

12.27 hrs.

**QUESTION OF PRIVILEGE—Contd.**

**SHRIMATI INDIRA GANDHI'S PRESS STATEMENT RE. CERTAIN STATEMENT MADE BY THE MINISTER OF HOME AFFAIRS ON 13-7-1977**

**MR. DEPUTY-SPEAKER :** On the 18th July, 1977, Shri Gauri Shankar Rai sought to raise a question of privilege against Shrimati Indira Gandhi for issuing a press statement containing alleged reflections and attributing motives to the Minister of Home Affairs, Shri Charan Singh, in respect of a statement made by him in Lok Sabha on the 13th and 14th July, 1977.

I am referring this matter to the Committee of Privileges under rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report.

**MANY HON. MEMBERS** rose—

**SHRI C. M. STEPHEN (Idukki) :** Sir, I have written to you to seek your permission to raise a point of order before you give your ruling.

**MR. DEPUTY-SPEAKER :** Once the ruling is given, there is no point of order. I held that the other day also. When I have already come to a conclusion, there is no question of any point of order.

**SHRI C. M. STEPHEN :** Your ruling is there and it has to prevail. Kindly listen to me. Yesterday, Shri Rai made a statement here .... (*Interruptions*)

**MR. DEPUTY-SPEAKER :** Please let me hear his point of order.

**SHRI C. M. STEPHEN :** Our Rules of Procedure and Conduct of Business contain definite provisions as to how the questions of privileges have to be dealt with. This is not a matter where anybody personally is involved. I am not challenging the ruling. Even Shri

Jyotirmoy Bosu made a point; I am also making a point.

Even on a previous occasion, when somebody raised a matter here otherwise than under Rule 222, the Chair ordered that he would give a ruling. On the next day, he came out with the ruling that he was referring the matter to the Committee of Privileges. There is a specific procedure set out in the Rules of Procedure and Conduct of Business and the Rules of Procedure, as far as Lok Sabha is concerned, are different from the Rules of Procedure of the House of Commons. In the House of Commons no previous permission is sought for, no previous permission is necessary and anybody can raise a matter in the House and the Speaker can give a ruling. Here, the position is different. Under Rule 222 it is compulsory that you give permission and the matter comes on the agenda paper and what should be done is stated thereafter.

Once the matter is raised, it comes into the possession of the House. The matter is in the possession of the House and the House must have an occasion to discuss this whole matter. Of course, you have got an extraordinary jurisdiction to refer the matter to the Committee of Privileges at any time you choose, but, that depends upon the special circumstances of the case.

First, I am submitting: was it that under rule 222 that Mr Rai raised this matter yesterday? As far as my understanding goes and as far as what you stated yesterday, it was not under Rule 222 because no previous permission was given to him at all. He just raised. Therefore, you said that you would give a ruling today.

My submission is that now it is the settled practice of this House that anybody wanting to raise a point of privilege must write to the Speaker

and the Speaker must give his sanction and then it has got to be raised. Once it is raised, it becomes the property of the House. This has been elaborately commented upon.

The question whether a matter complained of is actually a breach of privilege or contempt of the House is entirely for the House to decide, the House alone is the master of its privileges. The Speaker, in giving his consent to the raising of a matter in the House considers as a question of privilege, considers only whether the matter is fit for further inquiry and whether it should be brought before the House.

Here, what has happened? Before giving permission to Mr Rai to raise this matter before this House and before his raising this matter under Rule 222, you permitted this matter to be aired in this House, under no rule whatsoever, and then, on the basis of what he stated before this House and without permitting this House to consider this matter, as if it is peremptory, you have come out with a ruling regarding the matter....

MR. DEPUTY-SPEAKER: Now, you are going...

SHRI C. M. STEPHEN: In two minutes I am finishing.

The point we are now discussing is a very serious matter. We are protected. Members of Parliament are protected... (Interruptions) Not about Indira Gandhi. That is not the question... (Interruptions) Now you have given the ruling. It goes to the committee. I am not challenging that at all. But, for the purpose of guidance now, the question is this. We, the Members of Parliament, are completely protected. We make a criticism against persons outside. The question is: whether the affected persons—they have no right to go to the court of law—have got a right to make the criticism, and, if a criticism is made,

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does it become a question of privilege? This matter was dealt with in this House and there are rulings to the effect in this matter.

In a case in Lok Sabha, where one political leader was reported in a newspaper to have said in a public speech that the representatives of a political party in the legislature were "people whom any first class magis-trade would round up" and were "men without any ostensible means of livelihood", the Speaker Ayyangar disallowed the question of privilege. This was the statement. That was challenged and Speaker Ayyangar gave the ruling and he said that there was no question of contempt of the House. Speaker Ayyangar referred to the following ruling of the Speaker of the House of Commons in a case in which during the course of a public speech, as reported in the *Daily Mail*, a section of the House had been referred to as "The Crazy Hories, the wretches, the rascals, the rapscallions"

'...hard words used against persons and parties are dealt with, if necessary, by the law of defamation, and it is only where the House as a whole is affected by the spoken word that, to my mind, a question of privilege arises. In this case, it seems to me that these offensive epithets are selective in their application. Therefore, of the words complained of, I could not really find a *prima facie* case of breach of privilege.'

Then, again, in the *Daily Mail* case. it is said:

"...it is not consistent with the dignity of the House..."

MR. DEPUTY SPEAKER: Now, the hon. Member is going into details....

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order.

**SHRI C. M. STEPHEN :** I am closing, concluding.

"...that penal proceedings for breach of privilege should be taken in the case of every defamatory statement which, strictly, may constitute a contempt of Parliament. Whilst recognizing that, it is the duty of Parliament to intervene in the case of attacks which may tend to undermine public confidence in and support of the institution of Parliament itself..."

