

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIA) With effect from 13-3-1972, the load of Nos. 189 Dn/190 Up Ernakulam-Trivandrum Passenger has been augmented. Arrangements are also being made to augment the loads of No. 748 Up Trivandrum-Quilon Passenger, 761 Dn Quilon-Trivandrum Passenger, 745 Dn/746 Up Quilon-Trivandrum Passenger between Quilon and Trivandrum and of No. 880 Up Ernakulam-Quilon Passenger, 885 Dn Kottavam-Quilon Passenger and 887 Dn Ernakulam Kottavam Passenger between Quilon and Kottavam/Ernakulam.

12 hrs

### QUESTION OF PRIVILEGE

REPORTED STATEMENT OF GOVERNMENT  
COUNSEL BEFORE LAKSHMI COMMISSION  
REGARDING 66TH REPORT OF  
COMMITTEE ON PUBLIC  
UNDERTAKINGS

SHRI INDRAJIT GUPTA (Alipore) Sir, may I seek your guidance regarding the question of privilege which I had raised about ten days ago in this House regarding certain remarks reported to have been made on behalf of the Petroleum Ministry by the Petroleum Ministry's counsel appearing before the Pipelines Inquiry Commission? You had promised to look into this matter and give it your consideration. I think, it should not be left pending for so long. One way or the other we should know how you have decided the matter. It was not my intention nor do I think that any other Member has the intention of wanting that there should be a confrontation between this House and any legal counsel, but the point is that the Petroleum Minister on that occasion said here—it is on record—that if the counsel had actually used any language of that kind, it would be a matter of serious concern. But he took the view that they had not said any such thing. He denied that. The Minister did not take the view that it was within the rights or the rules of advocacy for the counsel to argue the way he is supposed to have done. He simply denied it. We had submitted to you that this matter might be verified or sent to the Committee of Privileges to find out the facts so that they could go into it. We do not

know exactly how the matter stands now and how you propose to deal with it.

SHRI JYOTIRMOY BOSU (Diamond Harbour) I had also written to you three or four days ago enquiring as to what had happened to the privilege motion that was raised on the floor of this House. We appreciate that you have the Commission, on the one hand, the press, on the other, and the advocates on the third, but since the advocate with whom we may take it had acted on clear instructions of the Ministry and had cast reflection on this august House, it is a very serious matter. I would suggest once again that you kindly entrust this job to the Privileges Committee who could sit in judgment, find out the truth and take necessary steps, instead of delaying it any further.

SHRI INDRAJIT GUPTA Our complaint is not against the counsel but against the Ministry which briefed the counsel and the attitude of the Ministry towards the Public Undertakings Committee.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) We do recognise that counsels do have certain privileges, but the Committee of Privileges have to find out whether what was stated before the Commission was correct or not and whether the hon. Minister was rightly briefed by the counsel or not.

MR. SPEAKER Thank you very much for giving a few useful suggestions. On the day this matter first came before this House I made the position clear that the information both from the press correspondent or the news agency concerned and also from the Commission, should be before the Speaker before I was able to give a ruling. In between I have been meeting Members who brought up this privilege motion. Even this morning I met a few hon. Members who have raised this issue again today.

I have received the information from the news agency correspondent concerned, in which he says that the information published was correct, he had just reproduced the proceedings in the Commission. I asked the Minister concerned. Of course, besides the information he gave to us, he said that

[Mr Speaker]

the advocates deny it. So, I expressly told him to get this information from the Chairman of the Commission. The Commission has informed us that they do not keep detailed regular records or reports of the proceedings.

SHRI ATAL BIHARI VAJPAYEE : It is very strange.

MR. SPEAKER : It is not always that verbatim records are kept. You know the working of commissions. Verbatim records are seldom kept except by courts.

I have been very seriously considering the matter. This is a unique case in which three important parts of society are concerned—ourselves that is, this House—we claim certain freedoms and also privileges—the press—they too claim certain freedoms and privileges—and the legal profession.

I happen to belong to all the three. I have been a journalist ; I have been an advocate and also a Member, and, now, Speaker giving the ruling.

I have been seriously thinking over it. The Minister said that the advocates did not say what they are alleged to have said. Even if he had just said, he did say it, we were bound to review the matter in its proper perspective. The field of advocacy is very wide with a lot of latitude and freedom. Even when we go in appeal from a lower court to a High Court or from a High Court to the Supreme Court, we say, the judgement is irrefragable, fallacious, and very often, we say the judgement is perverse. In respect of these law courts against whom an appeal goes to higher courts, they have their own privileges and protections also. The field of advocacy is so wide that they too have full protection.

So, I think, considering all these various aspects of the question, the best thing is that the Privileges Committee should examine all these issues, not with a set view that we have to disturb the freedoms and privileges claimed by all these three parts but with a view to finding out facts. It is not essential that they must give their findings. They can consult the Speaker

also, if they think that I can be helpful to them—of course, I do not bind them by saying this—and they can examine various aspects of the matter as they think proper.

The Minister said that the advocates had not said it. Even if they had said it they were advocates—it is the profession of advocates to interpret before a court or a commission. Of course they act with freedom in the field of their own profession.

I think, the Committee will keep this in view and not encroach upon the liberties which their profession claims. So, I entrust it to the Privileges Committee for examination.

SHRI SHYAMNANDAN MISHRA (Begusarai) : Sir, after your observations we find ourselves completely at sea as to what is to be examined by the Privileges Committee.

MR. SPEAKER : It is not a ruling. The matter is for examination by the Committee. This is what we discussed together and I have put it before the House. The matter is referred to the Privileges Committee.

12.09 hrs.

#### PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER INDUSTRIES  
(DEVELOPMENT AND REGULATION)  
ACT, 1951

THE DEPUTY MINISTER IN THE  
MINISTRY OF FOREIGN TRADE (SHRI  
A. C. GEORGE) : I beg to lay on the  
Table :—

(1) A copy each of the following  
Notifications (Hindi and English versions)  
under sub-section (2) of section 18A of the  
Industries (Development and Regulation)  
Act, 1951 :

- (i) S.O.248 (E) published in Gazette of India dated the 30th March, 1972 regarding management of the Bengal Nagpur Cotton Mills Limited, Rajnandgaon [Placed in Library See No. LT-1786/72]