[Mr. Speaker]

its issue, dated the 27th April, 1973. On the 8th May, 1973, Shri Jyotirmoy Bosu had sought to raise a question of privilege in respect of the following comments published in an article appearing in the '*Jugantar*', Calcutta, dated the 27th April, 1973:—

> "In our Parliament at Delhi, Russian influence has decreased to a very little extent."

I had then said that before giving my consent, I would ask the Editor of the newspaper to state as was the practice followed in the past, what he had to say in the matter.

I have now received a letter from the Editor of the '*Jugantar*', dated the 12th May, 1973, which reads *inter alia* as follows:—

> "Since the receipt of your letter I have gone through the said article very closely. I have also talked to the author of the article. The sentence, as quoted by Shri Bosu, was written in course of a piece on the relation between the Congress and the CPI. It was written in a political context and the idea that was intended to be conveyed through it was that the influence of those members who generally support closer ties between Soviet Russia and India has recently been less felt in Parliament than before. But I agree with Shri Bosu that the language in which this sentence has been written is unfortunate. I can assure that it has been far from the writer's and our intention to suggest that the honourable members of our Parliament have been working under foreign influence. We regret having in any way hurt the feeling of Shri Bosu and other M.Ps. and for giving the impression of putting the House into contempt."

In view of the above explanation and regret offered by the Editor of the '*Jugantar*', if the House agrees, the matter may be treated as closed.

I hope the House agrees.

HON. MEMBERS : Yes.

MR. SPEAKER : The House has agreed. This matter is treated as closed.

(iii) FAILURE OF GOVERNMENT TO LAY ON THE TABLE OF THE LOK SABHA REPORTS OF MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION.

PROF. MADHU DANDAVATE (Rajapur) : Mr. Speaker, Sir with your previous permission, I raise a Privilege Issue against Shri H. R. Gokhale, Minister for Company Affairs. I would like to make a brief but pointed submission. I wrote to you on May 8, 1973 seeking your permission to raise a Privilege issue under rule 222 against Shri H. R. Gokhale, Minister for Company Affairs for the failure of the Government to place before Parliament all the reports of the Monopolies and Restrictive Trade Practices Commission as required by the unambiguous provisions of Section 62 of the Monopolies and Restrictive Trade Practices Act, 1969 which says : (I quote) :

> "The Central Govt. shall cause to be laid before both Houses of Parliament an annual report and every report which may be submitted to it by the Commission from time to time, pertaining to the execution of provisions of the Act."

I have received a copy of the note put up by the Deptt. of Company Affairs on the issue raised by me. In this note it has been stated that the Commission had placed before the Lok Sabha on Dec. 1, 1972, the Annual Report on the Working and Administration of the MRTP Act, 1969 for the period ending the 31st December, 1971 together with the annual Administration Report on the working and administration of the MRTP Commission for the period ending 31 December, 1971. The note of the Deptt. of C.A. further states :

> "Copies of the Reports of the Commission in individual cases preferred to it by the Govt. for inquiry and report

under sec. 21, 22 and 23 of the MRTP Act in which Govt. has taken final decision are being placed in the Library of Parliament for the information of Hon'ble Members."

My contention is that the Parliament Library cannot be considered a substitute for both the Houses of Parliament. Placing the reports of the MRTP Commission in individual cases in the Library without placing them before both Houses of Parliament does not fulfil the requirements of the provisions of section 62 of the MRTP Act.

Chapter VI of the MRTP Act deals with awards and not reports, whereas section 61 of the Act deals with the occasional reports. However, the most important reports are those concerning the subject matter of Chapter III on 'Concentration of Economic Power' and Chapter IV on 'Monopolistic Trade Practices'. On these matters, the Commission gives advice to the Government and, therefore, the concerned reports are of great significance to assess whether the objectives of curbing the monopolies and preventing the concentration of economic power have been fulfilled by the recommendations of the Commission and by the implementation of these recommendations by Government.

For instance, if the Commission's reports in individual cases like Carborundum Universal, TELCO, TVS & Sons, Bajaj Autos, DCM and Dunlop Tyres were to come before Parliament, it would have been possible for Parliament to discuss the decisions about these cases which ran counter to the interests of the people. If these reports are not in execution of the provisions of the Act, which other reports are supposed to be so?

The Joint Committee of both Houses of Parliament which has processed and finalised the Bill has specifically stated in its report that the provision of section 62 of the Act was to ensure that all reports of the Commission were placed before the House. The former chairman of the Commission had also recommended that all reports of the Commission should be published.

Article 105 of the Constitution refers to the powers, privileges and immunities of Parliament and its Members. While clauses 1 and 2 of this Article refer to the privileges of the Members of Parliament, clause 3 states:

> "In other respects, the powers, privileges and immunities of each House of Parliament, and of the Members and the Committees of each House shall be such as may from time to time be defined by Parliament by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.". Thus, the concept of privilege in the House of Commons can be a guide to us.

In Chapter III of May's *Parliamentary Practice* on 'General View of Privilege of Parliament' it is stated :

> "The privileges of Parliament are rights which are absolutely necessary for the due execution of its powers. They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and....

MR. SPEAKER : Let the hon. Member confine himself to the legal position in the present case. There is no need to go into the practice in the House of Commons.

PROF. MADHU DANDAVATE : Let me complete my submission. It says further:

> "the House cannot perform its functions without unimpeded use of the services of its members; and by each House for the protection of its members and vindication of its own authority and dignity.".

MR. SPEAKER : By and by, we are having our own practices. So, there is no need to go into those in the House of Commons in great detail.

