

[Shri Shyamnandan Mishra]

the Opposition who should uphold the right of a Member not to reveal the source of information. Otherwise the Opposition in particular would not be able to function effectively in this House. Secondly, may I make it absolutely clear that my information did not come either from the office of the hon. Speaker or from the office of the Home Minister, in this regard. This position must be made clear and I am very glad that my information has been confirmed 100 per cent, I am glad about it.

Finally I would have failed in my duty as a Member of this House if I did not bring this matter to the notice of the House. Therefore, I did it.

SHRI VASANT SATHE (Akola): We are not satisfied with your reply.

MR. SPEAKER: I am not here to satisfy you.

SHRI VASANT SATHE: What is the position? Does it not mean that you have revealed certain information without getting it verified from the government? . . . (Interruptions)

MR. SPEAKER: I am not obliged to answer any question.

SHRI VASANT SATHE: Are you not entitled to tell it to the country that you have received this information without getting it verified. . . . (Interruptions).

MR. SPEAKER: Don't record.

SHRI NARENDRA P. NATHWANI (Junagadh): I am going to the next item.

MR. SPEAKER: I have not called the next item yet; I am first to dispose of a point of order raised by the Leader of the Opposition the other day.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I understood Mr. Mishra to say that he was glad that his information was correct. Does he mean by that he is glad that there is

a plot to assassinate the Prime Minister? This is what I want to know.

13.24 hrs.

MOTION RE. THIRD REPORT OF THE COMMITTEE OF PRIVILEGES—

contd.

MR. SPEAKER: On the 8th December, 1978, after the motion, "That this House do consider the Third Report of the Committee of Privileges presented to the House on the 21st November, 1978" was adopted by the House, Shri Morarji Desai, Leader of the House, moved a substantive Motion stating that the House agrees with the findings of the Committee of Privileges and that the House authorises the Speaker 'to take steps to ensure the presence in this House of Shrimati Indira Nehru Gandhi in her place, Shri R. K. Dhanwan and Shri D. Sen before the Bar of the House, on such date as may be decided by the Hon. Speaker, to hear them on the question of punishment and to receive such punishment as may be determined by the House'.

Shri C. M. Stephen, thereupon, raised a point of order that the Motion moved by the Leader of the House was not in conformity with the provisions of Rule 315(3) of the Rules of procedure of Lok Sabha, which reads as under:—

"After the motion made under sub-rule (1) is agreed to, the Chairmen or any member of the Committee or any other Member, as the case may be, may move that the House agrees or disagrees or agrees with amendments, with the recommendation contained in the report."

In this connection, I may mention that a similar point of order was raised in Lok Sabha on the 18th August, 1961 in the *Blitz* case, when the Chairman of the Committee of Privileges had moved a motion 'that Shri R. K. Karanila, Editor, *Blitz*, Bombay do attend this House on day and time, within a week of the adoption of this motion, to be fixed by the Speaker'. On that occasion, my distinguished

predecessor, Mr. Speaker Ayyangar had ruled *inter alia* as follows:—

“A point of order has been raised that immediately after the motion for consideration is adopted by the House we have no alternative but to proceed according to sub-rule (3) of Rule 315. I do not agree. The House is sovereign. Of course, the House agrees or disagrees. A motion, if it is made, it must be in the form of agreement or disagreement or something in between them. That is what sub-rule (3) provides. But, it does not prevent the House from sending for him. There is a residuary power, in this House. All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct. If even now he comes and makes an unconditional apology, possibly the House may consider it.”

The question whether we should allow the person concerned to make a statement is also within the power of the House. The above ruling of my predecessor states the position clearly, and I am in agreement with it. It is, however, for the House to decide whether the Motion moved by the Leader of the House may be adopted or not.

SHRI VAYALAR RAVI (Chiryin-kil): Sir, on a point of clarification. Your ruling is on the motion of 8th by the Prime Minister, Shri Morarji Desai. When you read it, if I heard you correctly, you omitted to mention one point. May I read it out? The first motion which Shri Morarji Desai, the Prime Minister, moved on that day says that the hon. Speaker should hear their defence. This is the first motion that was moved.

MR. SPEAKER: He has changed it.

SHRI VAYALAR RAVI: He has changed it later. But the point of order is on this motion. When the hon. Speaker gives a ruling, then it

must be on the first motion, and not on the second one.

MR. SPEAKER: When a mover changes his motion....

SHRI VAYALAR RAVI: The point of order is on the first motion.

MR. SPEAKER: Mr. Ravi, you are under a wrong impression. The first motion was not moved at all. It was the second motion that was moved. If only Members are a little more careful... (Interruptions) It is on the record.

SHRI K. RAMAMURTHY (Dharmapuri): Sir, on a point of order.

MR. SPEAKER: What is the point of order?

SHRI K. RAMAMURTHY: Sir, the Leader of the Opposition's point of order was on the first motion but your ruling is on the Prime Minister's second motion. What happened to the first motion—whether it is withdrawn by the leave of the House? Or he is not moving the motion?

MR. SPEAKER: No leave; unless it is moved, the consent of the House is not necessary.

SHRI K. RAMAMURTHY: Once it is circulated, it is the property of the House.

MR. SPEAKER: Only when it is moved, it becomes the property of the House.

SHRI K. P. UNNIKRISHNAN (Badagara): Sir, you would recall that I had raised a point of order specifically on the question of hearing the defence. I had pointed out specifically that it is against the practice of this House, and whatever you might say about the hon. predecessor of your and his ruling, this ruling, I submit, does not cover my point of order, or the one that was raised by Professor Mavalankar. We are entitled to know from you your ruling on this question.

SOME HON. MEMBERS rose—

MR. SPEAKER: I will allow only if the objections have a bearing on this.

SHRI VAYALAR RAVI: Another resolution is also here. It is very important. The Prime Minister's motion reads like this "to hear them on the question of punishment". Shri Unnikrishnan has already raised it. Rule 315(3) very clearly says that it is only a question of punishment. Whatever we have to hear, we have to hear before the Committee; whatever they have to speak, they have to speak before the Committee. Their defence they have to place before the Committee. We are here only on the question of punishment. We are not expecting to hear from her on punishment. This House is not expected to hear any thing on punishment, but this House is only to award the punishment. There Rule 315(3) comes in. Rule 315(3) clearly states with reference to award of punishment. How this House can hear the accused persons. . . . (*Interruptions*). This House also is not entitled to hear any strange voice. Only the voice of the Members can be heard in this House. There are no earlier precedents in this House. So, Sir, when you hear the voice of the strangers—of course, Mrs. Gandhi can speak, but we are not going to hear the other two people.

(*Interruptions*)

SHRI EDUARDO FALEIRO (Mormugao): Mr. Speaker, Sir, from what you have said we understand that you are relying on the *Blitz* case and on the ruling given in that case and you find that in terms, this motion does not come within the scope of Rule 315, but then you are relying on your residual powers under Rule 389. I wish to point out this much that the ruling in the *Blitz* case was entirely in a different context. There the motion was made that the contemner should come before the bar of the House and show cause against the Report of the Privileges Committee before the motion for consideration of the Privileges Committee was taken up. So, there they were given an opportunity to say whether the breach of privileges had been committed or not. It was at that

stage. Now, Sir, you have allowed this matter to be considered by this House without giving any opportunity to the accused. Now, you have allowed this House to reach a conclusion without giving any opportunity to the accused to say that the breach of privilege has been committed. Sir, I would say that giving an opportunity at this late stage would be making a mockery of it, would not be according to the natural justice. If you wanted to give them a chance, you should have given it then. And now you are merely trying to humiliate—I am not saying you, Sir, but this motion is merely to humiliate the accused. It is not in terms either of the *Blitz* case or even of the English precedents. In May's *Parliamentary Practice* it is stated that very often the contemnors are called before the bar of the House to explain, but not at this stage. They are called before the motion for consideration of the Report of the Committee of Privileges is considered so that an opportunity is given to them to show cause that they have not committed the breach of privilege. Now, Sir, we are not following those precedents, but this will be trying to humiliate the accused and making a mockery of the whole thing.

SHRI JYOTIRMOY BOSU: Sir, I would like to dwell within a limited thing. In the last paragraph of the motion it is stated:

"The House further authorises the Honourable Speaker to take steps to ensure the presence in this House of Smt. Indira Nehru Gandhi in her place."

In that connection, I have addressed one letter on 6th December and also one earlier to that. I have stated in that letter as follows:

In continuation of my earlier letter regarding making Mrs. Gandhi available in the House during tomorrow's debate and afterwards, if necessary, in that connection I wish

to quote the following to substantiate that the House has full authority to do so *vide May's Parliamentary Practice and Procedure*:-

"The House of Commons has the power to send...."

MR. SPEAKER: Let us have your point. I have heard you. You need not go through the letter.

SHRI JYOTIRMOY BOSU: "...for person whose conduct has been brought before the House on a matter of privilege by an order for their attendance, without specifying in the order the object or the causes whereon their attendance is required."

I have also tabled a question...

MR. SPEAKER: What is your point?

SHRI B. SHANKARANAND (Chikodi): Mr. Speaker.

MR. SPEAKER: I have allowed him.

SHRI B. SHANKARANAND: To make a speech?

MR. SPEAKER: No, no. Not at all.

SHRI B. SHANKARANAND: He is making a speech.

MR. SPEAKER: Everybody is making a speech. That is all right.

(Interruptions)

SHRI JYOTIRMOY BOSU: Am I to understand that you are deliberately flouting your orders because your Secretariat has conveyed to me that she has been duly conveyed your orders that her presence throughout the debate is essential?

MR. SPEAKER: I have not summoned her. Therefore, she has not flouted my order.

SHRI HARI VISHNU KAMATH (Hoshangabad): Mr. Speaker, may I, at the outset, invite your attention to the last paragraph, paragraph 162 on page

122 of the Report of the Committee of Privileges, which lays down:

"In view of the unprecedented nature of the case" etc. etc.? All that the Committee has done with regard to the punishment is:

"The Committee consider it desirable...."—they have found her guilty, they have indicated her and her two accomplices—

"...to leave it to the House (the collective wisdom of the House) to award such punishment as it may deem fit to Shrimati Indira Gandhi, Shri R. K. Dhawan and Shri D. Sen."

All that the Committee has done is to say that the House shall and should determine the quantum and the nature of the punishment. There is nothing in the Committee's Report to show that the Committee requests the House to hear them on the question of punishment.

MR. SPEAKER: What is your objection?

SHRI HARI VISHNU KAMATH: The Prime Minister and Leader of the House had earlier given notice of another motion wherein he had said—I am glad that the Prime Minister has accepted my amendment to delete it—"to hear them in their defence".

MR. SPEAKER: It will be open to the House to do it.

SHRI HARI VISHNU KAMATH: The point might be understood and appreciated. The point is that Shrimati Indira Gandhi may be asked to be in her seat. The motion of the Prime Minister is that she be in her seat and Shri R. K. Dhawan and Shri D. Sen shall appear before the bar of the House, and also the House should hear them also.

MR. SPEAKER: It is up to you to move an amendment and delete it. What is the point?

SHRI HARI VISHNU KAMATH: Can I bring a motion?

MR. SPEAKER: Surely. It is within the power of the House. There are amendments to that effect, to delete those words. What we are considering is the power of the House. What I have ruled is that excepting to the extent specifically provided under rule 315, all other matters are within the sovereign power of the House. You can always add to the limitations found in rule 315. There is no difficulty at all. The British precedents as well as our own precedents have shown that opportunities have been given to them to come and plead their case about punishment and other things before the bar of the House. Take Kaushik's case, the Nagpur case. Straightaway he was summoned and he was heard in this very House. Therefore, there is no objection in the rules. Of course, you can delete it that another matter. It is not all-pervasive. It does not preclude. That is my ruling.

SHRI MADHU LIMAYE (Banka): May I formulate my point of order? In my opinion, the last paragraph of the motion moved by the Leader of the House is *ultra vires* of the rules. You have invoked rule 389. Rule 389 reads as follows:

"Residuary powers. All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct."

The rule is very clear.—"all matters not specifically provided for". Since rule 315(3) is specific very specific, this rule is not attracted at all, and this cannot be invoked.

As far as the House of Commons practice is concerned, in terms of article 105(3) of the Constitution, the House of Commons practice is relevant only in the matter of ascertaining the extent of our privileges, and the extent of our penal powers. Only in relation to these two issues, the practice of the House of Commons is relevant. As far as the procedure is concerned, we must follow Rule 315

sub-rule (3). There it is clearly stated that the motion before the House can either agree with the recommendation or disagree with the recommendation or agree with amendment. Now let us see what the recommendation is:

—the recommendation is very specific—

"The Committee recommend that Shrimati Indira Gandhi, former Prime Minister, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director-General, Central Bureau of Investigation, deserve punishment for the serious breach of privilege and contempt of the House committed by them.

In view of the unprecedented nature of the case and the importance of the issues involved in maintaining the authority, dignity and sovereignty of the Lok Sabha and upholding the principles underlying the system of Parliamentary democracy, the Committee consider it desirable to leave it to the collective wisdom of the House to award such punishment as it may deem fit to the three accused."

Now my contention is that the resolution can only specify the quantum of punishment and the conditions, if any, attached to this punishment and this motion is not in these terms. I have given an amendment. If the amendment is joined to this motion, then the Speaker has residuary powers in these matters and then the motion will be in order and the House can reach a determination. I am of the opinion that the accused must be confronted with a clear-cut choice and there should be no hanky-panky about it, no confusion. I would like to have your ruling on the specific point whether Rule 389 is attracted at all. When Karanjia case... (Interruptions) was mentioned... But it will be seen if you go through the old proceedings that this ruling was not acted upon at all, because after the then Prime Minister, Jawaharlal Nehru intervened, the

House decided to permit Sardar Hukum Singh to withdraw the motion and Sardar Hukum Singh himself expressed doubt that the rules did not provide for this procedure. Where is the question of departure? It is not a matter of details at all. There is a specific rule and we should abide by it.

SHRI VASANT SATHE: (Akola):
rose

MR. SPEAKER: Are you supporting him or opposing him?

SHRI VASANT SATHE: What he said is not correct.

MR. SPEAKER: Please hear me. If I am against your point, then you can say. If I am in favour of your point... (Interruptions) I am not accepting his contention.

SHRI RAM JETHMALANI (Bombay—North-West): rose.

MR. SPEAKER: Are you supporting him or opposing him?

SHRI RAM JETHMALANI: I am opposing him.

MR. SPEAKER: I am not accepting his contention.

SHRI RAM JETHMALANI: If you are not accepting it, then, I do not want to argue.

SHRI SHYAMNANDAN MISHRA (Begusarai): What fell from you is the matter with which I am concerned. You were pleased to refer to a ruling by a former Speaker in a case in 1970. But my submission is, although the Chair may abide by the rulings given earlier, it is not obligatory on the Chair...

MR. SPEAKER: I have said that. I agree with...

SHRI SHYAMNANDAN MISHRA: There are contradictions in the earlier rulings. That is the point I want to submit to you. The hon. Speaker in that case had ruled that the House in such matters acts like a High

Court. Now if that is so, then all the rules applying to a High Court should be applied here also.

MR. SPEAKER: I do not think it is said like that.

SHRI SHYAMNANDAN MISHRA: It is.

MR. SPEAKER: That part of the ruling, I have not quoted. I am not standing by it.

SHRI SHYAMNANDAN MISHRA: Now if it does not act as a High Court and if the accused are being brought before the bar of the House to say something on the question of punishment, then whether we would be entitled to ask questions in that regard or not. That is a very important point with which the House is concerned. Now my first submission is that the House is not doing its duty in not prescribing the punishment in accordance with the recommendations of the Committee of Privileges.

First, the House has to proceed with prescribing the punishment in this matter because the punishment has been left to the judgment of the House. Now, if the House does not exercise its judgment and asks the accused to come to the Bar of the House, then the House does not agree entirely with the recommendation of the Committee of Privileges. The hon. Leader of the House in his motion has said that the House agrees with the recommendation of the Committee of Privileges. If the House does so, then, it is my respectful submission that the House...

SHRI VASANT SATHE: You are suggesting that this House should act in violation of all the principles of justice and equity. That is what you are recommending.

SHRI SHYAMNANDAN MISHRA: So, the implication of the motion of the hon. Leader of the House would be that the House does not agree with the recommendation of the Committee of Privileges in its entirety if the

[Shri Shyamnandan Mishra]

House does not prescribe the punishment in this regard and asks the accused to come before the Bar of the House to say something on the question of punishment.

SHRI VASANT SATHE: The Privileges Committee has left it to the House.

SHRI SHYAMNANDAN MISHRA: Therefore, the motion contradicts the recommendation of the Committee of Privileges.

