

COMMITTEE OF PRIVILEGES

NINTH REPORT

(SECOND LOK SABHA)

(Presented on the 6th March, 1959)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES

Chairman

Sardar Hukam Singh

Members

2. Shri Satya Narayan Sinha
3. Shri Asoke K. Sen
4. Pandit Munishwar Dutt Upadhyay
5. Dr. P. Subbarayan
6. Shri Nemi Chandra Kasliwal
7. Shrimati Jayaben Vajubhai Shah
8. Shri N. M. Wadiwa
9. Shri Sarangadhara Sinha
10. Shri Shivram Rango Rane
11. Shri Hirendra Nath Mukerjee
12. Shri Indulal Kanaiyalal Yajnik
13. Shri Bimal Comar Ghose
14. Shri Shraddhakar Supakar
15. Shri Hoover Hynniewta.

SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary.*

Shri Avtar Singh Rikhy—*Deputy Secretary.*

NINTH REPORT OF THE COMMITTEE OF PRIVILEGES

(Second Lok Sabha)

I—INTRODUCTION AND PROCEDURE

I, the Chairman of the Committee of Privileges, present this Report to the House on the question* of privilege referred to the Committee by the House on the 10th February, 1959, in terms of the following motion:—

“That the attention of the House having been drawn by some honourable Members on February 10, 1959, to a letter written to the Prime Minister by his Special Assistant Shri M. O. Mathai and made public on January 17, 1959, through Press release by the Prime Minister's Secretariat and the Press Information Bureau of the Government of India in which the said Shri M. O. Mathai, *inter alia*, remarks:

‘But the ever-mounting tendency in our Parliament and our Press to attack public servants without caring to verify facts is having a devastatingly demoralising effect. Under such deplorable conditions very few self-respecting persons will care to enter Government service or public life’.

The House resolves that the matter be referred to the Committee of Privileges for investigation and report whether the above mentioned remarks of Shri M. O. Mathai made public through the Prime Minister's Secretariat and the Press Information Bureau of the Government of India constitute an adverse reflection on the dignity of the Members of Parliament and the Speaker of the Lok Sabha and whether they constitute a contempt of Parliament and also to recommend what further steps the House may take in the matter.”

2. The Committee held four sittings.

3. At the first sitting held on the 18th February, 1959, the Committee discussed the procedure to be adopted for the consideration of the question of privilege referred to them.

*For discussion in Lok Sabha, see L. S. Deb. 10 2 59, cc. 140—172.

4. At the second and third sittings held on the 27th February and the 4th March, 1959, respectively, the Committee deliberated and came to their conclusions.

5. At the fourth sitting held on the 5th March, 1959, the Committee deliberated on the draft Report.

II—FINDINGS OF THE COMMITTEE

6. Under article 105(3) of the Constitution, the powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House are equated, until defined by Parliament by law, to those of the House of Commons, U.K., its members and Committees, as on the 26th January, 1950. According to May, in the United Kingdom: "In 1701, the House of Commons resolved that to print or publish any books or libels reflecting on the proceedings of the House is a high violation of the rights and privileges of the House, and indignities offered to their House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them." (May's Parliamentary Practice, 16th Edition, page 117).

7. The Committee have carefully considered the remarks made by Shri M. O. Mathai in his letter of resignation to the Prime Minister, which are mentioned in the reference made by the House to the Committee. The Committee are of the opinion that such remarks which cast aspersions and attribute irresponsibility tend to diminish the respect due to Parliament. Strictly construed, they would amount to a breach of the privileges of the House. The Committee, however, feel that it is not consistent with the dignity of the House to take notice of every such statement which may technically constitute a contempt of the House. The House would best consult its dignity if it ignored such improprieties and indiscretions.

8. The Committee would like to draw attention to the following observations made by the Committee of Privileges of the House of Commons, U.K. in the *Daily Mail Case*, 1948:—

"...it is not consistent with the dignity of the House that penal proceedings for breach of privilege should be taken in the case of every defamatory statement which, strictly, may constitute a contempt of Parliament. Whilst recognising that it is the duty of Parliament to intervene in the case of attacks which may tend to undermine public confidence in

and support of the institution of Parliament itself, your Committee think it important that, on the one hand, the law of Parliamentary privilege should not be administered in a way which would fetter or discourage the free expression of opinion or criticism, however prejudiced or exaggerated such opinions or criticisms may be, and that, on the other hand, the process of Parliamentary investigation should not be used in a way which would give importance to irresponsible statements."

[H.C. 112, (1948) p. iv]

9. The Committee have also noted the expression of regret by Shri M. O. Mathai in his letter dated the 11th February, 1959, to the Speaker, Lok Sabha, which reads:

"I deeply regret that my letter of resignation to the Prime Minister recently published in the Press should have given the impression that I meant to cast any aspersions on Parliament. I should like to assure you that nothing was farther from my thoughts and I am sorry if I said anything that could have been thus interpreted."

