

RAJYA SABHA

(1982)

Point of privilege

Allegedly not making available to Committee on public Undertakings a file of a Ministry required in connection with the examination of a subject taken up by that Committee

Facts of the case and ruling by the Chairman

On 14th July, 1982, the Chairman (Shri M. Hidayatullah) observed ¹ in the House as follows:--

"Yesterday I informed the House that I had received notices of breach of privilege from Shri A. G. Kulkarni and some other members in connection with the import of High Speed Diesel and Kerosene from Hong Kong which was the subject-matter of the 47th Report of the Committee on Public Undertakings that was submitted to Parliament on April 30, 1982. These notices have been received from the following members. I read out the names for their satisfaction.

1. Shri A. G. Kulkarni
2. Shri Shiva Chandra Jha
3. Shri Syed Shahabuddin
4. Shri Surendra Mohan
5. Shri Satya Pal Malik
6. Shri Rameshwar Singh
7. Shri Hukmdeo Narayan Yadav
8. Shri Ladli Mohan Nigam
9. Dr. Bhai Mahavir
10. Shri Sadashiv Bagaitkar

They are directed against the Prime Minister and her office, Shri Veerendra Patil, Shri P. C. Sethi and Shri P. Shiv Shankar who are or have been Ministers of Petroleum and Chemicals at one time or another. Shri Lavraj Kumar, the Secretary in the Ministry of Petroleum and Chemicals and Shri Arun Shourie, the Executive Editor of the Indian Express. The gravamen of the charge against the Prime Minister, Ministers and Secretary of the Ministry of Petroleum and Chemicals is that they did not make available to the Committee on Public Undertakings the relevant file pertaining to the deal, have caused loss of crores of rupees to the public exchequer and have also

obstructed the Committee in the performance of its functions in examining the transaction. The charge against Shri Arun Shourie is that by his article under the caption "The case of the missing file" published in the Indian Express of July 1982, Shri Shourie has cast reflections on the Committee and lowered its prestige in the esteem of the public and has disclosed proceedings of the Committee which are of a confidential character.

The notices purport to raise a question of privilege under rule 187 of our Rules which provides that subject to the provisions of these rules, a member may with the consent of the Chairman, raise a question involving a breach of privilege either of a member or of the Council or a Committee thereof. Stated briefly, a question of breach of privilege has to be restricted only to a matter affecting the Committee of our House. Now, the Committee on Public Undertakings is a Committee set up under Rule 312A of the Rules of Procedure and Conduct of Business of the Lok Sabha. It functions under the direction and control of the Speaker, Lok Sabha. Although 7 members of our House are nominated to associate with the Committee and have equal rights with the members of the Lok Sabha to vote and take part in the proceedings of that Committee, the fact remains that this Committee is essentially and primarily a Committee of the Lok Sabha. Under rule 187 which has been referred to earlier, a question of breach of privilege can only arise in respect of our Committee. The Rajya Sabha does not have any jurisdiction in respect of the Committee of Lok Sabha in the matter of its privileges. The appropriate forum to raise a matter of breach of privilege on ground of withholding information or any file from the Committee or casting any reflection thereon can only be the Lok Sabha.

I understand from the proceedings of the Lok Sabha that some notices of breach of privilege have been given there by the members of the other House. The Speaker is in seisin of the matter. The notices given by Shri A. G. Kulkarni and other members are therefore not admissible. I am fortified in my view by an earlier precedent where aspersions were cast on the then Chairman of the Committee on Public Undertakings by Shri J. R. D. Tata wherein a similar view was taken in disposing of notices of breach of privilege of the Committee directed against Shri J. R. D. Tata. I understand that the Committee aforesaid has reserved to itself a further inquiry and will seek explanation.

In view of what has been stated above, I withhold my consent to the raising of the matter as a question of privilege against the Prime Minister, other Ministers, the Secretary of the Ministry of Petroleum and Shri Arun Shourie, in this House."

3. The matter was, thereafter. closed.

1. R.S. Deb., dt. 14.7.1982