

ड० राम मनोहर लोहिया : प्रधान मंत्री को मालम होना चाहिए कि साधारण हवाई जहाजों के नियम और होते हैं और चाटर्ड हवाई जहाजों के नियम और होते हैं ।

17.23 hrs.

RE: ALLEGED BREACH OF
PRIVILEGE

Shri Daji (Indore): Mr. Speaker, Sir, I seek your leave to move this matter with no joy and regret but with the sense of duty for maintaining the dignity of the House. The Calling Attention Notice regarding the U.S. 7th Fleet extending its operations into the Indian Ocean was raised in this House by certain hon. Member as early as 12th or 13th of this month. No date was fixed for some days and then the hon. Speaker fixed 19th as the date when this notice could be replied to.

Sir, you will recall that some hon. Members raised this matter on the 17th morning at about 12 o'clock and then in the presence of the hon. Prime Minister you mentioned that it was the right of the Government to take some time to reply to certain notices if they so chose and to the knowledge and the information of the hon. Prime Minister you informed the House that the matter will come up on the 19th. Regrethably, even after this was known to the hon. Prime Minister that the matter was put on the Order Paper for the 19th, only a few hours after this matter was raised in this House, the hon. Prime Minister chose to make a statement on the same subject outside to reporters and in other places which has come in the papers. This conduct, I submit, constitutes a breach of privilege of the House. Apart from the accepted breaches of the House, there are others also, as for example, commented upon by May in his treatise at p. 120:

"Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority may constitute contempts."

I submit respectfully and humbly that this action of the hon. Prime Minister in not replying to the same question on the 17th and choosing others forum outside—the forum of the other House—within a couple of hours of our raising the matter on the 17th has held this entire House to ridicule and contempt, not only of the nation, but of the whole world because it was a matter of the international implications. We have been made to look like a House which has a secondary importance, which is a second-rate House, whose Members can raise the matter and wait till the 19th, whereas outside the Ministers go on making important statements.

You, Sir, and your predecessors have repeatedly ruled that even in the matter of *suo motu* statements of policy or *sou motu* announcements, when the House is in session, the convention requires that the first announcement should be made in this House. In this particular matter, because it was a *suo motu* announcement, those observations will apply all the more forcibly because here was a notice accepted and communicated to the Government and to the Government's own knowledge fixed for the 19th for reply to the House. It is not only a question of convention. It is a question of the privilege of the House. Once the matter has been placed on the agenda to the knowledge of the Government and the knowledge of the Members, then the matters connected with that should be dealt with only in the House and not outside. Therefore, I submit, this action, actually speaking, has ridiculed

the whole House not only in its dignity but also it constitutes the breach of privilege of the House. I, therefore, move that the matter be taken into consideration. It may either be referred to the Privilege Committee or, it being an apparent matter of breach of privilege, it may be dealt with by the House itself.

Shri Kapur Singh (Ludhiana): May I say a few words here? The first question before the House for decision is, as to whether the quotation which my hon. friend has given from the May's treatise applies to the facts of this case. I think that is a question on which you should give a decision. The second question is, whether the Prime Minister made that statement at the other place *suo motu* or in reply to some question that was asked there.

Shri Daji: To newspaper reporters.

Mr. Speaker: Order, order. He might call it elsewhere, not the other House.

Shri Kapur Singh: If it was made in reply to a question, then it would put a wholly different complexion on the whole problem which is before us. The Prime Minister could not legitimately be expected to refuse to reply there simply because the question had been raised here or the question had been brought on the agenda here. I wanted to point this out so that the position may be clarified.

Shri Surendranath Dwivedy (Kendrapara): I know it is for you to decide whether you think it proper to refer this matter to the Privilege Committee. But I want to say this that since a notice was already given and it was on the Order Paper, I would like to know whether the Prime Minister got this notice before he got the notice of the Rajya Sabha. If that is so, then the propriety demanded that the statement should have been made first here.

Shri Daji: He was present when the Speaker announced this.

Shri Nambiar (Tiruchirapalli): At least it should have been done simultaneously.

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): Sir, I have tried to understand this privilege motion. I am afraid, I have failed to understand it completely. I do not understand how a question of privilege should arise. The hon. Member said that this was on the Order Paper—the Order Paper of the 19th or what?

Shri Daji: 17th. In the morning you were informed.

Mr. Speaker: It was not regularly put on the Order Paper. But I had given information to the House that this would be answered on the 19th.

Shri Jawaharlal Nehru: I did not know that.