10. The Committee are of the opinion that there is no reflection on the Speaker in the words used.

III—RECOMMENDATIONS OF THE COMMITTEE

11. The Committee recommend that in the circumstances, no further action be taken by the House in the case.

NEW DELHI;
The 6th March, 1959.

HUKAM SINGH,
Chairman,
Committee of Privileges.

MINUTES

I

First Sitting

New Delhi, Wednesday, the 18th February, 1959

The Committee met from 16.30 to 17.20 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri Satya Narayan Sinha
3. Shri Asoke K. Sen
4. Dr. P. Subbarayan
5. Shri Nemi Chandra Kasliwal
6. Shri Sarangadhara Sinha
7. Shri Shivram Rango Rane
8. Shri Hirendra Nath Mukerjee
9. Shri Bimal Comar Ghose
10. Shri Shraddhakar Supakar
11. Shri Hoover Hynniewta.

SECRETARIAT

Shri Avtar Singh Rikhy—*Deputy Secretary.*

2. The Committee discussed the procedure to be adopted for the consideration of the question of privilege referred to them by the House on the 10th February, 1959.

The Committee then adjourned.

II

Second Sitting

New Delhi, Friday, the 27th February, 1959

The Committee met from 16.00 to 16.40 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri Satya Narayan Sinha
3. Shri Asoke K. Sen
4. Pandit Munishwar Dutt Upadhyay
5. Dr. P. Subbarayan
6. Shri Nemi Chandra Kasliwal
7. Shrimati Jayaben Vajubhai Shah
8. Shri N. M. Wadiwa
9. Shri Shivram Rango Rane
10. Shri Hirendra Nath Mukerjee
11. Shri Indulal Kanaiyalal Jainik
12. Shri Bimal Comar Ghose
13. Shri Shraddhakar Supakar.

SECRETARIAT

Shri Avtar Singh Rikhy—*Deputy Secretary.*

2. The Committee deliberated on the question whether certain remarks made by Shri M. O. Mathai in his letter to the Prime Minister reported in the Press on the 17th January, 1959, constituted a breach of privilege or contempt of the House.

3. The Committee decided to meet again at 16.00 hours on Wednesday the 4th March, 1959, to continue their deliberations.

The Committee then adjourned.

III

Third Sitting

New Delhi, Wednesday, the 4th March, 1959

The Committee met from 16.00 to 16.15 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri Satya Narayan Sinha
3. Dr. P. Subbarayan
4. Shri N. M. Wadiwa
5. Shri Hirendra Nath Mukerjee
6. Shri Bimal Comar Ghose.

SECRETARIAT

Shri Avtar Singh Rikhy—*Deputy Secretary.*

2. The Committee deliberated on the question whether the remarks of Shri M. O. Mathai, mentioned in the reference made by the House to the Committee, constituted a breach of privilege and contempt of the House.

3. The Committee came to the conclusion that the said remarks of Shri M. O. Mathai, which cast reflections and attributed irresponsibility, tended to diminish the respect due to Parliament and strictly construed, they would amount to a breach of the privileges of the House. The Committee, however, felt that it was not consistent with the dignity of the House to take notice of every such statement which might technically constitute a contempt of the House.

The Committee were also of the opinion that there was no reflection on the Speaker in the words used.

The Committee also noted the expression of regret by Shri M. O. Mathai in his letter dated the 11th February, 1959, to the Speaker, Lok Sabha.

4. The Committee decided to recommend that in the circumstances, no further action be taken by the House in the case.

5. The Committee decided that Shri Mathai's letter of regret dated the 11th February, 1959, to the Speaker, Lok Sabha, might be incorporated in the Report and that his earlier letter dated the 25th January, 1959, on the same subject need not be appended to the Report.

6. The Committee decided to meet again at 12.30 hours on **Thursday**, the 5th March, 1959, to consider the draft Report.

The Committee then adjourned.

IV

Fourth Sitting

New Delhi, Thursday, the 5th March, 1959.

The Committee met from 12.30 to 12.40 hours

PRESENT

Sardar Hukam Singh—*Chairman*.

MEMBERS

2. Shri Satya Narayan Sinha
3. Dr. P. Subbarayan
4. Shri N. M. Wadiwa
5. Shri Hirendra Nath Mukerjee
6. Shri Bimal Comar Ghose
7. Shri Hoover Hynniewta.

SECRETARIAT

Shri Avtar Singh Rikhy—*Deputy Secretary*.

2. The Committee deliberated on the draft Report and adopted it.
The Committee then adjourned sine die.

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