

RAJYA SABHA

(1970)

Point of privileges

Attributing motives to a Minister in respect of a statement made by him in the House.

Facts of the case and reference to the Committee of Privileges

On the 7th September, 1970, Shri Mahavir Tyagi, a member, raised a question of privilege in the House in respect of a statement made by Shri Ram Nath Goenka as reported in the Indian Express, dated the 4th September, 1970, under the heading "Goenka refutes Ministers' charge". The impugned news report read inter alia as follows:--

"Mr. Ramnath Goenka today described as 'maliciously misleading' the suggestion by the Minister of State for Industrial Development, Mr. K. V. Raghunatha Reddy, that he had managed to get an accommodation of Rs. 7.89 crores by utilising credit provided to his companies by Government agencies.

In a statement, he said he believed that he was being 'persecuted' because of the critical attitude the Indian Express had adopted towards some of the Government's policies.

Mr. Goenka said: 'On Monday last, in the Rajya Sabha, answering a question in regard to the 'malpractices indulged in' by my companies, the Minister for Company Affairs, Mr. Raghunath Reddy, has stated that the total value of IISCO shares cornered by me amounted to Rs. 12 crores. He added that I had managed to get an accommodation of Rs. 7.89 crores mainly by utilising the funds of the National Company made up of Rs. 4 crores cash credit by the State Bank of India, Rs. 0.89 crores from the National Industrial Development Corporation and Industrial Development Bank of India. and Rs. 3 crores by dubious sale purchase of pucca delivery orders. Apart from the suggestion being absurd, it is 'maliciously misleading'."

2. After some discussion, the Leader of the House (Shri K. K. Shah), moved² the following motion which was adopted by the House:-

"That the complaint of breach of privilege against Shri Ram Nath Goenka be referred to the Committee of Privileges with instructions to report to this House before the end of the next session."

3. On the 6th November, 1971, Shri Krishan Kant, another member, gave notice of a question (of breach of privilege' arising out of the following statements contained in a writ petition filed on 7 October, 1970, by the National Company Limited and Shri Ram Nath Goenka a Director of the Company, in the High Court of Calcutta:-

"Knowing fully well that the questions and answers could be utilised against your petitioners, the adversaries (i.e.) the Young Turks framed the questions in such a

way as to give the impression that your petitioners and the firms connected with your petitioner No. 2* have in fact, committed malpractices, although there was no finding of any court nor any pronouncement of any Minister in the House previously even suggesting that your petitioner or the firms connected with your petitioner No. 2 have committed any malpractices.

x x x x

These facts and documents have nothing to do with the questions put by the Young Turks as aforesaid. They were volunteered by the Minister concerned only to cloud the issues and to prejudice the minds, of members present in the House as well as the public at large against your petitioners."

4. As the issues involved in this case were sufficiently important from the point of view of members' rights and privileges and as a connected case arising out of the same proceedings of the House had already been referred by the House to the Committee of Privileges on the 7th, 1970, the Chairman, under rule 203 of Rules of Procedure of the Rajya Sabha referred this matter also to the Committee of Privileges for examination, investigation and report.

Findings and Recommendations of the Committee

5. The Committee of Privileges, after calling the written explanation of Shri Ram Nath, in their 13th Report, presented to the House on the 11th June, 1971, reported, inter alia, as follows:--

(i) "It has long been recognised that to print or publish any books or libels reflecting upon the proceedings of the House or any member thereof, for, or relating to, his services therein is a high violation of the rights and privileges of the House. Words or writings reflecting on the House and on members of the House, have constantly been punished upon the principle that such acts tend to obstruct the House in the performance of its function by diminishing the respect due to it. It has further been held that written imputations affecting a member of Parliament may amount to a breach of privilege without being libels under common law, provided such imputations concern the character or conduct of the member in that capacity. It is however for the House to decide whether any particular publication constitutes such an affront to the dignity of the House or its members in that capacity as amounts to a contempt of Parliament."

(ii) "In his letter dated the 15th October, 1970, Shri Goenka has reiterated the statement published earlier in the Indian Express of the 4th September, 1970 and has furnished a lengthy explanation in justification thereof. He contended that the circumstances of the case compelled him to make the impugned statement as there was a deliberate attempt on the part of the Minister to mislead the House in the matter and damage his reputation."

(iii) "The Committee recognises that in a democratic country like ours, every citizen has a right to offer fair criticism and/or comments on a matter which is of public concern and that it is not correct to suggest that a member of Parliament is not liable to be criticised in the performance of his duties as such member. Fair comments or criticism by a citizen on a matter which is of public concern and particularly a statement couched in proper language in which he puts forward his own version of

certain facts, which may be contrary to something said on the floor of the House by a member or a Minister, will not be objectionable. When however. the citizen exceeds the limit of fair comment or criticism and indulges in imputations of improper motive to a member of Parliament, he brings himself within the penal jurisdiction of the House and it will be for the House to decide whether such an action constitutes a breach of privilege or contempt of the House. If Shri Goenka had in the statement published in the Press stated his own version of the facts of the case without making any imputation or casting any reflection on the Minister, the question of initiating a case of breach of privilege against him would not have perhaps arisen. Instead of that Shri Goenka has in his impugned statement as also in his reply to the Committee, imputed motive to Shri Raghunatha Rdedy, a member of the House, in relation to his service therein and has thus made himself liable for breach of privilege and contempt of the House as his statement would amount to an improper obstruction in the functioning of this House."

(iv) "In the circumstances the Committee has come to the conclusion that Shri Goenka by his statement which appeared in the Indian Express of the 4th September, 1970, has committed a breach of privilege and contempt of the House."

(v) "The Committee is aware that Shri Goenka has since been returned to the Lok Sabha during elections held in March, 1971 and taking this fact into consideration, the Committee does not consider it necessary to recommend any further action in the matter. The Committee, however, observes that responsible persons in public life, should refrain from commenting on the proceedings in Parliament in a manner which would bring them within the penal jurisdiction of the House."

(vi) "For the same reasons the Committee recommends that no further action need be taken on the complaint of Shri Krishan Kant against the National Company Limited and Shri Goenka for certain statements contained in the writ petition filed by them in the High Court of Calcutta."

Action taken by the House

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

1. R.S. Deb., dt. 7.9.1970
2. Ibid, dt. 7.9.1970, c.67

* Shri Ram Nath Goenka