Shri Daji: The hon. Prime Minister was present here at 12.20 p.m. or so when the Speaker gave this information to all of us. It is there on record.

Shri Hem Barua (Gauhati): As a matter of fact, you wanted it on the 18th. The Prime Minister said that he would not be here on the 18th, and, therefore, it might be taken up on the 19th.

Shri Jawaharlal Nehru: That was afterwards. I am talking of the position before that.

I saw General Taylor on the 17th morning. As I was coming out of my room, just before 11 a.m. or just at about 11 a.m., a number of newspapermen surrounded me and asked me 'What did he say about the Seventh Fleet?' I tried to get rid of

[Shri Jawaharlal Nehru]

them without offence. But I did say one or two phrases; I forget now what they were. Possibly for half a minute or so I was with them till I walked and I got into my car to come here. I think I said that he did not say much, but he said, the matter has not been probably decided and a few ships might come here, might come to the Indian Ocean or something like that; I said nothing much. Then I came here. I had to go immediately to the Rajya Sabha where it was my Question Hour. When the Question Hour was over I was coming out, I was half way out, I had left my seat, and I was half way out when an hon. Member of the Rajya Sabha....

Shri Daji: We are not concerned with the proceedings of the Rajya Sabha. You have prevented me from referring to them.

Mr. Speaker: I shall ask him also not to refer to them. I agree with the hon. Member. But that was referred to by another hon. Member who had asked whether it was in answer to a question there that he said this. Anyhow, I would suggest that reference need not be made as to how it happened there.

Shri Jawaharlal Nehru: What happened in the Rajya Sabha need not be talked about? All right. Then, where does the privilege come in? I should like to know.

Mr. Speaker: The press also had been given information.

Shri Jawaharlal Nehru: Is the hon. Member really serious in this kind of thing?

Shri Hari Vishnu Kamath (Hoshangabad): It is a question of convention.

Shrimati Renu Chakravartty (Barrackpore): That is the Speaker's ruling. What can we do?

Mr. Speaker: I shall come to my ruling later.

Shri Jawaharlal Nehru: First of all, I had no information then that you had fixed 19th. I did not, in fact, know it. I may have forgotten it. But even yesterday and after the 17th night, I said that it was not necessary for me to make a statement then, but I was told, and after yesterday I saw, that you had fixed today. I did not know on the 17th when I saw the press that you had said that. In fact, you said that afterwards; you did not say that before 17th, before I met the press, before eleven o'clock. I do not see therefore when the question of privilege comes in.

Mr. Speaker: The position is very clear, and in fact, I had given my decision on that very day that there might be a question of courtesy, propriety and desirability but there was no question of breach of privilege at all. I had said that. But then Shri Daji had raised the point that there was one distinction namely that it had been on the agenda of this House. Though strictly it was not put down as one of the items, yet I had announced it in the House that it would be taken up on the 19th.

I have studied all rulings up to this time not only in India but also in the United Kingdom. They are all uniform in this respect that statements by Ministers outside the House in regard to their policy matters or some such things do not constitute a breach of privilege of the House, though it is a matter of propriety, and courtesy as so demands, that they should be made in the House when the House is in session.

The portion that Shri Daji has read out has no relevance here. That portion says that a breach of privilege can be committed besides by words spoken and other things by other means also. There might be a diagram drawn out or any caricature or anything of that sort. That means that it can be done in many other ways and not only by words spoken. Therefore, that has a different import altogether.

Even so, I had the benefit of looking into decisions where really the matter had been on the agenda itself. Then too it has been held that it does not constitute in any case a breach of privilege at all. But courtesy demands that when there is such a thing then the statement should be made before the House. But there might be circumstances otherwise.

As the hon. Prime Minister has said more than once before, it is desirable that when the House is in session, any statement on matters of broad policy might be made here. But that was a statement which he has said he had made to the press. I am not taking notice of anything that might have happened in the other place. As regards the objection that it had been given to the press, as the Prime Minister has just now explained, the pressmen had met him before he entered this House at all. Therefore, there is no question of any breach of privilege in this respect so far as this matter is concerned.

As regards the other thing, I have already stated....

Shri Hari Vishnu Kamath: There is a slight discourtesy.

Mr. Speaker: ...that we have decided many times before, and the other day also I gave my decision on it.

So, there is nothing more than that I can do.

The House will now stand adjourned and meet again at 11 a.m. tomorrow.

Shri Hem Barua: What about the half-an-hour discussion?

Mr. Speaker: We cannot have it today.

17.36 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 20, 1963/Agrahayana 29, 1885 (Saka).