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Title : Notices of Question of Privilege against the Publication, 'The Pioneer'.

12.00 hrs.

RULING BY THE SPEAKER

Re: Question of Privilege

MR. SPEAKER: Hon. Members, on 12th August 2005, Shri Ramji Lal Suman, hon. Member, gave notice of a question of privilege under rule 222 of the Rules of Procedure and Conduct of Business in Lok Sabha against one Swapn Dasgupta, the correspondent of the newspaper '*The Pioneer*', which carried an article published on 7th August 2005 titled "Speaker asks for trouble". In his notice, Shri Ramji Lal Suman stated that the article was highly objectionable, as it had adversely commented on the prestige and dignity of the high office of the Speaker, and as it had raised doubts on the motive of the Speaker and tried to drag him into controversies. A copy of the relevant publication was enclosed to his notice.

Hon. Members Shri Devendra Prasad Yadav, Shri Sitaram Singh, Shri Ram Kripal Yadav, Shri Ganesh Prasad Singh and Shri Raghunath Jha also gave notices of privilege against the editor and printer of the newspaper and the said correspondent regarding the same publication on the ground that the impugned article questioned the impartiality of the Speaker and they further contended that it was a calculated attempt to defame the House and the high office of the Speaker.

Shri M.P. Veerendra Kumar also gave a notice of privilege against the correspondent in view of the contents of the above article.

After hearing Shri Ramji Lal Suman who raised the matter on the floor of the House, I made the following observations:

"I am thankful to you for taking up this matter and for raising it. Now, let me conduct this. You have made your observation. I do not want to linger this. I have already read that. I feel that there are some people who pay lip service to parliamentary democracy but try their best to denigrate this great institution. We need not take notice of all irresponsible and immature utterances made out of frustration and desperation. I treat all the motivated insinuations with the contempt they deserve and I close the matter."

Thereafter, several other hon. Members, namely, Prof. S.P. Singh Baghel, Prof. Ram Gopal Yadav, Shri Devendra Prasad Yadav, Prof. Vijay Kumar Malhotra, Shri Prabhunath Singh, Shri Mohd. Salim and Shri N.N. Krishnadas made submissions on the issue and because of the interruptions in the proceedings, I adjourned the House at 12.26 p.m. and held a meeting with the leaders in my room. The House reassembled at 12.47 p.m. when Shri Devendra Prasad Yadav made submissions on the issue and I observed that I would give my ruling next week.

Pursuant thereto, I wish to give my ruling as follows:-

In the impugned article, it has been alleged, amongst others, that the present Speaker of Lok Sabha has extra-territorial loyalty, that he is a committed Speaker, that he is partisan and that he has no sense of prestige, that he is highhanded in his behaviour and has no sense of fair play.

It is well established that the speeches and writings, which cast reflection on the character and impartiality of the Speaker in the discharge of his duty, constitute breach of privilege and contempt of the House (Kaul and Shukla's "Practice and Procedure of Parliament" (5th Edition) Pages 279-280).

In May's Parliamentary Practice (20th Edition) at page 159, it has been observed that the reflections on the character of the Speaker and the accusations of partiality in the discharge of his duty have been held to constitute breaches of privilege or contempt. At page 235 of the same edition of May's Parliamentary Practice, it has been observed that "reflections upon the character or actions of the Speaker may be punished as breaches of privilege. His action cannot be criticized incidentally in debate or upon any form of proceeding except a substantive motion."

According to me, the position in law is beyond any doubt and to anyone concerned with the parliamentary system, it is clear that the impugned article not only reeks of malice but is highly contumacious in its conception and in its contents as it deliberately accuses the Speaker of partiality and reflects on his character and actions as Speaker, which amounts to gross breach of privilege of the Speaker and also of the House.

It has been contended by some hon. Members on the floor of this House that journalists enjoy the freedom of Press and that one

is entitled to criticize the Speaker. The present Speaker has not claimed any immunity from any *bona fide* criticism, which no doubt has also to take note of the privileges of this great institution[m15].

Freedom of Press, a cherished fundamental right in our country, is subject to reasonable restrictions, as contemplated by the Constitution itself, and cannot and does not comprise of deliberately tendentious and motivated attacks on the great institutions of this Republic and their officers and functionaries. The freedom of Press does not also contemplate making of reckless allegations, devoid of truth and lacking in *bona fides*. In the name of exercising freedom of Press, there cannot be trial by the press in which it plays the role of both the accuser and the judge.

Freedom of Press also encompasses fundamental duties of the Press, which call for showing respect for others and responsible behaviour and cannot permit denigration of the constitutional bodies and the institutions and their important segments.