PROF. MADHU DANDAVATE : In the United Kingdom, the Monopolies and Restrictive Practices (Enquiry and Control) Act, 1948 gives latitude to the Government not to submit to the Parliament some of the Commission's reports. Even then, as a healthy democratic practice, all the reports of the Commission are invariably placed before the Parliament.

On this background, the failure of the Government to submit all the reports of the MRTP Commission to Parliament in clear violation of the mandatory provisions of section 62 of the MRTP Act, 1969, constitutes a serious breach of privilege of the House by Shri H. R. Gohkhale, the Minister for Company Affairs.

In the interest of defending its own rights and privileges, the House should take due note of this breach of privilege.

Let me conclude by just making one appeal. Irrespective of political affiliations of the Members in the House, I would request them to rise above their political affiliations and defend the rights and privileges of the House. To you, Sir, in particular, I would like to make this appeal; it is not that it will happen, but since you are the custodian of the rights and privileges of this House, if at all you fail, all that a man like me can say is that 'If the salt loses its savour, what shall it be salted with?'.

I hope, Sir, that you will take due care of the rights and privileges of the House.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : It is quite clear.....

MR. SPEAKER : I had given a chance only to Prof. Madhu Dandavate. Now, Shri H. R. Gokhale.

SHRI JYOTIRMOY BOSU : I would only like to say this that Shri H. R. Gokhale who is the Law Minister is getting involved in these breach-of-privilege cases too often. If I were he, I would have resigned. He has been misleading the House too often.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. GOKHALE) : If the hon. Member had heard me, perhaps all this would not have been necessary.

I regret to say that on the basis of advice given to the Department of Company Affairs, Reports of the Commission in each individual case were not laid on the Table of the two Houses. There was no intention to keep back the Reports from the House, as will be seen from the fact that copies were made available to the Library of Parliament. Sometime back the hon. Chairman of the Rajya Sabha discussed this matter with me. I personally looked into the matter...

SHRI JYOTIRMOY BOSU : On a point of order. How can he bring in the Rajya Sabha here?

MR. SPEAKER : No point of order.

SHRI H. R. GOKHALE : In view of the different opinion expressed earlier, I requested the Attorney-General to give his opinion. He having given his opinion that all Reports including those given in individual cases have to be placed before the House, Government will now place these reports on the Table of the House. This would be done expeditiously. I submit that in the circumstances no breach of privilege is committed.

I am sorry for the lapse due to a misunderstanding caused by incorrect appreciation of the law.

श्री मधु लिमये (बांका): अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। मैं इस बारे में आप का निर्णय चाहता हूं कि क्या आप मंत्री महोदय को यह छूट देंगे कि उन के अधिकारियों

या अफसरों द्वारा उन को जो सलाह दी जाती है वह उसकी आड़ में छिपे। मंत्री महोदय का दायित्व इस सदन के प्रति है। इस के बीच में अफसर कहां आते हैं? अफसर और मंत्री का मामला वह आपस में निपटा लें। आप को यह स्पष्ट निर्देश देना चाहिए कि इस सदन में अफसरों की चर्चा नहीं होनी चाहिए। एक अफसर—श्री एच० एम० पटेल—यहां बैठे हुए हैं। उन को भी इसी तरह घसीटा गया था।

समदायवाकतत्र के लिए यह बहुत महत्व की मुद्रा है। हम अफसरों को नहीं जानते हैं। हम मंत्री को जानते हैं।

(*Interruptions*)

SHRI MADHU LIMAYI We are not concerned with the officer you should punish the officer

MR. SPEAKER There are two points in which the Minister has already owned his mistake He has already expressed his regrets for that What has happened is that instead of coming before the House, they have been laying them on the table of the Library There is a lot of difference between the Library and this House

SHRI ATAL BIHARI VAJPAYEE (Gwalior) There was no intention to suppress the reports

MR SPEAKER The reports did come when they came to the Library They thought they were only to be given to the Library, which was wrong He has owned the mistake In view of that I drop this matter

SHRI JYOTIRMOY BOSU On a point of order We have every right to pursue this matter

MR SPEAKER No

SHRI JYOTIRMOY BOSU The concerned section is section 62

PROF. MADHU DANDAVATE My only purpose in raising the issue was to show that the right and authority of the House was undermined Now in view of the fact that he has expressed regret, in future such a violation of procedure will not take place.

अध्यक्ष महोदय जिस माननीय सदस्य ने यह सवाल उठाया था उन्होंने तो मिनिस्टर साहब की बात मान ली है। अब श्री बसु क्या कहना चाहते हैं?

श्री ज्योतिर्मय बसु अब यह हाउस की प्रापर्टी हो गया है।

MR SPEAKER I have given my ruling You cannot hang a man who is owning his mistake What else do you want?

SHRI JYOTIRMOY BOSU The concerned section makes the position very clear We know the class character of this Government, to which Shri Gokhale belongs

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12 06 hrs

PAPERS LAID ON THE TABLE

REVIEWS AND ANNUAL REPORTS OF BHARAT HEAVY ELECTRICALS LTD, AND OF BHARAT PUMPS AND COMPRESSORS, LTD, ALLAHABAD

THE MINISTER OF HEAVY INDUSTRY (SHRI T A PAI) I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub section (1) of section 619A of the Companies Act, 1956

(1) (i) Review by the Government on the working of the Bharat Heavy Electricals Limited, New Delhi, for the year 1971-72

(ii) Annual Report of the Bharat Heavy Electricals Limited, New Delhi, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon

[*Placed in library See* No. LT-5068/73]