12.12 hrs.

QUESTION OF PRIVILEGE AGAINST SHRI JANESHWAR MISRA, M. P. FOR HIS HAVING READ OUT IN THE HOUSE AN ALLEGED FORGED LETTER SAID TO HAVE BEEN WRITTEN BY EMPLOYEES OF HINDALCO

SHRI SHYAMNANDAN MISHRA (Begusarai): Mr. Speaker, Sir, under Rule 222, I want to raise a question of breach of privilege against an hon. Member of the House, Shri Janeshwar Misra. (*Interruptions*)

श्री सरजू पांडे (गाजीपुर) पूरे देश में जमीन के सवाल पर आन्दोलन होगा। सारे देश में आन्दोलन होने जा रहा है लेकिन यह सरकार सुनने के लिए तैयार नहीं है।

श्री अटल बिहारी वाजपेयी (ग्वालियर) पांडे जी को चाहिए कि हम जो अविश्वास प्रस्ताव ला रहे है उसका समर्थन करें और इस सवाल को उठाये।

श्री सरजू पांडे. पहले शड्यूल्ड कास्ट वाला प्रस्ताव तो पास होने दीजिए।

SHRI INDRAJIT GUPTA (Alipore): What are we discussing now?

MR. SPEAKER: Privilege.

SHRI INDRAJIT GUPTA: Then, you please ask him to go on Mr. Mishra, why do you have a back chat there? You have been told. Why don't you move your motion?

SHRI SHYAMNANDAN MISHRA: Under Rule 222, I want to raise a question of breach of privilege against an hon. member of the House, Shri Janeshwar Misra.

The nature of the breach of privilege is the presentation of a forged or fabricated document to the House.

According to May's Parliamentary Practice, 18th edition (p. 137), 'It is a breach of privilege to present or cause to be presented to either House or to Committees of either House, forged, falsified or fabricated documents with intent to deceive such House or Committees or to subscribe the names of other persons or fictitious names to documents intended to be presented to either House or Committees of either House, or to be privy to, or cognisant of, such forgery or fraud'.

A number of cases have been cited in the book on the subject.

The book by Kaul and Shakdher also makes similar remarks on the subject.

The facts of the instant case are; as follows:

An hon member of the House, Shri Janeshwar Misra, read out on 2nd May, 1975 a letter as under:

"To

Shri S. S Kothari,
President, HINDALCO,
Renukoot.

"Dear Sir,

We met the Prime Minister and her Private Secretary.

"We have paid a sum of Rs. 5 lakhs to the P.S.

"He has promised us that he will use all his influence to see that no trade union activity is allowed in HINDALCO

Yours faithfully,

For Hindustan Aluminium Corporation Ltd."

SHRI VAYALAR RAVI (Chirayinkil): Who signed that letter?

SHRI SHYAMNANDAN MISHRA: This has come in the proceedings. The hon. Minister, Shri Subramaniam, said the next day, i.e. on 5th May 1975, as follows:—

'This matter was placed before the Prime Minister and after finding that this matter has again been raised here, she has written the following letter to the Speaker:

'Dear Dr. Dhillon,

'I find from the proceedings of the Lok Sabha that on the 2nd May while speaking on the Finance Bill, Shri Janeshwar Misra alleged that Shri S. S. Kothari, President, Hindalco, Renukoot, had paid Rs. 5 lakhs to my Private Secretary to crush trade union activity in that company. He read out a letter allegedly written on behalf of this company to Shri Kothari. This is an entirely baseless allegation. Nobody on behalf of Hindalco ever gave any amount to my Private Secretary or any other officer in my Secretariat Sometime ago, a photostat copy of the letter which presumably Shri Misra read in the House was brought to our notice by Shri Raj Narain, MP. I ordered an investigation into the matter which showed that the said photostat copy was a forgery and that no officer of the Hindalco had ever written.'

A definite charge of forgery against Shri Janeshwar Misra emerges. The Prime Minister has asserted that she had ordered an investigation into the matter which showed that the said document 'was a forgery and that no officer of the Hindalco had ever written...."

When the charge has been made the fact that it is being denied by the member against whom the charge is made cannot be of much consequence in this matter, and on this account it cannot be considered to be a disputed case. The alleged forgerer will more often than not deny the charge of forgery. That by itself cannot make it a disputed case. Moreover, the concept of 'disputed case' is strange to the law of privileges.

