the pleasure of the Chair to give consent, but when the question of intention comes, deliberateness in misleading the House...

MR. SPEAKER: Leave it to the House.

SHRI SHYAMNANDAN MISHRA: We have successfully established that the intention was there. Even in the Profume case, it was established that Profume wanted deliberately mislead the House....

MR. SPEAKER: There a regular motion was brought in the House, not a privilege motion.

Mr Mishra may please be assured that I have not done anything in these days except to study this thing. Of course I have been dealing with this a long time ago. I think I have become an expert on this. But while studying these things, I could not come across any procedure different from this followed in this House. We had much more distinguished predecessors here, right from Shri Vithalbhai Patel, then Shri Mavalankar and then those who followed him. I have been going through all these things. I would be so happy if you bring a precedent. I will accept it.

SHRI SHYAMNANDAN MISHRA: May I render this much service to the Chair that I quote certain instances? In Svetlana's case, the whole question was allowed to be placed before the House. Similarly....

MR. SPEAKER: You can discuss it, but not as a privilege.

SHRI SHYAMNANDAN MISHRA: As a privilege. I have got all the *Privilege Digests* with me.

SHRI ATAL BHARI VAJPAYEE: I brought a motion against Shri

Chavan as a breach of privilege. It was admitted. (*Interruptions*).

MR. SPEAKER: In this case, I do not know what is your interpretation. But when both of you disagree, I have no objection to the whole House discussing it.

SHRI SHYAMNANDAN MISHRA: About the intention I repeat it a hundred times not about legality. Errary in its interpretation about legality, but what about the intention?

MR. SPEAKER: Who is to judge intention? (*Interruptions*) If I judge your intention otherwise, then I am not right; if I judge the other side's intention as you wish, then I am right. I have only to judge facts and not intentions.

SHRI SHYAMNANDAN MISHRA: Do not take it upon yourself....

MR. SPEAKER: If you allow this floodgate to be opened, then every member is bound to be caught on this thing or that. That is the reason why we did not accept it.

SHRI SHYAMNANDAN MISHRA: Is it the pleasure of the Chair that just as the old traditional Hindu wife would not take the name of the husband, the Chair would never take the name 'privilege'?

MR. SPEAKER: When your case comes, I will certainly do it.

(*Interruptions*)

MR. SPEAKER: I am so sorry. I have made it very clear.

SHRI JYOTIRMOY BOSU: On a point of order. What I say is, these could be verified from the documents (*Interruptions*). Allow me to finish.

DR. KAILAS (Bombay South): Point of order on what?

MR. SPEAKER: When the reply is given, I will give you a chance; not now.

DR. KAILAS: Let the hon. Member go to your chamber and explain. He should not be allowed to waste the time of the House.

SHRI G. VISWANATHAN (Wandiwash): If there is a small inaccuracy or a mistake made in the statement of the Minister, he can take refuge under Direction 115. (Interruptions).

MR. SPEAKER: If there is a difference, I have no objection if you want to discuss it in the House.

SHRI G. VISWANATHAN: If the Minister is deliberately suppressing a fact, it must come under the privilege motion. Not even the intention, but on the materials placed before us.

MR. SPEAKER: If both the Minister and the hon. Member disagree, it can be discussed in this House.

SHRI SHYAMNANDAN MISHRA: What is the remedy if it is a case of *suppressio veri* and *suggestio falsi*?

MR. SPEAKER: What?

SHRI SHYAMNANDAN MISHRA: Suppressing a fact and suggesting a false thing.

अध्यक्ष महोदय : मिश्रा जी, एक बात आप मेरी सुन लीजिये कि मेरे साथ फाउन न किया करें ।

SHRI SHYAMNANDAN MISHRA: I am so much interrupted by the Chair and others. I am not frowning. I am only so much interrupted by the Chair.

