

conspiracy. Besides the directors—Mr. R. N. Goenka, his son, Mr B. D. Goenka and Mr. B. D. Goenka's wife, Mrs. Saroj Goenka—two other employees of the Express group of companies will stand trial on similar charges.

The case was committed for trial by the Special Metropolitan Magistrate of Madras to the court of the Chief Metropolitan Magistrate, New Delhi on Saturday....

The prosecution case was that the accused entered into a criminal conspiracy in 1968, to cheat the bank, commit forgeries and falsify the account books and stock records of the companies with a view to obtaining excess cash credit facilities from the bank."

Sarvashri Priya Ranjan Das Munshi Bhogendra Jha, S. M. Banerjee, K. P. Unnikrishnan, D. C. Goswami, Darbara Singh and Shashi Bhushan made their submissions in the House on the 13th and 16th December, 1974 regarding the admissibility of their notices. The members referred to the alleged charges against Shri Goenka and contended that the impugned conduct of Shri Goenka was derogatory to the dignity of the House and inconsistent with the high standards expected from Members of Parliament.

Shri R N. Goenka made his submission in the House on the 18th December, 1974. He stated that these allegations related to a period when he was not a member of the House. He added that he was not in a position to go into the merits of the case since the matter was pending in a court of law and that he would present his rebuttal in the court. He also submitted that the allegations and charges made by some members against him should not have been permitted to be made and pleaded that a question of privilege against a member could arise only if the member had been guilty of misconduct or

misdemeanour as a member of the House.

As stated in my ruling in the House on the 2nd December, 1974, in order to constitute a breach of privilege or contempt of the House, the misconduct of a member should relate to business in the House. In the present case, as the impugned conduct of Shri R. N. Goenka does not relate to business in the House, I do not give my consent to the notices of question of privilege.

The Chair shall in future disallow notices of questions of privilege in *inimé* where it is not clearly shown that the alleged breach of privilege is connected with the business of the House.

There may, however, be cases where it may be alleged that a member's conduct involves moral turpitude and to that extent the member may be deemed to be guilty of lowering the dignity of the House. In such cases, appropriate procedure should be followed and the matter should not be brought as a question of privilege. I have already ruled in my ruling of 2nd December, 1974, that the rule of *sub judice* does not come in the way of disciplinary jurisdiction of the House. But the Chair and the House will have to consider each case on its merit.

12.10 hrs.

QUESTION OF PRIVILEGES AGAINST A.I.R.—contd.

MR SPEAKER Yesterday, Shri R. N Goenka sought to raise a question of privilege against the All India Radio for broadcasting in its news bulletin and in the broadcast entitled "Today in Parliament" on the 4th December, 1974, certain matters as proceedings of the House which in fact were not in the official record of the

[Mr. Speaker]

proceedings of the House of that day. Shri Goenka, while seeking to raise the question of privileges, *inter alia* stated:

"In the official record of the proceedings no doubt all these were omitted, yet various newspapers had published what happened in the House, some briefly, others at great length for their own reasons. I did not invite you to take formal notice of them, as I felt that there may have been a genuine misunderstanding in that the Press Gallery may not have heard your ruling and wanted them to have the benefit of doubt. But the All India Radio, which is an official organ, a Department of Government, cannot have the same excuse. In their coverage of the news regarding what happened in Parliament, they said:

"Immediately after the question hour, pandemonium prevailed in the House as Mr. Priya Ranjan Das Munsi (Congress) sought to ascertain from the Chair whether a newspaper report about Mr R. N. Goenka had anything to do with the Member of the same name in the House. . ."

The All India Radio, not only broadcast the expunged matter, but in the commentary "Today in Parliament" on 4th December night . . . talks of 'cheating and forgery' under 'quote'".

