

was in the group or in the darbar. I did not want to say anything. But when it appeared in the Press and verified whether that statement was issued, it was not merely..... Then I called a meeting of my colleagues and took decision. Otherwise, I would not have done it. It was for me a very painful thing to do. I would never have spoken about it. But today I have had to speak. Otherwise, the facts would not be known. That is why I have spoken.

The question comes about my son. That also I have never....

SHRI VASANT SATHE: That is you Achilles'. A heel!

SHRI MORARJI DESAI: You may say Achilles' heel. A person who has nothing but Achilles' heel sees Achilles' heel everywhere. That is all. I do not believe in Achilles' heel. I have made my position very clear. I have said if any member gives it in writing, I will refer it immediately to the Chief Justice of India, because the Chief Justice of India will then ask that man to give him prima facie evidence. If he does not do it, then he can be sued by my son for defamation. That is the remedy available to him. How I can allow these things to happen like this? (Interruptions) I am not going to be bamboozled into things like this. Let it be understood (Interruptions). When I pointed out to Shri Charan Singhji as it is read out now, that these were the things which were being talked, he thought I was angry. That was not so. He said, Appoint a commission against the members of my family. What prevented him from doing it? He was the Home Minister. He could have done it. (Interruptions) If he had done it, I would have done it too. But how can I do it? It would have been wrong for him to do it. I would not say I would not do it. But if he had done it, then I would have been forced to do it.

SHRI C. M. STEPHEN (Idukki): The question is, when the Home Min-

ister of India put up a proposal like that, why did you stand in the way?

(Interruptions)

SHRI MORARJI DESAI: He cannot find anything against me. Therefore he gets at such things and wants to utilise them against me. I do not deny him the satisfaction of doing it. I do not want to enter into an argument. Therefore, it will be seen that I have tried... (Interruptions)

MR. SPEAKER: You are converting it into a debate. This is not a debate.

SHRI MORARJI DESAI: I do not want to enter into an argument on this issue here, because I have spoken sufficiently about it. I do not want to dilate on it.

SHRI C. M. STEPHEN: You have not answered my point at all.

SHRI MORARJI DESAI: Therefore, I would leave it to my hon. friends to judge as to whether I have in any way done anything wrong in asking for the resignation of Shri Charan Singhji as I did. (Interruptions).

MR. SPEAKER: I have some announcements to make.

13.53 hrs.

#### RULINGS BY SPEAKER RE. QUESTIONS OF PRIVILEGE

MR. SPEAKER: Dr. Subramaniam Swamy had given notice of a question of privilege against Shri Nikhil Chakravorty, Member of Press Commission and Editor of the *Mainstream* and the Editor of the *Patriot* for publishing in the *Patriot* dated the 8th December, 1978, Shri Nikhil Chakravorty's remark that Dr. Subramaniam Swamy had made a "scurrilous allegation" against Shri Nikhil Chakravorty in the House.

Shri Nikhil Chakravorty as well as the Editor of the *Patriot* have both sent their letters of apology for using

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and publishing the remark "scurrilous allegation" in reference to Dr. Subramaniam Swamy.

In view of the apology tendered by both of them, the matter may be treated as closed.

**DR. SUBRAMANIAM SWAMY** (Bombay North-East): Is there any condition in the apology.

**MR. SPEAKER**: It is unconditional apology.

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): What has happened to my privilege motions, one against Mr. Stephen and the other one against Mr. Shakhder, Shri B. N. Tandon and Shrimati Indira Gandhi... (*Interruptions*). What happened to those two privilege motions? They are trying to shield the people. (*Interruptions*).

**MR. SPEAKER**: On the 12th December, 1978, during the discussion on the Third Report of the Committee of Privileges, Shri C. M. Stephen had stated that Shri B. Shankaranand, a Member of the Committee of Privileges, had written a letter to the Chairman, Committee of Privileges, from Bombay stating *inter alia* that he had been in hospital for a major operation and that he had not received any notice about the sitting of the Committee of Privileges. In that letter, Shri Shankaranand had also requested that if any meeting of the Committee was scheduled to be held in the near future, it might be postponed to a later date to enable him to attend the meeting. Shri Stephen contended that in spite of that letter the Committee held the meeting on the 19th August, 1978, and they took up the major question as to whether Shrimati Indira Gandhi was liable to take an oath.

Shri Samar Guha, Chairman of the Committee of Privileges, had thereupon intervened and stated that the letter received from Shri Shankaranand had been thoroughly discussed by the Committee and "the Committee unanimously agreed that the meeting should not be postponed."

According to the minutes of the sitting of the Committee of Privileges held on the 19th August, 1978—

"The Chairman informed the Committee of the factual position on the points raised by Shri B. Shankaranand, M.P. in his aforesaid letter and stated *inter alia* that in his earlier letter dated the 19th July, 1978 which was considered by the Committee at their sitting held on the 21st July, 1978, Shri B. Shankaranand had only requested that the sitting of the Committee might be fixed after the 15th August, 1978. He had not requested that the notice and other papers of the Committee might be sent to him at the hospital address in Bombay where he was to undergo a major operation. He had not also given any instructions to the Lok Sabha Secretariat that his parliamentary papers might be sent there. According to the practice followed during sessions of Lok Sabha, the notice and papers relating to the Committee were duly delivered at his New Delhi address in the absence of any instructions to the contrary from him and signatures obtained in receipt thereof.

The Committee, after considering all aspects of the matter and the points raised by Shri B. Shankaranand in his aforesaid letter, decided to continue their proceedings."

