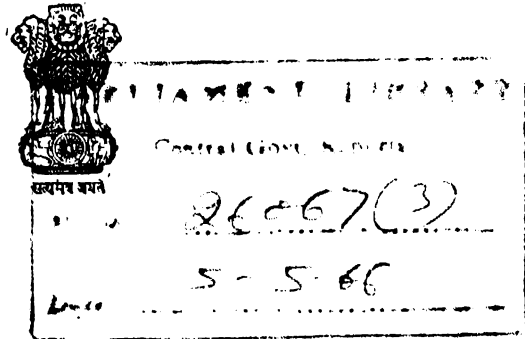


COMMITTEE OF PRIVILEGES

FIFTH REPORT

(THIRD LOK SABHA)

(Presented on the 30th April, 1966)



LOK SABHA SECRETARIAT
NEW DELHI

April, 1966
Vaisakha, 1888 (Saka)

Price : 50 Paise

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES

CHAIRMAN

Shri S. V. Krishnamoorthy Rao

MEMBERS

2. Shri N. C. Chatterjee
3. Shri P. K. Ghosh
4. Sardar Kapur Singh
5. Shri Nihar Ranjan Laskar
6. Shri H. N. Mukerjee
7. Shri V. C. Parashar
8. Shri Purushottamdas R. Patel
- *9. Shri C. R. Pattabhi Raman
- †10. Shri Jaganath Rao
11. Shrimati Yashoda Reddy
12. Shri Asoke K. Sen
13. Shri Satya Narayan Sinha
14. Shri Sumat Prasad
15. Shri Indulal Kanaiyalal Yajnik.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

*Nominated on the 22nd February, 1966, vice Shri Sachindra Chaudhuri resigned.

†Nominated on the 22nd February, 1966, vice Shri Shivram Rango Rane resigned.

FIFTH REPORT OF THE COMMITTEE OF PRIVILEGES

(Third Lok Sabha)

I. INTRODUCTION AND PROCEDURE

I, the Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this report to the House on the question of privilege referred¹ to the Committee by the House on the 4th March, 1966, regarding the following passage occurring in a brochure titled "Punjab at Cross-Roads", at page 11, written and published by one Shri H. L. Sally of Chandigarh:—

"A Partisan Chairman

The Central leaders raked up the settled question of the so-called Punjabi Suba to appease the Sikhs in a weak moment when they did not want to annoy anybody in view of Pakistani aggression. They made a further mistake in leaving appointment of members of the Parliamentary Committee to a confirmed Akali who was to preside over their deliberations. He may have acquitted himself well in dealing with different parties in the Indian Parliament. It was too much to expect that his natural pro-Akali bias would change. A High Court Judge can dispose of thousands of cases in a most impartial spirit but he will refuse to preside over a case in which his personal feelings are involved or regarding which he has recorded his personal opinion at an earlier stage. But Sardar Hukum Singh belied his exalted position as Speaker of the Parliament by accepting this offer. He was probably happy to get this opportunity to serve his community. Naturally enough he selected such men for membership on whom he could depend for support. The first proof of his natural inclinations getting the better of him can be seen in his going beyond the terms of reference. According to his appointment order he was to submit his recommendations to the Cabinet Sub-Committee. But he wants to get his recommendations confirmed and backed by the Parliament over which he himself presides. In this way he seeks to make his recommendations mandatory on the Cabinet. The Government should have nominated some neutral members on the Parliamentary Committee and permitted them to elect their Chairman. By acting as they did, they have only added to their difficulties."

2. The Committee held seven sittings.

3. At the first sitting held on the 10th March, 1966, the Committee directed that Shri H. L. Sally, the author of the brochure "Punjab at Cross-Roads" be asked, in the first instance, to state what he had

¹L.S. Deb., dated 4th March, 1966.

to say in the matter for the consideration of the Committee and also to appear before the Committee in person.

The Committee also directed that the Government be requested to find out and inform the Committee of the name of the printer and place of printing of the brochure which had not been indicated in the brochure as required under Section 3 of the Press and Registration of Books Act, 1867.

4. At the second sitting held on the 21st March, 1966, the Committee decided to give more time to Shri H. L. Sally for submitting his written statement and to appear before the Committee in person as requested by him.

5. At the third sitting held on the 24th March, 1966, the Committee noted the information received from the Government of Punjab, giving particulars regarding Shri H. L. Sally and about the printer, publisher and the place of printing of the pamphlet "Punjab at Cross-Roads".

The Committee also noted that the question of taking legal action against the printer and publisher of the brochure for offences under the Press and Registration of Books Act, 1867 was under consideration of the Government of Punjab.

6. At the fourth sitting held on the 7th April, 1966 the Committee examined Shri H. L. Sally and considered his written statement² and came to their conclusions.

7. At the fifth sitting held on the 19th April, 1966, the Committee considered their draft report and adopted it.

II. FINDINGS OF THE COMMITTEE

8. It is well-established that speeches or writings reflecting upon the character of the Speaker and accusations of partiality in the discharge of his duty or casting reflections upon any member of the House for or relating to his service therein or concerning the character or conduct of the member in that capacity, constitute a breach of privilege and contempt of the House on the principle that such acts tend to obstruct the House and its members in the performance of their functions and duties by diminishing the respect due to them and by bringing them into odium, contempt and ridicule³.

9. The Committee are of the opinion that the impugned passage under the heading "A Partisan Chairman" occurring at page 11 in the brochure titled "Punjab at Cross-Roads" written and published by Shri H. L. Sally, constitutes a breach of privilege and contempt of the House as it casts reflections on the character and conduct of the Speaker in the discharge of his duty and also upon the members of the Parliamentary Committee on the Demand for Punjabi Suba.

²See Appendix, pp 21—29.

³May's Parliamentary Practice, 17th Ed., pp. 117, 124-125.

10. The Committee are, therefore, of the view that Shri H. L. Sally has committed a breach of privilege and contempt of the House.

11. Shri H. L. Sally, however, in his letter dated the 6th April, 1966, has tendered full and unqualified apology to the Speaker, the Members of the Parliamentary Committee on the Demand for Punjabi Suba and the House, in the following terms:—

“In my statement⁴ on the subject submitted on 30-3-1966, I had expressed genuine regrets over certain observations made by me. Further, I, hereby, tender full and unqualified apology both to the Speaker and the members of the Parliamentary Committee on the Demand for Punjabi Suba [and the House (Lok Sabha)]⁵”.

12. Shri H. L. Sally, in the course of his oral evidence⁶ given before the Committee, admitted that he had not realised before that the Speaker was functioning as the Chairman of the Parliamentary Committee on the Demand for Punjabi Suba in his capacity as Speaker and that his action in criticising the Speaker and members of the said Committee was not correct. He submitted that he bowed to the judgment of the Committee and apologised for his action.

13. The Committee are satisfied that the apology tendered by Shri H. L. Sally is full and unqualified.

III. RECOMMENDATION OF THE COMMITTEE

14. The Committee recommend that in view of the full and unqualified apology tendered by Shri H. L. Sally, no further action be taken by the House in the matter.

