

12.41 HRS.

## QUESTION OF PRIVILEGE

AN HON. MEMBER: We have not finished the calling attention, Sir.

MR. DEPUTY-SPEAKER: He is perfectly within his rights. He has raised a matter of privilege. I am pleading with him that it may be taken up when we discuss the Bill; that is the proper time. (व्यवधान)

श्री मधु लिमये (मुंगेर) : नोटिस दिया है, क्या बात करते हैं? स्पीकर्स डाइरेक्शन्स में दिया है कि कार्लिंग अटेंशन के बाद आयेगा, और वह उठा रहे हैं। यही मौका है इस को उठाने का।

श्री रवि राय (पुरी) : उपाध्यक्ष महोदय, मैं आपकी जानकारी के लिये कहना चाहता हूँ कि गृह मंत्रालय में राज्य मंत्री श्री विद्या चरण शुक्ल के खिलाफ में रूल 223 के मातहत विशेषाधिकार भंग का प्रश्न उठा रहा हूँ। आप खुद 22 मार्च को इस सदन में सदावत कर रहे थे जब पश्चिमी बंगाल के बिल के बारे में बहस हो रही थी। उस समय श्री मधु लिमये और श्री स० मो० बनर्जी ने यह व्यवस्था का प्रश्न उठाया कि बंगाल में जो राष्ट्रपति का शासन लागू है उस सिलसिले में जो ऐडवाइजरी बाड़ी बनेगी उस पर कोई खर्च होगा या नहीं। मैं आप के सामने उस दिन की प्रोसीडिंग्स पढ़ कर सुनाना चाहता हूँ। जब आप ने स्वयं प्रश्न किया कि :

"I am using the term 'Joint Committees' not in the technical sense, but in the sense that members belonging to both Houses will be there as members."

तब श्री विद्या चरण शुक्ल बोले कि : ●

"I am saying authoritatively that it will not involve any expenditure

from out of the Consolidated Fund of India and therefore, this does not apply to this Bill."

उसके बाद बहस के दरमियान आगे चल कर आपने फिर पूछा कि :

"I would like the Minister to make the position categorically clear. Otherwise, I am not sure in my mind. Even if a small amount is involved from the Consolidated Fund for this purpose, then it has to have the recommendation of the President."

तब फिर श्री विद्या चरण शुक्ल बोले, और यह महत्वपूर्ण है, कि :

"Sir, I have made a categorical statement and I repeat it, that no expenditure from the Consolidated Fund shall be involved. What more categorical statement do you want from me."

मैं जो सवाल उठा रहा हूँ वह सच बोलने के सम्बन्ध में उठा रहा हूँ। संसदीय प्रजातंत्र की यह बुनियादी चीज है कि हर एक सदस्य को, खास कर मंत्री को, सच बोलना चाहिये।

आप जानते हैं कि जब पिछली बार सा मिनिस्टर से पूछा गया था तो वह भी घर से पढ़ कर नहीं आये थे। फाइनेन्शियल मेमोरेन्डम नहीं था इस पर प्रश्न उठाया गया था। जब श्री रामसेवक यादव, श्री मधु लिमये और श्री स० मो० बनर्जी ने बार बार इस प्रश्न को उठाया तब श्री विद्या चरण शुक्ल ने बार बार सदन को गुमराह किया। उसके बाद आप को मालूम है कि खुद श्री विद्या चरण शुक्ल ने शायद दो दिन पहले सदन के सम्मुख यह मेमोरेन्डम रखा कि करीब 90 हजार ६० इस सिलसिले में खर्च होगा। मैं आप के सामने यह चीज बतलाना चाहता हूँ कि श्री विद्या चरण शुक्ल ने जान बूझ कर, डेलिबरेटली सदन को गुमराह किया। इस सिलसिले में मैं आपके सामने मेज पार्लियामेन्ट्री प्रैक्टिस से पढ़ कर सुनाना चाहता हूँ।

[श्री रवि राय]

"The House may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former member had been guilty of a grave contempt."

