

[अध्यक्ष महोदय]

दे दिया गया है। आप तक पहुंच गया होगा। आप इस तरह से इसे नहीं उठा सकते। अगर आप समझते हैं कि जो कुछ उन्होंने कहा वह आपके क्लाल में दुरुस्त नहीं है तो आप डिबेट में किसी वक्त उसको ले सकते हैं और उसकी तस्दीक कर सकते हैं। अपनी तरफ से जो ठीक समझते हों वह कह सकते हैं। उस के अलावा डिबेट नहीं हो सकता।

डा० राम मनोहर लोहिया : किसी भी विवाद में ला सकता हूं न ?

अध्यक्ष महोदय : आप क्या पूछते हैं, मैं नहीं समझा।

डा० राम मनोहर लोहिया : मैं किसी भी विवाद में इसको ला सकता हूं ?

अध्यक्ष महोदय : यह सलाह देना मेरा काम नहीं है, जब लाएंग तो देखूंगा कि इन आर्डर है या नहीं।

Shri S. M. Banerjee (Kanpur): Sir, I rise to a point of order. We have been informed that this question cannot be raised under Direction 115. The observation which you have made just now clearly reveals that no Member has any remedy if an incorrect statement is made. Supposing a Minister or the Prime Minister makes any statement which according to hon. Members is not consistent with a particular subject which was being discussed, then the Members cannot correct it. Here, something was being discussed on the basis of the Supreme Court's judgment. The hon. Prime Minister without reading the judgment made certain observations with regard to the Chief Minister of Punjab, saying that he was not concerned or something of that sort. My point of order is this. If the Prime Minister does not correct it, are we not entitled to say something on the floor of the House that he should make a statement correcting it?

Mr. Speaker: No. That is what I have stated, namely that under Direction 115 it cannot be done. There would be many occasions and many forms in which it can be opened. And hon. Members have the remedy. They can certainly take recourse to that.

Shri S. M. Banerjee: In his own interest, he should correct it.

Mr. Speaker: If he does not, then the Member also has the remedy. Why should he not proceed according to that?

Now, Shri Prakash Vir Shastri.

12.12 hrs.

RE: ALLEGED BREACH OF
PRIVILEGE

श्री प्रकाशवीर शास्त्री (बिजनौर) : अध्यक्ष महोदय, मैं सदन के विशेषाधिकार के भंग का एक प्रश्न उपस्थित करना चाहता हूं।

पिछ बम्बई में मिमोरा के तीन प्रमुख अभिनेताओं, श्री महबूब खां, श्री विमल राय और श्री दिलीप कुमार के घरों पर देश की सुरक्षा की दृष्टि से कुछ आपत्तिजनक सामग्री के बारे में जानकारी प्राप्त करने के लिए केन्द्रीय गुप्तचर विभाग ने छापा मारा और उसकी जानकारी ली। उस सम्बन्ध में कुछ लोगों को यह राय थी (विशेषकर जो बात मैं उपस्थित करना चाहता हूं उसके बारे में) कि केन्द्रीय गुप्तचर विभाग की पुलिस ने उनके पास कोई चीज न हाने हुए भी उनके घरों पर छापा डाला और इससे उनकी प्रतिष्ठा को हानि पहुंची। इस सम्बन्ध में एक अल्प सूचना प्रश्न आपको दिया गया। इस सदन की अब तक की यह परम्परा रही है कि, चाहे वह अल्प सूचना का प्रश्न हो या सामान्य सूचना का कोई प्रश्न हो, जब तक वह सदन में उत्तर के लिए न आए तब तक वह समाचार पत्रों को सदस्यों की ओर से या आपके विभाग की ओर