S. V. KRISHNAMOORTHY RAO,
Chairman,
Committee of Privileges.

NEW DELHI;
The 19th April, 1966.

⁴See Appendix, pp 21—29.

⁵These words were added by Shri Sally when he appeared before the Committee on the 7th April, 1966.

⁶See pp 18—20.

NOTE BY SARDAR KAPUR SINGH

I agree with the Report that (a) the brochure, "Punjab at Cross-Roads" published by Mr. H. L. Sally "did constitute a breach of privilege and contempt of the House," by adding that this breach and contempt was gross, in so far as it attributed highly improper motives to the Speaker of the House and the Members of the Parliamentary Committee on the Punjabi Suba, and that it was highly contumacious in so far as it was deliberately made by a retired public servant and pensioner of the status of an Executive Engineer. I, however, do not agree with the majority view that Mr. H. L. Sally had tendered "a full and unqualified apology" such as justified "no further action (to) be taken by the House in the matter."

2. I maintain that (a) no "full and unqualified apology" has at all been tendered in this case by the delinquent, and that, as a matter of fact, (b) there has been no 'apology' tendered such as might be worth considering by the Committee of Privileges or the House, and that, at all events, (c) his so called, 'apology', does not entitle him to any leniency in the matter of a just and condign punishment which he, on merits of the case, deserves.

3. His apology is neither "full", nor "unqualified" is apparent from a cursory reading of his letter, dated the 7th April, 1966, along with his oral examination. Firstly, in the original letter, he expressed regrets to the Speaker and members and not to the House, till he was persuaded to do so, by the Chairman in the cross examination and so, his so called, 'apology' is not spontaneous but coaxed. A coaxed apology is sharply distinguishable from a spontaneous apology, and when an apology is not spontaneous, it lacks the potency of taking the sting out of contempt. This principle is well-known and well-accepted. Secondly, the 'apology' tendered relates not to any remorse born in the heart of this highly educated citizen at the cowardly wounds inflicted by him on the dignity and integrity of the Speaker of the House and the members of a Parliamentary Committee, but it relates to what the Committee of Privileges might have felt about the matter. In other words, he is sorry not because he acted in a highly irresponsible and reprehensible manner, but he is sorry, because, the Committee of Privileges, (somewhat, perversely, as he would seem to imagine), feels that he has acted improperly. Even this concession, he makes reluctantly and after a considerable amount of coaxing and persuasion through his cross examination by the Members of the Committee of Privileges. To describe such a statement as a "full and unqualified apology" is to take a great deal of liberty with the accepted meanings of the words, and it is a wholly untenable position, as I will show presently, by quoting the highest authorities on the subject. Thirdly, Mr. H. L. Sally, in his cross examination before our Committee, has made it absolutely and unambiguously clear that his true position is and remains, even after his so called, 'apology' letter, dated the 7th April,

the same as was set-forth, in detail and with much elaboration, in his previous letter of the 30th March, 1966. "I stand by my letter of the 30th March and I do not wish to make any change in it," he says. In his letter of the 30th March, he clearly takes up the position that (i) he was fully justified in saying what he said about the dignity and integrity of the Speaker and the members of the Parliamentary Committee, that (ii) though he has all respect for the office of the Speaker and the Parliament as such, he is not prepared to say as much about the present incumbent of the office as well as the particular members of the Parliamentary Committee, traduced by him in the impugned publication, and, also that (iii) Punjab Congress Committee's President Shri Bhagvat Dyal, the General Secretary of the Punjab Jana Sangha, Dr. Baldev Parkash, the President of the Punjab Ekta Sammittee, Mr. Keshab Chandra and the Editor of the *Daily Pratap*, Jullundur, Shri Virendra, have widely published similar and even more contemptuous criticism of the Speaker of the House and the members of the Parliamentary Committee. With uninhibited frankness, this retired Executive Engineer informs us, in his cross examination, that the fact that he is in the distinguished company of the aforementioned four top-public men of the Punjab, is "an extenuating circumstance" mitigatory of any gravity that might be felt to be attached to his conduct, of which he is, in no manner, visibly contrite and remorseful.

4. Now, it is a well-established principle relating to apologies in such matters that when an apology is accompanied by a plea of justification, it ceases to be genuine. The apology implies that the act causing contempt was not justified. Co-existence of the two pleas is tantamount to blowing hot and cold in the same breath (*Emperor Vs. P. C. Tarapore*, 1940, *Sind. 239-191 Indian cases*, 519).

5. Again, where it is strenuously contended that no contempt had been committed, the subsequent apology can only be regarded as an after-thought put forward in the hope of avoiding the wrath to come, and hence it is not a genuine apology at all. This principle has been clearly enunciated in a judicial pronouncement (*Hakim Kari Nasib Ahmed Vs. Anis Ahmed Abbasi and another*, 1941, *Oudh 67—Indian Law Reporter*, 16, *Lucknow*, 506).

6. Even where there is an unqualified and full apology, which is not the case here, it will not confer upon the delinquent any immunity whatsoever, from being visited with the full punishment which he deserves, if he has attacked the integrity and personal character of the authority whose contempt has been committed. This principle is directly implicated in a weighty judicial pronouncement (*The Government Advocate, Burma Vs. Saya Sein*, 7. *Rangoon*, 844). In view of this clear principle it is, somewhat puzzling, if not also mystifying, how the majority Report can justifiably recommend no further action in this case. It is not from any exaggerated notions of personal dignity of the Speaker or the individuals of our Parliamentary Committee, that a case for action arises here. This House is sensitive to its contempts and breach of privileges for preventing *brevis manu*, attempts to interfere with proper functioning of the House. The underlying object is protection of the public from the evil

which is likely to follow if its faith in the authority and integrity of its chosen representatives is shaken or impaired. How this faith is to be kept unimpaired by not punishing condignely, Mr. H. L. Sally, in the circumstances of this case, is by no means, obvious to me.

7. What constitutes an apology to a contempt committed? What are the characteristics of a genuine and acceptable apology? What is the effect of an apology upon the question and quantum of punishment which a contempt or breach of privilege invites? These questions lie at the root of the case of Mr. H. L. Sally that we are considering, and, fortunately for us, there exist clear and concise answers to these questions in a highest judicial pronouncement of refreshing frankness. Mr. Justice Vivian Bose, in *Sub-Judge, First Class, Hoshangabad Vs. Jawahar Lal Ram Chand Parwar, 1940, Nagpur, 407 (408-409)*, laid down, *inter alia*:

"There appears to be an impression abroad that an apology consists of a magic formula of words which has but to be uttered as an incantation, at the last possible moment, when all else has failed, and it is evident that retribution is inevitable, to stave off punishment. It appears to be felt that a man should be free to continue unfounded attacks upon another's honour and character and integrity with the utmost license till the last possible moment and then when he is unable to stave off the consequences of his infamous conduct any longer, all he need do is to make this magic formula referred to as an apology, to emerge triumphantly from the fray. Nothing can be further from the truth. An apology is not a weapon of defence forged to purge the guilty of their offences. It is not an additional insult to be hurled at the heads of those who have been wronged. It is intended to be evidence of real contriteness, the manly consciousness of a wrong done, of injury inflicted, and the earnest desire to make such reparation as lies in the wrong doer's power. Only then is it of any avail. But before it can have that effect, it should be tendered at the earliest possible stage, not the latest, and even if the wisdom dawns only at. (the latest stage) the apology should be tendered unreservedly and unconditionally. before the person tendering the apology discovers that he has a weak case. unless that is done, not only the tendered apology is robbed of all grace, but it ceases to be an apology; it ceases to be full frank, manly a confession of a wrong done. It becomes, instead, the cringing of a coward. It then deserves to be treated with the contempt with which the cowards and the bullies. are treated. Mere lip-service to a formula, without any contrition of heart, will not do."