यह मैंने प्रोक्क्यूमो केस से उद्धरण दिया। मैं आज यह सवाल इसलिये उठा रहा हूँ कि यह सीधा विशेषाधिकार भंग का प्रश्न है और प्राइमो फेसी केस है जब श्री विद्या चरण शुक्ल ने जान बूझ कर बार बार आपके कहने के, सब संसद सदस्यों के कहने के बावजूद और जब श्री रामसेवक यादव ने कहा कि जब वह केरल ऐडवाइजरी कमेटी के सदस्य थे तब उस पर खर्च होता था, उसके बावजूद, श्री विद्या चरण शुक्ल ने इस तरह से कहा। इसलिये मैं कहना चाहता हूँ कि यह साफ साफ सदन के विशेषाधिकारों के भंग का सवाल है, और आप मेहरबानी करके इसको विशेषाधिकार समिति के सामने भेज दीजिये।

श्री मधु लिमये : मैं यह मानता हूँ कि यहां पर हर एक सदस्य और मंत्री भी गलती कर सकते हैं। हम लोग कोई परमेश्वर नहीं हैं। लेकिन गलती करने पर और बार बार मंत्री महोदय का ध्यान दिलाने के बावजूद, तीन तीन चार चार दफे इस तरह का वाक्य कहना और इतनी उदंडता दिखाना मंत्री महोदय को शोभा नहीं देता। यह विशेषाधिकार का प्रश्न इसलिये उठाया गया है कि मंत्रीगण हमेशा के लिये समझ लें कि उनको सदन के साथ, लोक सभा के साथ, इस तरह व्यवहार नहीं करना चाहिये। उन्होंने तीन दफे कहा है आप पृष्ठ 16,739 पढ़िये :

"Nothing in this Bill will involve any expenditure from the Consolidated Fund of India."

उसके बाद पृष्ठ 16,740 पर है :

"I am saying authoritatively that it will not involve any expenditure from out of the Consolidated Fund of India."

फिर आगे वह कहते हैं कि :

"I have made a categorical statement and I repeat it, that no expenditure from the Consolidated Fund shall be involved."

उस के बाद फाइनेंशल मेमोरेन्डम, प्रेजिडेंट्स रिक्मेन्डेशन और पार्लियामेन्ट्री कमेटी के बारे में वह गनत बोले हैं। उसके बाद मुझे नियम 2 का हवाला देना पड़ा। आप को भी उन के कहने पर शायद ऐसा लगा कि यह ज्वायेंट कमेटी की व्याख्या में आ सकता है।

इस लिये आप को उन को चेतावनी देना चाहिये, या अगर वह अपनी गलती स्वीकार करें या फिर पूरे मंत्रिमण्डल की तरफ से प्रधानमंत्री आश्वासन दें कि वह इस तरह में नहीं करेंगे, तब हम को इस पर जोर देने में कोई खुशी नहीं होगी। मैं इस को प्रेस करने के हक में नहीं हूँ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Sir, when the West Bengal State Legislature (Delegation of Powers) Bill was being considered, Shri S. M. Banerjee raised a point that since clause 3 of the Bill will involve expenditure from the Consolidated Fund of India in terms of Art. 117(3) and in relation with Rule 69 of the Rules of Procedure and Conduct of Business in Lok Sabha, a financial memorandum should have been included in the Bill. Then, in that context I said that there would be no expenditure from the Consolidated Fund of India. It is true that I did not repeat again the same argument that Shri Banerjee said that it would involve expenditure from the Consolidated Fund of India in terms of Art. 117(3), but when I said that there would be no expenditure, it was my view and it was the Government's view that there was no expenditure involved from the Consolidated Fund of India in terms of Art. 117(3) of the Constitution. Sir, this was the position that we adopted and this was the

position that was accepted in 1960. This matter was raised in 1960. It was extensively examined by the Rajya Sabha Secretariat, by the Lok Sabha Secretariat and by the Ministry of Law and it was held that the expenditure for such Committees has to come from the Lok Sabha Secretariat expenses and since then we have brought forward many such Bills and no financial memorandum was included on the presumption which was based on the decision taken in 1960.

**श्री मधु लिमये :** इस तरह से तो आप मामला और भी खराब कर रहे हैं।

**SHRI VIDYA CHARAN SHUKLA :** And the only fault I mean, if you may say so, was that I did not repeat the argument which Shri S. M. Banerjee gave that in terms of Rule Art. 117(3) it would involve expenditure out of the Consolidated Fund. As everybody knows, every paise that is spent in the country comes out of that Fund. Nobody can say in this House that no money will come out of that Fund. If it is not to come from that Fund, where from will it come? That was not my meaning. It was very obvious on the face of it.

