

RAJYA SABHA

(1982)

Point of privilege

- (i) Association of members of Rajya Sabha with Committee on Public Undertakings
- (ii) Alleged criticism of the ruling of the Chairman in an editorial and an article published in two newspapers

Facts of the case and ruling by the Chairman

On 2nd August 1982, the Chairman (Shri M. Hidayatullah) observed¹ in the House as follows:-

"On July 29, 1982 immediately after the Question Hour Shri Sankar Prasad Mitra mentioned about a notice of breach of privilege given by him against the authors of an article and an editorial respectively published in the Indian Express and the Times of India. Shri U.R. Krishnan had also signed the notice. A third notice on the same lines was given by Shri Gulam Mohiud-din Shawl. Since I gave my ruling rejecting diverse notices for breach of privilege for action against an honourable member of this House the Chairman of the Committee on Public Undertakings, and the complaint of Shri Advani that he was held not entitled to peruse the records although he was a former member of the said Committee, many things have happened.

What I considered as the basis of my decision was the fact whether the Committee on Public Undertakings can fit in Rule 187 of our rules as a Committee of our House. After considering the matter with great care and attention I came to the conclusion that it did not. Perhaps, my meaning was not appreciated and it has led to all kinds of misunderstandings. I reached the conclusion without meaning any reflection upon the members of my House. I have always been very zealous of the honour and rights of the hon. members of my House. On more than one occasion I have said so. This anomalous position that some of those who work in the Committee should be able to raise every issue of privilege while the members of this House can not except in some cases mentioned by me troubled me not a little. It was only out of solicitude for the rights of this House in such Committees where they sit with Lok Sabha members but are not full members themselves that I said what I felt was necessary. It seems that this question troubled this House earlier also. The very fact that Pandit Nehru and Mr. Kanungo had to assure of 'equal status and grade' shows that this did not arise as of right.

I am glad that the hon'ble Speaker on his part has again given this assurance. I never doubted that this was so. But whatever the assurances in the past and today, they fall short of the requirements of rule 187 because they cannot convert a Committee of the Lok Sabha into one of this House. I am, however happy that the hon'ble Speaker and the Committee treat members of this House equally and with the same regard. The anomaly arises because our members cannot raise the issue in the other House and by reason of our own rule cannot raise it in our House. I have already shown the slender opening for action in this House. For these reasons I had to decline the motions which were moved before me even as I decline to allow

revival of them again. I cannot by any valid reasoning hold that this Committee is of our Council. I am glad that the hon. members who had resigned because they thought I was denigrating them now feel reassured that they are happy. This ends, this event happily.

Remain now the motions for privilege against the two newspapers. These are raised because I have been attacked in these articles. They are based on a misunderstanding of my ruling. I was not considering the status and grade of our members. I was considering whether association made the Committee a Committee of our House. Personally I value the independence of the newspapers whom I have called the eyes and ears of the public and whom I have shown considerable latitude in the performance of their tasks. It Was not so very long ago that I had to deal with these two newspapers . Their views on this issue are contradicted by some other newspapers. Hon. members will recall that one of these same newspapers described inter alia the hon. members of Parliament as 'dacoits, smugglers and bootleggers' and although I cautioned the editor for his generalisation and scurrility, I treated the whole thing as unworthy of notice by us. I had then said what I say again with your permission. And I am quoting:

'It is only when a point is reached and the writing ceases to be journalistic vapouring and becomes an improper obstruction to the functioning of Parliament-and its members by patent falsehood or otherwise, that action to the extent of punishment is called for.'

This time the scurrility is my personal share. As a Judge I have been subjected to worse criticisms over the years for my judgments, one of which had already led to an amendment of the Constitution and in three others the views contrary to mine will soon be considered by you in constitutional amendments. Therefore, I do not find it necessary to take action. Calm reflection without sentiment will show that I was right in my views. I therefore have withheld my consent to the privilege motion against the newspapers. I am sorry to take so much of your time but my dignity is your dignity also.

Otherwise I would have let the matter pass with out such long comment. I am the custodian of the dignity of the House as a whole, including myself."

1. R.S. Deb., dt. 2.8.1982