अध्यक्ष महोदय : आप फाउन करते हैं तो मेरा भी चेहरा बिगड़ता है ।

डा० कौलाश : इन को चाय पर अपने यहां बुला लीजिये और वहां ये यह सब बातें आप से कर लेंगे . . . (शब्दान्ध) . . .

MR. SPEAKER: Shrimati Rohatgi. (Interruptions) No please. I am not allowing anybody.

SHRI JYOTIRMOY BOSU: I want to make one submission.

MR. SPEAKER: May I request you? Do not do it every day. The time of the House is very precious, and important. So many subjects are waiting to be discussed. You do it every day.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, आप ने कहा कि किसी और तरह से चर्चा हो सकती है । तो फिर हम मोशन दिये हुए हैं, उस पर चर्चा की इजाजत दीजिए ।

अध्यक्ष महोदय : उस से अगर आप की तसल्ली होती है, तो हाउस में बात कर लीजिए । मैं बिल्कुल इस में सहमत हूँ मुझे कोई एतराज नहीं है ।

श्री अटल बिहारी वाजपेयी : आप कहते हैं कि आप तथ्यों के बारे में निर्णय नहीं देंगे । तो क्या फैक्ट्स के बारे में हाउस की मेजरिटी से फैसला होगा ?

MR. SPEAKER: No question of majority or minority. If the facts are disputed, and when he says yes and you say no, you can discuss it in the open House. You leave it open to the House.

SHRI G. VISWANATHAN: There is a Government document. How can you dispute about it?

MR. SPEAKER: Do not go into that.

SHRI JYOTIRMOY BOSU: On facts given by the Government—

अथ यक्ष महोदय : अगर् ऐसा हुआ तो ज वहाँ यह अयोग्य कि इन्होंने गलत बात बहो है । दूसरे दिन दूसरा कहेगा कि इन्होंने यह गलत बहो है जहा आपने तस्ली नहीं होती वहाँ यह मत क जिए । इस में मिनिस्टर ही नहीं, मेम्बर के लिए भी आ सकता है ।

(Interruptions).... I request you not to take so much time every day. This is waste of precious time. I have made it very clear.

SHRI PILOO MODY: Because you have given us absolutely no recourse that if a Minister lies, what is the remedy.

SHRI SHYAMNANDAN MISHRA: By one stroke, you are reducing the powers of the House in raising a question of privilege against a Minister.

MR. SPEAKER: Privilege is something very wide.

SHRI SHYAMNANDAN MISHRA: You must realise the gravity of the ruling that you have given.

SHRI ATAL BIHARI VAJPAYEE: There are precedents, and if there is no precedent, why not create a new precedent?

SHRI SHYAMNANDAN MISHRA: There are precedents that the matter has been allowed to be raised in the House. (Interruptions)

SHRI H. N. MUKERJEE: (Calcutta North-East): I think it is a universally established practice that when a Minister or a Member misleads the House he becomes liable to be dealt with because of the privilege involved. It is also universally established, I believe, as far as parliamentary system is concerned that the Speaker decides whether *prima facie* the matter attracts the law of privilege. In this regard, certain facts have been placed before you. I understand Mr. Bosu has placed certain facts before you. It may be that you are trying to ascertain the counter set

of facts, if any, from the other side before you make up your mind about the admissibility of this privilege motion. I have been listening to the proceedings. Do I take it, because everything is so befuddling these days, that this matter is still pending your consideration and after perhaps hearing from the Minister concerned, whoever it might be, there are so many of them, you will find out whether there is reason for giving the House an opportunity? Because, it is universally established in the parliamentary system that if a Member or a Minister, whoever he might be, misleads the House, deliberately, and if it is aggravated by a denial in spite of certain kinds of statements made here, then it aggravates the situation.

MR. SPEAKER: When it came to me, I proceeded under 115, and when the reply comes I shall send it to Mr. Jyotirmoy Bosu. If he is not satisfied, he can mention it in the House....