We want the ruling of the Chair on all these points. Firstly, whether the motion would be construed as agreeing entirely with the recommendation of the Committee of Privileges as the hon. Leader of the House claims in his motion. Secondly, if the House agrees with that, why does not the House first proceed with prescribing the punishment in this behalf? Thirdly, if these persons come before the Bar of the House to make submissions with regard to the question of punishment, would it be available to these accused to submit to the House that no punishment is attracted in this matter whereas the Committee of Privileges has already said that punishment is attracted in this matter? If they are within their competence to submit to the House that no punishment be given, then they would be challenging the decision of the House as taken on the Report of the Committee of Privileges. Whether they should be allowed to do so is another thing.

Fourthly, whether the House would not be entitled to ask questions of these accused when they appear before the Bar of the House.

THE PRIME MINISTER (SHRI MORARJI DESAI): It is on my motion that this objection is raised. To say that this motion is *ultra vires* of rule 315(3) would not be correct because the Privileges Committee did not recommend a particular punishment; if left it to the House. Therefore, the House has to determine the punish-

ment. It is a generally established practice in courts that in serious cases, before awarding the punishment, they ask the accused if they have to say anything about the quantum of punishment, not whether the punishment should not be awarded. That is the meaning of it. It is for the House to decide. I will not say that the House should not straightway give punishment. We can accept any of the amendments. That is a different matter altogether. I am only saying that this is not invalid, to call the people here. They are not members of the House and they cannot speak on the punishment. I think, the House is entitled to call anybody and hear him. There is no limit to the power of the House in this matter. That is all I have to submit.

SHRI RAJ NARAIN (Rai Bareilly):
rose—

MR. SPEAKER: Are you supporting or opposing?

SHRI RAJ NARAIN: I am supporting what Shri Shyamnandan Mishra has said.

MR. SPEAKER: In the matter of point of order, it is not a debate. I have heard enough on the point.

SHRI C. M. STEPHEN (Idukki): We have given up the lunch hour for the day. You will kindly see that all the members are remaining here; they are all hungry also.

MR. SPEAKER: Mr. Raj Narain, please don't raise a debate on this. I have heard Mr. Madhu Limaye and Mr. Mishra, and they are very competent.

SHRI C. M. STEPHEN: Please give a little time for the Members to go and take their Lunch.

श्री राज नारायण : श्रीमन्. . .

MR. SPEAKER: Let me dispose of this matter.

श्री राज नारायण : श्रीमन्, प्राप स्पीकर
हैं और इस के खिलाफ भी प्राप एक इम्पाटेंट

समझदार जज रहे हैं। मैं आपसे केवल इतना ही जानना चाहता हूँ कि आज तक हमने इतने मुकदमे लड़े हैं—हर साल दों चार—लेकिन यह किसी अदालत ने नहीं पूछा कि आपको कितनी सजा दी जाए। मैं आश्चर्य चकित हूँ कि मोरारजी भाई मजिस्ट्रेट रह चुके हैं लेकिन व पूछ रहे हैं कि श्रीमती इन्दिरा नेहरू गांधी और श्री धवन को कितनी सजा दी जाए। आन दि क्वेश्चन आफ पनिशमेंट, मैं आपसे जानना चाहता हूँ, आप कृपा करके हमकी बता दें क्या किसी अदालत ने इस तरह का मजाक किया है ?

द्वारका बात यह कि...

MR. SPEAKER: Probably you do not know that the amended Criminal Procedure Code provides for it.

श्री राज नारायण : मैं यह कहना चाहता हूँ कि ऐसा काम न किया जाये जिससे पार्लियामेंट का मजाक उड़ाया जाए। यही मैं आपसे निवेदन कर रहा हूँ।

SHRI B. C. KAMBLE (Bombay—South-Central): I rise on a point of order.

MR. SPEAKER: I will hear your point of order later.

All points of order raised by Mr. Madhu Limaye and Mr. Mishra are already covered by my earlier order. But, to clarify my order a little further, in my judgment, Rule 315 is not exhaustive. To the extent the Rule goes, the Rule has to be obeyed. In matters not covered by the Rule, the House is sovereign; it can evolve its own procedure. I do not see any illegality in the motion moved by the Prime Minister.

Now, the House wants half-an-hour Lunch time. We will meet again at 2.45 p.m.

13.54 hrs.

The Lok Sabha adjourned for Lunch till Forty-five minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Forty-seven minutes past Fourteen of the Clock.

[MR. SPEAKER in the Chair].

MOTION RE: THIRD REPORT OF THE COMMITTEE OF PRIVILEGES—
Contd.

MR. SPEAKER: The House will now take up further consideration of the motion moved by Shri Morarji Desai on the 8th December, 1978 and also the motions standing in the name of Shri Jyotirmoy Bosu, for which 2 hours and 30 minutes are now available, of course, always, subject to the decision of the House.

The procedure will be that those who have given notices of substantive motions—of course Mr. Jyotirmoy Bosu has already given notice—and those who have given amendments and who want to move them, may send their slips to the Table within 15 minutes.

SHRI NARENDRA P. NATHWANI (Junagadh): I have a point of order.

Before we resume the discussion of the motion moved by the hon. Prime Minister, I wish to invite your attention to the last paragraph:

“That the House further authorises the Honourable Speaker....”

So it confers a discretion on you, Sir. My point of order is this. It relates to the proper stage at which Shrimati Gandhi is to be called upon or is to be given an opportunity to be heard. Kindly listen. At least you should be able to appreciate the point of view that I am wishing to make.

We must bear in mind that when the complaint was lodged against her and the two others, she was not a Member of this House. When the Privileges Committee inquired through it, she was

[Shri Narendra P. Nathwani]

not a member. To-day she is a member of this House also and holds a dual capacity. She has been found guilty by the Privileges Committee and she happens to be a member of this House. Now it is the usual practice—I have not found any divergence or departure from this usual practice in the House of Commons—that when any complaint is made or when the report of the Committee is received, opportunity is given at the earliest opportunity to a member to be heard in respect of it. It is open to the Member concerned to make any statement in explanation or in exculpation or say anything by way of apology and then withdraw. But the earliest opportunity is given to the Member concerned. I am concerned more with the right of a Member. She may avail of it or she may not avail of it. That is a different thing. But, then, the discretion is vested in you. Under the last paragraph of this Motion, you should invoke that discretion, call upon the Member concerned, ask her whether she cares to make a statement or she may not do so. That apart, but the earliest opportunity invariable is given under the Procedure which prevails in House of Commons both at the time when the complaint is lodged and also when the report is being discussed. And it accords with a common-sense because if to-day we have before us her statement in explanation or by way of punishment, then the debate can assume a definite form. To-day we do not know whether she is going to make any statement or what she is going to say about apology and so on. This is all I have to submit.

MR. SPEAKER: This is no point of order.

SHRI JYOTIRMOY BOSU: May I move my motion?

SHRI JANARDHANA POOJARY (Mangalore): Sir I rise on a point of order.

MR. SPEAKER: What is the point of order?

SHRI JANARDHANA POOJARY: I have given a notice also. I am bringing to your notice the pertinent decision, that is, the ruling of this House only. So far, it has not been brought to your notice. I have gone through the debate also. If I am not mistaken, so far, that has not been brought to your notice. Why I am submitting this plea is because I am questioning the competence of the House so far as consideration of this motion is concerned. I am reading. There is a ruling by former Speaker, Mr. Reddy. He has given a clear and categorical decision so far as the jurisdiction of this House is concerned.

I may be permitted to read that?

MR. SPEAKER: It is dealt with in the Committee's report.

SHRI JANARDHANA POOJARY: It has not been. In your wisdom you have also given one ruling. That is why I am submitting. It was given on 1-4-77. The precedents of House of Commons on which the Committee of Privileges relied are that of the 16th and 17th century. We have got the latest precedents which is reported in this Lok Sabha Digest. I may be permitted to read that also. I quote:

"On the 1st April, 1977, Shri Jyotirmoy Bosu, a Member, sought to raise a question of privilege against Shri T. N. Kaul, former Ambassador of India in U.S.A. for certain remarks made by him in television network in July 1975 about detention of political leaders."

The former Speaker has clearly stated that "Shri Kaul's remarks were made in July, 1975"....

SHRI JYOTIRMOY BOSU: I am on a point of order.

SHRI JANARDHANA POOJARY: Wait.

MR. SPEAKER: Have patience.

SHRI JANARDHANA POOJARY:
 "Shri Kaul's remarks were made in July, 1975 when the Fifth Lok Sabha was in existence."

"The matter cannot be raised as a privilege issue in the Sixth Lok Sabha. In the circumstances, no question of privilege is involved in the matter".

So—, Sir, the House abided by this decision in the sense that the House did not dissent from it. For all the purposes the House has accepted this ruling? So, my submission would be: whether the House is competent to go into the matters pertaining to any privileges that occurred during the lifetime of the last dissolved House

MR. SPEAKER: I have heard the point of order raised by Mr. Poojary. At this stage, the House is seized of the matter. I have no jurisdiction. The jurisdiction of the Speaker arises only before the House gets seized of the matter. Now all the legal points as well as the factual points have to be decided by the House and not by the Speaker. Mr. Bosu, you may now move the motion.

MR. JYOTIRMOY BOSU: Sir, I Move:

"After having considered the Third Report of Committee of Privileges (Sixth Lok Sabha) presented to the House on the 21st November, 1978, where in the Committee have recommended that Shrimati Indira Gandhi, former Prime Minister and Leader of the House, among other deserves punishment for the serious breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against the concerned officers who were collecting information for preparing an answer and a Note for Supplementaries for Starred Question No. 656 tabled by Shri Jyotirmoy Bosu, M.P. (that is, me) and answered in Lok Sabha on the 16th April, 1975 and had observed that two actions on the part of

Shrimati Indira Gandhi, viz., her refusal to take oath/affirmation and depose before the Committee and answer questions by the Committee and secondly casting aspersion on the Committee by her letter dated 16th June, 1978, submitted to the Committee, aggravated the original breach of privilege and contempt of the House;

This House condemns unequivocally Shrimati Indira Gandhi to rigorous imprisonment till the end of the current session of Lok Sabha and expels her from this Lok Sabha in view of the unprecedented and heinous nature of the case and the importance of the issues involved in maintaining the authority, dignity and sovereignty of Lok Sabha and upholding the principles underlying the system of Parliamentary democracy".

Sir, I move my amendment for the last para.

"This House condemns unequivocally Shrimati Indira Gandhi for the breach of privilege that she has committed which is unprecedented and heinous in nature, specially for a person who has enjoyed the office of the Prime Minister of a country for 11 years. She be directed to tender an unconditional apology to the House immediately on conclusion of this debate, failing which she be suspended from the service of the House till the end of the present Session".

Sir, I move my next motion.

AN HON. MEMBER: Sir, how can a Member move the motion and the amendment at the same time.

SHRI JYOTIRMOY BOSU: Sir, I move the following:—

"After having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on the 21st November, 1978, wherein the Committee have recommended that Shri R. K. Dhawan, former Additional

[Shri Jyotirmoy Bosu]

Private Secretary to the then Prime Minister and Shri D. Sen, former Director, Central Bureau of Investigation, deserve punishment for the serious breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against the concerned officers who were collecting information for preparing an answer and a Note for Supplementaries for Starred Question No. 656 tabled by Shri Jyotirmoy Bosu, M.P., and answered in Lok Sabha on the 16th April, 1975. This House condemns unequivocally the said Shri R. K. Dhawan and Shri D. Sen to rigorous imprisonment till the end of the current session of Lok Sabha".

Sir, for the last paragraph of my motion I want to move the amendment. My amendment reads as follows.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Mr. Speaker, Sir, the motion and the amendment cannot be moved simultaneously. How can he do it?

AN HON. MEMBER: What is before the House? Is it the motion or the amendments? I want to know. I seek clarification as to what we are discussing. (*Interruptions*).

MR. SPEAKER: I have already said I cannot repeat every time. I have said that those who have moved the motion or amendments may kindly send the Chief within fifteen minutes.

SHRI JYOTIRMOY BOSU: Sir, can I move my amendment to the second motion?

MR. SPEAKER: It is up to you. You should have read the amended motion. It is an exercise in futility.

SHRI JYOTIRMOY BOSU: Sir, for the last paragraph of my motion I want to move the amendment. My amendment reads as follows:

"This House condemns unequivocally Shri R. K. Dhawan and Shri

D. Sen for the breach of privilege that they have committed and that they be brought before the Bar of the House on such date as may be decided by the Honourable Speaker, and they be asked to tender an unconditional apology to the House, failing which they be severely reprimanded".

SHRI C. M. STEPHEN (Idukki): Mr. Speaker, Sir, today we are now passing on to the consideration of the Report before us. I would appeal to you and to all my colleagues irrespective of party affiliations to kindly bear with me and to remember that we are sitting today in a different capacity than in which we are usually sitting. The capacity in which we are sitting today is, if I may say so, a judicial capacity to evaluate the evidence and to go into the merits of the report before us.

I would be very short in my remarks but I would request that I may be given a patient hearing.

Now, after having thoroughly gone into the whole of this report, I as an individual, have drawn a conclusion and an inference. The charge is that certain officers were proceeded against for the purpose and with the effect of obstructing the collection and the presentation of answers to the questions that were listed up. Now the point is whether this particular action—to which I will come—had this effect and whether it was aimed that way. Was the non-availability of answer because of that? I would just straightway go to the evidence of Mr. Ghosh who was the person in charge of putting up answers to questions. This is from page 565. Here is what he says:—

SHRI JYOTIRMOY BOSU: Can he go into the merits of the Case?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: He can go into the question.

SHRI C. M. STEPHEN: I quote:

"Mr. Chairman: On the basis of the information available on your hands you prepared the answer to the question? Shri S. M. Ghosh. The information was being collected and we had not completely collected the information. As a matter of fact I do not think that we did get complete information of the stock and sale of equipment which was made available to Maruti Limited."

—I want to draw the attention of the Chair and of the House to this sentence.—

"I went to the Minister's house and I was told by the Minister that no further information need be collected, apart from what we had already collected for answering that question."

SHRI JYOTIRMOY BOSU: I am rising a point of order.

This is under Rule 315, sub-rule (2).

MR. SPEAKER: I told you about that. Evidently you have not heard. Sub-rule (3) has relevance to sub-rule (1) and sub-rule (2). I have already mentioned that. That is only for the purpose of 'taking into consideration'. That point was considered.

SHRI JYOTIRMOY BOSU: I wish you remember a little bit more. I had given notice for suspension of that part also. But the consensus was that we do not bring up the evidence and in order to meet the wishes of the House I withdrew that part of my motion. How you are completely forgetting that?

MR. SPEAKER: Sub-rule (3) is independent of sub-rule (2) and sub-rule (1). There are two parts to Rule 315. First part is sub-rule (1) and (2). That is about 'half an hour' and 'merit of the case'. When we come to sub-rule (3) it has no limitation.

SHRI JYOTIRMOY BOSU: The rule says 'half an hour duration' and

then it says that the "debate shall not refer to the details of the report than is necessary to make out a case for consideration of the report before the House." It does not refer to the details. You are in the Chair and we are no match for you. The House desired me to withdraw the motion. In order to meet the wishes of the House, I withdrew the motion and today you are conveniently forgetting all that. You are allowing Mr. Stephen to go into the details.

SHRI C. M. STEPHEN: Now, therefore, this is what he stated. "I rang up to Mr. Krishnaswamy and he told that he had instruction from Mr. Sondhi, the Secretary, that no further information need be collected." What is the point of time at which this took place? The Committee did not put a question and get that point of time. But Mr. Sondhi gives the point of time. I refer to page 467. Mr. Sondhi says "In this particular case I came to know that there was a question like this, when late in the evening of 11th April, Mr. Pai sent for me and he said that it had been reported to him that some of our officers were harassing certain firms..." He said that some of the officers had been arrested and "that night I rang up to Mr. Krishnaswamy and it appears that he had already instructions that no information need be collected." Therefore, on the 11th the officer was told not to collect further information. On the 16th all the proceedings were started. On the 10th letters went out asking for information. On the 11th the Minister gave an instruction that no further information need be collected. The Minister In-charge, Mr. Sondhi, Mr. Ghosh, and Mr. Krishnaswamy, all the four of them agreed on definite instruction that nothing need be collected at all. This took place on the 11th. Now, the question is: why was this instruction given? I will come straight to this question. It was on the basis of the Ministerial policy and the Ministerial policy can be weaned out from the draft reply which was prepared

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[Shri C. M. Stephen]

on the 11th. The procedure is—there is a reply, there is a draft reply and draft supplementaries, and a Note is prepared and the Note is available. I would just refer you to page 534. I am emphasising this. It was the policy of that Ministry that with respect to this question no information need be given because it was hit by a particular rule in the Rules of Procedure. This is what they have put up.