Thereupon, the Minister of Information and Broadcasting, Shri I. K. Gujral, explained the position and *inter alia* stated:

"On the 4th December 1974 some reference were made in this House, immediately after the Question Hour on the newspaper report about Shri R. N. Goenka by Shri Priya Ranjan Das Munsi, M.P. The proceedings arising from his reference

were reported by the All India Radio in its bulletin at 2 p.m. and another bulletin. . . AIR was not alone in reporting this incident. All the news agencies, including the PTI and UNI and several newspaper correspondents reported the incident. . . the AIR news bulletin made no reference to allegations about cheating and forgery against Shri Goenka which were reported by the news agencies as well as newspaper correspondents. . ."

Shri Goenka has special objection to the commentary 'Today in Parliament' in which the words 'cheating' and 'forgery' were used. Sir, as the House is aware, this commentary is written by experienced newspaper and newsagency correspondents. The Commentator on that day was Shri N. Gopinath Nair, a senior Correspondent of UNI. . .

He referred to the issue raised by Shri P. R. Das Munsi about the press report involving Shri R. N. Goenka. In that context, he mentioned the words 'cheating' and 'forgery' only occurring in the press report and as quoted by Shri P. R. Das Munsi. . ."

The position is that the representatives of the Press, including the Government news media, are admitted to the Press Gallery on the clear condition that they will faithfully report the proceedings of the House in an objective manner and, more importantly, observe the decisions of the Chair and carry them out in letter and spirit. There can be no excuse that what is ordered not to be recorded in the proceedings can be reported in the press or broadcast.

I have looked into the official record of the relevant proceedings of the House of that day and I find that the observations attributed to Shri Priya Ranjan Das Munsi in the news broadcast of All India Radio at 2 p.m. on that day are not recorded therein.

Nor do I find the references to "forgery" and "cheating" in those proceedings. In fact, this is what I had said in the House on that day:

"I never called Mr. Das Muns. He is not considered as speaking....

I have not allowed it; I had not called any Member. If anything has been said, without my permission, this is not on record. I told it very clearly.

I am not allowing anything without notice. No Member has got the right to get up without the permission of the Chair. Anything said by any Member without being called or without my permission will not go on record."

I am, therefore, of the view that the All India Radio should not have broadcast the observations of members as proceedings of the House which did not form part of the official record of the proceedings and the news agencies and the Press should not have similarly carried the alleged report of the speeches in the House. It is, however, admitted that there was terrible noise in the House at that time and in the din and uproar it is possible that the Press correspondents and other representatives did not clearly hear my orders, and as Shri Goenka has also said that there may have been a genuine misunderstanding in the Press Gallery and he wanted the Press Correspondents to have the benefit of doubt, I think, that the same benefit of doubt may also be extended to the Correspondent and Commentator of the All India Radio since they are also placed in the same position in the Press Gallery as other Press Correspondents and the House may be well advised to waive its privilege in this case and leave the matter where it is.

I should, however, make it quite clear that in future serious notice would be taken of such lapses and in order to prevent their repetitions, I

would advise the Press Correspondents in the Press Gallery to make sure from the official reporters about the correct position so that the proceedings are reported or broadcast faithfully.

SHRI JYOTIRMOY BOSU (Diamond Harbour): That is not possible. (Interruptions)

MR. SPEAKER: Order, please.

SHRI SHYAMNANDAN MISHRA (Begusarai): Are you sure that your ruling will be broadcast by the All India Radio?

MR. SPEAKER: I am very much hope.

श्री मधु लिये (बाका) : जो एक्सप्रेस किया जाता है उसकी इतना प्रेम गैलेरी को तत्काल मिलनी चाहिये। वरना आप उनको दोष नहीं दे सकते।

श्री अटल बिहारी वाजपेयी (ग्वालियर) : यह आपक सिक्रेटरी का काम है कि प्रेस वालों को बताए कि क्या एक्सप्रेस किया गया है।

12.18 hrs.

QUESTION OF PRIVILEGE AGAINST JUGANTAR OF CALCUTTA—contd.

MR. SPEAKER: This is the third ruling.

I have to inform the House that Shri Jyotirmoy Bosu gave notices of questions of privilege on the 1st August and 18th November, 1974, against the *Jugantar*, Calcutta, complaining that while reporting certain proceedings of the House of the 29th July and of the 15th November, 1974,