

RAJYA SABHA

(1979)

Point of privilege

Alleged making of false statements and imputing of motives to a member by a newspaper in regard to his speech in the House.

Facts of the case and reference to the Committee of Privileges,

On 17th May, 1979. Shri P. Ramamurti, a member raised¹ a question of Privilege against the Editor, Printer and Publisher of the Economic Times for making false statements and attributing motives to him in regard to his speech in the House on 20th March, 1979, regarding BHEL-SIEMENS Agreement, in an editorial published in its issue dated 14th April, 1979, under the caption "Inexcusable Dithering".

The impugned editorial read, inter alia, as follows:--

"INEXCUSABLE DITHERING

The Union Cabinet's decision to refer the controversial BHEL--SIEMENS tie-up to a sub-committee of its own members, is an incomprehensible piece of procrastination...."

"The most obvious feature of all these arguments is that all of them are technical. They consist of assertions about the technical quality of existing collaborations, and the technical skills of BHEL's design engineers. The paradox of the attacks of the BHEL-SIEMENS deal is that these technical arguments are being put forward almost exclusively by non-technical people. Mr. P. Ramamurti whose pamphlet launched the attack on the deal is a trade unionist, and every page of the pamphlet, as well as of a long letter published in the Times of India, reveal his unfamiliarity with technical issues of the kind involved in the deal. Dr. Subramaniam Swamy who has recently added his weight to the attack on BHEL is an economist who specialised in some theoretical aspects of national income calculations and is best known for his estimates of the growth rate attained by China in the fifties and sixties. To the best of our knowledge, none of the Janata members who supported a review of the collaboration agreement are any better-qualified in technical matters. In that case the question arises how are these people sheltering behind technological arguments? The answer unfortunately is not far to seek. To most of them the technical arguments are a cloak for allegations that key members of the Ministry of Industry starting from Mr. George Fernandes, have been bribed by the Germans to sell out their country's interests. In the same vein, Mr. Ramamurti has used the protection afforded to him by the halls of the Rajya Sabha to accuse a journalist who had the temerity to support the BHEL SIEMENS deal of having taken bribes from the former. Such character assassination is the surest sign that those indulging in it themselves are moved by motives which will not stand the light of day."

While raising the question of privilege, the member, (Shri P. Ramamurti), inter alia, stated² as follows: -

"They (the Editor, the Publisher and the Printer) have commented in an editorial on the speech that I had made on the floor of this House.....regarding BHEL-SIEMENS Agreement.... They attach a motivation which I have never stated... I am not saying that' Mr. Prem Shankar Jha has been bribed. That is the man who wrote those two articles. I have specifically stated that 'I am not saying that' Saying something which I have not stated and on that basis coming to the conclusion that I have been motivated by any desire to say that Mr. George Fernandes and other key members of the Ministry of Industry have been bribed by the SIEMENS is a totally unwarranted statement....this is prima facie, a case of breach of privilege attributing motives to members. who spoke on this, on unfounded facts."

2. The following motion was, thereafter, moved by Shri P. Ramamurti and adopted³ by the House: -

"That this House refer the complaint of breach of privilege against the Editor, Printer and Publisher of the Economic Times, to the Committee of Privileges."

Findings and recommendations of the Committee

3. The Committee of Privileges, after hearing Shri P. Ramamurti and Shri Prem Shankar Jha, Deputy Editor of the Economic Times, in their Eighteenth Report, presented to the House on 17th March, 1980, reported inter alia, as follows: --

(i) "It is well-established that speeches and writings reflecting upon members of Parliament concerning their character or conduct as such members constitute breach of privilege and contempt of the House. One of 'the examples, of such speeches and writings are 'reflections on the motives of a member or a group of members' (May. 19th Edition, pp. 152-53). There have been many instances of both the Houses of Parliament where writings imputing motives to members for their speeches in the House have been held to constitute breach of privilege and contempt of the House. At the same time the right of a citizen to criticise the views on matters of public concern expressed by members of Parliament has been recognised; but such criticism should be fair and couched in proper language without attributing motives to members. When, however, the citizen exceeds the limit of fair comment or criticism and indulges in imputation of improper motives to a member of Parliament, he brings himself within the penal jurisdiction of the House."

(ii) "On a perusal of the editorial, the Committee is of the view that the impugned observation in the editorial, namely, such character assassination is the surest sign that those indulging in it themselves are moved by motives which will not stand the light of day', and its juxtaposition with the preceding one, namely, In the same vein, Mr. Ramamurti has used the protection afforded to him by the halls of the Rajya Sabha to accuse a journalist who had the

1 R.S. Deb, dt. 17-5-1979.

2. Ibid.

temerity to support BHEL SIEMENS deal of having taken bribes from the former refers to the, speech of Shri Ramamurti made in the House on March 20th, 1979, and does attribute ulterior motives to him. In the Committee's view. the impugned

observation, therefore, constitutes a contempt of the House not only by casting reflection on it but by tending to undermine freedom of speech in Parliament."

(iii) "However, taking note of the expression of regret by Shri Jha in his oral submission before the Committee as well as the subsequent publication of an apology by the Editor in the issue of Economic Times dated March 1, 1980, as directed by the Committee, the Committee recommends that no further action be taken by the House in the matter".

Action taken by the House

4. No further action was taken by the House in the matter.

1. R.S. Deb., dt. 17-5-1979.

2. Ibid

3. Ibid