

[Translation]

SHRI RAM NAGINA MISHRA : Mr. Speaker, Sir, I want to say something about a very urgent matter... .. (Interruptions)

MR. SPEAKER : You may please sit down. If something is important, then come to me and discuss.

RULING RE : QUESTION OF PRIVILEGE AGAINST COMMISSIONER OF POLICE, CALCUTTA FOR FAILURE TO INFORM THE SPEAKER ABOUT ALLEGED ARREST OF A MEMBER

[English]

MR. SPEAKER : I had received notices of a question of privilege from Shrimati Geeta Mukherjee and Shri S. Jaipal Reddy on 25th and 26th November 1985 respectively, against the Commissioner of Police Calcutta, for his failure to inform the Speaker about the alleged arrest of a Member of this House in Calcutta on 19th September 1985. When some Members sought to raise the matter in the House on 25th November 1985, I told them that I had not been intimated about any arrest. I said, "I have got certain information which does not pertain and does not specifically mention about any M. P."

On 25th November 1985, I received another notice of question of privilege signed jointly by Sarvashri Basudeb Acharia, Saifuddin Chaudhury, Ajit Kumar Saha, Anand Pathak and Anil Basu, against 'The Telegraph' for publishing a news item to the effect that the Speaker had been duly informed about the arrest of the Member. Since the Speaker had denied receipt of such information, the Members alleged that 'The Telegraph' had committed a breach of privilege of the House.

On 25th November 1985 itself, I referred the matter to the Ministry of Home Affairs for facts.

On 26th November 1985 when the matter was again sought to be raised in the House by some Members, I informed the House that I had received an ambiguous

communication on 18th November 1985. No notice of this could be taken as it was unsigned. No official intimation by phone, telegram, telex or letter was received by me. At 5.20 p.m. on that day, i. e. 26th November 1985, I received a copy of a crash teleprinter message dated 17th November 1985 from the Deputy Secretary to the Government of West Bengal, Home (Political) Department, through the Ministry of Home Affairs. This also did not contain any specific and categorical statement regarding the arrest of a Member of Parliament. To quote, it said, "... The arrested person appears to be identical with Shri Prakash Chandra, M.P. from Bihar..." The message also referred to the tally of signatures, identification of photograph, etc.

On 2nd December, 1985 I received a communication dated 29 November 1985 from the Commissioner of Police, Calcutta, intimating *inter alia* that 'Shri Prakash Chandra was arrested in connection with Park Street PS case No. 579 dated 19.9.85 under sections, 3,4,5,6 and 7 of Suppression of Immoral Traffic in Women and Girls Act, 1956..... It was given out by Shri Prakash Chandra that he was a resident of 11 Dacres Lane, P.S. Hare Street, Calcutta. It was not divulged by him at the Police Station that he was an M.P. at any point of time... A photograph of Shri Prakash Chandra, M.P. of Bihar was published in the weekly 'Sunday' dated 10.11.85. The officers who had conducted raids on 19.9.85 could identify the said photograph as that of the person Prakash Chandra who was arrested on 19.9.85..... It appears from the facts ascertained during investigation that the arrested person who gave out his name as Prakash Chandra, s/o Prabir Chandra, was in fact Shri Prakash Chandra MP of Bihar. The report of Director, Questioned Document Examination Bureau, CID, West Bengal, was received on 17.11.85 which for the first time confirmed that the arrested person was Shri Prakash Chandra, MP and the same evening (17.11.85) a report was sent addressed to the Hon'ble Speaker, Lok Sabha, through the quickest possible means—the Teleprinter service of Subsidiary Intelligence Bureau, Calcutta. Shri D.C. Nath, Deputy Director, SIB, Calcutta, later informed that as the Teleprinter service was closed at the time when the message was

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received, the message was sent through telephone on 17.11.85 to Control Room, Intelligence Bureau, Ministry of Home Affairs, New Delhi, for transmission to you. It was sent again through teleprinter the next morning (18.11.85) at 09.20 hours vide TPM. No 1329 dated 18.11.85 to Control Room of Intelligence Bureau, Ministry of Home Affairs, New Delhi."

I find that even this communication of 2nd December 1985 is not unequivocal in stating that the person arrested was a Member of Parliament in as much as it uses the language, "It appers etc."

As I have already stated, I did not take any note of the unsigned communication and in the absence of any further authentic/official information, I referred the matter to the Ministry of Home Affairs as soon as the question was raised in the House. If the teleprinter service was not working, the local authorities should have found it possible to send the communication directly to me or to my office through telephone or telegram. This was not done.

The Member, Shri Prakash Chandra, has also since written to me (on 2nd December) categorically denying his involvement in the alleged incident in Calcutta and questioning the veracity of the statements in the Police Commjssioner's Report.

The whole matter, including that of the identity of the person involved in the incident, is before the court. As the matter is *sub-judice* as per well-established practice no further action is called for at this stage. I, therefore, do not give my consent to the questions of privilege given notice of by Smt. Geeta Mukherjee, Shri Jaipal Reddy, Shri Basudeb Acharia and other.

SHRI S. JAIPAL REDDY : Sir

MR. SPEAKER : Rulings are not to be questioned.

(Interruptions)

12.06 hrs.

RULING RE : QUESTION OF PRIVILEGE
AGAINST SHRI R. N. GOENKA

[English]

MR. SPEAKER : on 2nd December, 1985. Shri K. P. Unnikrishnan and Prof. Madhu Dandavate gave two separate notices of question of privilege against Shri R. N. Goenka, for allegedly casting reflections on Members, the House and its proceedings of 26th November, 1985, relating to discussion on a motion under rule 184 about the removal of Shri Jagmohan from his office of Governor of Jammu and Kashmir, in an article published in the *Indian Express* in its issue dated 30th November, 1985.

Shri K. P. Unnikrishnan has stated that "In the article in question, the author has deliberately and wilfully attacked Minister of State for Law, Shri H.R. Bhardwaj and present Parliament. He has even made an insinuation about conduct of proceedings in Parliament which goes far beyond the right of free comment." Prof. Madhu Dandavate has stated that ".....it is not only showing contempt for the Minister but for Lok Sabha as well and that too deliberately". Both the Members have alleged that Shri R. N. Goenka has committed a breach of privilege and gross contempt of the House.

I have carefully gone through the article by Shri R. N. Goenka published in the *Indian Express* dated 30th November, 1985. I find that the tone and tenor in which the article is written is not becoming of a person who has himself been a member of this House and is well aware of its rights and privileges. In a democracy the Press has every right of fair criticism, but it should not be used in a manner so as to put the institution of Parliament and its members into disrepute or lower their dignity in the eyes of the public.

It appears that in the heat of a controversy in which he himself was involved, Shri Goenka has over-reacted to the reply of the Minister of State in the Ministry of Law and Justice to the discussion on the motion.