SHRI SHYAMNANDAN MISHRA (Bagusarai): In that case, the offence was more serious.

(Interruptions)

SHRI C. M. STEPHEN: May be. I am saying Mr. Pai's Ministry. That was the Ministry. It may be submitted that this note was put up on 11th. It is stated:—

"In view of these facts, at the time of notice of admission of the present Question, the attention of the Lok Sabha was drawn to rule 41 (2) (vii) which clearly lays down that Questions should not be asked on a matter which is not primarily the concern of the Government of India. It was envisaged then that it would not be possible to secure such information and provide it to the Lok Sabha. It may be submitted that if such information is given in the case of one question, there will be demands for securing similar information from other firms and it would be difficult to handle such requests, particularly since the information is not furnished by the firms in the course of ordinary filing of returns."

SHRI JYOTIRMOY BOSU: Can they sit on the judgement of the Privileges Committee? (Interruptions)

MR. SPEAKER: Why are you getting excited? This House can accept or reject the findings. Therefore, this House is the final authority.

SHRI C. M. STEPHEN: Now, Sir, therefore, when the question was ori-

ginally put up, you will kindly find out the answer which was given to this question. The answer given was that "So far as we know, the licence under which the Maruti came into existence was on the condition that, the design would be indigenous and no imports will be allowed. The Ministry has not been asked for imports, nor have they permitted any imports. If such allegations are made, I am unable to verify and give them permission." Then every question is being replied that way and the Speaker says: How does this question arise from out of this? What I am submitting is the very moment the question came for examination, Mr. Krishnaswamy who was the Director, Mr. Gupte who was his subordinate, Mr. Ghosh Mr. Sondhi, all sat together and discussed this matter and on the 11th they came to the conclusion that if a reply was to be given to such a question, namely information from the private companies, then it would become difficult and therefore the decision was taken. The point is if, as a matter of fact, the Minister gave that instruction which is now borne out by the evidence, no lesser person than Mr. Gosh swears to that, Mr. Sondhi swears to that, Mr. Krishnaswamy swears to that. If as a matter of fact, the instruction was given on the 11th, that no information need be collected, how was that decision arrived at? I am basing my arguments on this basis, not because of extraneous considerations, but because of the considerations spelt out in this draft reply which is: 'This is a dangerous precedent, we will be brought into difficulties'. This was the position that the Ministry took.

If that is that, how does this question of obstruction arise? The Minister's policy is: 'Do not collect information'. If that is the instruction given, who obstructs whom. Now, there are two places for the information to collect from. One is collecting information from Maruti; the other is collecting information from

the PEC. What happens in PEC. The head in PEC is Mr. Cavale. His instructions are what? I would like to invite your attention to page 221:

"Sales returns are kept with our Finance people. As soon as our machines are sold, we note it down as to whom they are sold. We note at what price it is sold. This is with Finance. We get some commission. In PEC the finance people have all the sales returns."

Then:

"All these are available with PEC... So when you go through the whole exercise at a given point of time, you get all the information, if the sales return are properly compiled. I told him:....."

Here, 'him' means Mr. Bhatnagar, the other man.

"You will get all the information from Finance; you better check up with Finance."

These are the instructions given by Mr. Cavale. Then, please see page 225. Again the instructions given are:

"I further said: 'I do not know whether you have to collect it or not, whether it is ultimately required for the Parliament Question.'"

"I said, 'they have told me that this is required in Parliament. I think, it is very easy to collect it from our files. Is it not available in Finance? Do not make a fuss. You collect it, or give it to me.'"

These are the instructions given to Mr. Bhatnagar. Further, please see page 226. Shri Cavale said:

"Then I told Mr. Bhatnagar, 'Look, it is not a question of collecting the information. Whatever information is there, they are available in the office. The PEC does not collect information. It gets the information when releasing the licence. It must be available in the office.'"

Therefore, these are the two stages. According to Mr. Cavale, who is the top man and one of the officers involved in this case, he gave instructions: 'Information is available in the office, you collect it'. According to the Minister, nothing more than what is available in the office is necessary. It came to this stage when Shri Samar Guha, Chairman, Committee of Privileges, put this question to Shri Cavale:

"Mr. Chairman: Would it be right or wrong to say that because you had the information, you also asked Mr. Bhatnagar to collect the information which was required; 16th was the date of replying to the question regarding Maruti and, therefore, either of you could get hold of the files to communicate the information to the Ministers. That was the reason why Mr. Bhatnagar was suspended in addition to your transfer order."

Mr. Cavale to this question replied:

"I should think so."

This was the question put by the Chairman to one of the officers, Shri Cavale. One of the officers is suspended and the other is transferred. The reason is: You had the information, I told you to collect the information and you are not collecting the information. Is it not the reason? That is the question that the Chairman puts to him. In these circumstances, I am asking the question: Where does the question of stopping or causing obstruction come? The two elements are; somebody must be doing the work of the Parliament and here the Minister says: 'Do not collect information'.

If anybody attempts to collect the information thereafter, he is not doing the work of Parliament at all, because the Minister is answerable. The Minister, Mr. Sondhi, Mr. Ghosh and Krishnaswamy—all the 4 of them are involved in it. Thereafter if he

[Shri C. M. Stephen]

does something, it is not in the service of Parliament. Therefore, there is no question of obstruction at all.

There is another question. This is the direct evidence with respect to the non-sustainability of this case. I am submitting the circumstantial evidence now. I would like to ask: "Would there be any motive to harass?" That has got to be determined by the conduct previous. The Maruti question was not new. The Maruti question has been there; and I refer you to page 537, namely, Mr. Krishnaswamy's evidence. He was asked to state:

"Shri B. Shankaranand: Now, you have been handling all questions relating to Maruti for quite some time and you have handled more than one question; is that correct?"

SHRI R. KRISHNASWAMY: Yes.

SHRI B. SHANKARANAND: You have been handling them since 1974?

SHRI R. KRISHNASWAMY: Since March or May 1974.

SHRI B. SHANKARANAND: Were you harassed by anybody during that period also?"

SHRI KRISHNASWAMY: Answers, "No, Sir". Many questions were handled in the past. Nobody was harassed. Answers were coming here. Why the new development? That is what I am saying going by the previous experience, harassment cannot be presumed.

Then, was this question really harmful? I would rely on the evidence of Mr. Pai himself. I do not want to read the whole of it; I go by columns 136, 137, 149, and 151. He is very categorical. Pai's is the evidence which the Committee believes. The dissenting-note-friends have disbelieved Mr. Pai. I proceed on the basis of the evidence of Mr. Pai. Mr.

Pai says there was a loophole. Import was not allowed. Import was never given. No concessions were given. But there is the stock and sale. If stock-and-sale takes place, and since PEC permits nobody to import. If the machinery is available, anybody can go and buy it. There is nothing illegal about it. (*Interruptions*) Now, just one thing I should read, for the satisfaction of those friends. This is what Mr. Pai says:

"I was just wondering—that it could not be on this question because there is nothing in the question which can upset anybody. There was nothing to hide, also, from the House. Granting that he had imported some machines, he could have claimed perfect legitimacy for doing this saying that—in the procedure that we had laid down there are loopholes and anybody could have taken advantage of them. This is because some people could have imported this machinery with a licence and some others could buy this machinery without a licence because it was available on stock and sale."

This is what he was speaking of. A specific question was put to him by Mr. Nathwani:

"Therefore, it may be technically not illegal to buy locally for rupees an imported machine but it would be in substance against the spirit of the licence that was given to him."

Mr. Pai's reply is this:

"...Now, for instance, we say that the Premier or the Hindustan Ambassador has an indigenous content of 98.99 per cent but the Point is that very indigenous part has been made with foreign collaboration or it comes to that, whatever is locally available but if a party does not import it himself and if somebody else has imported that part, if a party could use it, is it illegal?..."

This was not illegal. It is absolutely clear. Even if it was brought out that an imported machine was installed there, on stock and sale basis, there was absolutely nothing illegal; and nothing wrong which anybody wanted to hide.

Mr. Pai is absolutely emphatic about it. Mr. Krishnaswamy on column 93 is equally emphatic—I do not want to go into that—that there was nothing wrong about it. Then in spite of all that, a presumption is just drawn that for hiding, this is done. Everything has been coming to the Parliament. No harassment previously; nothing harmful is being revealed. How does the presumption arise?

Now the third question is whether Mrs. Gandhi wanted really to prevent the arch witness in this case, Mr. Pai on whom the Commission depends. I would refer to Mr. Pai's evidence once again:

“Mr. Nathwain's question: “Did she not convey to you that she did not like this matter of Maruti being pursued by your Department?”

Shri Pai: I had answered any number of questions.

Question: Did she not convey that it should not be disclosed that factory was using imported machinery for preparing something which was against the spirit of the agreement.

Shri Pai: I did not get the impression that she wanted me to withhold the information or be careful at the time of answering the question.”

Then again Mr. Nathwani asked: “There was this question of showing strong disapproval about the enquiry being pursued by the officers. Did she convey that impression”.

This is a very important question.

Mr. Pai's answer was 'no'. There is absolutely no disinclination as far as this is concerned. Then Mr. Pai says:

“I must say in fairness to her that at no time when I met her had she ever discussed with me the affairs on Maruti.”

Now this is the sworn testimony of Mr. Pai.

When this direction was given that they might be proceeded against, he is absolutely clear about this that the charges that she made were not that they were collecting information. She did not make any reference to this question. She only alleged corruption. This is the emphatic statement made by Mr. Pai. At the time of giving this direction, corruption is the only matter she mentioned about. This is the background of the whole thing. Therefore, I do not want to go further into the details about it.

Now the question is whether by arresting these officers, attempt was made to obstruct the collection of information. The moment it is proved that on the 11th itself ministerial instructions went round that no further information need be collected and the moment it is proved that in STC direction was given by Mr. Cavale to collect this information from his office, do not make any fuss about it, on the 11th that was stopped. On the 12th the answer was prepared; on the 13th it was put up; on the 14th it was finalised and on the 15th the Minister accepted it and on the 16th the answer was given. This I am not speaking from memory. Mr. Ghosh spelt out these dates when exactly this happened. The question was completed on the 11th evening. On the 12th final drafting took place. In the meanwhile, where is the question of obstruction coming in? This is what I am simply asking.

Now, some officers were proceeded against. Everybody is solicitor about the officers. I do not want to call them by any name. I do not call them caricature of corruption and all that. But when corruption charges come against us, instructions are given. There is a machinery and they go under the direct production of

[Shri Krishnaswamy]

political patronage, political protection. Here this matter came in very convenient for them. Now, without wanting to damage these officers I would just point out the case of one of them. It is made out as if everything went off absolutely well after the enquiry. What happened to Mr. Rajan? Charges are many. Ultimately after completion of investigation, the Joint Director ordered that minor penalty proceedings in respect of favours shown to Messrs. R. K. Machine Tools recommending import of raw material to a firm in contravention of Government conduct rules, should be recommended. The Central Vigilance Commission not only agreed with the recommendation but also remarked that Commission is rather surprised that only minor penalty proceedings have been recommended against Shri Rajan. Probably they have not been able to gather adequate evidence to prove active collusion of Shri Rajan. The Commission had only agreed to the institution of minor penalty. This is one case. There are other cases. It is not as if after the enquiry everything was let off. But then comes the cover of emergency. They said because of emergency it happened. Is that an answer? Now, the Vigilance Commission finally found that there was a case against some of them. Taking that in view, does a presumption arise that they were innocent, that they were harassed and they were obstructed? No obstruction with respect to the collection of material takes place. This is all I have got to say. On 11th the instruction has gone, no further collection of information; this is enough. Not because somebody asked but because the Ministerial policy was taken....

MR. SPEAKER: You have mentioned that.

SHRI C. M. STEPHEN: That there will be no need of it and, therefore, stop collection of information. Therefore, as far as the facts are concerned, I am now over.

Another question is about the bias and about the oath. Here is a tribunal. A person is charged. To that tribunal he submits a statement. In that statement the accused person says with respect to some of them 'I have got a feeling that you are likely to be biased.' Every document in the tribunal is confidential. Violation of the privilege comes only when a publication is effectuated. No publication is effectuated. It is a confidential document confidentially handed over and, therefore, there is no question of violation of the privilege as far as that tribunal is concerned. If I am to argue before a court and if I say that I have got doubts about your impartiality, I would have a transfer from that court, would you call it a contempt? On the other hand, It is absolutely confidential. Therefore, I am submitting, to say that imputation of bias is breach of privilege is absolutely wrong. On the other hand, if she publishes it, it would be a breach of privilege. Telling them on their face in a closed document and sealed statement 'I would have a fear that some of you are likely to be biased' I cannot understand how it can be a breach of privilege.

The last point is about the oath business. Only one aspect I would like to bring to your notice regarding giving of oath. I would not refer to the legal aspect which has been completely covered by the Attorney-General and everybody. There is just one point I want to mention. On a particular day i.e. 19th, because Mr. Shankaranand was in the hospital, he wrote a letter to the Committee saying 'I understand that you have fixed up the meeting on this particular day.' Every party has got to be represented. Mr. Shankranand is the only person represented in that as far as this Party is concerned. He writes a letter saying:

"I have just now received information that the Privileges Committee stands posted to some near

date. I was surprised to receive the information for the reason that so far I have received no notice about any such meeting.

As I had informed you in my letter from Bombay, I had to undergo a major operation in Bombay hospital recently. From the hospital I had written to you conveying my address in Bombay so that intimation, if any, could be sent to me at that address. Notice of any meeting of the Committee, if scheduled, should have been sent to me at the above address. I am yet to receive any such notice. Any meeting so held will be irregular...."

Therefore, he asked for fixing a later date so that he could attend. Normally, the Committee should have accepted this and postponed it. After 19th, they posted to 24th. On 19th they took up this major question as to whether she is liable to give an oath. It has taken up and disposed of the same on the 19th, in the absence of Shri Shankaranand, in spite of his protest that he also must be heard. So, against this background, in spite of his letter saying "I am here, I have not had any information", to take up this matter and dispose it off....

PROF. SAMAR GUHA: Sir, on a point of order.

MR. SPEAKER: I will allow you.

SHRI C. M. STEPHEN: I am completing ... (Interruptions) There is one rule 283(2). The question whether to a person who is also an accused an oath must be administered is a question of procedure. Here if any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker, whose decision shall be final. I say that if he does so, it must be part of the proceedings, whether a reference was made to the Speaker. When there was a hot contest about it, arguments were aired, the

Attorney-General was heard and he said that article 20(3) will apply, then she said she has to be exempted from incriminating questions. The Committee's interpretation is, "if you feel it is an incriminating question, you can tell us; we will decide whether it is an incriminating question." Thus, article 20(3) protection is given away.

I am submitting that on a vital matter, when an important member representing a party...

MR. SPEAKER: You have mentioned that.

SHRI C. M. STEPHEN: ...behind the back, this is being done and no reference is made to the Speaker for elucidation of this. This is the background. Therefore, I would submit, there is absolutely no evidence.** That is why you have to reject it.

I was really sorry the other day when my friends were saying "apology" and a furore came up from the back benches. I was reminded of a scene about 2,000 years ago, when certain people also cried like that. My only submission is, may be you have got the power to impose crucifixion but the crucifixion will not be the end of it; there will be a resurrection after the crucifixion... (Interruptions) Therefore, remember this. Let justice prevail. Let no frivolous attempt be made; let justice prevail... (Interruptions) I submit that this Report must be rejected and the entire proceedings must be dropped.

MR. SPEAKER: Shri Samar Guha. Only on this question.

SHRI JYOTIRMOY BOSU: A very dangerous precedent you are creating.

PROF. SAMAR GUHA: A serious allegation has been made that a most important and crucial decision has

**Expunged as ordered by the Chair.

[Prof. Samar Guha]

been taken behind the back of a Member. As the Chairman of the Committee, I received a letter from Shri Shankaranand, when he was in the hospital. Immediately I put that letter before the Committee and the whole letter was discussed. I enquired from the officers whether he had left any address for sending any intimation or notice of the meeting of the Committee, any address other than his home address, because all the letters were sent to his home address. I was told there was no indication of any other addresses to which any notice is to be sent.

Then, when this letter was put before the Committee, it was thoroughly discussed, and the Committee unanimously agreed that the meeting should not be postponed, unanimously agreed by all the members.... (Interruptions)

SHRI K. LAKKAPPA (Tumkur): Another Member is sitting here.

PROF. SAMAR GUHA: This is on record..... (Interruptions)

MR. SPEAKER: Let us go on quietly.