8. The recommendation made by the Report, in the context of established facts in Mr. Sally's case, seems to me, to fly directly in the face of the above quoted weighty pronouncement.

9. Lastly, with regard to the other identical, and allegedly graver, contempts committed of our Speaker and the members of our Parlia-

mentary Committee by the four top public men of the Punjab, mentioned in the foregoing paragraph, *Three*, it is impossible to shut our eyes, though the material evidence available has not been circulated⁷ to the members of the Committee.

10. I, therefore, humbly recommend to the House, that,

- (a) Shri H. L. Sally be duly convicted of contempt of the House and breach of its privileges, and,
- (b) he should be produced at the Bar of the House to be severely reprimanded for the cowardly attacks he has published on the integrity and dignity of the Speaker of the House and on the integrity and dignity of the members of the Parliamentary Committee on Punjabi Suba.
- (c) The alleged acts of contempt and breach of privilege, committed by Messrs. Bhagvat Dyal, Baldev Parkash, Keshab Chandra, and Virendra be placed before the House for such action as the House may deem fit to take in the matter.

Dated 19th April, 1966.

Sd/- KAPUR SINGH.

COMMITTEE'S NOTE

Sardar Kapur Singh's contention in his Note appended to this Report that Shri H. L. Sally offered his apology to the House "reluctantly and after a considerable amount of coaxing and persuasion through his cross examination by the Members of the Committee of Privileges and the Chairman", is not correct. This is amply borne out by the verbatim record of the oral evidence of Shri Sally appended to the Report. In fact, Shri Sally's letter tendering full and unqualified apology to the Speaker and Members of the Committee on the Demand for Punjabi Suba had been received much earlier in the day on which the Committee met. Even then, the Committee were keen to examine him in person to satisfy themselves from his demeanour and behaviour that his apology was really genuine, unqualified and full. As the Committee felt that Shri Sally should tender an apology to the House as well, it was pointed out to him that he must make a mention of the House also in his apology and he readily did it. There was no question of any persuasion or coaxing by the Chairman or Members of the Committee. The Committee were satisfied from his behaviour and demeanour that he had offered a genuine apology.

2. Sardar Kapur Singh has argued at great length that the recommendation of the Committee (that in view of the full and unqualified apology tendered by Shri H. L. Sally, no further action be taken by the House in the matter) is not in accordance with the judicial pronouncements in contempt cases. His contention is that where an apology is tendered after a plea of justification, it is not a genuine apology at all. The cases cited by Sardar Kapur Singh in support

⁷The clipping from the Urdu *Daily Pratap* (Jullundur), dated 28th March, 1966, was available before the Committee in original and is reproduced in the Appendix to this Report at pages 26—29 alongwith its translation in English.

of his contention are old cases and there have been many more recent cases of contempt of court in which, apart from the various High Courts, the Supreme Court of India has made pronouncements regarding the acceptance of apology in cases of contempt. As an example, the following observations of the Supreme Court in the case of *M. Y. Shareef and another Vs. Hon'ble Judges of the Nagpur High Court*, are pertinent:—

“Once the fact is recognized as was done by the High Court here, that the members of the Bar have not fully realized the implications of their signing such applications and are firmly under the belief that their conduct in doing so is in accordance with professional ethics, it has to be held that the act of the two appellants in this case was done under a mistaken view of their rights and duties, and in such cases even a qualified apology may well be considered by a Court.

In border line cases where a question of principle about the rights of counsel and their duties has to be settled, an alternative plea of apology merits consideration; for it is possible for a judge who hears the case to hold that there is no contempt in which case a defence of unqualified apology is meaningless, because that would amount to the admission of the commission of an offence.

* * * *

The counsel seem to have genuinely believed that they were right in what they did, though as a matter of fact if they had studied the law more deeply, they would not have done so.

In these circumstances it cannot be said that what they did was wilful and their conduct in getting the law settled in this matter by raising the defence that they did, was contumacious. The authorities relied upon by the High Court have no application to cases of this character. How else is the validity of a defence of this kind to be settled, except by an argument that the counsel was entitled in the interests of his client to advise a transfer and give grounds for that transfer which were ‘bona fide’ believed by the client. Every form of defence in a contempt case cannot be regarded as an act of contumacy. It depends on the circumstances of each case and on the general impression about a particular rule of ethics amongst the members of the profession. The learned Judges, as already said, have themselves said that such an impression was prevalent since a long time amongst a section of the Bar in Nagpur. It was thus necessary to have that question settled and any effort on the part of these two learned counsel to have that point settled cannot be regarded as contumacy or a circumstance which aggravates the contempt. We think that the expression of regret in the alternative in this case should not have been ignored but should have been given due consideration. It was made in the earliest written statement submitted by the counsel and cited above.

* * * *

As soon as we indicated to the learned counsel that they were in error, they and their counsel immediately tendered an unqualified apology which as already indicated was repeated again in absolute terms at the second hearing. We have not been able to appreciate why the learned Judges of the High Court should have doubted the genuineness of this apology.

* * * *

In the peculiar circumstances of this case and in view of the circumstance that the learned Judges themselves were of the opinion that there would not have been a sentence of fine at all if there was no plea of justification and there was no contumacy, we are of the opinion that the unqualified apology was sufficient to purge the contempt committed by the two appellants as we have reached the conclusion contrary to that arrived at by the High Court that the plea of justification in this case did not amount to contumacy.

* * * *

After a careful consideration of the situation that arises in this case we have reached the decision that the dignity of the High Court would be sufficiently upheld if the unqualified apology tendered in this Court in the first instance and reiterated in absolute terms by Dr. Tek Chand again at the next hearing is accepted and that apology is regarded as sufficient to purge the contempt."

[A.I.R. 1955 S.C. 19(23-25)]

It is thus clear that it depends on the circumstances of each case and the general impression about the demeanour and behaviour of the accused, whether the apology tendered by him is genuine or not. A mere plea of justification or defence at the initial stage does not make the genuineness of an apology doubtful if it is tendered as soon as it is realised by the person concerned that he was in error. It may be mentioned that Shri Sally readily bowed to the judgement of the Committee and apologised for his action as soon as he realised that he was in error.