से न दिया जाए। लेकिन इस सप्ताह के (७ मितम्बर के) ब्लिट्ज अखबार में छपा है कि "श्री कृष्ण मेनन और श्री वामनिक ने गृह मन्त्री श्री नन्दा को उन बिना वजह दण्डित फैलाने वाले श्री ए. ए. एक फौरी सवाल का नोटिस दिया।" यदि इन दोनों सदस्यों ने प्रेस को यह समाचार दिया है तो यह इन्होंने सदन के विशेषाधिकार का भंग किया है और यदि इन की ओर से न होकर आपके विभाग से यह रहस्य लीक आउट हुआ है तो इसमें भी ओर ज्यादा सदन के विशेषाधिकार का भंग हुआ है। मैं चाहता हूँ कि आप इस पर अपनी कुछ व्यवस्था दें।

Shri Kapur Singh (Ludhiana): With your permission, I want to say in this connection that I gave a calling-attention-notice about five or six days ago on this very subject, and up till now, I have not been definitely informed whether it is going to be admitted or rejected?

Mr. Speaker: Is that all?

Shri Kapur Singh: Yes.

Mr. Speaker: The hon. Member had written to me. I had asked him to see me in my Chamber. I had called a meeting of all the leaders from the various groups and parties. None from the hon. Member's party turned up there. I referred to that letter as well at that meeting, and put it before all the Members who were present. Because none from the hon. Member's party was present, I was helpless.

Further, this is not the question before us now. The question at present before us is not the search that has been made but whether there has been a breach of privilege by giving publicity to it in the papers that a short notice question had been tabled on the subject. That is the question before us and not the one which the hon. Member had in his mind at that moment.

Now, the question before me is this, namely whether when a notice is

given to this office, addressed to the Speaker, be it of a resolution or of a question or a short-notice question or of any discussion or in any other form, when a notice is received, before it is taken up in the House, or before it is admitted or disallowed first or afterwards discussed in the House, it can be published in the newspapers; and if it is published that such and such a notice has been given or that such and such Members wanted to raise a discussion of that sort or that they had given such a notice, whether it is permissible to give it to the newspapers, be it the Members who give it out or be it our office from where it leaks out, and if it is given out to the newspapers, whether any breach of privilege is involved in that. This is one question which Shri Prakash Vir Shastri has put. There is no breach of privilege as such if it so happened. But this happened before and my predecessor had at that time given a ruling also. I want to repeat the very same observation. Taking first questions, if notice of a question is given, then not only before it is admitted or disallowed, but also before it is answered in this House, it is not desirable that publicity to it should be given in the newspapers. No. hon. Member should resort to that practice. That is what has been adhered to in this House. It is a matter of propriety and desirability, and no breach of privilege has been held to be involved in this.

Shri Hem Barua (Gauhati): Was that given out from your office?

Mr. Speaker: If it goes out that way, then I will have to take notice of it and take action. But it is not permissible for my office to do it, nor is it desirable for Members to do that.

Shri Hem Barua: In this particular case, which was the source of leakage?

Mr. Speaker: If he knows, he might tell me; otherwise, I do not know.

Shri Hem Barua: You are in a better position to know.

Mr. Speaker: So far as other notices are concerned, of course there cannot be any question of any answer, but it is desirable that they should not be leaked out or given to the press before their allowance or disallowance has been decided by the Speaker and intimation given to the Members about it.

Therefore, I hope hon. Members would keep to that convention and tradition. That is very wholesome and that ought to be observed.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of clarification.

Shrimati Renu Chakravartty (Barrackpore): The fact of the no-confidence motion tabled by Shri Kripalani was out in the papers long before it came up here. Was it also not improper?

Mr. Speaker: That was after it had been admitted.

Shri Hem Barua: The communist no-confidence motion against this Government was out in the papers long before that, much earlier than that.

Mr. Speaker: I am not going into a distinction between the communist and non-communist motions; they are just the same for me.

Shri Hem Barua: That was a half-hearted, spurious motion.

Mr. Speaker: Order, order.

Shri Balkrishna Wasnik (Gondia): On a point of personal explanation...

Shri Hari Vishnu Kamath: On a point of clarification. May I invite your attention to the rules regarding questions and those relating to privilege? You have given a ruling which sort of deals in another fashion with the matter, that is to say, it is something undesirable, something improper.