SHRI SHYAMNANDAN MISHRA: Under 222.

MR. SPEAKER: Not under 222. I do not want to depart from the procedure that has been followed for the last many years. If you think I should depart, you can show me any precedent in the last few decades.... (Interruptions).

SHRI SHYAMNANDAN MISHRA: A Profumo can be prosecuted in that House; but Profumos in this House cannot be prosecuted by this House.

MR. SPEAKER: You can give a motion of privilege if there is any Profumo in this House.

SHRI SHYAMNANDAN MISHRA: There was a privilege motion against Profumo.

SHRI PILOO MODY: If we put a motion to prosecute the Profumo of this House, you in your wisdom will turn it down.

DR. KAILAS: Is this the way to behave in the House; he should withdraw these remarks.... (Interruptions)

SHRI INDRAJIT GUPTA (Alipore): I am not able to follow from your

[Shri Indrajit Gupta]

observations whether you agree with Mr. Mukerjee or not. You are quite entitled, as you said, to get the Minister's version but you said: after getting the Minister's reply, I will pass it on to Mr. Bosu and if Mr. Bosu is not satisfied....

MR. SPEAKER: He can speak on it.

SHRI INDRAJIT GUPTA: As the Speaker of this House, after getting the Minister's comments, are you not going to give your own opinion?

MR. SPEAKER: It is only after hearing him.

SHRI INDRAJIT GUPTA: You are not just a post-office to pass Mr. Bosu's facts to the Minister and the Minister's comments back to him. The matter has been raised before you

अध्यक्ष महोदय : मिनिस्टर के बारे में वह कहते हैं तो वह ये उन को कहूँ और उन का जब जवाब आयेगा तब उन को कहूँ। लेकिन तो तभी कुछ कहूँ जब मैं दोनों की सुन लूँ।

श्री इन्द्रजित गुप्तः : लेकिन सुनने के बाद आप अपने दिमाग को खुला रखिये—प्रिविलेज आ सकता है या नहीं।

13 hrs.

अध्यक्ष महोदय : मेरा दिमाग बिल्कुल खुला हुआ है।

SHRI INDRAJIT GUPTA: It is only after that that you will make up your mind as to whether it is going to be treated as a matter of privilege?

अध्यक्ष महोदय : उस के बाद ही लेंगे। यही बात मैं आप से शुरू से कह रहा हूँ।

SHRI PILOO MODY: May I ask what in your opinion may constitute a matter of privilege of this House?

MR. SPEAKER: I have already explained it. If I am not up to that, I will seek your advice. If there is any precedent either in this House or in the House of Commons. I am prepared to sit with you and I will follow the same procedure.

SHRI SHYAMNANDAN MISHRA: Arising out of what has fallen from your lips, we will certainly try to quote precedents before you. The point is whether it is your pleasure to say that it is a matter of privilege if a Minister deliberately and intentionally makes a misleading statement. Please say something about it.

MR. SPEAKER: This was the point raised by Shri Indrajit Gupta the same day when I said that I can decide whether it is deliberate or not only after listening to the Minister and the Member.

श्री सतपाल कपूर (पटियाला) : स्पीकर साहब, मैंने आप को एक लैटर लिखा है—दवे कमीशन के जज श्री दवे साहब रिजाइन कर गये हैं, लेकिन वह पंजाब के अकाली और जनसंघी मिनिस्ट्रो के खिलाफ एक इन्टेरिम रिपोर्ट दे गये हैं—क्या आप उस को इस हाउस में रखेंगे।

अध्यक्ष महोदय : यह पंजाब सरकार का मामला है।

13.02 hrs.

PAPERS LAID ON THE TABLE

DEFENCE SERVICES ESTIMATES, 1973-74

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI-MATI SUSHILA ROHATGI): Sir, on behalf of Shri Yeswantrao Chavan, I beg to lay on the Table a copy of the Defence Services Estimates, 1973-74 (Hindi and English