The House has to ascertain the truth in the matter and there must be a remedy open to it to repair the injury done to it by the commission of the offence of forgery. On the other hand, the member who has been accused of such a serious charge must also have a forum of the House to defend himself and vindicate his honour. Had this charge been made outside the House, it could have been actionable in a court of law. The immunity enjoyed may well have been abused.

This can only be done by referring the matter to the Committee of Privileges.

In fact, there seems to be an agreement between the ruling party and the Opposition and more particularly between the Government and the member concerned, as is clear from the following:

"श्री जनेश्वर मिश्र : मैं चाहता हूं कि इस मामले को प्रिविलेज कमेटी के पास भेजा जाय और दस्तखतों को अटेस्ट करवाया जाय, उनकी जांच करवाई जाय।"

What has the Minister to say?

"Shri C. Subramaniam: Kindly sit down. You have got the prerogative. A privilege will be raised against you for bringing in a photostat copy".

'श्री जनेश्वर मिश्र : इसको कमेटी के पास भेजे और जांच करवायें ।"

So it is clear that there seems to be an agreement on this subject that this is a fit case for reference to the Committee of Privileges.

श्री मधु लिमये (बांका) : सब से पहले मेरा नोटिस था । मुझ को नही सुनेंगे ? माननीय श्याम बाबू को हम ने पहल मौका दिया उस का मतलब यह नही है कि हम उन की मदद नही करेंगे ।

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय, हमारा भी नोटिस है ।

MR SPEAKER: That privilege motion was disposed of yesterday as I made it clear that was disposed of This is something against a different background

यह तो डिसपोज आफ कल कर दिया ।

श्री ज्योतिर्मय बसु (डायमण्ड हार्बर) : हमारा भी मोशन है

अध्यक्ष महोदय आप का और इनका आइडेंटिकल है ।

श्री ज्योतिर्मय बसु हमारा आइडेंटिकल नही है ।

MR SPEAKER Mr Vajpayee gave it to me I received Mr. Mishra's notice yesterday. Mr. Vajpayee's notice came today. Mr. Bosu, your notice came today.

श्री मधु लिमये 6 मई का मेरा नोटिस है ।

MR. SPEAKER: I got Mr. Mishra's notice first; the notices previous to yesterday, were all disposed of.

श्री मधु लिमये डिसपोज आफ कैसे हो गया । वही टैक्स्ट है मेरे नोटिस का आप को मैं पढ कर सुनाता हू ।

अध्यक्ष महोदय आप का भी इस में हो जायगा ।

श्री मधु लिमये मैं इन की ताईद में दो, चार बातें अर्ज करना चाहता हू ।

अध्यक्ष महोदय ताईद की क्या बात है हाउस की इजाजत लेनी है । आप इस को अपोज करते है कि नही ?

SHRI JYOTIRMOY BOSU: I want to say something Either you allow me on this, or on the other one

अध्यक्ष महोदय सभी आइडेंटिकल है । इस में सभी आ जाते हैं । अगर आइडेंटिकल नही हैं तो उस को मैं अलग देखूंगा, इसमें कैसे आ सकते हैं ।

श्री मधु लिमये एक प्रोसीजर यह हो सकता है कि उन्हें प्रस्ताव रखने दीजिए, उस पर डिबेट होगी, हम लोग बोलेंगे ।

अध्यक्ष महोदय लीव आफ दी हाउस तो पहले हो । माननीय मिश्रा जी, आप सदन से इजाजत लीजिए ।

SHRI SHYAMNANDAN MISHRA I seek the leave of the House to move a motion of privilege.

MR SPEAKER· Is there any objection to leave being granted? There is no objection Leave is granted, unanimously. You may move the motion.

SHRI SHYAMNANDAN MISHRA: I beg to move;

"That the question of privilege against Shri Janeshwar Misra, a Member of this House, for his having read out in the House on 2nd May, 1975, a letter by an employee of HINDALCO to the Company's President saying that a sum of Rs. 5 lakhs was paid to the Private Secretary of the Prime Minister to prevent trade union activity, which letter the Prime Minister has alleged is a forged one, be referred to the Committtee of Privileges."

