

(Shri Arun Singh)

- ii) The Economic Intelligence Bureau of the Ministry of Finance were also desired by the then Defence Minister to carry out a systematic study of the modus operandi of the agents, Indian and foreign.

The Defence Secretary has written to the Finance Secretary in pursuance of these directions as per the draft letter approved by the then Defence Minister.

- iii) The committee under the Defence Secretary to study the modus operandi of agents has also been constituted and has begun its work.

I wish to categorically state before the House that the Department of Defence of the Government of India has not appointed any agent authorised to act on its behalf in respect of any defence contract.

(Interruptions.)

I would also like to assure the House that the most stringent procedures have been laid down to ensure quality and technical parameters of equipment procured by the Department of Defence,

(Interruptions)

MR. DEPUTY SPEAKER: Why are you interrupting? No interruption, please. I am not allowing any interruptions.

SHRI ARUN SINGH: No equipment is purchased.....

SHRI NARAYAN CHOUBEY (Midnapore): Question.

MR. DEPUTY-SPEAKER: Why are you interrupting? No interruptions please. I am not allowing any interruptions.

(Interruptions)

SHRI ARUN SINGH: May I repeat? No equipment is purchased without technical certification of acceptability from the concerned Service Headquarters.

On assuming office, the Prime Minister reiterated the existing instructions that the Department of Defence should not deal with any non-governmental agent of a foreign supplier in respect of any commercial negotiations. The Prime Minister also directed that foreign governments and suppliers should be told unequivocally about the decision. This policy directive has been enforced rigorously by the Department of Defence with satisfactory results.

12.10 hrs.

RULLING RE : QUESTION OF PRIVILEGE AGAINST THE TIMES OF INDIA, THE HINDUSTAN TIMES AND THE INDIAN EXPRESS FOR GIVING ADVANCE PUBLICATION TO NOTICE OF MOTION FOR REMOVAL OF SPEAKER

[English]

MR. DEPUTY SPEAKER: The House will now take up Item No. 8, that is motion for leave to move the resolution regarding removal of the Speaker given notice of by Shri Somnath Chatterjee and 14 other members on 30th March, 1987. The notice was extensively reported in the newspapers of 31st March, 1987. The same day, that is on 31st March, 1987, three members, namely Sarvashri Ram Singh Yadav, Pratap Bhanu Sharma and Shanta Ram Naik, gave notices of question of breach of privilege under Rule 222 against the *Times of India*, *The Hindustan Times*, *The Indian Express* and *The Statesman* for giving advance publicity to the notice of motion for removal of Speaker in their issues of that date. The matter was sought to be raised by the members in the House on the 31st March itself and again on 1st April, 1987.

Even before the notice of a resolution for removal of the Speaker was received by the Secretary-General, as required under Rule 200 of the Rules of Procedure, it was widely and repeatedly mentioned in the press that such a notice was being given. After the notice was given on 30th March, 1987, a

member stated on the Floor of the House, "I take the responsibility of saying that I have given this information (to the press)".

To take the privilege issue first, I have looked into the matter in depth. I may inform the House that giving of advance publicity to notices for raising matters in the House is in contravention of the Rules of Procedure and Conduct of Business in Lok Sabha. Rule 334A reads as follows:—

"A notice shall not be given publicity by any member or other person until it has been admitted by the Speaker and circulated to members."

The rule is thus quite clear and what has been done is a violation of the Rule. Successive Speakers have ruled that it is a breach of propriety to give advance publicity to notices which are yet to come up before Parliament for consideration.

In a similar case in 1975, premature publicity was given to a notice of motion for removal of the Speaker by a newspaper. When a member sought to raise the matter in the House, the Speaker observed, 'inter alia', as follows :—

"Procedure should be followed correctly and in spirit. I respect the Constitution. I respect the rules. But I also expect that the liberty should not be converted into a licence."

In view of the unconditional apology tendered by the Editor of the 'United News of India' the matter was treated as closed.

In view of the wide publicity that has been given in the instant case, I deem it my duty to remind the members that the rules and well-established conventions of this House apply to all sides of the House equally. They bind not only the Presiding Officers themselves but also every member on every side of the House. Neither the members of the ruling party can violate them with impunity simply because they are in majority, nor can the opposition members flout them because they are in the opposition. I, therefore, hold that the extensive and repeated publicity given to the notice for

removal of Speaker not only after it was received by the Secretary-General but even before that, was most unfortunate and deplorable. Matters concerning day to day functioning of the House are best settled through well-settled Parliamentary channels rather than through the columns of the press. I would, therefore, urge upon all sections of this House to cooperate with the Chair in the observance of the rules and well-established conventions of this House. I would also urge upon the press to refrain from giving publicity to notices in clear contravention of the rules.