3. Sardar Kapur Singh has also complained that material evidence (referring to the clipping from the Urdu *Daily Partap*, Jullundur dated the 28th March, 1966, which Shri H. L. Sally had enclosed with his written statement dated the 30th March, 1966) was not circulated to the members of the Committee. This clipping was available when the Committee originally considered this matter and later when they approved their Report, and is reproduced in the Appendix to the Report at pages ~~25-26~~ alongwith its translation in English.

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S. V. KRISHNAMOORTHY RAO,
Chairman,
Committee of Privileges.

Dated, 25th April, 1966.

MINUTES

I

First Sitting

New Delhi, Thursday, the 10th March, 1966.

The Committee met from 15·00 to 15·¹⁵~~30~~ hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Sardar Kapur Singh
3. Shri H. N. Mukerjee
4. Shri Purushottamdas R. Patel
5. Shri C. R. Pattabhi Raman
6. Shri Jaganath Rao
7. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered the question of privilege referred to them by the House on the 4th March, 1966, regarding a passage in a brochure titled "Punjab at Cross-Roads" by Shri H. L. Sally, allegedly casting reflections on the Speaker and Members of the Parliamentary Committee on the Demand for Punjabi Suba.

3. The Committee directed that Shri H. L. Sally, the author of the brochure "Punjab at Cross-Roads" be asked, in the first instance, to state what he has to say in the matter for the consideration of the Committee, by the 21st March, 1966, and also to appear before the Committee in person at 15·00 hours on the 25th March, 1966.

4. The Committee noted that the brochure "Punjab at Cross-Roads" did not indicate the name of the printer, the place of printing and the place of publication, as required under Section 3 of the Press and Registration of Books Act, 1867.

The Committee directed that the Ministry of Home Affairs be requested to find out the name of the printer and the place of printing and publication, for the information of the Committee.

The Committee also directed that the Ministry of Home Affairs be further requested to initiate necessary legal proceedings against the author, printer and publisher of the brochure "Punjab at Cross-Roads" for violation of the provisions of Section 3 of the Press and Registration of Books Act, 1867, as provided for in Section 12 of the said Act.

The Committee also directed that a copy of the communication addressed to the Ministry of Home Affairs be endorsed to the Chief Secretary to the Government of Punjab for information and necessary action.

The Committee then adjourned.

II

Second Sitting

New Delhi, Monday, the 21st March, 1966.

The Committee met from 15.00 to 15.45²⁵ hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Sardar Kapur Singh
3. Shri H. N. Mukerjee
4. Shri V. C. Parashar
5. Shri C. R. Pattabhi Raman
6. Shri Jaganath Rao
7. Shrimati Yashoda Reddy
8. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * * *

5. The Committee then considered the request of Shri H. L. Sally to grant him more time for submitting his written statement to the Committee and also asking for information on certain points.

The Committee decided that the request of Shri H. L. Sally for more time for submitting his written statement be agreed to. The

*Paragraphs 2 to 4 relate to another case and have been included in the Minutes of the Fourth Report of the Committee of Privileges, p. 15, presented to the House on the 30th March, 1966.

Committee directed that Shri H. L. Sally be asked to submit his written statement to the Committee by the 7th April, 1966, at the latest, and also to appear before the Committee in person at 15.00 hours on that date.

The Committee also directed that the position regarding the points on which Shri H. L. Sally had asked for information be explained to him in reply.

The Committee then adjourned.

III

Third Sitting

New Delhi, Thursday, the 24th March, 1966.

The Committee met from 15.00 to 15.25 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Sardar Kapur Singh
3. Shri Nihar Ranjan Laskar
4. Shri H. N. Mukerjee
5. Shri V. C. Parashar
6. Shri C. R. Pattabhi Raman
7. Shri Jaganath Rao
8. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

- * * * * *

5. The Chairman then apprised the Committee about the contents of a letter, dated the 19th March, 1966, from the Government of Punjab, giving particulars regarding Shri H. L. Sally and about the printer and publisher of the pamphlet "Punjab at Cross-Roads".

The Committee then adjourned sine die.

*Paragraphs 2 to 4 relate to another case and have been included in the Minutes of the Fourth Report of the Committee of Privileges, p. 16, presented to the House on the 30th March, 1966.

Fourth Sitting*New Delhi, Thursday, the 7th April, 1966.*

The Committee met from 15·00 to 15·30 hours.

PRESENT**CHAIRMAN****Shri S. V. Krishnamoorthy Rao.****MEMBERS**

2. **Shri N. C. Chatterjee**
3. **Sardar Kapur Singh**
4. **Shri Nihar Ranjan Laskar**
5. **Shri V. C. Parashar**
6. **Shri C. R. Pattabhi Raman**
7. **Shri Sumat Prasad.**

SECRETARIAT**Shri M. C. Chawla—Deputy Secretary.****WITNESS****Shri H. L. Sally.**

2. The Chairman read out to the Committee, a letter, dated the 6th April, 1966 from Shri H. L. Sally, tendering "full and unqualified apology" to the Speaker, the Members of the Parliamentary Committee on the Demand for Punjabi Suba and the Lok Sabha.

3. Shri H. L. Sally was then called in and examined by the Committee.

The witness then withdrew.

4. The Committee observed that the passage under the heading "A Partisan Chairman" appearing at page 11 in the brochure titled "Punjab at Cross-Roads", written by Shri H. L. Sally, did constitute a breach of privilege and contempt of the House. The Committee, however, decided to recommend that in view of the full and unqualified apology tendered by Shri H. L. Sally, no further action be taken by the House in the matter.

5. Sardar Kapur Singh expressed his dissent from the recommendation of the Committee and expressed the view that the apology tendered by Shri H. L. Sally should not be accepted as sufficient.

6. The Committee decided to meet again on Tuesday, the 19th April, 1966 at 15.00 hours to consider their draft report.

7. The Committee decided that the written statement submitted by Shri H. L. Sally and the oral evidence given by him before the Committee be appended to the report of the Committee.

* * * * *

The Committee then adjourned.

V.

Fifth Sitting

New Delhi, Tuesday, the 19th April, 1966.

The Committee met from 15.00 to 15.40 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri H. N. Mukerjee
5. Shri C. R. Pattabhi Raman
6. Shri Jaganath Rao
7. Shrimati Yashoda Reddy
8. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their draft Fifth Report and adopted it.

3. The Chairman read out to the Committee the Note given by Sardar Kapur Singh for being appended to the report of the Committee.

As desired by Sardar Kapur Singh, the Committee directed that the Note submitted by him be circulated to the Members of the Committee.

4. The Committee then decided to meet again on Thursday, the 21st April, 1966, at 17.00 hours to consider Sardar Kapur Singh's Note.

The Committee then adjourned.

*Paragraphs 8 to 11 relate to other cases and will be included in the Minutes of the relevant Reports.

Sixth Sitting*New Delhi, Thursday, the 21st April, 1966.*

The Committee met from 17·00 to 17·25 hours.

PRESENT**CHAIRMAN**

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Shri H. N. Mukerjee
4. Shri V. C. Parashar
5. Shri C. R. Pattabhi Raman
6. Shri Jaganath Rao
7. Shrimati Yashoda Reddy
8. Shri Sumat Prasad.