Now, unfortunately, there are no rules to deal with matters of impropriety or undesirability. Therefore, an undesirable or improper incident like this takes place—leakage in some way or other. How will you deal with it? By going on repeating the same warning that it should not happen? You must appoint a Committee of the House to go into this matter so that such undesirable incidents may not be repeated in future. Otherwise, there is no end to this kind of thing.

Shri Harish Chandra Mathur (Jalore): Before you give your decision, may I make an observation in the context of the ruling you have just now given? I submit that this is a matter which requires further consideration by the Rules Committee or some other Committee, because there is absolutely nothing contained either in the rules or in the directions to cover such a case. And it is not for the first time that such a thing has happened. As a matter of fact, when notices of certain resolutions are given and when they are balloted here, we always used to read much before Parliament meets that such and such resolutions have been balloted and are going to be discussed and what is going to be the business. And the questions of which we give notice are published seven or eight days ahead of the date on which they are to be taken, and they are almost everybody's property. If we come to the conclusion that publicity to any of these questions, or anybody taking notice of these questions, would be highly undesirable, then it would possibly create quite a lot of trouble for us, because it is not always the man who gives notice who is interested in giving it publicity. It is everybody's property. So, I think before you give a ruling on this matter or before you finalise the matter, it would be much better that all the implications of this ruling and the directive are examined by the Rules Committee, and then we come to certain final conclusions as to how we should proceed in the matter.

Shri Wasnik: On a point of personal explanation.

Mr. Speaker: There is nothing of personal explanation here.

So far as this question is concerned that there is no specific rule on the subject, the Speaker has inherently got all residuary powers. Where there are no rules, he can take the situation at that moment into account and give his ruling. So, this ruling that I have given stands under that provision, and therefore is valid so long as there are no rules.

As for the request for an examination by the Rules Committee, certainly I do not consider that there is any harm, and I will refer it to find out whether we ought to have some definite rule on that for the future.

Another question raised by Shri mathur is that the Question List is published five or six days earlier, and that is the property of each Member, and that if it is thought not desirable to leak it out, it would be certainly a disadvantage or handicap for the Members. But they must realise that that list that is published in advance is for the convenience of the Members alone. It is not to be made public or given over to the public. It is deemed to be the business of the day for which it is intended. Therefore, if we bring that out, it is only to provide facilities to the Members that they should be ready with that. That question would not apply here.

Shri Krishna Menon (North Bombay): Neither my colleague nor I have released it to the press. We know nothing about it.

Shri Ranga (Chittoor): Concerning the observations you have just now made, I would like to say that as these questions are supplied to us and also to the press at the same time, we cannot find fault with the Members.

Shrimati Renu Chakravartty: Regarding the questions submitted, or

at least regarding the resolutions which are going to be allotted, I remember from the very first Parliament that it comes in the press before even reaching our homes that these are the resolutions which have been tabled. I do not quite understand what is improper about it if the country knows that these are the things that may have a chance of being debated.

Mr. Speaker: Therefore, I made those observations about the questions and other notices.

Shrimati Renu Chakravartty: Questions also?

Mr. Speaker: We will see that even the press does not release. If we give them those questions in confidence, they also should not release.

Shri Hari Vishnu Kamath: The Rules Committee should examine the whole matter.

12.23 hrs.

PAPERS LAID ON THE TABLE

REPORT OF THE CENTRAL EXCISE REORGANISATION COMMITTEE

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): I beg to lay on the Table a copy of Report of the Central Excise Reorganisation Committee 1963. [Placed in Library, see No. LT-1685/63].

VEGETABLE OIL PRODUCTS CONTROL (AMENDMENT) ORDER, 1963

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri Shinde): Sir, on behalf of Shri A. M. Thomas, I beg to lay on the Table a copy of the Vegetable Oil Products Control (Amendment) Order, 1963 published in Notification No. G.S.R. 1168, dated the 2nd July, 1963, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library, see No. LT-1686/63.]