At that stage Dr. V. A. Seyid Muhammad is said to have observed as follows:

"Normally, I agree that when the session is taking place you must send that to Delhi address but in the off-session period, it should be sent to his home address, to his constituency address. Here is a peculiar situation of the person or a Member who has been undergoing an operation and he is writing to this Committee that he has undergone an operation, and he is in the hospital. One or two replies have been sent and correspondence was going on. In these

circumstances I draw your attention to Rule 334(1):—

"The Secretary-General shall make every effort to circulate to each member a copy of every notice or other paper which is required by these rules to be made available for the use of members."

"Now can we say that all efforts had been made to send the notice and the papers to him. I can understand if it was not known to the committee that he is in the hospital and undergone an operation."

After some discussion in the Committee, the Chairman is said to have observed as follows:

"If we postpone, next time some other Member may not be able to attend."

Now, is there any objection to hold the meeting today?

At that stage several members said that they had no objection but Dr. Seyid Muhammad said:

"I would only say that propriety requires that he is given proper notice."

Thereafter the Chairman is reported to have observed:

"I take it that the decision of the Committee, considering all aspects of the matter and Shri B. Shankarand's letter, is that we hold the meeting today."

Further proceedings show that no member of the Committee thereafter expressed disagreement with the observations of the Chairman.

Under the circumstances, I think, the matter should rest at that.

**SHRI M. SATYANARAYANA RAO** (Karimnagar): The Chairman said that it was a unanimous decision but it was not a unanimous decision.

**MR. SPEAKER:** I have read out the proceedings.

In his notice under Rule 222, Shri Eduardo Faleiro, M.P., has raised an interesting question. I have not been able to get any precedent on the point raised by Shri Faleiro. Hence it has to be decided on first principles.

14 hrs.

According to newspaper reports, some of the parties in this House had discussed the question of privilege against Shrimati Indira Gandhi in their party meetings. It is not known whether any of them had issued any whip to their party members. Some of the parties were also reported to have taken decision as to how they should approach the question. The Prime Minister in his comments on Shri Faleiro's motion has informed me that the Janata Party has not issued any whip in regard to the privilege motion before the House. But I had discussed the matter in accordance with the usual practice. The Prime Minister has further stated that his action in wanting to know of the views of the party in coming to his own judgement does not constitute any breach of privilege.

The earlier rulings in this House have established that the House will not take note of any discussion at party meetings

When the House decides a question of breach of privilege, it functions as a quasi-judicial body. Political considerations are irrelevant. Therefore, the motion before the House cannot be viewed from a partisan angle. But even in a matter like this, there is nothing wrong for a party discussing the matter so that members may have an opportunity to convince members about the right approach to the motion before the House. That being so, I am unable to hold that the facts set out by Shri Faleiro in his motion amount to any contempt of the House.

Hence, consent asked for is not accorded.

SHRI P. VENKATASUBBAIAH: (Nandyal): Sir, what about my motion?

MR. SPEAKER: They have given an unconditional apology.

SHRI P. VENKATASUBBAIAH: Sir, you must read it out. I have written to you.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, what about my notice?

MR. SPEAKER: You do not have precedent every time.

In regard to the article in the *Illustrated Weekly*, in view of the unconditional apology tendered by the Editor and Publisher, the matter may be dropped. The hon. Member who has given notice....

SHRI P. VENKATASUBBAIAH: Please read out the whole thing.

SHRI M. SATYANARAYANA RAO: You are not reading out the entire matter.

MR. SPEAKER: This motion is against the Editor and Publisher of the *Illustrated Weekly* for casting reflection on the Members of Parliament. In the Editor's Page, under the caption "Pensions of MPs" in the issue dated 5th November, 1978 they have mentioned certain things.

SHRI P. VENKATASUBBAIAH: What did they say? (*Interruptions*) In the case of Dr. Subramaniam Swamy, the whole thing has been mentioned. Let me read it.... (*Interruptions*). I will read it.... (*Interruptions*).

MR. SPEAKER: In that case, there was only one word, "scurrilous".

SHRI VASAT SATHE: The whole background was mentioned there.

MR. SPEAKER: There is only one word "scurrilous."

SHRI P. VENKATASUBBAIAH: With your permission, I will read it... (*Interruptions*)

SHRI P. VENKATASUBBAIAH: The apology of the Editor must be published in the *Illustrated Weekly*.

MR. SPEAKER: I will ask him to publish it. That is another matter. I will direct him to publish it.

14.05 hrs.

RE. EXPLOSION OF BOMBS AT CALCUTTA RESIDENCE OF PROF-SAMAR GUHA, CHAIRMAN, COMMITTEE OF PRIVILEGES

PROF. SAMAR GUHA (Contai): Sir, I have to communicate to this House that last night at about 11 p.m. at my Calcutta residence two high powered bombs were thrown and my two-storeyed building was shaken. Fortunately the doors and windows were closed. My wife and my minor daughter live there I think that I have to discharge my duty as the Chairman of the Privileges Committee with my clean conscience and faith in God. I am not seeking any kind of favour from anywhere, but I draw your attention and the attention of the House through you, Sir, that if a Chairman has to function and function with his conscience and with a sense of duty and responsibility to this House and if that Chairman is subjected to terror and this kind of a things, whether it should be considered as a bomb thrown to the dignity, honour and will of this House, I leave this question to you. It is up to you to see whether this House has any duty to condemn this kind of thing or not. I personally am not seeking any favour.

MR. SPEAKER: Now, Papers to be Laid on the Table.