So far as the question of breach of privilege is concerned, according to well-established parliamentary practice, usage and convention, it is improper, although not technically a breach of privilege or contempt of the House, to give, for any reason, premature publicity in the press to notices of motions, etc. **Breaches of rules, conventions and practices are not regarded as breaches of privilege.** Breaches of rules and propriety may invite the censure of the House on a proper motion or displeasure of the Speaker but cannot be allowed to be raised as breaches of privilege or contempt of the House. Therefore, Shri Ram Singh Yadav, Pratap Bhanu Sharma and Shantaram Naik do not have my consent to raise the matter as one of privilege.

So far as the question of admissibility of the notice is concerned, I am of the view that the advance publicity given to it in violation of Rule 334A has vitiated the notice itself. Further, the notice suffers from many infirmities which I should like to place before the House. As members are aware, Article 94 of the Constitution confers upon the House the power to remove the Speaker by a resolution passed by "a majority of all the then members of the House" Rules 200 to 203 framed under this Article lay down the procedure to be followed in this respect. But that is not all. Such a resolution is governed not only by the aforesaid Article of the Constitution and the rules mentioned above, but also by Article 96 of the Constitution and the general rule applicable to other resolutions, viz. Rule 173 of the Rules of Procedure.

[Mr. Deputy Speaker]

Article 96(2) provides, "inter alia", that the Speaker shall have the right to speak in, and otherwise to take part in the proceedings of the House when any resolution for his removal from office is under consideration in the House.

Rule 173 of the Rules of Procedure, "inter alia", provides that in order that a resolution may be admissible, it shall satisfy the following conditions, namely :—

- (i) it shall be clearly and precisely expressed ;
- (ii) it shall raise substantially one definite issue ;

In the light of the foregoing, the resolution should have been specific with respect to the charges. The notice under consideration refers to "rulings given by the Speaker of the House including the one on March 19, 1987, on the question of privilege and adjournment motions" It also speaks of denial by the Speakers their right to raise "vital constitutional issues and procedural issue and burning problems". It is, therefore, not at all specific with respect to the charge.

Viewed in the light of the constitutional provisions as well as the requirements of the Rules of Procedure, as mentioned above, I am of the view that it is not a matter of more technicality but one of substance. As the Speaker has the right to participate in and to vote on such a Resolution, it is only fit and proper that he must know precisely what the charges against him are so that he could reply to them. Principle of natural justice also demand the same. In as much as the charges are not specific, are not "clearly and precisely expressed" and do not raise "one definite issue" of which due notice has been given, the resolution would be 'prima facie' out of order. Also, as stated by me earlier, the notice stands vitiated by advance publicity and violation of Rule 334A.

However, notwithstanding all this, I would not like to stand between the members who have given the notice and the rest of the House. Since this happens to be a

resolution given under Article 94 of the Constitution and concerns the removal of the Speaker himself, I would leave it to the House to decide for itself whether leave should be granted to the member (the first signatory to the notice) to move the Resolution. Rule 200(2) provides that "a motion for leave to move the resolution for removal of Speaker shall be entered in the List of Business on a day fixed by the Speaker, provided that the day so fixed shall be any day after 14 days from the date of receipt of notice of the resolution". Since this involves the removal of the Speaker, today being the earliest opportunity under the rules, the matter is being placed before the House. Therefore, I now call upon Shri Somnath Chatterjee to ask for leave of the House to move the Resolution.

(Interruptions)

SHRI PRATAP BHANU SHARMA : (Vidisha) : I am on a point of order. The text of the Resolution is totally baseless and misleading. I wanted to draw your attention to

(Interruptions)

MR. DEPUTY-SPEAKER : I cannot allow any discussion now. I cannot give any ruling.

(Interruptions)

MR. DEPUTY-SPEAKER : You should have raised before, not now. Please take your seat.

(Interruptions)

MR. DEPUTY-SPEAKER : I have given my ruling. You cannot raise it now.

Mr. Chatterjee.

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12.20 hrs.

RESOLUTION RE : REMOVAL OF THE SPEAKER FROM OFFICE

(English)

SHRI SOMNATH CHATTERJEE (Bolpur) : I beg to move for leave of the House to move the following Resolution :—