PROF. SAMAR GUHA: This is on record. It is also on record that unanimously all the members observed, unanimously all the members observed...

MR. SPEAKER: You have mentioned that.

PROF. SAMAR GUHA: In this context, it is required to be repeated. It is mentioned in the proceedings of the Committee—it is not my word, but the words of the members—that the proceedings were conducted fairly, impartially and objectively.... (Interruptions) All the members unanimously made this observation during the concluding session of the proceedings of the Committee.

SHRI JYOTIRMOY BOSU: Sir, I am on a point of order.

MR. SPEAKER: What is your point of order? Your point of order seems to be a point of obstruction.

MR. JYOTIRMOY BOSU: Today we have assembled here with a limited purpose.

MR. SPEAKER: You have mentioned that.

SHRI JYOTIRMOY BOSU: The Privileges Committee is a Committee of the House and on page 122 it has clearly stated two things—the narrative part and the operative part. It said:

“The Committee recommend that....”

(Interruptions)

MR. SPEAKER: Mr. Bosu, I have already given a ruling. I don't allow.

(Interruptions)

SHRI JYOTIRMOY BOSU: You have to proceed with the punishment.

MR. SPEAKER: I have already decided on that point. I am not allowing anybody.

(Interruptions)

SHRI V. A. SEYID MUHAMMED (Calicut): I had raised three points against disallowing the application of Mr. Shankaranand. It was not unanimous.

(Interruptions)

SHRI K. MAYATHEVAR (Dindigul): Sir, I am on a point of order. My party did not recommend at all.

(Interruptions)

MR. SPEAKER: There is no point of order. Do not record.

(Interruptions)***

SHRI K. MAYATHEVAR: Mr. Speaker, Sir, my Party did not recommend at all. My Party opposed everything. Therefore, there is no unanimity at all.

(Interruptions)

MR. SPEAKER: Do not record anything. Mr. Mayathevar, there is no point of order.

(Interruptions)***

MR. SPEAKER: The question here is not whether the Anna-DMK opposed the finding or not. You had asked me what happened in a particular meeting.

(Interruptions)

SHRI VASANT SATHE: There are two persons, Dr. Seyid Muhammed... (Interruptions). Both gave a lie to the statement made by him.**

MR. SPEAKER: That they can do, but he was not a Member.

SHRI K. LAKKAPPA: On the floor of this House for the first time a Report is submitted by the Chairman and notes appended by the other Members. They are divided on the floor of this House... (Interruptions)... He has misled the House.**

MR. SPEAKER: This is not a point of order. Do not record anything.

(Interruptions)***

MR. SPEAKER: That is no point of order. Don't record.**

SHRI VASANT SATHE: He is the Chairman of the Committee.

First, he must apologise to this House. (Interruptions)

SHRI VAYALAR RAVI (Chirayinkil): There are two opinions about the Committee proceedings. The Chairman said one thing, Dr. Seyid Muhammad said something else. So, please consult the records and expunge. (Interruptions)

MR. SPEAKER: This is not a point of debate.

SHRI VASANT SATHE: A breach of privilege has been committed ex-

facie because he has been contradicted by another Member of the Committee. Like contempt in an open court, this has been committed before you. (Interruptions)

MR. SPEAKER: I shall go through the record.

SHRI VASANT SATHE: You should take action now. (Interruptions).

MR. SPEAKER: Don't record.***

MR. SPEAKER: All the difficulty is, everybody wants to make a personal explanation. Mr. Shankaranand. (Interruptions)

SHRI HARIKESH BAHADUR (Gorakhpur): Mr. Mallikarjun has used unparliamentary words... (Interruptions)

MR. SPEAKER: Order, order. Now, I am on my legs Mr. Shankaranand, your personal explanation.

SHRI B SHANKARANAND: Mr. Shankaranand. (Interruptions) I am

MR. SPEAKER: I have called Mr. Shankaranand. (Interruptions) I am sorry. Mr. Ugrasen, there is no point in your getting *ugra* in this matter. The question is, I have called those who are interested in personal explanation. None of you is ... (Interruptions)

SHRI UGRASEN (Deoria): What is his point of order?

MR. SPEAKER: He has not yet raised the point of order.

SHRI UGRASEN: The Leader of the Opposition spoke first. You should have called some one from this side next.

MR. SPEAKER: There is no point of order. The position is, it is a point of explanation that Mr. Guha raised ... (Interruptions) Mr. Shankaranand.

SHRI B. SHANKARANAND: Mr. Speaker, Sir, since reference has been made to me with regard to the sittings of the Privileges Committee, when I was in the hospital, . . . you know that I had written a letter to you and also to the Chairman of the Privileges Committee, both and I had intimated to you both that I was undergoing a major operation in one of the Bombay hospitals and I required sometime and I gave you and also the Chairman two independent letters. I had given my hospital address. I thank you very much, I have received a reply from you. But it cannot lie in the mouth of the Chairman of the Privileges Committee to say that he did not know my hospital address. The Lok Sabha Secretariat knew my address. I had received a letter from the Secretary, at my hospital address. How can he say that he did not know my address. . . . (*Interruptions*) Mr. Speaker, Sir, I have not finished. Since I am a Member of the Privileges Committee, I am not talking of the evidence or facts of the case. But, these procedural mistakes, I have told in the sittings of the Committee also. . . . (*Interruptions*).

MR. SPEAKER: You must know that when a Member is involved, he has a right of personal explanation. Mr. Shankaranand, please be brief.

SHRI B. SHANKARANAND: Mr. Speaker, Sir, I am very sorry that I cannot shout and I cannot compete with Members on the other side. . . . (*Interruptions*).

MR. SPEAKER: You have made your point.

SHRI B. SHANKARANAND: In spite of my letter, three sittings were held by the Privileges Committee and very important matters were decided in those sittings and during those sittings. . . . (*Interruptions*).

MR. SPEAKER: That does not arise.

SHRI B. SHANKARANAND: They have held three sittings and decided

very important matters and in spite of my. . . . (*Interruptions*).

MR. SPEAKER: Mr. Chatterjee. (*Interruptions*).

MR. SPEAKER: I have called Mr. Chatterjee. (*Interruptions*). You have made your point. (*Interruptions*).

SHRI B. SHANKARANAND: I am not touching the evidence. You have to see whether the proceedings held behind my back, without my knowledge, without notice to me, whether it can be called legal proceedings. That is what I am asking.

SHRI JANARDHAN POOJARY: I am on a point of order. There is a breach of rule. (*Interruptions*).

MR. SPEAKER: I have called Mr. Chatterjee. He is also on a point of order.

SHRI SOMNATH CHATTERJEE: It is a very vital question. . . . (*Interruptions*). The motion before the House as moved by the hon. Prime Minister is whether the House agrees with the findings of the Committee. . . . (*Interruptions*).

MR. SPEAKER: Now we are on a different point.

SHRI SOMNATH CHATTERJEE: "Whether the House agrees with the findings of the Committee"—I am quoting verbatim. . . . (*Interruptions*). We are discussing a report of a Committee of this Parliament. This Committee functions in various aspects. . . . (*Interruptions*). . . . This Parliament as an institution of. . . .

MR. SPEAKER: What is your point? (*Interruptions*)

SHRI SOMNATH CHATTERJEE: This Parliament as an Institution cannot function if the Committees do not function. Whatever may be the findings of the Committee which are now being debated upon. . . . (*Interruptions*). A deliberate attempt is being made to abuse the Chairman of the Committee of Privileges, a deliberate attempt is being made to describe the

report as a malafide report. The Leader of the Opposition has described it as a malafide report.. (Interruptions). He has said that.

SHRI C. M. STEPHEN: I did not... (Interruptions).

MR. SPEAKER: He says that he did not. If the word "malafide" is there, it will be deleted.

(Interruptions)

SHRI C. M. STEPHEN: I know my business. (Interruptions).

MR. SPEAKER: Mr. Stephen has said that he had not used that word. I have accepted it. If it is there, it will go. (Interruptions)

I have called Mr. Chatterjee.

SHRI SOMNATH CHATTERJEE: I want to know from you whether the Chairman of the different Committees of Parliament can be abused, can be criticised in a well-planned manner. (Interruptions) whether any sort of reflection can be made on the Members of the Committee or the Chairman of the Committee. Then in future, no Committee of Parliament can.. (Interruptions). My friends today, on a partisan consideration, are setting up a dangerous precedent, on a partisan consideration, they are setting up a dangerous precedent. I do hope that it will not.... (Interruptions). I would request you to see that this is never done. (Interruptions).

MR. SPEAKER: I have heard you.

SHRI SOMNATH CHATTERJEE: I am not here on the question of whether a person, a particular individual should be punished or not, I am not on that. I am on the basic question, whether Parliamentary Committees are to be discussed in this manner. You see, in your presence, how the Parliamentary Committees are being treated in the manner in which it is being done. This is a very serious matter. (Interruptions).

MR. SPEAKER: I am on my legs.

MR. Somnath Chatterjee has raised certain important points. To the extent I followed him, Mr. Stephen

merely criticised the conclusions reached. He said, it is not a conclusion available from the evidence. That everybody has a right to say. But if he has used the word "mala fide" which I did not hear—I will go through the record—I will not allow it. (Interruptions). Mr. Stephen says, he has not used it. Mr. Samar Guha wanted to give a personal explanation. He made a statement of fact. Dr. Seyid Muhammad contradicted that statement. Then, Mr. Shankaranand's name had been dragged in and he gave his personal explanation. There has been no question of a mala fide attack on the Report, I will go into the record, I will not allow it.

SHRI C. M. STEPHEN: On a point of order...

SHRI JANARADHAN POOJARY: On a point of order, Sir.

MR. SPEAKER: There is a competition in raising points of order.

SHRI JANARDHANA POOJARY: I draw your kind attention to rule 352(iv) which reads:

"A member while speaking shall not—(iv) reflect on any determination of the House...."

Now, you are deciding a very serious question. There are three persons involved in this issue....

MR. SPEAKER: What has been the breach of the rule?

SHRI JANARDHANA POOJARY: Here is a member who has given a statement of fact which has been contradicted by another member. I want to bring to your notice that he has committed a breach of truth... (Interruptions). We are in the midst of determining a serious issue and the House has to determine only the pertinent issue...

MR. SPEAKER: Everybody knows it.

SHRI JANARDHANA POOJARY: Prof. Samar Guha is a senior member. He is the Chairman of the Privileges Committee. He has openly stated that Mr. Shankaranand had sent a letter but he did not give his address. That is his statement. He said that the

[Shri Janardhana Poojary]
Committee came to a unanimous decision. Dr. Sayid Muhammad has contradicted it.

MR. SPEAKER: I have already mentioned that.

SHRI JANARDHANA POOJARY: We have to come to a conclusion. What action are you going to take now? We cannot say whether Prof. Samar Guha's statement is wrong or Dr. Sayid Muhammad's statement is wrong. You have to enlighten us by saying which statement is correct. We have to decide which statement is correct. He is a senior member and Chairman of the Privileges Committee and has gone to the extent of contradicting the statement. Therefore, I require your ruling in the matter.

16 hrs.

MR. SPEAKER: There is no point of order.

SHRI RAM JETHMALANI (Bombay North-West): Every Member of the Privileges Committee who opposed the adjournment which was sought for by Mr. Shankaranand is today the object of a serious reflection by Mr. Shankaranand and we are entitled to offer our explanation as to what was done. Therefore, you will kindly hear us. Each of one of us has to explain to you... (Interruptions). This is a fraud. You have to hear us. Let Mr. Shankaranand know what he has done. Kindly give us some time.

MR. SPEAKER: I have called Mr. Kamath. I will call you in the debate when you can make your point.

SHRI RAM JETHMALANI: You must know how he has obstructed the proceedings of the Privileges Committee. He has acted as an unpaid advocate of Mrs. Gandhi and tried to obstruct the proceedings of the committee... (Interruptions). All notices have been sent to him at his address.

PROF. SAMAR GUHA: I am just referring you...

MR. SPEAKER: I have heard you, Mr. Guha.

PROF. SAMAR GUHA: You must hear me. You have to hear me. Page 243 of the report, This is the proceedings of the 30th meeting. In these proceedings the whole of the letter of Mr. Shankaranand, the committee took into consideration. It is on record and none of those who were present objected...

MR. SPEAKER: I will look into the matter.

PROF. SAMAR GUHA: You appointed me the Chairman of the Committee... (Interruptions).

MR. SPEAKER: We now resume the debate, Mr. Kamath.

SHRI HARI VISHNU KAMATH (Hoshangabad): I have the honour to move my substitute motion—item No. 14 of List No. 1 to the original motion of Shri Jyotirmoy Bosu. If you will permit me, I will read the motion:

"That for the original motion, the following be substituted, namely:—

"This House, having considered the Third Report of the Committee of Privileges presented to the House on November 21, 1978, agrees with the recommendation made by the Committee that Shrimati Indira Gandhi has committed serious breach of privilege and contempt of the House by causing obstruction, intimidation, harassment, and institution of false cases against certain officers who were collecting information for preparing an answer together with a note for supplementaries for a starred question in Lok Sabha, the breach of privilege and contempt of the House having been aggravated further by her refusal to take the other/affirmation and depose before the Committee and answer questions by the Committee, and by casting aspersions on the Committee in a statement submitted by her to the Committee...

"(2) This House strongly condemns her aforementioned misdemeanours, and severely reprimand her."

mands her for her unworthy conduct as well as deliberate abuse of power, in pursuit of an evil, deep-laid design to subvert the norms and to undermine the foundations of Parliamentary Democracy enshrined in the Constitution.

“(3) The House further resolves that Shrimati Indira Gandhi be suspended from the service of the House till such time as she tenders an unqualified and unconditional apology for the aforesaid offences committed by her. . . (Interruptions)

SHRI MALLIKARJUN (Medak): What kind of apology. . . (Interruptions)

MR. SPEAKER: Mr. Mallikarjun, the other side patiently heard Mr. Stephen. Otherwise, I will have to insist on your withdrawing from the House. I tell you; I warn you. (Interruptions) The other side patiently heard Mr. Stephen. Mr. Kamath you may go on.

SHRI HARI VISHNU KAMATH: My friend wants me to read it again:

“(2) This House strongly condemns her aforementioned misdemeanours, and severely reprimands her for her unworthy conduct as well as deliberate abuse of power, in pursuit of an evil, deep-laid design to subvert the norms and to undermine the foundations of Parliamentary Democracy enshrined in the Constitution.

“(3) The House further resolves that Shrimati Indira Gandhi be suspended from the service of the House till such time as she tenders an unqualified and unconditional apology for the aforesaid offences committed by her, the form and content of the apology being such as is acceptable to, and approved by the House.

“(4) This House is confident that the punishment awarded to the offender, Shrimati Indira Gandhi, will serve as a warning and a deter-

rent to anyone attempting, at any time in the future, to emulate her vile, authoritarian, anti-democratic example.”

Now I would like to know whether you have permitted Mr. Bosu to move the other motion regarding Shri D. Sen and Shri Dhawan.

MR. SPEAKER: Mr. Bosu has already moved it. You need not; if you have given notice, you can speak.

SHRI JYOTIRMOY BOSU: I have already moved.

MR. SPEAKER: He has moved.

SHRI HARI VISHNU KAMATH: The motion stands in my name. . . (Interruptions)

SHRI K. LAKKAPPA: Mr. Speaker, Sir, I rise on a point of order. Mr. Kamath, in his wisdom, is making all sorts of insinuations and allegations against some other who is a Member of this House. You have to give your ruling. (Interruptions) Sir, you have to maintain the dignity of the House. I want to know whether he can make an allegation against another Member of the House who is sitting here. You must give a ruling on that.

MR. SPEAKER: He is reading out the text of his Motion.

SHRI HARI VISHNU KAMATH: Sir, I move that for the original motion, the following be substituted, namely:—

“This House having considered the Third Report of the Committee of Privileges presented to the House on November 21, 1978, agrees with the recommendation made by the Committee that Shri D. Sen, former Director, Central Bureau of Investigation, has committed serious breach of privilege and contempt of the House by causing obstruction, intimidation, harassment, and institution of false cases against certain officers who were collecting

[Shri Hari Vishnu Kamath]

information for preparing an answer together with a Note for Supplementaries, for a Starred Question in Lok Sabha.

(2) This House is of the opinion that Shri D. Sen displayed excessive zeal and servile devotion in executing the illegal and improper orders of the then Prime Minister, but considering the extenuating fact that he was a mere tool in her hands, this House is of the view that the maximum penalty is not called for.

(3) In the circumstances, therefore, this House strongly condemns his aforementioned misconduct and resolves that the offender be called to appear at the Bar of the House and administered a severe reprimand by the Honourable Speaker."