SECRETARIATShri M. C. Chawla—*Deputy Secretary.*

* * * *

4. The Committee then took up consideration of the Note submitted by Sardar Kapur Singh, M.P., for being appended to the Fifth Report of the Committee (Sally's case). The Committee, however, observed that Sardar Kapur Singh, at whose request the date and time of this sitting (21st April, 1966) had been fixed to suit his convenience, was not present. The Committee desired that he should be present at the sitting and sent for him. Sardar Kapur Singh, however, expressed his inability to attend the sitting of the Committee at that time, as he wished to be present in the House.

5. The Committee thereupon decided to defer consideration of Sardar Kapur Singh's Note to Monday, the 25th April, 1966, when he might be present.

6. The Committee then adjourned to meet again on Monday, the 25th April, 1966 at 15·00 hours.

*Paragraphs 2 to 3 relate to another case and will be included in the Minutes of the relevant Report.

Seventh Sitting

New Delhi, Monday, the 25th April, 1966.

The Committee met from 15·00 to 16·05 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Shri Nihar Ranjan Laskar
4. Shri H. N. Mukerjee
5. Shri C. R. Pattabhi Raman
6. Shri Jaganath Rao
7. Shri Asoke K. Sen
8. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee approved a Note† (Annexure) clarifying certain points raised by Sardar Kapur Singh, M.P., in the Note given by him regarding the apology tendered by Shri H. L. Sally in connection with the question of privilege arising out of a certain passage in the brochure entitled "Punjab at Cross-Roads" published by him for being appended to the Report of the Committee dealing with this matter and decided that Sardar Kapur Singh's Note as well as the Committee's Note thereon be appended to that Report.

In this connection, the Committee observed that they had in the past also accepted apologies tendered by the persons concerned and recommended to the House the closure of the matter. For example:

- (i) *The Hindustan Standard Case*—Seventh Report of the Committee of Privileges (Second Lok Sabha);

†See pages 7—9.

- (ii) *Shri M. O. Mathai's Case*—Ninth Report of the Committee of Privileges (Second Lok Sabha); and
- (iii) *The Indian Nation Case*—First Report of the Committee of Privileges (Third Lok Sabha).

3. The Committee authorised the Chairman and, in his absence, Shri Sumat Prasad, to present their Fifth Report to the House on the 30th April, 1966.

* * * *

The Committee then adjourned.

*Paragraphs 4 to 7 relate to other cases and will be included in the Minutes of the relevant Reports.

**MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE
OF PRIVILEGES**

Thursday, the 7th April, 1966

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri Nihar Ranjan Laskar
5. Shri V. C. Parashar
6. Shri C. R. Pattabhi Raman
7. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri H. L. Sally.

(The Committee met at 15-00 hours).

EVIDENCE OF SHRI H. L. SALLY.

Mr. Chairman: You are Mr. Sally?

Shri H. L. Sally: Yes, Sir.

Mr. Chairman: We have received your letter of apology. Is it by you?

Shri H. L. Sally: Yes, Sir.

Mr. Chairman: You may also add 'to the House'.

Shri V. C. Parashar: Speaker, Members, and to the Lok Sabha.

Mr. Chairman: Please add: And to the House (Lok Sabha).

Shri H. L. Sally: Yes.

Shri Kapur Singh: In your letter of the 30th March, hardly a week ago, you gave us to understand that, after examining the matter carefully, you were convinced that no matter of privilege was involved here, because the Members and the Speaker were performing functions which can be termed, 'political'. What has happened in the mean time that you have changed that stand?

Shri H. L. Sally : I still hold that view. But because the House considers that wrong, I offer my apology.

Shri Kapur Singh : You say : 'I apologise because House considers me wrong; my views are the same as in the letter of the 30th March.' Is that what you say ?

Shri H. L. Sally : I offer all respect to the House and all the Members.

Shri Kapur Singh : That you have already done in your letter.

Shri H. L. Sally : I don't change anything. I have got my full respects for the House.

Shri Kapur Singh : Whatever you have said in your letter of the 30th March, you stand by it ?

Shri H. L. Sally : Yes. I stand by my letter of the 30th and I do not wish to make any change in it.

Shri C. R. Pattabhi Raman : What is your point ? Are you trying to distinguish between the Speaker and the House here ?

Shri H. L. Sally : There is the Speaker and the House. There is a difference. There is difference between the Speaker and Sardar Hukam Singh. I make the distinction between the Speaker and Sardar Hukam Singh.

Shri C. R. Pattabhi Raman : Speaker is the Chairman of the Committee of the House in this case.

Shri H. L. Sally : In this case he is performing functions apart from the functions of Parliament.

Shri C. R. Pattabhi Raman : Supposing we tell you now that there is a committee of the House that had dealt with it ? Mr. Nanda appointed the committee of the House of Parliament to deal with it. You have made it clear in your letter.

Shri H. L. Sally : To your superior wisdom I bow and I offer my apology.

Shri Kapur Singh : "If, however, the Committee considers that I am in the wrong, then I can apologise." That is your position ?

Shri H. L. Sally : Yes.

Shri C. R. Pattabhi Raman : You may consider that the Speaker as the Chairman of the Committee was not functioning as Speaker. We are telling you today that you may take it from us how he was functioning.

Shri H. L. Sally : Therefore I bow to your superior judgement, and apologise.

Shri Kapur Singh : In your letter of the 30th March you said:

Rather, my grievance is that most of them (that is, including the Speaker) far too committed honestly to the views already held by them to make an objective report. Acting honestly they could not but say what was in their mind

already about the desirability of Punjabi Suba. Otherwise, they could not ignore the report of the Raza Ali Commission.....

You were saying this about the Committee members.

Shri H. L. Sally: Many of them.

Shri Kapur Singh: You say, " 'most of them' were already committed and they could not honestly accept their nomination to the Punjabi Suba Committee, because, they were not in a position to make an objective assessment". Is that your position?

Shri H. L. Sally: Yes. That is what your own Members of Parliament have also said.

Shri Kapur Singh: You have also brought out to our notice four further cases of similar acts which this Committee regard as *prima facie* breaches of privilege. Those four cases, rather, the existence of those four cases, is an extenuating circumstance in your case.

Is that your position?

Shri H. L. Sally: That should be an extenuating circumstance.

Shri Kapur Singh: Those four cases are about Shri Bhagwat Dayal Sharma, Dr. Baldev Parkash, Mr. Keshab Chander and Mr. Virendra. These four gentlemen have also criticised the appointment of the Committee and its members almost in the same terms as you have.

Shri H. L. Sally: Even much more adversely.

Shri Kapur Singh: Much more adversely. I have finished. Thank you.

Shri N. C. Chatterjee: Supposing I tell you that the Speaker was functioning as the Chairman of this Committee in his capacity as Speaker, then you are prepared to tender your apology?

Shri H. L. Sally: That is what I have said. What I thought was that it was different. But I bow to your judgement.