श्री मधु लिमये : अध्यक्ष महोदय, मेरा अमेंडमेंट है ।

अध्यक्ष महोदय : मेरे पास अमेंडमेंट का नोटिस नहीं है । आप मुझे कोई कापी भेज दीजिए ।

श्री मधु लिमये : अध्यक्ष महोदय, मेरा अमेंडमेंट इस प्रकार है । पहले आप आदेश देंगे तब मैं अपना अमेंडमेंट पढ़ूगा ।

अध्यक्ष महोदय . कहने वाले कहते हैं कि वह भी ठीक हैं, इधर वाले भी ठीक हैं । जिन के खिलाफ हो रहा है वह भी बडे खुश है, फिर इस में झगडा कौन सा है ?

श्री मधु लिमये : इन का चेहरा मुरझाया हुआ लग रहा है ।

SHRI VASANT SATHE (Akola): Sir, on a point of order. There is no provision for amendment under Rule 225. Let us know that, Sir. If you were to follow the procedure regarding the 'Questions of Privilege' under rules 225 and 226, then a lot of troubles can be avoided.

MR. SPEAKER: Mr. Sathe, the leave was granted and the motion is moved.

SHRI VASANT SATHE: I want to know whether requisite number was there before the leave was granted.

MR. SPEAKER: No objection was raised when I put it before the House. So the leave was granted and the motion was moved.

SHRI VASANT SATHE: Sir, kindly see Rule 225 and Rule No. 227.

MR. SPEAKER: I quite follow your point.

SHRI H. N. MUKHERJEE (Calcutta-North-East): On a point of order as well as propriety what I want to submit is, since the intention of the House is quite clear that with regard to the substance of the matter raised by Mr. Mishra, we want adjudication by the Committee of Privileges, and any attempt at amending a straightforward reference to the Committee of Privileges would be out of order, improper, inappropriate and out of conformity with the desire of the House to have the matter investigated, let us not worry only about hearing the sound of our own voices in the House and our name in the papers tomorrow....

SHRI MADHU LIMAYE: Don't try to teach us. I am on a point of order.

मुझे प्रीच करने की कोशिश न कीजिए । अध्यक्ष महोदय, मेरा पौइंट आफ आर्डर है । मझे उतना ही अधिकार है जितना आप को है, माननीय मुखर्जी आप बुजुर्ग हैं, मैं हमेशा आप की इज्जत करता हूं । इस तरह आप को बोलने का अधिकार नहीं है । आप खड़े हो जाते हैं तो मैं हमेशा सम्मान में बैठ जाता हूं

Sir, I strongly object to this.

SHRI H. N. MUKHERJEE: Too much of Madhu is sour....

SHRI MADHU LIMAYE: Sir, I am on a point of order.

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय, उन्होंने अपना प्रस्ताव रख दिया, उस पर मुझे कोई आपत्ति नहीं है। नियम 226 के अन्तर्गत फैसला होना है। सदन के सामने दो रास्ते हैं। या तो सदन कर सकता है, या मामला प्रिवलेज कमेटी का भेजा जा सकता है। लेकिन अध्यक्ष महोदय, अगर कोई सदस्य चाहे तो इस बात पर बल दे सकता है कि अभी बहस होनी चाहिए।

श्री बसन्त साठे यह ठीक है यह पोसिबिल है। आप इस को सदन के सामने पुट कीजिए।

श्री अटल बिहारी वाजपेयी . अभी बहस होनी चाहिए इस बात पर बल दिया जा सकता है।

SHRI VASANT SATHE: Sir, it is possible to put it to the House.

(Interruptions)

MR SPEAKER: I will reply to your point of order. I have followed your point of order.

SHRI VASANT SATHE: Sir, you leave it to the House to decide Whether there will be discussion on it or whether it should be referred to the Privileges Committee, it is for the House to decide.

MR. SPEAKER: Rule 226 says "If leave under rule 225 is granted the House may consider the question and come to a decision or refer it to a Committee of Privileges...." If it is agreed that it is to go to the Privileges Committee, there is no question of amendment.