**MR. DEPUTY SPEAKER :** You cannot go into the merits.

**SHRI JYOTIRMOY BOSU :** Are you allowing him? The matter is now in the hands of the Privileges Committee.

**SHRI C. M. STEPHEN :** Let me finish my speech and I will take my seat.

**SHRI JYOTIRMOY BOSU :** The matter is in the hands of the Privileges Committee. He wants to prejudice the Committee. Therefore, it should be treated as a matter which is *sub judice*. He should not be allowed to proceed any more in the matter.

**SHRI C. M. STEPHEN :** While recognising that it is the duty of the Parliament to intervene in case of attack which might contain something to undermine the public confidence in and support of the institution.....

(Interruptions)

**SHRI JYOTIRMOY BOSU :** You have given a ruling. Let the Privileges Committee take charge of this.

**SHRI C. M. STEPHEN :** I have nearly finished. I wish to say that no question was raised under 222.

**SHRI JYOTIRMOY BOSU :** They are seized of the matter. He is deliberately prejudicing the case. He is trying to influence the decision of the Privileges Committee. It is unfair.

**SHRI C. M. STEPHEN :** In view of the fact that no question was raised on the floor of the House under 222, in view of the fact that ruling being on the basis of what was submitted to the House, the matter having become the subject matter on the floor of the House and the House being in possession of this matter, I submit that the House must be given permission to discuss this matter before a decision is taken to refer this matter to the Privileges Committee.

**MR. DEPUTY SPEAKER :** There is no question of debate on this. I will give Mr. Stephen the factual position of what happened on Saturday. Shri Gauri Shankar Rai came into my chamber, I think, five or ten minutes before the House started. Of course, he wanted to raise the privilege. I allowed him to raise it in the House. What I said was "I will have to go through all the papers and the statement that Mrs. Gandhi had given, before deciding whether there is a *prima facie* case for sending it to the Privileges Committee." That is what I had gone into. I have come to the conclusion and I have given the ruling.

(Interruptions)

**SHRI VAYALAR RAVI (Chirayinkil) :** Under Rule 222 I beg to move the breach of privilege against Shri Charan Singh who made a statement in the House that there was a plan to kill opposition leaders in jail.

(Interruptions)

**SHRI VASANT SATHE (Akola) :** You allow it to be referred to the Privileges Committee on the same analogy.

**SHRI JYOTIRMOY BOSU :** Under what rule?

(Interruptions)

**SHRI JYOTIRMOY BOSU :** You cannot do it.

**SHRI VASANT SATHE :** How can you stop him?

**MR. DEPUTY SPEAKER:** Let Mr. Ravi speak.

**SHRI VAYALAR RAVI:** While speaking on the Demands of the Ministry of Home Affairs Shri Charan Singh said that there was a plan to shoot the opposition leaders during emergency. This was reported in the Press. It created an impression that there was a real plan to kill the opposition leaders. That was raised in the House. I ask under Rule 222....

**SHRI JYOTIRMOY BOSU:** Under what rule he is speaking.

**MR. DEPUTY SPEAKER:** Mr. Ravi, I have received notice of whatever you are trying to read. Let me go through that.

12.40 hrs.

**MATTER UNDER RULE 377**

**REPORTED LOCK-OUT BY PFIZER LTD. IN ITS THANA PLANT**

**SHRI JYOTIRMOY BOSU:** I have given notice under 377 stating that Pfizer's Co., a multi-national corporation, which is making billions of rupees a year, have given notice declaring lock out in its Thana Plant from 18th July, 1977. They have thereby thrown out of employment more than thousand employees. This is manufacturing life-saving drugs, antibiotics, vitamins and pharmaceutical products. I would request the Minister concerned to make a statement on the floor of the House, and assure us that nothing will be allowed to happen, nothing will be allowed to disturb, the life of the nation and the life of the workers.

**MR. DEPUTY SPEAKER:** Mr. Vayalar Ravi, I will allow you under Rule 377.

**SHRI VAYALAR RAVI (Chirayin-til):** I am withdrawing it.

**SHRI K. LAKKAPPA (Tumkur):** With your permission, Sir, I want to raise an important issue.

**MR. DEPUTY-SPEAKER:** Please sit down. We have asked for information.

12.41 hrs.

**FINANCE (NO. 2) BILL, 1977—Contd.**

**MR. DEPUTY-SPEAKER:** The House will now resume further discussion on Finance (No. 2) Bill. Now it is 12-40. Four Hours are left. It includes the Minister's reply. He will take about one hour. This will go on till 3-40. I think the Minister will start his reply round about 3-40, or 3-30. We will now proceed with the discussion. Shri Pradhan.

**SHRI PABITRA MOHAN PRADHAN (DEOGARH):** Mr. Deputy Speaker, Sir, I was telling the House that poverty cannot be fully eradicated. To remove unemployment is the prime necessity of society and also of the Government. Unemployment cannot be removed by merely opening some industrial concerns, factories, mines and mills. Agriculture should be diverted to industries. Unless this is done Government cannot remove unemployment in society. I do not believe in the figures saying that so many millions are unemployed. These figures given out by Employment Exchanges are based on and restricted to only to the towns and the suburbs of the towns and the unemployed people living therein.

But, the entire unemployed population in the villages are not taken into consideration. It is a fact that nearly 80 per cent of the people of the country remain in villages and we do not take into consideration whether those people are employed or unemployed. In the villages, my point is that fifty percent of them are unemployed or underemployed. Unless the rural underemployed and unemployed peo-