**श्री मधु लिमये :** पहले तो आप को पता ही नहीं था कि खर्च होगा। तभी मुझे कहना पड़ा और श्री रामसेवक यादव को बुलाना पड़ा।

**SHRI VIDYA CHARAN SHUKLA :** There was no dispute about the expenditure. Nobody said that there would be no expenditure. The question was whether the expenditure will be in terms of Art. 117(3) of the Constitution or not.

**श्री मधु लिमये :** अभी भी कंविस्ट नहीं है। अब तो उन्होंने मामले को और भी खराब कर दिया।

**SHRI VIDYA CHARAN SHUKLA :** There was no dispute about the expenditure. We were only debating whether it would be so in terms of Art. 117(3) of the Constitution or not. Since we

had this information of the decision taken in 1960 I had stated so before the House. Afterwards you were pleased to rule that a financial memorandum should be circulated. So, in accordance with your direction we put it. That is all about this.

**SHRI H. N. MUKERJEE** (Calcutta North East): Mr. Deputy-Speaker, I would normally not have intervened on this occasion. But this is a very serious matter relating to privilege. The Minister there—I was present on the last occasion when two of the Ministers, I see them here present, had stated categorically, as it was reported by Shri Madhu Limaye and Shri Rabi Ray....

**SHRI VIDYA CHARAN SHUKLA :** I do not deny it.

**SHRI H. N. MUKERJEE :**.... that it was as good as a parliamentary committee, that the moneys would be found out of the Lok Sabha funds and that sort of thing, and therefore, they were within their rights categorically and authoritatively to say that no financial memorandum was required, and therefore, this is a simple matter. The Ministers made a mistake, as Shri Madhu Limaye pointed out, a mistake which is forgivable, because we all make mistakes from time to time. Why don't the Ministers say that they had made a mistake, they had an idea which was corrected by the observations you were pleased to make. If there was any mistake in the observations which you were pleased to make, it is for you and the Speaker to correct those observations and put them in the right. The implication of what they said still is that what they had said was right, that was the practice followed in the case of Kerala and it is being followed in this case and you have brought about a new technique—this is the implication of what they say. Either you are right, either the Chair is right or the Ministers are right. I do not know. We are not judging this problem here and now. You must do something about it. When a point of privilege is raised and when even members who do not mince words

[Shri H. N. Mukerjee]

put it very sweetly and reasonably to the Ministers that they had made a mistake and it is not a particularly culpable matter, they could easily say 'We are sorry about it' and everything would have been finished in no time. In spite of this, the Ministers choose to stick to the kind of attitude they have taken up in this matter. Either you are right or the Ministers are right. (Interruptions).

SHRI NAMBIAR (Tiruchirappalli) : Ignorance is the best alibi for them.

SHRI A. K. SEN (Calcutta North West) : I understood the Minister to say that the view they originally took appeared to be different....

श्री मधु लिमये : आपने ही सलाह दी थी ;  
समझ गए हम ।

SHRI A. K. SEN : You understand everything very quickly. I am envious of you for that.

As I heard Shri Shukla, it was quite clear that he said that the view they originally took appeared to be different, but in deference to your ruling, as soon as your ruling came, in deference to that, they had put in the memorandum. That was how I understood it. My understanding of the English language may not be as good as Shri Limaye's.

श्री रवि राव : आप ज्यादा जानते हैं  
लिमये साहब से, इसीलिए तो आप अंग्रेजी  
में बोलते हैं ।

SHRI A. K. SEN : No, you know much more, because you follow before hearing. I have to hear.

In view of that statement, I think there should be an end of the matter. I do not think there is any effort on anybody's part to flout your observations.

श्री हुकम चन्द कठवाय (उज्जैन) : मंत्री  
जी माफी मांगने के लिए तैयार नहीं हैं ।  
कमेटी के पास यह मामला भेज दिया जाए ।

SHRI SAMAR GUHA (Contai) : I have an additional point.

MR. DEPUTY-SPEAKER : If we want to discuss this matter, that is a different matter.