Sir, I move that for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges presented to the House on November, 21, 1978, agrees with the recommendation made by the Committee that Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister has committed serious breach of privilege and contempt of the House by causing obstruction, intimidation, harassment, and institution of false cases against certain officers who were collecting information for preparing an answer together with a Note for Supplementaries, for a Starred Question in Lok Sabha.

(2) This House is of the opinion that Shri R. K. Dhawan displayed excessive zeal and servile devotion in executing the illegal and improper orders of the then Prime Minister, but considering the extenuating fact that he was a mere tool in her hands, this House is of the view that the maximum penalty is not called for.

(3) In the circumstances, therefore, this House strongly condemns his afore-mentioned misconduct, and resolves that the offender be called to appear at the Bar of the House and administered a severe reprimand by the Honourable Speaker."

Sir, I move that in the last paragraph, lines 5 and 6, omit the following:

"to hear their defence, if any, and"

MR. SPEAKER: The motions have come on record. Now, you can make a speech otherwise your time will be over. I am not allowing anybody more than ten minutes.

SHRI HARI VISHNU KAMATH: Mr. Speaker, Sir, this is historic occasion, and the first Parliament of the world which has brought a former Prime Minister to trial on the recommendations made by a committee of the House. Look at the scenario, what it was two years ago and what it is now. The present Prime Minister was two years ago, in December 1976 somewhere in prison. Now, he is the Leader of the House and she who was then the Leader of the House is where she is. (*Interruptions*)

It has been rightly said by a thinker that the mills of God grind slowly but they grind exceeding small.

Sir, you are presiding over this historic session, and you are one of those who were superseded. . .

MR. SPEAKER: Please do not refer to that.

SHRI HARI VISHNU KAMATH: Call it Nemesis, call it Divine justice or call it what you will, today you are witnessing such historic scene and all those who are on this side of the House—most of us—were in jail two years ago and we are now putting her on trial. This I would like to submit in all humility, but with all earnestness, is a scene which will hardly

occur in world history. Now, there has been a lot of talk about the need for giving a chance, an opportunity, to the three accused; I may not call them accused, but those who have been indicted by the Committee. It was put before the House that they may be heard in their defence or on the punishment. Here, I would like to refer to what the Committee has mentioned in pages 113, 117, 115 and finally, 122. The Committee, on page 113 has said this:

"Besides hearing several times Shrimati Indira Gandhi, Shri R. K. Dhawan and Shri D. Sen, the Committee examined on oath the following witnesses at great length. . ."

A long list of witnesses is given there. I don't want to go into that. 23 witnesses are mentioned therein. And then it says:—

"The Committee also persued relevant records, files and documents running into about 4,000 pages. . . The Committee gave several opportunities to Shrimati Indira Gandhi to appear before the Committee and state the true facts of the case."

But she did not avail herself of these opportunities; but, on the contrary, she cast aspersions on the Committee. The Committee says:

"The Committee are of the view that such remarks cast aspersions on the Committee and would amount to a breach of privilege and contempt of the Committee."

What is the enormity of the crime, of the offence, that she has committed? She ought to have known better, as the then Prime Minister, when she obstructed Parliamentary work. obstructed Parliamentary proceedings. At that time she was the Prime Minister and Leader of the House.

Fortunately she is not so now

SHRI VASANT SATHE: What is the relevance of all this now?

SHRI HARI VISHNU KAMATH: Having read the report of the committee I, in toto, agree with the recommendation of the Committee. (Interruptions). It is another matter if they don't agree. I need five minutes. How many minutes more?

MR. SPEAKER: Two minutes more.

SHRI K. P. UNNIKRISHNAN: It is an important debate. You cannot fix time like that.

SHRI HARI VISHNU KAMATH: The House can extend the time. I have taken hardly five minutes. I request you to give me five minutes more.

MR. SPEAKER: No. Please take two minutes.

SHRI HARI VISHNU KAMATH: I will in that case come to the main question. You are not inclined to give more time. The quantum of punishment has been left by the Committee to the wisdom of the House. In my humble judgment, in my estimate, the punishment should be a reprimand by the House and it should be conveyed or communicated to the offender by you, Sir, as the plenipotentiary of the House.

SHRI VASANT SATHE: Spell out the offence. . .

SHRI HARI VISHNU KAMATH: It has been done by the Committee. You may not agree. I agree. The House agrees. We all agree.

The reprimand by the House should be communicated to the offender, by you, Sir, as the Speaker, as our Plenipotentiary. The other accomplices should be brought to the Bar of the House and reprimanded by you as the plenipotentiary of the House. The second part of the punishment is suspension from the service of the House till she tenders an unqualified and an unconditional apology.

[Shri Hari Vishnu Kamath]

Therefore, Sir, my motion.... (Interruptions)

बीबरी बबबीर सिंह (होशियार पुर) यह माफी मांगने पर छोड़ दगे? कितन पाप किए है

SHRI HARI VISHNU KAMATH: Sir, my motion is to the effect that the form and content of the apology shall be acceptable to, and approved by the House because I want it to be an unqualified and unconditional apology and not a travesty, a mockery or a parody of a real apology. I want that real apology, the real thing because, Sir, I know, the House knows that even her socialism was a travesty and a mockery of real socialism. It could be aptly described in the 9 letters of the word if used as an acronym....

MR. SPEAKER: You have taken much time.

SHRI HARI VISHNU KAMATH: One minute, Sir.... (Interruptions) Now, 'S' stands for starvation, 'O' for 'Oppression', 'C' for 'Corruption', 'I' for 'Inefficiency', 'A' for 'Adulteration', 'L' for 'Lathi', 'I' for 'Indira', 'S' for 'Sanjay' and 'M' for 'Maruti'. And therefore, Sir, I insist that the apology should be such as is acceptable to and approved by the House.

[Substitute Motions/Amendments to the motion moved by Shri Morarji Desai]

SHRI NANASAHEB BONDE (Aravati): I beg to move: That for the original motion, the following be substituted, namely:—

"After having considered the Third Report of the Committee of Privileges on Mrs. Indira Nehru Gandhi and two others, this House is of the opinion that no decision can legally be given on the matter in hand as these very charges are being enquired into in the Court of Law and are sub-judice. The House further resolves that in all fairness the decision by the judiciary is to be awaited and till then no judgement should

be given by this House on the Report of the Committee of Privileges. The matter thus be stayed and await the decision of the judiciary in the matter and after considering the decision of the judiciary at the finally state, this matter be reopened afresh, if found necessary."(1)

SHRI K. LAKKAPPA (Tumkur): I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having considered the Third Report of the Committee of Privileges and taking into consideration the national situation which is afflicted with conflicts and confrontations on the political, economic and social fronts, in order that the situation may not further deteriorate, this House do decide to drop further proceedings in the matter in the general national interest."(2)

SHRI JANARDHANA POOJARY (Mangalore): I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having considered the Third Report of the Committee of Privileges is of the opinion that no question of privilege is involved in the matter against Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan and Shri D. Sen and that no further action be taken by the House in the matter;

That this House resolves that she has not committed further breach of privilege and contempt of the House by her refusal to take oath/affirmation before the Committee; and

That this House is of the opinion that no further breach of privilege has been committed by alleged aspersions on the Committee by her statement dated 16th June, 1978. submitted to the Committee." (7)

SHRI EDUARDO FALEIRO (Mormugao): I beg to move:—

That for the original motion, the following be substituted, namely:—

“That this House having considered the Third Report of the Committee of Privileges and taking into consideration:—

(a) That the very charges mentioned therein are being inquired into by a Court of Law and are sub-judice;

(b) That in this matter there has been unprecedented lack of unanimity or consensus in the course to be followed; and

(c) That further proceedings will not enhance the prestige of this House but are likely to undermine the confidence of the people in our Parliamentary institutions:

This House do decide to drop further proceedings in the matter.” (9)

SHRI AJITSINH DABHI (Anand): I beg to move:—

That for the original motion, the following be substituted, namely:—

“After having considered the Third Report of the Committee of Privileges this House concludes that charges against Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan and Shri D. Sen of causing obstruction, intimidation and institution of false cases against the concerned officers, are not proved by the evidence led before the Committee and therefore no breach of privilege or contempt of the House was committed by them and decides that no action should be taken on the Report.” (13)

SHRI B. C. KAMBLE (Bombay-South Central): I beg to move:—

That for the original motion, the following be substituted, namely:—

“That this Hon'ble House having considered the Third Report of the Committee of Privileges, and further

having noted that the said report does not state the procedure to be followed by the House in giving effect to the recommendations made by the Privileges Committee as per rule 314(2) of the Rules of Procedure and Conduct of Business in Lok Sabha;

Agreed with the recommendations as stated in para 162 at page 122 of the said report, with the amendment namely that Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan and Shri D. Sen be reprimanded by the House of People of India; and to give effect to the said recommendations of the Privileges Committee this House hereby states the procedure that Shrimati Indira Gandhi be directed to remain present in the House and other two persons, be summoned at the Bar of the House by the Hon'ble House as most immediately as is deemed convenient to receive their respective reprimand on the date and time fixed by the Speaker.” (18)

SHRI SHANKAR DEV (Bidar): I beg to move:—

That for the original motion, the following be substituted, namely:—

“After having considered the Third Report of the Committee of Privileges on Mrs. Indira Gandhi, ex-P.M. in its full, this House reserves its decision and any suitable action thereon, if any, until the cases are disposed of by the Judiciary where they are under consideration and sub-judice.” (19)

SHRI B. P. MANDAL (Madhopura): I beg to move:—

In last paragraph for the words “on the question of punishment and to receive such punishment as may be determined by the House.”

Substitute the following as a subparagraph:—

“The House further resolves that in case Shrimati Indira Gandhi and others do not offer any unqualified apology they may be reprimanded.” (3)

SHRI SHAMBHU NATH CHATURVEDI (Agra): I beg to move:—

At the end of paragraph 4 add

"Such conduct would be unworthy of any member of this House, much more so of the leader as she then was." (4)

SHRI HARI VISHNU KKAMATH (Hoshangabad): I beg to move:—

That for last paragraph of the motion beginning "The House" and ending "determined by the House", the following be substituted:—

"This House strongly condemns her aforementioned misdemeanours, and severely reprimands her for her unworthy conduct unworthy of the high office which she then held, as well as her deliberate abuse of power in pursuit of an evil, deep laid design to subvert the norms and to undermine the foundations of Parliamentary Democracy enshrined in the Constitution.

The House further resolves that Shrimati Indira Gandhi be suspended from the service of the House till such time as she tenders an unqualified and unconditional apology for the aforesaid offences committed by her, the form and content of the apology being such as is acceptable to, and approved by, the House.

This House is of the opinion that Shri R. K. Dhawan and Shri D. Sen displayed excessive zeal and servile devotion in executing the illegal and improper orders of the then Prime Minister, but considering the *extenuating* fact that they were mere tools in her hands, this House strongly condemns their aforementioned misconduct and resolves that the offenders be called to appear at the Bar of the House and administered a severe reprimand by the Honourable Speaker." (5)

SHRI JYOTIRMOY BOSU (Diamond Harbour): I beg to move:—

For the last paragraph of the mo-

tion substitute:—

"This House is of the opinion that Shrimati Indira Gandhi be asked to tender an unconditional apology to the House immediately on conclusion of this debate, failing which she be suspended from the Lok Sabha for the present session;

This House is also of the opinion that Shri R. K. Dhawan and Shri D. Sen be brought before the Bar of the House, on such date as may be decided by the Honourable Speaker, and they be asked to tender an unconditional apology to the House failing which they be severely reprimanded." (6)

DR MURLI MANOHAR JOSHI (Almora): I beg to move:

For the last paragraph of the motion substitute:—

"The House, therefore, resolves that if Mrs. Indira Gandhi does not tender an unqualified apology on the adoption of this Motion, she be suspended from the service of the House till she tenders an unqualified apology.

The House further resolves that if Shri D. Sen and Shri R. K. Dhawan do not tender an unqualified apology within three days of the adoption of this Motion, they be committed to jail till the prorogation of the House." (10)

For the last paragraph of the motion substitute:—

"The House, therefore, resolves that if Mrs. Indira Gandhi does not tender an unqualified apology within three days of the adoption of this Motion, she be expelled from the membership of the House.

The House further resolves that if Shri D. Sen and Shri R. K. Dhawan do not tender an unqualified apology within three days of the adoption of this Motion, they be committed to Jail till the prorogation of the House." (11)

For the last paragraph of the motion substitute:—

"The House, therefore, resolves that if Mrs. Indira Gandhi does not tender an unqualified apology within 3 days of the adoption of this Motion, she be committed to Jail till the prorogation of the Current Session and suspended from the membership of the House till she tenders an unqualified apology.

The House further resolves that if Shri D. Sen and Shri R. K. Dhanwan do not tender an unqualified apology within three days of the adoption of this Motion, they be committed to jail till the prorogation of the House." (12)

SHRI MADHU LIMAYE (Banka): I beg to move:

Delete last paragraph and add—

"The House, therefore, resolves that if Mrs. Gandhi does not tender unqualified apology within seven days of the adoption of this motion, she be expelled from the membership of the House and be committed to jail till its next prorogation;

The House further resolves that if Shri D. Sen and Shri R. K. Dhanwan do not tender unqualified apology within seven days of the adoption of the motion, they be committed to jail till the prorogation of the House." (14)

SHRI HARI VISHNU KAMATH: beg to move:

In the last para the following words be omitted:

"to hear them on the question of punishment and" (15)

[Substitute Motions/Amendments to the motions moved by Shri Jyotirmay Bosu]

PROF. DILIP CHAKRAVARTY (Calcutta South): I beg to move:

That for the original motion the following be substituted, namely:—

"That this House having taken into consideration the Third Report of the Committee of Privileges, presented on the 21st November, 1978, resolves that the findings be accepted.

Resolves further that Shrimati Indira Gandhi be expelled from the House." (5)

That for the original motion, the following be substituted, namely:—

"That this House having taken into consideration the Third Report of the Committee of Privileges, presented on the 21st November, 1978, resolves that the findings be accepted.

This House is of the opinion that Shrimati Indira Gandhi is guilty of violation of the privilege of this House and be asked to tender an unconditional apology to the House immediately on conclusion of this debate, failing which she be expelled from the Lok Sabha." (28)

SHRI YADVENDRA DUTT (Jaunpur): I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having considered the Third Report of the Committee of Privileges, presented to the House on the 21st November, 1978, holds Shrimati Indira Gandhi guilty of breach of privilege and sentences her to imprisonment for the duration of the current session and expels her from the Lok Sabha." (6)

SHRI MRITUNJAY PRASAD (Siwan): I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having considered the Third Report of the Committee of Privileges of the Sixth

[Shri Mrityunjay Prasad]

Lok Sabha resolves that Shrimati Indira Gandhi be expelled from the House." (7)

SHRI UGRASEN (Deoria): I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House agrees with the Third Report of the Committee of Privileges presented to the House on the 21st November, 1978, and resolves that Shrimati Indira Gandhi be expelled from the House and also be sentenced to imprisonment till the prorogation of the House for having committed a serious breach of privilege and contempt of the House." (8)

SHRI Y. P. SHASTRI (Rewa): I beg to move:

That for the original motion, the following be substituted, namely:—

"This House, while accepting the recommendations contained in the Third Report of the Committee of Privileges (Sixth Lok Sabha), presented to the House on the 21st November, 1978, resolves that Shrimati Indira Gandhi, who has been found guilty of committing a breach of privilege of the House, be expelled from the House." (10)

SHRI NARENDRA P. NATHWANI (Junagadh): I beg to move:

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges agrees with the findings of the Committee:

That Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director of CBI committed a breach of privilege and contempt of the House by causing obstruction, intimidation, harassment

and institution of false cases against four concerned officers;

That she committed a further breach of privilege and contempt of the House by her refusal to take oath/affirmation before the Committee;

That she also committed a breach of privilege and contempt by casting aspersions on the Committee in her statement dated 16th June, 1978, submitted to the Committee; and that the last two breaches of privileges have aggravated the first mentioned contempt.

This House is of the opinion that such conduct on the part of Shrimati Indira Nehru Gandhi is derogatory to the dignity of the House and inconsistent with high standard which Parliament expects from its members and far more so from a member who held the position of the Leader of the House and the high office of the Prime Minister.

The House, therefore, resolves that:

Shrimati Indira Nehru Gandhi be suspended from service of Lok Sabha till she tenders an unqualified and unconditional apology to the House for her said breaches of privileges and contempt of the House." (12)

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges agrees with the findings of the Committee:

That Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director of CBI, committed a breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against four concerned officers.