Shri N. C. Chatterjee: Nobody is infallible. One may err in his judgement. Suppose we tell you that your judgement or view is not correct but he was really functioning in the Committee as Speaker, then I take it that you are prepared to express your regret.

Shri H. L. Sally: Yes. That is what I have done.

Shri N. C. Chatterjee: And then you will tender your apology on that basis?

Shri H. L. Sally: Yes. When I wrote this brochure, I did not realise this because I was carried away by what was happening in the House itself and the Press.

Shri V. C. Parashar: You are apologising because you feel that in spite of your views, the action of criticising the Speaker and the Members is not correct on your part? I am not talking about your view.

Shri H. L. Sally: That is correct.

(The witness then withdrew)

APPENDIX

Statement submitted by Shri H. L. Sally for the consideration of the Committee of Privileges

Swapnil, Sector 5,
Chandigarh.
30-3-66

Dear Shri Chawla,

As desired in your letter No. 76/1/C/66, dated 22-3-1966, I am enclosing my statement. I may now be kindly informed if I can be assisted by a lawyer on 7th April, 1966 when I appear before the Committee.

I contacted the Sales Section of the Lok Sabha Secretariat by sending a special man. The enclosed copy of telegram will show that I could not get them. I will be obliged if you kindly direct your office to supply these V.P.P. I reserve the right to modify my statement, if necessary, when I get these documents.

Yours sincerely,
(Sd.) H. L. SALLY.

To

Shri M. C. Chawla,
Deputy Secretary,
Lok Sabha.

From

Shri H. L. Sally,
Swapnil, Sector 5,
Chandigarh (Punjab).

To

Shri M. C. Chawla,
Deputy Secretary,
Parliament House,
New Delhi.

Dated Chandigarh the 30th March, 1966.

SUBJECT: *Question of privilege raised in Lok Sabha regarding a passage in a brochure titled "Punjab at Cross-Roads" allegedly casting reflections on the Speaker and Members of the Parliamentary Committee on the Demand for Punjabi Suba.*

Sir,

With reference to your letter No. 76/1/C/66, dated 11th March, 1966 and its enclosure I have the honour to forward herewith my statement for consideration by the Privileges Committee of the Lok Sabha.

I would like to submit very clearly at the outset that I have the highest regard for the Indian Parliament, its members and its officers. In particular, I hold in high esteem the position of the Speaker of the Lok Sabha. Nothing was farther from my mind when I published the brochure than to cast reflections on the Speaker or any member of the Parliament as *such*.

In a Parliamentary system like ours, every citizen has a right to express himself freely, frankly and fearlessly on all public questions. I maintain that I am entitled to express my views on the demand for Punjabi Suba. I believe there are many Punjabis, Hindus as well as Sikhs, who believe that the demand for Punjabi Suba is a communal demand of a section of people led by Akalis. On the other hand, many Hindus and Sikhs would like the present political structure of the Punjab to remain intact in the larger interest of the peace and progress of this border State and its inhabitants. To them what is happening under pressure from extremist elements in the so-called Punjabi and Hindi speaking areas of the Punjab is nothing short of madness. Commenting on this issue, the 'Telegraph' of London has said on March 22, 1966, "The new Sikh State can never break away from the vast body of India. Of course, more than a mere language is at stake. Jobbery and office go with it and that is why every language issue in India is fiercely contended". I only tried my little bit to prevent India's image falling so low in the international field.

When under the stress and strain of foreign invasion the Home Minister, Shri Nanda, announced the formation of the Committee to be presided over by Shri Hukam Singh to advise the Central Government on the solution to the above question, thinking and knowledgeable people in the Punjab, in all walks of life nodded their heads in mis-giving and disapproval. Shri Hukam Singh cannot deny his active association with the political aspirations of Akalis. This is clear from his Presidential address at the Akali Conference held at Ludhiana in 1952. He did not even dissociate himself from the Akalis when they restarted their political activities after having resolved in 1956 that they would henceforth be only a religious body. I only expressed my doubts if he could keep himself clear of his past notions while forming the Consultative Committee and presiding over its deliberations. This was psychologically impossible for any person and Shri Hukam Singh could be no exception. An objective assessment of any case cannot be expected from people who have set opinions already. The Speaker of a Legislature is under an obligation to be above party politics. It was therefore, incumbent on Shri Hukam Singh to keep himself clear of the Punjabi Suba issue. Shri Hukam Singh himself is reported to have said in the Parliament on 1st March, 1966 that 'he wondered after all that had been said against him, whether he had done the right thing in accepting the Chairmanship of the Committee'. I cannot be held to have committed a breach of privileges of Parliament by saying the same thing.

In the copy of the proceedings attached to your letter under reply there is a reference to my attributing dishonesty to the members of the Parliament. I never attributed any dishonesty to either Shri

Hukam Singh or any member of the Committee. Rather my grievance is that most of them were far too committed honestly to the views already held by them to make an objective report. Acting honestly they could not but say what was in their mind already about the desirability of Punjabi Suba. Otherwise they could not ignore the report of the Raza Ali Commission of 1954 after having taken their stand on the Dar Report of 1948. No cogent reasons have either been advanced to throw overboard the recommendations of the State Reorganisation Commission. There has to be a continuity in administrative policies in a democracy. A political body should not have summarily upset the recorded decisions of Commissions consisting of eminent Judges, administrators and legislators.

In your letter you have taken it for granted that the Consultative Committee presided over by Shri Hukam Singh was a Parliamentary Committee. No resolution of the Parliament constituted this committee which was a purely Consultative body formed on an *ad hoc* basis to advise the Union Executive to enable the latter to take a firm decision in the matter. Questions repeatedly put in both the Houses of the Parliament and the replies given on behalf of the Government clearly show that a non-parliamentary committee has made its report to the Parliament. But thereby the Committee cannot be termed as a Parliamentary Committee. The Speaker was not presiding over the Committee *Ex-Officio*, but because he was appointed as such by the Union Government. Debates in the House clearly show that many members of the Parliament shared my views. The status of the Committee was still under dispute in the Lok Sabha on March 2, 1966 when the Prime Minister agreed to Mr. Bhupesh Gupta's suggestion that this 'delicate' matter should be discussed by her with leaders of all groups and settled. Be that as it may, the fact remains that the status of the Consultative Committee has throughout remained in doubt. The benefit of doubt always goes to the accused. All that I said was directed against Shri Hukam Singh as the Chairman of the Consultative Committee which did not enjoy privileges of the Parliament.

I, therefore, submit that no question of privilege is involved. Certain privilege is attached to the members of the Parliament and to the Speaker while they are acting *as such* whether in the Parliament or in its various Committees. This privilege cannot be carried by them into their private life or even in their political activity outside the Parliamentary work. It is my firm belief that while acting as the members of the Consultative Committee, Shri Hukam Singh and the other members of the Committee were discharging political functions apart from their Parliamentary business. Criticism of such a political body cannot be classed as a breach of privileges of the Parliament.