श्री मधु लिमये : आप ने मेरे एमेंटमेंट को सुना तो है नहीं और पहले ही रूल आउट कर दिया। आप मेरे एमेंडमेंट को सुन लीजिए।

MR SPEAKER Rule 226 says:

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member"

So, unless it is decided that this House will discuss it or it will go to the Privileges Committee thereafter, the question of amendment cannot come

श्री मधु लिमये मैं प्वाइन्ट आफ आर्डर पर खडा हू। आप सुनते क्यो नही है।.. (व्यवधान) आप पहले मेरी बात सुन लिए और उस के बाद रूल आउट दीजिए, मुझे कोई एतराज नही है। (व्यवधान)

SHRI SAMAR GUHA Mr. Mukherjee has made many disparaging remarks about Mr Madhu Limaye It was not expected of an hon member like him to make those remarks

MR SPEAKER You do not follow my reply to the point of order

श्री मधु लिमये मैंने अभी प्वाइन्ट आफ आर्डर रेज ही नही किया है और उस पर आप पहले कैसे रूलिंग दे चुके है ?

MR SPEAKER: Are you rising on a point of order or moving an amendment?

श्री मधु लिमये : अध्यक्ष महोदय, आप निर्णय दीजिए कि यह जो मेरा एमेंडमेंट है, वह नियमानसार है या नही । मैं आप के निर्णय को मानूगा । मै इस प्रस्ताव के अन्त में दो वाक्य जोडना चाहता हूं । ...(व्यवधान)...

SHRI VASANT SATHE: He cannot move an amendment. There is no scope for moving an amendment.

SHRI MADHU LIMAYE: It is within the scope of the motion.

SHRI VAYALAR RAVI: The only question is whether he could move an amendment or not.

MR SPEAKER: Now after the leave was granted, Shri Mishra brought his motion that the question of privilege against so and so be referred to the Committee of Privileges. That is under rule 226. That motion is before the House. If you have any point of order regarding this, you can raise it.

श्री मधु लिमये यह जो प्रस्ताव है, वह अपूर्ण है क्योंकि इस में समय नही दिया गया है कि कब तक रिपोर्ट कमेटी देगी । कमेटी को डाइरेक्शन देने । इस सदन को अधिकार है । आप मेरी बात पहले सुन लीजिए और उस के बाद चाहे रूल आउट कर दीजिए । मैं उस को मान लूगा । मैं 100 प्रीसीडेंट्स निकाल कर दे सकता हू जहा पर मोशन को एमेंड किया गया है । बिना सुने बात करना चाहते है ? मेरा एमेंडमेंट यह है

"The House directs that the Committee call in the handwriting experts and allows Shri Janeshwar Misra to call his own handwriting experts and witnesses to find out the truth or otherwise of the allegation that the said letter was a forgery and further that the Committee submit its report in the last week of the next session."

It is perfectly in order.. .(*Interruptions*).

MR. SPEAKER: Now this is a simple motion that has been brought that it may be referred to the Privileges Committee. As to how that will be done, it is for the Committee to decide.

श्री मधु लिमये . हाउस मालिक है ।

अध्यक्ष महोदय : हाउस कैसे मालिक है, इस के लिए तो कमेटी मालिक है ।

श्री मधु लिमये : हाउस मालिक है और वह कमेटी को डाइरेक्शन दे सकता है ।

MR SPEAKER This amendment is not in order So, I am going to put this motion by Shri Shyamnandan Mishra

श्री अटल बिहारी वाजपेयी : समय के बारे मे जो श्री मधु लिमये का संशोधन है, वह ठीक है । समय के बारे मे जो संशोधन है, वह तो स्वीकार होना चाहिए लेकिन प्रिविलेजज कमेटी को बांधने की जरूरत नही है । इसलिए मेरा कहना यह है कि ट इम लिमिट होनी चाहिए ।

श्री मधु लिमये : आप पहल हिस्सा काट दीजिए लेकिन टाइम वाला हिस्सा रखिय ।

MR. SPEAKER I have no objection to this amendment, if it is only confind to the time limit. That can be put to the vote

SHRI VASANT SATHE· He can only move the resolution or motion. No time limit can be placed. You cannot prescribe any time limit like

[Shri Vasant Sathe]

this to the Privileges Committee. There are only two alternatives—either we decide it ourselves, or we leave it to the Privileges Committee. We cannot put a time limit

SHRI C M. STEPHEN (Muvattupuzha) Under rule 228 only you could give a direction

MR SPEAKER Rule 277 deals with the report of the Committee

It says

'Where the House has not fixed any time for the presentation of a report by a Committee, the report shall be presented within one month of the date on which reference to the Committee was made"

श्री मधु लिमये लेकिन कमेटी को डाइरेक्शन्स देने का अधिकार हाउस को है।

MR SPEAKER

"Provided that the House may at any time on a motion being made direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion"

So, it is always understood that if no time limit is fixed, it is one month

SHRI SEZHIYAN (Kumbakonam). If you want you can fix the time The House has got the right to fix the time.