That she committed a further breach of privilege and contempt by her refusal to take oath/affirmation and depose before the Committee;

That she also committed a breach of privilege and contempt by casting aspersions on the Committee in her statement dated 16th June, 1978, submitted to the Committee; and that the last two breaches of privileges have aggravated the first mentioned contempt.

The House is of the opinion that such conduct on the part of Shrimati Indira Nehru Gandhi is derogatory to the dignity of the House and inconsistent with the high standard which Parliament expects from its members and far more so from a member who held the position of the the Leader of the House and the high office of the Prime Minister and deserves deterrent punishment.

The House further notes that besides constituting a contempt of the House, the facts and circumstances of the present case also disclose *prima facie* commission of offences in respect of which Delhi Special Police Establishment has registered against her and others on 10-7-1978 a case, being Cr. No. 12 C1/78 SIU (SIBI).

In view of the above facts and circumstances the House resolves that—

Shrimati Indira Nehru Gandhi be suspended from service of Lok Sabha for the contempt of the House till the said case No. 12C1/78 SIU-(SIBI) is investigated and the criminal case found from such investigation against her and others and any appeal, revision and any other proceedings, if any, arising from or in connection with such criminal case is heard and finally disposed of

The House further strongly urges upon the Government to take or cause to be taken prompt and effective steps for (i) completing investigations in the Cr. No. 12C1/78-SIU-(SIBI) and filing of a criminal case

found *prima facie* to have been committed from such investigations in a proper court, and (ii) expeditious trial and decision of such criminal case and of further proceedings, if any, by way of appeal, revision or otherwise arising from or connected therewith." (24)

SHRI HARI VISHNU KAMATH: I beg to move:

That for the original motion, the following be substituted, namely:—

"This House, having considered the Third Report of the Committee of Privileges presented to the House on November 21, 1978, agrees with the recommendation made by the Committee that Shrimati Indira Gandhi has committed serious breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against certain officers who were collecting information for preparing an answer together with a note for supplementaries for a starred question in Lok Sabha, the breach of privilege and contempt of the House having been aggravated further by her refusal to take the oath/affirmation and depose before the Committee and answer questions by the Committee, and by casting aspersions on the Committee in a statement submitted by her to the Committee.

(2) This House strongly condemns her aforementioned misdemeanours, and severely reprimands her for her unworthy conduct as well as deliberate abuse of power, in pursuit of an evil, deep laid design to subvert the norms and to undermine the foundations of Parliamentary Democracy enshrined in the Constitution.

(3) The House further resolves that Shrimati Indira Gandhi be suspended from the service of the House till such time as she tenders an unqualified and unconditional apology for the aforesaid offences committed by her, the form and content of the apology being such as

[Shri Hari Vishnu Kamath]
is acceptable to, and approved by
the House.

(4) This House is confident that the punishment awarded to the offender, Shrimati Indira Gandhi, will serve as a warning and a deterrent to anyone attempting, at any time in the future, to emulate her vile, authoritarian, anti-democratic example." (14)

SHRI NIRMAL CHANDRA JAIN
(Seoni): I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having considered the Third Report of the Committee of Privileges presented to the House on the 21st November, 1978, resolves that Shrimati Indira Gandhi be punished by expelling her from the membership of Lok Sabha." (15)

DR. RAMJI SINGH (Bhagalpur): I beg to move:

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges agrees with the findings of the Committee that Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan and Shri D. Sen have committed a breach of privilege;

(2) That the guilt of Shrimati Gandhi assumes the greatest proportion because she held the highest post of the country, namely, that of the Prime Minister and Shri R. K. Dhawan and Shri D. Sen were mere Government servants acting under her dictates;

(3) That this House considers the conduct of Shrimati Gandhi as unbecoming of a member of this august House and unworthy of a Prime Minister of this great country, where erstwhile Prime Ministers like Pt. Jawaharlal Nehru and Shri Lal Bahadur Shastri had set an

example worthy of emulation by others; and

(4) That this House resolves that Shrimati Gandhi be expelled from the House so as to serve as a warning and deterrent to posterity." (16)

SHRI NANASAHEB BONDE: I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House, after having considered the Third Report of the Committee of Privileges, presented to the House on 21st November, 1978, does not at all agree with the findings and recommendations contained in the Report as they are clearly in contrast with the established Rules of justice, equity and fairness and do further resolve that there is absolutely no breach of privilege in it committed by Shrimati Indira Gandhi and as such no consideration could be given to such a Report by this House and it be disregarded completely." (18)

SHRI VINAYAK PRASAD YADAV
(Saharsa): I beg to move:

That for the original motion, the following be substituted, namely:—

"Having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on 21st November, 1978, the House expressing concern over the seriousness of the matter and acts of interference with the sovereignty and working of Lok Sabha recommends that Shrimati Indira Gandhi be reprimanded." (19)

SHRI YUVRAJ: I beg to move:

That for the original motion, the following be substituted, namely:—

"Having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on 21st November,

1978, wherein the Committee have recommended that Shrimati Indira Gandhi, former Prime Minister deserves punishment for breach of privilege and contempt of the House and had observed that her refusal to take oath/affirmation and depose before the Committee and casting aspersions on the Committee by her statement aggravated the original breach of privilege and contempt of the House;

(2) This House strongly condemns her for her undemocratic, indecent and unbecoming behaviour and for subverting the constitution and democracy;

(3) This House believes that the punishment awarded to Shrimati Indira Gandhi by the House will prove helpful in discouraging anti-democratic forces in future and in preserving the dignity and sanctity of democracy;

(4) This House takes a liberal view and forgives her with the warning that in future she should desist from indulging in such heinous acts and from degrading the dignity of the parliamentary institutions".
(20)

SHRI RAM DHARI SHASTRI
(Padrauna): I beg to move:

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges presented to the House on November 21, 1978, is of the opinion that Shrimati Indira Gandhi is not only guilty of committing a serious breach of privilege but is also guilty of committing deliberate contempt of the House. This House is of definite opinion that Shrimati Indira Gandhi be suspended from the membership of the House and also sentenced to imprisonment till the end of the current session". (22)

SHRI M. N. GOVINDAN NAIR
(Trivandrum): I beg to move:

That for the original motion, the following be substituted, namely:—

"Having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on November 21, 1978, wherein the former Prime Minister, Shrimati Indira Gandhi, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director of the Central Bureau of Investigation are found guilty of the breach of privilege and contempt of the House;

This House do express its grave concern and its abhorrence that Shrimati Indira Gandhi occupying the high office of the Prime Minister should have misused her authority and power for causing obstruction, intimidation, harassment and even institution of false cases against some officials who were collecting information for preparing an answer together with a Note for Supplementaries to a Starred Question in the Fifth Lok Sabha which amounted to a subversive interference under the normal functioning of the House and indeed of our Parliamentary democratic system specially of the accountability of the Executive to the legislature constituting thereby a clear and serious breach of the privilege and contempt of the House the least expected of a person who happen not only to be the head of the Government but also the Leader of the House;

This House deems it necessary to emphasise that the methods and practices resorted to by the former Prime Minister Shrimati Indira Gandhi which are a shame on our administration, and required to be assessed and dealt with a view to purging the administration of such elements;

The House takes note of the findings of the Committee not only with a view to bringing the past offences, to book but, more importantly, to

[Shri M. N. Govindan Nair]
prevent their recurrence through all necessary and effective measures against authoritarianism in any form or from any quarter as well as against nepotism, corruption and personal aggrandisement in high places;

Attaching the greatest importance to the struggle both in Parliament and outside against all authoritarian antidemocratic trends and practices that tend to subvert Parliamentary democracy and denigrate and debase its institutions, this House is of the opinion that the democratic standards, and the dignity of this House would be best served by admonishing Shrimati Indira Gandhi, and accordingly the House do admonish her for her misdemeanours and impermissible conduct compounded by certain personal interests which this House strongly condemns". (23)

SHRI A. K. ROY (Dhanbad): I beg to move:

That for the original motion, the following be substituted, namely:—

"The House, having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on the 21st November, 1978 recommending punishment to Shrimati Indira Gandhi, the former Prime Minister for breach of privilege and contempt of the House committed by her in connection with the answer to the Starred Question No. 656 tabled by Shri Jyotirmoy Bosu and answered in Lok Sabha on the 16th April, 1975 and having agreed with the findings of the Committee, takes a serious view of the offence committed from that highest office and resolves that Shrimati Indira Gandhi should be suspended from the House till she apologise". (26)

SHRI JYOTIRMOY BOSU: I beg to move:

For the last paragraph, substitute:—

"This House condemns unequivocally Shrimati Indira Gandhi for the

breach of privilege that she has committed which is unprecedented and heinous in nature, specially for a person who has enjoyed the office of the Prime Minister of a country for 11 years. She be directed to tender an unconditional apology to the House immediately on conclusion of this debate, failing which she be suspended from the service of the House till the end of the present Session". (2)

PROF. DILIP CHAKRAVARTY: I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having taken into consideration the Third Report of the Committee of Privileges, presented on the 21st November, 1978, resolves that the findings be accepted.

Resolves further that Shri R. K. Dhawan and Shri D. Sen be sentenced to imprisonment till the prorogation of the House". (1)

SHRI MRITUNJAY PRASAD: I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having considered the Third Report of the Committee of Privileges of the Sixth Lok Sabha, resolves that taking a lenient view of the misconduct of Shri R. K. Dhawan and Shri D. Sen they both be committed to imprisonment till the prorogation of the House". (2)

SHRI HARI VISHNU KAMATH: I beg to move:

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges presented to the House on November, 21, 1978, agrees with the recommendation made by the Committee that Shri D. Sen, former Director, Central Bureau of Investigation, has committed serious breach

of privilege and contempt of the House by causing obstruction, intimidation, harassment, and institution of false cases against certain officers who were collecting information for preparing an answer together with a Note for Supplementaries, for a Starred Question in Lok Sabha.

(2) This House is of the opinion that Shri D. Sen displayed excessive zeal and servile devotion in executing the illegal and improper order of the then Prime Minister, but considering the extenuating fact that he was a mere tool in her hands, this House is of the view that the maximum penalty is not called for.

(3) In the circumstances, therefore, this House strongly condemns his aforementioned misconduct and resolves that the offender be called to appear at the Bar of the House and administered a severe reprimand by the Honourable Speaker". (3)

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges presented to the House on November, 21, 1978, agrees with the recommendation made by the Committee that Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister has committed serious breach of the privilege and contempt of the House by causing obstruction, intimidation harassment, and institution of false cases against certain officers who were collecting information for preparing an answer together with a Note for Supplementaries, for a Starred Question in Lok Sabha.

(2) This House is of the opinion that Shri R. K. Dhawan displayed excessive zeal and servile devotion in executing the illegal and improper order of the then Prime Minister but considering the extenuating fact that he was a mere tool in her hands

this House is of the view that the maximum penalty is not called for.

(3) In the circumstances, therefore, this House strongly condemns his aforementioned misconduct and resolves that the offender be called to appear at the Bar of the House and administered a severe reprimand by the Honourable Speaker." (4)

SHRI NARENDRA P. NATHWANI:
I beg to move:—

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Committee of Privileges agrees with the findings of the Committee:

That Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan former Additional Private Secretary to the then Prime Minister and Shri D. Sen former Director of CBI committed a breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against four concerned officers.

The House, therefore, resolves that:

(i) Shri R. K. Dhawan be committed to prison for the rest of the present Session provided that such committal will terminate if he tenders an unqualified and unconditional apology to the House for his said breach of privilege and contempt of the House; and

(ii) Shri D. Sen be committed to prison for the rest of the present session provided that such committal will terminate if he tenders an unqualified and unconditional apology to the House for his said breach of privilege and contempt of the House." (6)

That for the original motion, the following be substituted, namely:—

"This House having considered the Third Report of the Commit-

[Shri Narendra P. Nathwani]

tee of Privileges agrees with the findings of the Committee :

That Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director of CBI committed a breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against four concerned officers.

This House is further of the opinion that such a breach of privilege and contempt of the House by Shri R. K. Dhawan and Shri D. Sen deserves deterrent punishment;

This House further notes that, besides constituting a breach of privilege and contempt of the House, the facts and circumstances of the present case also disclose, prima facie, commission of offences in respect of which Delhi Special Police Establishment has registered against them and others on 10-7-1978 a case, being crime No. 12 C1/78 SIU (SIBI).

In view of the above facts and circumstances the House resolves that—

Shri R. K. Dhawan be committed to prison for the rest of the present Session for having committed the said breach of privilege and contempt of the House; and

Shri D. Sen be committed to prison for having committed the said breach of privilege and contempt of son for the rest of the present Session the House.

This House further strongly urges upon the Government to take or cause to be taken prompt and effective steps for—

(i) completing investigations in the crime No. 12CI/78-SIU(SIBI) and filing of a criminal case found to have been committed from such investigations in a proper court; and

(ii) expeditious trial and decision of such criminal case and of further proceedings, if any, by way of appeal, revision or otherwise arising from or connected with the same." (13).

SHRI NIRMAL CHANDRA JAIN: I beg to move :

That for the original motion, the following be substituted, namely:—

"That this House having considered the Third Report of the Committee of Privileges presented to the House on the 21st November, 1978, resolves that Shri R. K. Dhawan and Shri D. Sen be punished by sentencing them to the jail custody for the entire term of the current session." (7).

SHRI VINAYAK PRASAD YADAV: I beg to move:

That for the original motion, the following be substituted, namely:—

"Having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on 21st November, 1978, the House expressing concern over the seriousness of the matter and acts of interference with the sovereignty and working of Lok Sabha recommends that Shri R. K. Dhawan and Shri D. Sen be sentenced to rigorous imprisonment till the end of the current session." (9)

SHRI RAM DHARI SHASTRI: I beg to move:

"That for the original motion, the following be substituted, namely:—

"This House, having considered the Third Report of the Committee of Privileges presented to the House on November 21, 1978, is of the opinion that Shri R. K. Dhawan and Shri D. Sen have committed contempt of the House but considering the circumstances under which they acted, the House takes a lenient view and recommends that they be sentenced to imprisonment till the expiry of the current session." (10)

SHRI M. N. GOVINDAN NAIR: I beg to move:

That for the original motion, the following be substituted, namely:—

"Having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on November 21, 1978 wherein the former Prime Minister, **Shrimati Indira Gandhi**, **Shri R. K. Dhawan**, former Additional Private Secretary to the then Prime Minister and **Shri D. Sen**, former Director of the Central Bureau of Investigation are found guilty of the breach of privilege and contempt of the House;

This House takes very serious note of the behaviour of **Shri R. K. Dhawan** and **Shri D. Sen**, who permitted themselves ardently for their selfish careerist ends to act as despicable and conscious tools in violation of all norms of integrity and honesty as well as of public conduct for the commission of the enormities and the breach of privilege and contempt of the Fifth Lok Sabha;

This House also deems it necessary to emphasise that the methods and practices resorted to by the two former high placed officials—**Shri R. K. Dhawan** and **Shri D. Sen** which are a shame on our administration, and required to be assessed and dealt with a view to purging the administration of such elements;

The House takes note of the findings of the Committee not only with a view to bringing the past offences to book but a more importantly, to prevent their recurrence through all necessary and effective measures against authoritarianism in any form or from any quarter as well as against nepotism, corruption and personal aggrandisement in high places;

Attaching the greatest importance to the struggle both in Parliament and outside against all authoritarian

antidemocratic trends and practices that tend to subvert Parliamentary democracy and denigrate and debase its institutions, this House is of the opinion that the democratic standards, and the dignity of this House would be best served by admonishing **Shri R. K. Dhawan** and **Shri D. Sen** and accordingly the House do admonish them for their misdemeanours and impermissible conduct compounded by certain personal interest which this House strongly condemns." (11)

SHRI A. K. ROY: I beg to move:

That for the original motion, the following be substituted, namely:—

"The House, having considered the Third Report of the Committee of Privileges (Sixth Lok Sabha) presented to the House on the 21st November, 1978, resolves that **Shri R. K. Dhawan** and **Shri D. Sen** should be reprimanded for their involvement in the above mentioned affair, as held by the Committee." (14)

SHRI JYOTIRMOY BOSU: I beg to move:

For the last paragraph, substitute:—

"This House condemns unequivocally **Shri R. K. Dhawan** and **Shri D. Sen** for the breach of privilege that they have committed and that they be brought before the Bar of the House on such date as may be decided by the Honourable Speaker, and they be asked to tender an unconditional apology to the House, failing which they be severely reprimanded." (1)

SHRI SAMAR MUKHERJEE (Howrah): I am placing the point of view of my party. We have given serious consideration to the recommendations and the findings of the Privileges Committee and we are fully in agreement with the findings and the recommendations of the Privileges Committee. The misdeeds, the crimes committed

[Shri Samar Mukherjee]

by Mrs. Indira Gandhi are not an isolated thing. It is a continuation of the same attitude, of the same misdeeds which were committed during 20 months and all her sychophants and caucus are trying to defend these misdeeds. (*Interruptions*)

AN HON. MEMBER: Sir, he is using unparliamentary words.