The Parliament enjoys its position and privileges because its members are the elected representatives of the people to whom they are responsible. The electorate has to watch if their delegates are faithfully carrying out the duties entrusted to them. This can only be done by a healthy criticism of their performance. In a democracy this is the only way to keep things going on the right track. The Press and the public are daily criticising the measures

approved by Parliament. They are not considered to be guilty of any breach of privileges. If Parliament or its officers become so sensitive to public criticism, the very idea of democratic institutions will evaporate. I have only ventured to offer such a criticism on the personnel of this Committee.

Even if it is held that a question of privilege is involved the facts and circumstances of the case do not warrant any further action. The paragraph titled 'A Partisan Chairman' only mildly repeats the sentiments expressed in much stronger words by responsible persons as published in widely circulated newspapers like "The Tribune", Ambala. As the point of privilege was not raised against them, it confirmed my impression that the Committee members and their Chairman were not above criticism. Three typical examples are quoted below:

(1) *Tribune* 29-12-1965

P.P.C.C. Chief Demands Dissolve Parliamentary Body on Punjabi Suba.

(From our Special Correspondent)

Chandigarh Dec. 28.

"Mr. Sharma, who was addressing a Press Conference here, explained the reasons for his demands and suggestions, as well as his opposition to the bifurcation of the State...."

"Party to the case.

In addition, the P.P.C.C. Chief said, the Consultative Committee had now become a party to the case. It was no longer impartial and, therefore, could not be expected to do justice. The Speaker's views in favour of Punjabi Suba were too pronounced as it was evident from his speeches in the Constituent Assembly and elsewhere".

(2) The same issue of "The Tribune" published a Press statement from Dr. Baldev Parkash, President and Mr. Yagya Datt, General Secretary of Jan Sangh. They said, 'By assuming the role of a regular and bonafide committee of Parliament, it has simply reflected its partisan attitude or at least eagerness on the part of the majority of its members to facilitate the dismemberment of this border State in furtherance of their pre-conceived but quite well known notions".

(3) The same issue of "The Tribune", Ambala, published yet another piece of news. It was about a telegram from Mr. Keshab Chander, President of the Punjab Ekta Samiti, to the President, Prime Minister and some other Ministers of the Union Government. It read, "Mr. Hukam Singh, Speaker of Lok Sabha, defied India's Constitution in changing the terms of reference of the Parliamentary Sub-Committee on Punjabi Suba demand. His pro-Punjabi Suba tactics have been exposed and public confidence in his impartiality shattered. The Samiti strongly urges his immediate removal and dissolution of the Parliamentary Sub-Committee".

The leading article over the signatures of the editor, Shri Virendra, as published in the *Daily Pratap* of Jullundur on 28th March,

1966, is also brought to notice as corroborative of what I said. (Cutting* from the paper is enclosed in original as I better refrain from commenting on it).

I repeat I have the highest regard for Members of the Parliament and its Speaker—an august body which shapes our destiny. The whole brochure was the out-pouring of a mind deeply distressed at the impending breaking up of the proud sword-arm of India into three pieces. My heart bled at the thought of further division of Punjab on parochial grounds. I took it as an insult to the memory of Pandit Nehru who had rejected this demand. If in the opinion of the House, I over-stepped some constitutional technicalities in my zeal to save Punjab and the impugned remarks seem to affect the privileges of the Parliament by hurting their dignity in any way, I have not the least hesitation in expressing my genuine regrets.

I, therefore, pray that the rule issued against me may kindly be discharged.

Yours faithfully,
(Sd.) H. L. SALLY.

کہاں سے چلے؟ کہاں پہنچے؟ نمبر ۳

میں نے کل لکھا تھا کہ پنجابی صوبہ کے متعلق پارلیمنٹری کمیٹی کھسے بنی یہ بھی ایک دلچسپ کہانی ہے - آج اس کے متعلق بھی چند واقعات ناظرین کی خدمت میں پیش کرنا چاہتا ہوں -

۲۳ ستمبر ۱۹۶۵ء کو پاکستان کے ساتھ ہماری لڑائی ختم ہوئی - اور ۲۵ ستمبر کو لوگ سمجھا میں ہوم منسٹر شری گلزاری لال نندہ نے یہ اعلان کر دیا کہ پنجابی صوبہ کے سوال پر فوراً کرنے کے لئے دو کمیٹیاں مقرر کرنے کا فیصلہ کیا گیا ہے - ایک پارلیمنٹ کی مشاورتی کمیٹی اور دوسری وزارت کی سب کمیٹی - اس پر میں نے پردہ لائن منسٹر شری لال بہادر شاستری اور شری گلزاری لال نندہ کو ایک خط لکھا - جس میں ان سے پوچھا کہ انہوں نے یہ کیا کیا ہے - میں نے لکھا کہ ابھی تو اس لڑائی میں شہید ہونے والے جوانوں کی چٹانوں بھی تھلکی نہیں ہونے پائیں اور آپ نے ایک نئی خانہ جنگی کی بنیاد رکھ دی ہے - آخر یہ کہوں؟ اس پر مجھے شاستری جی کا خط آیا کہ وہ ملنے پر بات کرینگے کہ یہ قدم کیوں اٹھایا گیا ہے اور شری نندہ نے تھلکوں پر کہا کہ بہتر ہوگا اگر میں دہلی میں ان سے ملوں - تاکہ وہ غلط فہمی دور ہو سکے - جو ان کے بیان سے پیدا ہوئی ہے - میں دہلی گیا اور ان سے ملا - سب سے پہلا سوال جو میں نے ان سے کیا - وہ یہ تھا کہ اس قدر بعد اس سوال کو چھپونے کی کہا ضرورت تھی - پاکستان کے ساتھ لڑائی تو ابھی ختم ہی ہوئی ہے - اور اس وقت کوئی نہیں کہہ سکتا - کہ پھر کس وقت شروع ہو جائے - اس کا جواب اس وقت مجھے صرف یہی دیا گیا کہ اس مسئلہ کی وجہ سے کچھ بدسزگی پیدا ہوئے گا امکان ہے اور ممکن ہے سخت فتح سڈک پھر سے حکومت کو کوئی الٹی مہیتم دے دیں - اس لئے یہی بہتر سمجھا گیا کہ اس کے متعلق کوئی آخری فیصلہ کر دیا جائے - جب میں نے یہ دریافت کیا کہ سردار حکم سڈک کو اس کمیٹی کا چہرہ میں کیوں