It should be noted that although the Presiding Officer of this House is publicly accused of improper behaviour and of partisanship, he cannot join in any public controversy. A most disquieting development is that when the matter has been raised in the House and the Speaker has reserved his ruling, there are open discussions in the Electronic Media as also in the same newspaper where the concerned correspondent and his Editor have tried to justify the allegations and thereby, in my opinion, have aggravated the breach of privilege. Significantly, the Speaker can only be a viewer of the so-called discussion and not a participant. The Speaker has to depend on the commitment of the hon. Members of this House, who are keen to preserve the dignity and the status of this great institution. Precisely, for this reason, I had expressed my thanks to those hon. Members, who raised the matter on 12th August, 2005 on the floor of this House because only by such reference, the exposure of the contumacious acts could be made. I have no manner of doubt that if such serious accusations of partisanship and libellous allegations had been made against the judiciary, it would have been glaring examples of contempt of Court.

While reiterating my view of the allegations, I wish particularly to refer to some deliberately factual misstatements made in the impugned article in an attempt to make out a case, so that the hon. Members and the country may be aware of the truth.

The impugned article refers to the so-called conflict between the Chair and one hon. Member over Parliamentary agenda and it has alleged that the said hon. Member felt that she was being gagged and as such had staged a dramatic protest. This accusation is clearly motivated. So far as I have been informed, the hon. Member attended the House only on one day in the current Monsoon Session. She had given a notice of Adjournment Motion on an issue identical with the one, which had been fully discussed for several hours as an Adjournment Motion only on 26th July last and as such could not be allowed under rule 58 (V) to be raised again in the same Session. She had not participated in the discussion and no other notice and I repeat, no other notice, or any intimation was ever submitted by the hon. Member to Lok Sabha nor to the office of the Speaker of her intention to raise any other matter or issue. Thus, there was no occasion for disallowing any matter, which the hon. Member wanted to raise during the whole of the Fourteenth Lok Sabha. In spite of this fact, baseless allegations of gagging one particular Member have been made and the motive is clear.

Further, it has been alleged in the impugned article that on an occasion, charges of highhanded behaviour (*Tanashahi*) had been made by some hon. Members directed at the Speaker, when it was categorically stated by the hon. Deputy Leader of Bharatiya Janata Party that the slogans raised by some hon. Members of his Party were directed at the Government and not at the Speaker. Such statement was given wide publicity and there is no reason to assume that the correspondent and others did not know of the same yet made the most scurrilous allegations against the Speaker.

Further, it has been alleged that in the Monsoon Session, 34 Calling Attention Motions had been admitted, of which 22 have been raised by the Left parties and that 14 of the 21 Short Duration Debates under Rule 193 have been initiated by the Left. These are nothing but imaginary particulars and I have no manner of doubt that this has been deliberately concocted with a view to bolster up the contrived attempt of alleging partisanship against the Presiding Officer. Anyone believing in truth or exactitude could not have made such reckless and tendentious allegations, which have only compounded the contumacious conduct[t16].

In this circumstance, when the contents of the impugned article, on their face, are grossly libellous and amount to contempt of the Presiding Officer of the House and thereby of the entire House and of the hon. Members thereof, what should be done? One wonders what is the dignity and prestige of this august House, when it has a Presiding Officer with such vices and negative attributes as has been depicted in the impugned article? I ask myself: "Does the publication even enhance the prestige of the Media in this country?" I yield to none in my regard for the Media and its right to discharge its functions in a *bone fide* and constructive manner.

Since assumption of this high office, I have been regularly meeting with the Editors and the leading Correspondents of the Media and have sought their co-operation and valuable suggestion. The Press is rightly described as the Fourth Estate, because without a free and responsible Press, alive to its duties and believing in truth and honesty, this democratic system would almost collapse. I only hope

that the fraternity to which the Correspondent belongs would consider the matter in its proper perspective.

As to the action to be taken, I have already made my observations on 12 August, 2005, which I reiterate with all the emphasis in my command. I believe that the disapprobation by large sections of this hon. House of the contents of the impugned article, clearly indicates their opinion that the publication is grossly contumacious and a deliberate affront to this hon. House, whereby gross breach of privilege has been committed. Submission has been made with considerable force and justification for reference of the matter to the Committee of Privileges.

However, to my mind, in view of the condemnation on the floor of the House, and as it would be beneath the dignity of this great institution to take further note of the motivated imputations in the impugned article, I do not give my consent as requested and I treat this matter as closed, of course, with the observation that in future reckless and contumacious conduct indulged in by whosoever may be would be dealt with in the appropriate manner so as to preserve and enhance the dignity of the highest public forum in our country.