MR. SPEAKER: It is not unparliamentary.

SHRI SAMAR MUKHERJEE: Mrs. Indira Gandhi has not the courage and the honesty to accept the truth. Otherwise she would have come forward before the House and accepted the misdeeds she had done and would have come with an apology and said if proved "I am prepared to mend". But there is no change. There is no change in the attitude and behaviour. Sir, you have seen her attitude towards the Privileges Committee. It is quite clear from the attitude shown by her to the Privileges Committee. The question is whether a Parliamentary Committee, the Privileges Committee and the House will defend their dignity or not and whether a person who had committed such crimes will be punished or not. This is the basic and fundamental question. For this, we hold the view that this Parliament must exert its authority, must uphold its dignity and must punish her and others for the crimes they have committed.

The Privileges Committee in meting out the punishment has its own limitations. Here, we suggest that she should be asked to tender an unqualified apology before this House. I think, the House should consider no other punishment if she agrees to tender an unqualified apology to the House. Her attitude is, however, quite clear and that is why, we recommend that at least till this session is over, her membership should be suspended.

In relation to the crime committed by her, it may appear to be modest punishment. Our party demands suitable punishment for the crimes she had committed by imposing emergency, by putting thousands of people in the jails, by perpetrating brutal tortures inside the jail etc. She thinks that she is above Constitution, she is above Parliament and she is above anything. She, therefore, deserves the highest punishment for these crimes, but the punishment should be given by the courts, the special courts. On the recommendations of the Shah Commission, she should be tried before the special courts, for which the Supreme Court has given clearance now. It is necessary that she should be tried and we hope that her crimes will be punished suitably.

I would like to appeal to the Janata Party leaders, so far as the Privilege issue is concerned. I have seen certain proposals of the Janata Party. A major section of the Janata Party, though not unanimously, wants that highest punishment should be given to her. Not only that she should be expelled from the House, and should be put into the prison also. In this case, it is our feeling, it is our assessment that still in India these forces of authoritarianism have some mass base, because Shrimati Indira Gandhi has very recently got elected from one of the parliamentary constituencies, Chickmagalur. There these people will be able to confuse those sections and it may appear before the people that this Janata Party is taking revenge. The Janata Party has failed to bring her before the courts for trial after the Shah Commission's report was published. They showed softness for her then. But now when the Privileges Committee has recommended punishment for her, they are indulging in heroics. Now they have got an opportunity to say: 'Give her the maximum punishment'. This will not be helpful for isolating her and for

exposing the character of totalitarianism. Instead, these people should be exposed before the masses and a total fight for that is to be organised throughout the country as also against this totalitarianism. It is not one day's fight and that is why, today, maximum punishment should be avoided. You should approach the people, you should tell them that this House has considered all aspects and has resorted to modest punishment in order to give them the scope to re-understand and revise their present methods and attitude. Ultimately, the people will decide. People have decided already and again it will be decided by them. We want that the Janata Party must take into consideration this aspect. If we give her the maximum punishment and hold her and her party guilty, they would appear before the people as victims of vengeance and they will try to get the sympathies of the people, who are mostly unattached. That will be counter-productive for you, and helpful to them. Already Mr. Stephen has threatened resurrection. You keep it in mind that they will go outside and tell people that out of vindictiveness Indira Gandhi has been punished. No. You raise it before the people, viz., the nature of the crimes and misdeeds she has done and expose her, and thereby isolate her because the fight against totalitarianism is a long drawn one. People are already in the midst of the fight; and that fight is to be continued, and totalitarianism completely defeated and the supremacy of democracy completely established, with full authority. That is why, keeping the long-term ideals in view and taking into consideration all these things, the Janata Government should immediately put up a special court, institute cases in the special court and start trying her for the crimes she has committed, and render her an extreme punishment. That is why our proposal is that she should be asked to tender an unqualified apology. And if she refuses, her membership should

be suspended, for the duration of this session.

SHRI RUDOLPH RODRIGUES (Nominated—Anglo Indians): I rise with some pain in my heart. The pain is there not so much about the matter we are discussing, but about the concluding portion of the speech of the hon. Leader of the Opposition. He compared the present situation to the Crucifixion and the Resurrection. I would remind him and this House that the Crucifixion that he speaks of, relates to a Sinless Person. In all fairness to her, not even Mrs. Gandhi would make such a claim. I come from a tradition which says, "Trespassers shall be forgiven." I would also remind this House that the belief that trespassers shall be forgiven, pre-supposes that they are trespassers.

The Leader of the Opposition drew a number of statements from the proceedings, as recorded in these two volumes. But I would like to remind him that even the references he has made are not complete. For instance, he spoke of Mr. Pai's evidence. I do not want to contradict him in great detail, except to draw attention to the fact that Mr. Pai himself wrote a letter to Mrs. Gandhi; and Mrs. Gandhi's reply to that letter is dated 7th May 1975. It is at page 142 of Vol. I. Whatever the facts may be, the same Mr. Pai alleges in his letter, as evident from Mrs. Gandhi's reply, that enquiries were in connection with the answers to a Parliament question. In other words, Mr. Pai had, in his letter, made such a charge.

SHRI VASANT SATHE: That letter is not produced. It is missing.

SHRI RUDOLPH RODRIGUES : Whether that letter is missing or not, Mr. Gandhi's letter is there. The Leader of the Opposition also referred to the matter of oath, and he has quoted from the statements alleged to have been made by the Attorney

[Shri Rudolph Rodrigues]

General. The Attorney General himself, at Page 350 of Vol. I makes it abundantly clear—I quote:

“I take the view that it is upto the Committee to put a witness on oath or solemn affirmation.— The Committee of Privileges, normally administers oath or solemn affirmation, so that it can punish the witness for perjury or refusal to go on oath.”

The hon. Mr. Stephen had much more to say.

For the various crimes alleged to have been committed. I would like to say simply this: I for one am not in favour of asking for an apology, for very good reasons. Apart from the fact that such an apology would have no evidentiary value subsequently, I should like to draw your attention to the fact that Mrs. Gandhi in the same letter says: these charges are totally baseless. If she now offered an apology, it would in effect show that her earlier statement was a lie. I do not wish to put Mrs. Gandhi in that embarrassing situation!

More than one speaker referred to the fact that elections would come and she would return. I want to assure this House that whatever may have happened at Chickmagalur, we should not suffer from Chickmagaluritis. By this I mean that we must stand on our spine. If we do not take any action the effect on the courts of law, the effect on beauracrats and on the dignity of this House will be extremely damaging. I am saying: we should not ask for an apology; we should not suspend her; we should not put her in prison also, the reason being that if you do so, you have to put many more people in prison judging from what has been happening in this House. I should say that for a far lesser offence such as that which is alleged to have been committed by our distinguished friend Shri Swamy, the least punishment that

that House saw fit to give was the punishment of expulsion. I suggest that at this point ...of time, for an offence far more serious, we can do no less.

Before closing, I should like to say simply this. Nothing has been said about the four officers who suffered so terribly. This House, I feel, owes it to itself and to those people to place on record its appreciation for the way in which those four officers did their duty.

One last thing, in the context of the motions that have been tabled. Distinction has been made between what punishment should be given to Shri-mati Indira Gandhi and the two other accused. I suggest that in all fairness, equity and justice demand that we cannot give a greater punishment to the two officers concerned when they acted under the orders of the first accused. I would therefore suggest that this House consider not only calling her to her seat in the House and the two other persons to the bar of the House but, before doing so, also take a decision that she should be expelled.

SHRI K. P. UNNIKRISHNAN (Badagara): I speak, today more in deeply felt anguish, than anger. Not that there are no reasons or grounds to be angry about; because what is outlined in the report, whatever might be the infirmities and extremities of the report, or the infirmities of the many notes that follow; there is a clear outline of a positive attempt to subvert parliamentary processes and procedures.

SHRI VASANT SATHE: How?

SHRI K. P. UNNIKRISHNAN: I shall come to that. On an occasion like this, it is better that we avoid the passion and heat that had been generated and separate the many issues that are involved. I should not like this issue to be mixed up with various other issues that are likely to generate heat and passion. I would

rather urge upon my friends to approach this report with great objectivity because it is likely to be a land-mark in the years to come and in the interest of parliamentary democracy and institutions; it is necessary that we take this up with a great amount of caution and deliberation and also exercise our right judgement.

The other day, when Mr. Madhu Limaye spoke, I thought that he had an important point that many people who should have been called before the Committee were not called upon to tender evidence. Many, who could have thrown more light on the activities, that surrounded this investigation between particular and specific dates in April and May '75—should have been called, were unfortunately not called.

Now, there are also certain basic and fundamental postulates involved in this case and, that is, one of those is the question of Parliamentary supremacy. There have been people, many on this side, who swear day in and day out about parliamentary supremacy and those who even sought to restrict the scope of ministry of democracy and I am not particular admirer of this Westminster type of democracy and I am inclined to agree with them on the question of parliamentary supremacy, but that should also be extended to the privileges of this House which enable us to function! It is more for functional perfection of legislatures that we have parliamentary privileges. If Parliament is accepted not merely as a legislative organ; but also as a "grand inquest of the nation" as Lord Derman pointed out and also as an instrument to direct social change; then we shall have to accept the fact that Parliament is endowed with certain special privileges.

This question has been debated not only here but also in the courts, and in the highest court—the Supreme Court. As we are well aware, right from the days of "Searchlight" case onwards, this has been a point of

dispute—the nature of privileges flowing from Article 105 of the Constitution—whether it overrides the rights under Part III and also its co-relation with the legislation undertaken by the Parliament. Under Article 13 the Committee of Privileges by its composition, is not a court nor is it even a body of prosecution as is being sought to be made out by some people. It is basically an instrument of this House with discretionary powers to commit. It is not a committee of lawyers and judges. Very often, we can visualise a Committee where you do not have distinguished jurists like Dr. Seyid Muhammed or Mr. Ram Jethmalani to adorn a committee of this kind. I can perfectly visualise a situation where you have ordinary members who have no background of law of judiciary or those who have not been even judges like Mr. Nathwani. So what do you do? Basically it is a political tribunal of facts. It has to be understood as such. It is a fact finding body and it has a very limited role before it, that is, to find out whether questions placed before it, attract the privilege of Parliament or not. Whatever might be the procedural lapses, you are aware that we have Article 122, of the Constitution. Even if there are procedural lapses, under Article 122(1) we are covered by the protection it gives and I presume that this Committee is also covered by it. My point is that we should be as unemotional and clear as possible.

Regarding the events of this case, I would like to address myself to this task today to uncover as to what happened between the admission of this question and the commission of a particular offence, that is, the days between 5th April and 15th April and 16th April and subsequently 10th of May.

On 18th November, 1974, we are aware, a question was asked by Mr. Madhu Limaye. The whole question, I would assume, begins with it. It is a relevant and legitimate question for the Committee of Privileges to inquire into not only the facts of this

[Shri K. P. Unnikrishnan]

case but also its background. The basic question that was raised was on the import of plant machinery and equipment for Maruti Limited which was circumscribed by the terms of licence issued under IDR Act. There were again several other questions—I do not want to go into all of them. Finally, there was Question No. 656 of Shri Jyotirmoy Bosu. A question has been raised here whether it is relevant. But I think, as terms of the question—I do not want to read it out—reveal, it is closely related to Mr. Madhu Limaye's question and reply to it on 12th May, 1975. The notice of this question, which was received on the 5th April, was admitted despite the objection from the Ministry of Industrial Development, and put down for answer on the 16th April. Specifically, the facts are that certain officers, who were responsible to the Minister, the Minister in charge in turn responsible to Parliament, acting as duly authorised persons, had to collect certain information for Starred Question No. 656, to be answered on the 16th April, '75. Now basically the question comes up regarding the role of questions for information, that is, the role of the Question Hour. You are aware, it has evolved over the years not only here but also in the House of Commons, and the parameters of the Question Hour and the admissibility of questions has undergone a fundamental change even in this country. With the vast regulatory framework, regulating our economic activity, the nature and type of information sought by the House has undergone a basic sea change. As long as you have licensing procedures and controls, the regulatory framework the outer limits of questions are likely to expand. So, in this case, it is precisely on this question that information was sought, and if you accept the doctrine of ministerial responsibility and also that of executive accountability, I cannot say that they are not bound to

ask for information. Yet, an astounding proposition has been taken up in one of the dissenting notes. I refer to the note of Dr. V. A. Seyid Muhammed and two others at page 180:

"It has to be examined whether these officials had any authority or power to go and demand inspection of Messrs. Maruti premises and machinery. Shri Krishnaswamy has stated that they had no such authority, but he tried to feebly rely on Section 19 of the Industrial Development Act. Section 19 says that anybody authorised by the Central Government can inspect the factory premises for carrying out the purposes of the Act. In the first place, giving information to reply to a question in the Parliament"

—it is very important to note this—

"is not one of the purposes of the Act. Secondly, there is no evidence that anybody was authorised by the Central Government to inspect even under this section. Thirdly, Industrial Disputes Act covers the industries notified under the Act. There is no evidence that M/s. Maruti Ltd. is one of the industries or types of industries notified under the Act... Any private individual is entitled to privacy of his premises and will be justified to prevent unauthorised persons from inspecting his premises."

In all humility, I would request these Members to once again go through this Act, and specifically, the First Schedule. In the First Schedule, item No. 7 is transportation and industry and item No. 5 under 7 is automobile industries.

AN HON. MEMBER: What about authorising?

SHRI K. P. UNNIKRISHNAN: I will come to that.

The basic question that I pose before you is, whether in an economy with a regulatory framework of the kind we have, once you decide to admit a question,—the admissibility,

Sir, is governed only by the fact of using your discretion. If you in your wisdom decide to admit a question, the Minister is bound not only to answer but, if it is a Starred Question, he will have to be ready with all the answers for all possible supplementaries that are likely to arise. In that case, if you accept this premise that the Minister had to answer—and there are not one but a series of Speaker's Directions and precedents laid down in this House that a complete answer is called for—if you accept that, then the question is whether these officers had any legitimacy and whether these officers were legitimately seeking information from these bodies. Now, it is also equally important...

SHRI VASANT SATHE: What can they do if the Minister was... (Interruptions) You have not mentioned that point.

Why don't you hold the Minister responsible... (Interruptions)

SHRI K. P. UNNIKRIISHNAN: I do not want to run away from that... (Interruptions)

Now, Sir, consider the second set of facts, i.e. what happened to certain officers who were in pursuit of information during these dates from 5-4-1975 to 15-4-75 and 16-4-75 to 10-5-1975 because the question came up on 16th? Sir, there were these officers, particularly four in number in pursuit of information, who were subjected to harassment and punishment by administrative and investigating agencies and is between these relevant dates.

MR. SPEAKER: You will have only three minutes more.

SHRI K. P. UNNIKRIISHNAN: No, Sir. I will have to explain fully. (Interruptions). On 15-4-1975. Mr. Bhatnagar was suspended. Another

gentleman was transferred. Yet another gentleman was subjected to raids. On 15-4-1975 there is evidence to show..

(Interruptions)

MR. SPEAKER: Do not record. Only record Mr. Unnikrishnan.

(Interruptions)***

SHRI K. P. UNNIKRIISHNAN: On 15-4-1975, there is evidence to show that the former Prime Minister called two of the then Ministers, Mr. D. P. Chattopadhyaya and Mr. T. A. Pai. Mr. Chattopadhyaya, who has been described by his own Special Assistant, as 'a picture of Mickey Spillance cartoon'—I do not know what he exactly meant by that... (Interruptions)... had found her to be angry and please remember he was not called to discuss any policy questions! He was called to be told by her, that certain officials of his Ministry were harassing people and there were complaints to the former Prime Minister from M.Ps. and other V.I.Ps. and according to Mr. Chattopadhyaya, she particularly mentioned Mr. Bhatnagar's name and also that he be suspended, and on the same evening—dates are important and time is important—the Minister gave the formal order for suspending Mr. Bhatnagar. I have nothing to say about the conduct of the Minister, but he said in his order that this was "brought to his notice" on that particular date. Now, Sir, the glum and pompous Minister, as he was described by his Special Assistant before the Privileges Committee, what did he do? He called the Officer who put down a note and related it with the specific complaint of the Prime Minister that day that "he coerced them to part with certain information". Sir, I would have liked the Committee of Privileges to further go into this aspect as to what was the specific information that was forcibly taken out or alleged to have taken out.

MR. SPEAKER: You please finish.