بلایا گیا ہے۔ جب کہ پنجابی صوبہ کے متعلق ان کے خیالات سب کو پہلے ہی معلوم ہیں۔ تو جواب ملا کہ سردار حکم سنگھ کی رائے اب بدل چکی ہے۔ وہ سمجھتے ہیں کہ پنجاب کے سیم زدہ علاقہ کا ایک صوبہ لے کر سب کو کیا کریں گے۔ اس لئے اب وہ اس مسئلہ کا کوئی ایسا حل تلاش کرنے کی کوشش کریں گے۔ جو سب کو منظور ہو۔ یہ جواب صرف مجھے ہی نہیں دیا گیا۔ بلکہ شریعتی اندرا گاندھی کو بھی۔ انہیں پنجابی صوبہ کے متعلق وزارت کی سب کمیٹی کی چہرہ منہ بلایا گیا تھا۔ جب انہوں نے شری گلزاری لال نندہ سے پوچھا کہ سردار حکم سنگھ کو کس بنا پر پارلیمنٹری کمیٹی کا چہرہ منہ بلایا گیا ہے۔ جب کہ ہر کوئی ان کے خیالات سے واقف ہے تو انہیں بھی یہی جواب دیا گیا۔ کہ اب سردار حکم سنگھ کے خیالات بدل چکے ہیں۔ اس پر شریعتی گاندھی نے سردار حکم سنگھ سے پوچھا کہ کیا واقعی ان کی رائے بدل چکی ہے تو انہوں نے جواب دیا۔ کہ ہرگز نہیں۔ شریعتی اندرا گاندھی کا کہنا ہے کہ یہ جواب سننے کے بعد وہ سمجھ گٹھیں۔ کہ اب پنجابی صوبہ کا قیام کوئی نہیں روک سکتا۔

سردار حکم سنگھ کے متعلق شری لال بہادر شاستری اور شری گلزاری لال نندہ کا اندازہ کس قدر غلط تھا۔ اس کا پتہ اس بات سے بھی چلتا ہے کہ ان دونوں نے جب پارلیمنٹری کمیٹی بنائی تھی۔ تو ان کا خیال تھا کہ یہ اپنی رپورٹ وزارت کو پیش کرے گی اور وہ اس پر فہر کرنے کے بعد اپنی تجاویز پارلیمنٹ کے سامنے پیش کرے گی۔ لیکن سردار حکم سنگھ نے اس معاملہ میں ان کی ذرا نہ چلنے دی۔ اور آخر اس کمیٹی کی رپورٹ پارلیمنٹ کے سامنے پیش کی گئی۔ کانگریس ہائی کمان یہ سمجھ چکا تھا کہ سردار حکم سنگھ اپنی رپورٹ لازمی طور پر پارلیمنٹ کے سامنے پیش کریں گے اور اس طرح پنجابی صوبہ کا قیام ایک طے شدہ امر سمجھا جائے گا۔ اس لئے ورکنگ کمیٹی نے اس کمیٹی کی رپورٹ کا انتظار کئے بغیر ہی پنجابی صوبہ کے حق میں اعلان کر دیا۔ وہ چاہتی تو اس کے خلاف بھی فیصلہ دے سکتی تھی۔ اس صورت میں جو فیصلہ ورکنگ کمیٹی کا ہوتا۔ اس کے مطابق پارلیمنٹری کمیٹی کے کانگریس ممبر بھی اپنی رائے دیتے۔ اور کمیٹی کی رپورٹ اس قدر وزن دار نہ بنتی۔ چھٹی کہ وہ بعد میں بن گئی۔

جو واقعات میں نے اوپر پیش کئے ہیں۔ ان سے ناظرین اندازہ لگا سکتے ہیں۔ کہ ہمارے نہتوں کے فاط اندازوں اور فاط فیصلوں نے کس قسم کی

پہچھدگیاں پہدا کر دی ہوں - اگر یہ لوگ پلنت جواہو لال کی طرح اس
 سلنت پر قے رھے کہ پنجابو صوبہ ہرگز بہوں بن سکتا - تو انہیں اس طرح
 قدم قدم پر تھوکر نہ کھانی پڑتی اور (ہالی کل) (ویپریندر)

(English translation of the above)

WHEREFROM DID WE START? WHERE HAVE WE REACHED?

Yesterday, I had written that it was an interesting story as to how the Parliamentary Committee on Punjabi Suba was constituted. Today I intend to place a few facts in this regard for the perusal of the readers.

Our conflict with Pakistan came to an end on the 23rd September, 1965 and on the 25th September the Home Minister, Shri Gulzari Lal Nanda, announced in Lok Sabha that it had been decided to set up two Committees to consider the issue of Punjabi Suba, one an advisory committee of the Parliament and the other a Sub-Committee of the Cabinet. In this connection, I wrote a letter to the Prime Minister Shri Lal Bahadur Shastri and to Shri Gulzari Lal Nanda. I wrote that the fire of the pyres of the martyrs had hardly cooled down when they had laid foundation of a new civil war. After all, why all this? On this I received a letter from Shastriji that he would talk on the matter when they met as to why that step had been taken. And Shri Nanda told me over the telephone that it would be better if I met him in Delhi so that the misunderstanding caused by his statement might be removed. I went to Delhi and met him. The very first question that I asked him was as to what was the necessity of taking up this issue so soon when the conflict with Pakistan had just come to an end and nobody could say when the same may start again. At that time I got only this reply that the issue was likely to cause some unpleasantness and Sant Fateh Singh might possibly give an ultimatum to the Government again. Therefore it was thought a better course that some final decision might be taken on the issue. When I enquired as to why Sardar Hukam Singh was appointed the Chairman of that Committee when his ideas in regard to the Punjabi Suba were already well-known, I got the reply that the opinion of Sardar Hukam Singh had changed and that he (Sardar Hukam Singh) thought that as to what would the Sikhs do with a Suba comprising of water-logged areas of the Punjab and that he would therefore try to find a solution to this issue acceptable to all. This reply was given not only to me but also to Shrimati Indira Gandhi. She was appointed as the Chairman of the Cabinet Sub-Committee on Punjabi Suba. When she enquired from Shri Gulzari Lal Nanda the basis on which Sardar Hukam Singh was appointed the Chairman of the Parliamentary Committee, when everybody was aware of his views, she also was given the same reply, that is, the views of Sardar Hukam Singh had since undergone a change. On this Shrimati Gandhi enquired from Sardar Hukam Singh whether his opinion had actually changed. He (Sardar Hukam Singh) emphatically denied. Shrimati Indira Gandhi stated that after listening to this reply she became certain that none could now prevent the formation of the Punjabi Suba.

Regarding Sardar Hukam Singh, how far the idea of Shri Lal Bahadur Shastri and Shri Gulzari Lal Nanda was mistaken can be judged also from the fact that at the time the Parliamentary Committee was constituted by them, they had thought that the Committee would present its report to the Cabinet, and that the Cabinet, after considering it, would submit its proposals to the Parliament. But Sardar Hukam Singh did not allow them to have their way and ultimately the Report of the Committee was presented to the Parliament. The Congress High Command had already realised that Sardar Hukam Singh would present his report essentially to Parliament and in that way the formation of Punjabi Suba was a foregone conclusion. Therefore the Working Committee made its announcement in favour of the Punjabi Suba without waiting for the report of this Committee. Had it wished it could have decided against the Punjabi Suba. In that event the Congress Members of the Parliamentary Committee also would have expressed their opinion in accordance with the decision of the Working Committee and the Report of the Committee would not have carried so much weight as it did afterwards.

From the facts stated above by me the readers can well conclude the type of complications created by the wrong assessments made and faulty decisions taken by our leaders. Had these persons stuck to the stand like Pandit Jawaharlal that Punjabi Suba could never come into being, they would not have stumbled on every step in this manner?

(Sd.) VIRENDRA.