SHRI SAMAR GUHA : You made a categorical statement that the memorandum about financial commitment has to be added. Also during the discussion, one of the members, Shri R. S. Yadav, categorically stated that, as a member of the Committee, the expense of air passage for him from Delhi to Kerala was borne by Government and some other kind of allowance also was given. But in this memorandum, we find only this sentence : 'Expenses to be incurred in connection with the meetings of this Committee would be met from the Consolidated Fund of India'. The implication is that these expenses would be met only for the meetings and for no other purpose. The consultative committee may be asked to discharge many other functions. When we are not in session, members of the committee may be sent to West Bengal. In the result, there may be certain allowances payable in addition to air passage.

Therefore, even after your categorical observation and after the whole discussion, they have only mentioned very reluctantly that the expenditure will be met only for the purpose of the meetings and for no other purpose. I would say this is also some sort of wilful negligence on the part of the Minister.

MR. DEPUTY-SPEAKER : Let us put an end to this. Prof. Mukerjee has recollected the events and Shri Madnu Limaye also related it. I was waiting to get a reply because I was not certain in my mind about this matter. In the past—a few days back also—this point was not brought to the notice of the House; but due to the vigilance of certain members we got seized of it. Then I had to examine it. After convincing myself, I put the question whether the Minister would state it categorically, because I wanted such a statement from him. On such occasions, it would be far better to say 'I

would get it examined', because there is a possibility of an error. I am not going to follow the principle of the Supreme Court's prospective over-ruling. Otherwise, I would have pleaded with the Opposition 'All right, this time it has happened. They are examining it'. I do not follow the doctrine of prospective over-ruling.

So it would have been far better to have the matter thoroughly examined before making a statement, because nobody can be certain about past practices. We have to examine it with a view to observing correct procedure. That is more important. Even if in the past, there was certain irregularity it is not that on that basis, quoting that precedent, we could go ahead.

In future, this should be borne in mind. I personally feel everybody would agree that there was no intention to mislead, but the manner in which it was said and the approach to the problem ought to have been a little different (*Interruptions*). It should not be stretched too far. But I must make one observation regarding this. As these things are likely to create certain doubts, they will have to be very meticulous about words.

**SHRI SURENDRANATH DWIVEDI (Kendrapara)** : Let him say it was a mistake committed because of wrong advice given to him.

**SHRI BAL RAJ MADHOK (South Delhi)** : Is the hon. Minister so hot-headed that even after your advice, he sticks to his stand and cannot say 'Sorry'. This is a matter of ordinary courtesy to the House.

**SHRI SHEO NARAIN (Basti)** : No 'sorry'.

**SHRI SURENDRANATH DWIVEDI** : If he does not say it is a mistake, we must proceed with it as a privilege motion.

**THE MINISTER OF PARLIAMEN-TARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH)** : We shall be guided by your opinion.

**MR. DEPUTY-SPEAKER** : They have accepted my ruling. In future when such issues are raised, they have accepted my advice about making categorical statements. This matter is now closed.

**SHRI SRINIBAS MISRA (Cuttack)** : There is another point of order. It concerns the privilege and powers of the House.

**MR. DEPUTY-SPEAKER** : I have disposed of it.

If he has anything, we will look into it tomorrow.

12.56 hrs.

PAPERS LAID ON THE TABLE  
NOTIFICATION UNDER INCOME-TAX Act,  
ETC.

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT)** : I beg to lay on the Table :—

- (1) (i) A copy of the Income-tax (Amendment) Rules, 1968, published in Notification No. S.O. 813 in Gazette of India dated the 29th February, 1968, under section 296 of the Income-tax Act, 1961. [*Placed in Library. See No. LT-576/68.*]
- (ii) A statement showing reasons for delay in laying the above Notification.
- (2) A copy of the Medicinal and Toilet Preparations (Excise Duties) First Amendment Rules, 1968, published in Notification No. G.S.R. 506 in Gazette of India dated the 16th March, 1968, under sub-section (4) of section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955. [*Placed in Library. See No. LT-577/68.*]
- (3) A copy of each of the following Notifications under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944 :—
  - (i) The Customs and Central Excise Duties Export Draw-back (General) Thirty-second Amendment Rules, 1968, pub-