SHRI K. P. UNNIKRIISHNAN: I am the original mover. So I have to speak. The time given should be reasonable.

MR. SPEAKER: There are a number of movers.

SHRI K. P. UNNIKRIISHNAN: On the same date, i.e., 15-4-75 the then Additional Private Secretary to the former Prime Minister asked the Director of CBI to 'verify their antecedents' and make investigations about these four officers. All these events took place after the process of collecting information began for a Starred Question. Then Mr. Cavale was transferred. And raids began by the CBI. Now, was it a coincidence that something happened to these people between these dates? Or, is there any other evidence to suggest that the former Prime Minister, along with two others, entered into an understanding, if not a conspiracy, to prevent Parliament from having access to the information that was sought. That is the question before us. The answer is 'Yes'.

Mr. T. A. Pai's letter of 5th April, '75 is unfortunately not there, but the reply of the ex-Prime Minister of the 7th May, 75 clearly indicates that there was in existence such a letter. Also, I would pose a simple question. Did the Member for Chickmagalur, who was then the Prime Minister,—forget that she was the Prime Minister,—did she as the Leader of the House; when an honoured colleague of hers who was holding a key Cabinet post complained, find out whether the allegation had any substance?—the allegation that four officers who was seeking information for Parliament, were harassed and whether they were actually involved in collection of information for a parliamentary question? So far, to this date, to this time, we have not been given an answer, and we should presume that the answer was what was contained in the letter of the 7th May. (Interruptions)

The question has been raised regarding the competence and jurisdiction of this House. The very fact that our Lok Sabha is called the Sixth Lok Sabha is suggestive of the continuation and continuity of the Lok Sabha, and there is also continuity of breach of privilege whatever might be the change in complexion that the Lok Sabha may undergo after dissolution. This Lok Sabha is certainly entitled to go into this question. (Interruptions)

I will conclude by saying that we are not discussing the question of the threat of authoritarianism in this House, we are not discussing now the role of the ex-Prime Minister, we are not discussing anything of that kind. We are on a very limited question of privilege and contempt of the House, and I would appeal that our approach should not be one of vindictiveness, but one of laying down precedents for the future, so that parliamentary institutions can flourish.

SHRI YADVENDRA DUTT (Jaunpur): Mr. Speaker, Sir, I rise today with a very sorrowful heart because the person involved held once the highest office. Therefore, the punishment should also be the highest because the punishment must be equal to the office and the crime committed by the office.

Mere talk about mercy; mere talk of this thing or that thing has no meaning. Did the ex-Prime Minister have any shred of mercy when she harassed and victimised the people of this country? She was the fountain-head of the authoritarian rule of 19 months which was unparalleled in history. That is why it is not a personal question at all. It is not a question of any individual. It is a question of principle. The question is, whether democracy which has triumphed in this country can afford to tolerate the fountain-head of authoritarianism roaming free in this country and mis-utilising the freedom granted to the citizens of this country?

I was amazed when Mr. Stephen compared the ex-Prime Minister with Jesus, 2000 years back. Jesus was the prince of peace...

MR. C. M. STEPHEN: I compare you with the rabble of the Pilate's court clamouring for blood and crucifixion (*Interruptions*)

SHRI YADVENDRA DUTT: I am afraid, the Leader of the Opposition has lost balance.

Jesus was the prince of peace and he professed the principle of love and humanity. But the ex-Prime Minister was a princess of authoritarianism who put the people in jail for no reason whatsoever except that they were her opponents. If Jesus were alive, he would have hidden his head in shame if he was compared to a dictator. May I remind the Leader of the Opposition that in the 17th century, a Bourbon dictator was beheaded in France and in the 20th century, a ruler of Russia, Czar, was shot down because he was a tyrant, because he was a totalitarian ruler? The crimes committed in this country have been unparallel. May I ask the reasons why the present Prime Minister was put in jail, why all the Ministers here and all the members sitting on this side were put in jail?

MR. SPEAKER: We are on a different matter.

SHRI YADVENDRA DUTT: I am giving the background. The only fault was that they accused the ex-Prime Minister. Why were these four officers put in prison? Was it not an astounding thing that the question which concerned her own family was being stalled, was not allowed to be answered and the correct information was not allowed to be given to this august House?

SHRI VASANT SATHE: At least once you should talk relevant. (*Interruptions*)

SHRI YADVENDRA DUTT: I am dealing with the organ grinder. I will deal with these gentlemen later.

It has been said, let the ex-Prime Minister be convicted in a court of law. I say, this is also a court of law in the matter of breach of privilege of this august House. And may I repeat the famous words of a great ex-Prime Minister of this country when he moved a similar resolution of breach of privilege that this august House expects a much greater and higher standard of conduct and truthfulness than any other place. I hope the ex-Prime Minister will remember it...

SHRI VASANT SATHE: Follow that and be truthful to yourself for a change.

SHRI YADVENDRA DUTT: I draw the attention of this House regarding the period of imprisonment which I have been demanding so far. Some of my friends here and there have been saying that imprisonment can only be for the duration of the session...

SHRI C. M. STEPHEN: For eternity!

SHRI YADVENDRA DUTT: Here is the book, the second edition of *Kaul and Shakdher's Practice and Procedure of Parliament*. I draw your attention to page 223. Please see the footnote which says:

"The present practice of the House of Commons, U.K., is not to commit offenders for any specified time, but generally or during pleasure; and to keep them in custody until they present petitions expressing proper contrition for their offences and praying for their release, or until, upon motion made in the House, it is resolved that they shall be discharged."

Therefore, there is no question of time. This august House, after convicting a person, can send him to prison for the longest period of time.

[Shri Yaavenara Dutt]

Now I call upon everyone of those who believe in democratic institutions whether this Janata government is going to be driven by softy softy conscience in the face of hard facts. Let us not forget our history of a thousand years back. Sixteen times apology was given by a defeated person and the seventeenth time we became a slave. Let us not forget that. A hard situation demands a hard decision and with this in view I ask the House and appeal to the hon. Members to vote for the imprisonment of the ex-Prime Minister because she was the fountain-head of all authoritarianism.

Mr. Sathe has been quoting so many Urdu couplets when he was speaking and Mr. Sathe is in the habit of interpolating. Let me quote for his benefit a very famous couplet:

सारी खबर र.ज, मगर बातें ऐसी कर
जैसी बेखबर करते रहते हैं ।

SHRI P. VENKATASUBBAIAH (Nandyal): The great Raja who has spoken before me is perhaps smarting under the so called injustice done by our government by abolishing privy purses and princes' privileges. Our government knew that these feudal elements were the fountainheads of obscurantism, fanaticism and are promoting para-military forces in the country.

I have been hearing the speeches made by some of those people on that side. And they are going to be converts of that side. I do not find any relevant point has been put. Even though they have quoted, some of them have even misquoted, none of them was able to meet the point—the main point made by the Leader of the Opposition, Shri Stephen. His point was whether these officers who were collecting information were actually obstructed and whether any harassment had been made.

Sir, they were not able to answer the point raised namely that a policy deci-

sion had been taken not to collect the information. When Mr. Pai had failed to produce a letter, I do not know, on what basis, they are making these bravado accusations. Sir, I may tell my hon. friends that perhaps the only crime we have committed is that we have lost the election. That is the only crime we have committed. But, now, you are in a brute majority. The country will not fail to notice that you want to make a political capital and want to take a vindictive attitude. That will prove counter-productive. (Interruptions) The people have demonstrated their faith; they have demonstrated their confidence in our policies and programmes under the leadership of Shrimati Indira Gandhi. As late as April 1978 two States had gone to polls. The people have unequivocally demonstrated their faith and they have voted us into power in the two States of Andhra Pradesh and Karnataka.

I may also remind you that by these acts of your omissions and commissions, you want to make an alibi; you want to cover up your deficiencies. Every day you are indulging in infighting; you are not able to come together. Look at your funny proposals of having two Deputy Prime Ministers. Don't think that the people are not going to watch you and check you. I am glad that Mr. Subramaniam Swamy in his recent survey says: 'Let these Ministers stop meddling in mediation; let them allow the party to be in peace, a single piece'. Take a lesson from Mr. Subramaniam Swamy. I may tell you that by all these findings you want to have a camouflage; you want an alibi (Interruptions) and you want to tell the people. (Interruptions). This document produced after a great labour, has produced nothing. It has produced nothing. There are inconsistencies and contradictions that have been made in this Report.

Sir, I appeal to all the Members and I endorse what Mr. C. Subramaniam

has said recently 'Don't suffer from subjectivity. This is a matter which has to be met at political level and there could be a political solution for that'.

My only request is that you don't overestimate your strength. The people are there to judge you what you are. They have judged already, the manner in which you are administering this country. It goes to show the bankruptcy of your leadership. (Interruptions). Being divided you are going to fall. And that day is not far off. The people will teach you a proper lesson and place you where you are.

(Interruptions)

SHRI CHITTA BASU (Barasat): Sir, this august House is called upon today to discharge a most historic responsibility in the matter of protecting the rights and privileges of this House. Mr. Speaker, Sir, ours is a parliamentary democracy and the system of parliamentary democracy provides that Parliament has a vital importance and crucial significance. Parliament in this parliamentary democracy should act in a fearless manner so that it can discharge its responsibility towards the sovereignty of the people of our country.

Sir, I do not want to take much of the time of the House. The issue before this House is whether the House agrees with the findings and recommendations of the Privileges Committee which is an instrument of the House itself. At the outset, I want to express my full agreement with the findings of the Committee and the recommendations of the Committee. I shall be failing in my duty if I do not place on record the thanks and the gratitude for the labour done by the Committee and the objectivity it has displayed in the matter of analysing the evidence and coming to their conclusion. The

conclusion of the Committee is that Mrs. Indira Gandhi, the former Prime Minister of this country and now the Member from Chikmagalur and two officers, Mr. Dhawan and Mr. D. Sen, have committed breach of privilege of this House and committed contempt of the House. Sir, it is the duty of this House to uphold the traditions and rights of this House. It is this call which we are called upon to respond to.

Sir, so far as the issue is concerned as the Leader of the House the former Prime Minister was to facilitate the collection of information in the interest of Parliament and parliamentary democracy. Instead of doing that what she did? In this connection I would only like to quote what has been said by Mr. T. A. Pai. It is on page 49 of the Report. I quote:

"I thought it was not worthwhile replying to her as I felt she was unreasonably angry. She also called Shri Dhawan and told him to ask Shri Sen to start CBI enquiries against all these officers. Subsequently, I heard Shri Rajan's house was raided by the CBI without permission of DGTD. Shri Rajan complained to me about this. Shri Krishnaswamy also complained that he was being pursued by the CBI."

(Interruptions).

Whereas it was her duty to facilitate the collection of information on the other hand she obstructed, harassed and there was institution of cases against those officers who were entrusted to collect the information.

Now, what does Mr. Pai say? (Interruptions)**

MR. SPEAKER: Do not record.

SHRI CHITTA BASU: Therefore, my point is this. Instead of collecting the information, she did institute cases by the CBI against those officers. It is a crime which she has

**Not recorded.

[Shri Chitta Basu]

committed. She has shaken the very basis of parliamentary democracy. Her action has shaken the very basis of the foundation of parliamentary democracy in this country.

Now the question before us is, to protect the fabric of parliamentary democracy in this country. We are here to defend democracy, to enlarge democracy, and to fight against those forces which are against democracy, which have undermined and shaken the very basis of democracy. The duty of the Parliament is to keep itself busy in this respect because I am constrained to say this that our experience has proved to the hilt that lack of vigilance on the part of Parliament has really undermined the very basis of parliamentary democracy and robbed the people of their cherished and inalienable rights. It is the duty of Parliament to display the necessary vigil and to protect and defend democracy in this country.

I am in agreement with Shri Samar Mukherjee when he says that in view of the fact that she has committed serious offence and contempt of the House from her position of final authority, the punishment should not be withdrawn unless she gives unconditional apology and unqualified apology to the House.

I again express my gratefulness to the Privileges Committee who have done a signal duty in order to defend democracy of this country and in upholding the supremacy of Parliament.

DR. SUBRAMANIAM SWAMY (Bombay North-East): Sir, we have two voluminous reports of the Privileges Committee and the Leader of the Opposition in making a hopeless defence of his client, if I may say so, has used number of arguments and some documentation which have already been shown to be without any basis. One of the arguments used is that this Privilege Committee does not have a majority, and that it will be creating a precedent. Sir, the pre-

cedent has already been created. They themselves have created the precedent when I was expelled. That Committee's report was also not a majority report. The argument is used that cases are there in courts and you cannot be asked to testify against yourself. I may say that here too in the precedent in the Rajya Sabha the same thing I was asked to do. So I will not go into those things. I know these are all Shany arguments. But the fundamental question is what? The fundamental question is this: The Prime Minister utilises her office not to take action against politicians. We can defend ourselves. We can throw you out in the election. We have done that. And certainly during the emergency also we did show in regard to your massive structure what they were capable of doing. We did show that. But what does this report show? The action taken is not against senior officers, against Manmohan Sondhi, the Secretary and so on. The action taken is against the junior officials so that the world in general would not know, and they would be demoralised. That is the heinous part of the action and that is what the Report says. (Interruptions). They talk much of Chikmagalur and say that they have got the support of the people. I challenge this. Let Shrimati Indira Gandhi come and fight in Bombay: she will lose her deposit here. This running away to Chikmagalur has no justification. Let her come to Bombay and fight; I will pay for her deposit, because he has got to lose that. This House cannot take cognizance of such irrelevancies. There is only one place for Shrimati Indira Gandhi and that is the jail and where she should be sent. She is unfit to be a Member of this House and unless she gives a categorical confession of her crimes and apologies for that, she must be expelled from this House. That is all I want to say.

MR. SPEAKER: I am not calling upon any other speaker to speak because the half-an-hour discussion is to be taken up now. This debate

will continue tomorrow at 200 p.m and there will be very few speakers on this tomorrow.

17.27 hrs.

HALF-AN-HOUR DISCUSSION

SALE OF PADDY AT LOW PRICE IN ANDHRA PRADESH

[SHRI N. K. SHEJWALKAR in the Chair]

SHRI K. SURYANARAYANA (Eluru): Mr. Chairman, Sir, I rise to raise a discussion on points arising out of the answer given on the 4th December, 1978 to Unstarred Question No. 2089 regarding the sale of paddy in Andhra Pradesh at low price. The answers given under the question are vague and unsatisfactory.

The farmers in the coastal districts of Andhra Pradesh are facing considerable difficulties in disposing of their stocks at the support price fixed by the Government of India. Due to the failure of the Food Corporation of India in purchasing their stocks, they are forced to dispose of their paddy at very low prices to the local traders. The Corporation has not opened sufficient number of purchase centres in Andhra Pradesh, in particular in the coastal districts. As no assurance has been given in the answers that the genuine difficulties of these farmers will be looked into and that arrangements will be made for the purchase of their stocks at the fixed support price, the matter needs further consideration of the Government and I demand an assurance from the Government that they will make suitable arrangements for the purchase of paddy in Andhra Pradesh and other States, if necessary.

The Government is aware that the cost of inputs for agricultural production has gone up tremendously in the recent past. The farmers throughout the country, irrespective of their

political affiliations, have been demanding that remunerative prices should be fixed for agricultural products keeping in view the rise in prices of inputs. The farming community, kisan organizations and political parties have urged for fixation of paddy price at Rs. 100/- per quintal. It is unfortunate that this unanimous demand has been rejected by the Union Government. The price of Rs. 85 per quintal fixed by the Government is not at all remunerative price. The hon. Minister is aware of this and it has been raised in the conferences several times. Not only the Andhra Pradesh Government but various rice-producing States also are unanimous in their demand for a hike in the procurement price of rice.

In the past, when the prices fixed by the Central Government were not remunerative, the State Governments had fixed higher procurement prices on their own. Last year, the Governments of Tamil Nadu, Karnataka and Kerala have fixed the procurement price at Rs. 5 to Rs. 10 more than the minimum price fixed by the Central Government. This year, Kerala Government has decided to pay Rs. 120 per quintal. Last year, the Gujarat Government paid a higher price for wheat, than what was fixed by the Central Government.

At a conference held at Vijayawada on 9-12-78, I met thousands of farmers from the rice delta districts of Krishna and Godavari. They have complained that though paddy has been coming to the market for the last one month, the Food Corporation of India has not opened enough procurement centres to buy paddy on a large scale, even at the procurement price. Besides, FCI is not willing to buy Surekha and Hansa varieties of rice. They are also refusing to buy the kharif crop that is, a new high-yielding variety, on the ground that there is a black spot. It is not their fault. Every grain has a fault. At some centres, they are buying only one variety of rice, rejecting other