MR SPEAKER It is for the House to do so

SHRI MADHU LIMAYE Put it to the House मैं कहा 'न' कह रहा हू।

SHRI P VENKATASUBBAIAH (Nandyal) The main question is whether any privilege motion agreed upon by the House can be amended. There is no specific indication that there can be an amendment to a privilege motion that has been moved So his amendment becomes irrelevant.

MR SPEAKER Mr Limaye is bringing a separate motion for fixing the time limit. ट इम तो है। नही होगा उस बीच तो और ले सकते है।

श्री मधु लिमये हम टाइम देना चाहते हैं तो आपको क्य एतराज है? हर सिलेक्ट कमेटी या ज्व यट कमेटी के लिए मोशन मे समय होता है। वह क.म पूरा नही करती है तो कमेटी हमारे स.मने आती है।

श्री अटल बिहारी वाजपेयी हर कमेटी की रिपोर्ट के लिए समय तय सदन करता है और हाउस च है तो समय आगे भी बढ़ा सकता है। कमेटी सदन के स.मने आती है अगर उसक क म पूरा नही होता है और समय मांगती है। मैं नही समझ पाया हू कि इसे स्वीकार करने मे क्या आपत्ति है?

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RAMAIAH) Leave has been asked to refer the matter to the Privileges Committee If it is to go to the Privileges Committee why do you want to fetter the discretion of the Committee? Let the Committee take its own time and go thoroughly into it and if they want more time let them come to the House We should not fetter it in any way by laying down a time limit

SHRI SHYAMNANDAN MISHRA. The hon. Minister has stated that it should receive proper attention at the hands of the Committee and there should be no hurry about it I quite

agree with him, but according to the rule that you have just now quoted, the Committee will have to present its report within one month. However, that does not seem to be a practicable proposition during this recess because we will be occupied with so many things including the elections in Gujarat. So the hon. Minister should consider giving more time to this Committee. So the amendment should be acceptable to them.

MR. SPEAKER: The question is:

"That this House directs that the Committee submit its Report in the last week of the next session,"

The motion was negatived.

MR. SPEAKER: The question is:

"That the question of privilege against Shri Janeshwar Misra, a Member of this House, for his having read out in the House on 2nd May, 1975, a letter by an employee of HINDALCO to the Company's President saying that a sum of Rs. 5 lakhs was paid to the Private Secretary of the Prime Minister to prevent trade union activity, which letter the Prime Minister has alleged is a forged one, be referred to the Committee of Privileges."

The motion was adopted.

12.45 hrs.

PAPERS LAID ON THE TABLE

Annual Report, Certified Accounts and Audit Report of International Airport Authority of India

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (SHRI SURENDRA PAL SINGH): I beg to lay on the Table—

(1) A copy of the Annual Report (Hindi and English versions) of the International Airports Authority of India for the year 1973-74, under sub-section (2) of section 25 of the International Airports Authority Act, 1971.

(2) A copy of the Certified Accounts (Hindi and English versions) of the International Airports Authority of India for the year ended 31st March, 1974 together with the Audit Report thereon, under sub-section (4) of section 24 of the International Airports Authority Act, 1971. *[Placed in Library. See* No LT-9699/75]

Notification under Gujarat Co-oprative Societies Act, a Statement, and Review and Annual Report of National Industrial Development Corporation, Ltd. for 1973-74

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI A. C. GEORGE): I beg to lay on the Table—

(1) A copy of the Gujarat Co-operative Societies (Amendment I) Rules, 1972, published in Notification No. GHKH/5/CSR-4971/21729/B in Gujarat Government Gazette, dated the 24th August, 1972, under sub-section (4) of section 168 of the Gujarat Cooperative Societies Act, 1961, read with clause (c) (iii) of the Proclamation dated the 9th February, 1974, issued by the President in relation to the State of Gujarat.

(2) A statement (Hindi and English versions) explaining reasons for not laying the Hindi versions of the above Notification. *[Placed in Library. See* No. LT-9700/75.]

(3) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the National