

COMMITTEE OF PRIVILEGES

ELEVENTH REPORT

(SECOND LOK SABHA)

(Presented on the 12th December, 1960)

प्रधानमंत्री
लोकसभा



LOK SABHA SECRETARIAT

NEW DELHI

December, 1960

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C O N T E N T S

	PAGES
1. Personnel of the Committee of Privileges	(iii)
2. Report	1-4
3. Minutes	5-7

PERSONNEL OF THE COMMITTEE OF PRIVILEGES

Chairman

Sardar Hukam Singh

Members

2. Shri Hem Barua
3. Shri C. D. Gautam
4. Thakor Shri Fatesinhji Ghodasar
5. Shri M. R. Masani
6. Shri Harish Chandra Mathur
7. Shri Hirendra Nath Mukerjee
8. Shri C. D. Pande
9. Shri Shivram Rango Rane
10. Shri Asoke K. Sen
11. Shrimati Jayaben Vajubhai Shah
12. Shri Sarangadhara Sinha
13. Shri Satya Narayan Sinha
14. Dr. P. Subbarayan
15. Shri Shraddhakar Supakar.

SECRETARIAT

Shri H. N. Trivedi—*Deputy Secretary.*

ELEVENTH 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 raised by Shri Hem Barua, M.P., and referred¹ to the Committee by the House on the 30th August, 1960, regarding the following passage appearing on page 21 of a pamphlet entitled "An Open Letter to Jawaharlal Nehru, in re: Assam Tragedy (1960)" by Shri Dharendra Bhowmick of Calcutta:—

"Is there any democratic country in the civilized world whose legislature would cold-storage a debate on a momentous issue like the one concerning the Assam atrocities, because it does not suit the interests of some of the leaders of the ruling Party? The most august body, the Parliament has been turned into a private club by the Congress Government headed by Jawaharlal Nehru. The Speaker himself most shamelessly chose to be the second fiddle in the hands of the ruling party, so unlike late V. J. Patel of hallowed memory. Thus every sacred institution of the country is being debased by the accursed leadership which is purblind and is in the leading strings of others who are stone-blind. Parliament has lost its dignity in the hands of docile and 'Jo-Hukum' members. Are we not already witnessing the dictatorship of Congress Party in operation? Look at the arguments put forward by Jawaharlal and Govind Ballav Pant in favour of postponement of the Assam debate *sine die*, encroaching on the sacred democratic rights of members of the Parliament to debate the issue. A child would hate to sponsor such silly arguments. But all the same, they carried the day with help of an obliging Speaker. The whole thing was fraud on the conscience of the nation."

2. The Committee held three sittings.

3. At the first sitting held on the 7th September, 1960, the Committee decided that, in the first instance, Shri Dharendra Bhowmick be asked to submit for the consideration of the Committee what he might desire to say in the matter.

¹L. S. Deb, dated the 30th August, 1960, cc. 5652—54.

4. At the second sitting held on the 17th November, 1960, the Committee considered the explanation dated the 6th October, 1960, submitted by Shri Dharendra Bhowmick and came to their conclusions.

5. At the third sitting held on the 2nd December, 1960, the Committee deliberated on the draft report.

6. The time for the presentation of the report of the Committee was extended² by the House on the 14th November, 1960, upto the 23rd December, 1960.

II—FINDINGS OF THE COMMITTEE

7. The Committee have carefully considered the matter referred to them and the explanation dated the 6th October, 1960, submitted by Shri Dharendra Bhowmick. In this connection, the Committee would like to invite attention to the following extracts from *May's Parliamentary Practice*:—

“As examples of speeches and writings which have been held to constitute breaches of privilege may be mentioned:

Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty.”

[May, 16th Ed., p. 124]

“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.

Reflections upon Members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House.”

[May, 16th Ed., p. 117]

Having read the pamphlet entitled “An Open Letter to Jawaharlal Nehru, in re: Assam Tragedy (1960)” and the explanation dated the 6th October, 1960, submitted by Shri Dharendra Bhowmick, and keeping in view the above extracts from *May's Parliamentary Practice*,

²L. S. Deb, dated the 14th November, 1960, cc. 105-106.

the Committee have come to the conclusion that the passage complained of (see para 1 above) casts aspersions on the Speaker and the House and, therefore, constitutes a breach of privilege and contempt of the House.

8. However, from the incoherence of his reply and the tenor thereof, the Committee have come to the conclusion that Shri Dharendra Bhowmick is not a person whose writing should be taken notice of seriously. The Committee are, therefore, of the view that the House would best consult its own dignity by taking no further notice of the matter. This would be in conformity with the traditions of the House.

9. In this connection, the Committee would also 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]

10. The Committee noted incidentally that the pamphlet entitled “An Open Letter to Jawaharlal Nehru, in re: Assam Tragedy (1960)” by Shri Dharendra Bhowmick did not indicate the name of the printer and the place of printing of the pamphlet, as required by section 3 of the Press and Registration of Books Act, 1867. The Press Registrar was, therefore, requested to intimate whether this fact had come to his notice and whether any action had been taken by him in the

matter. The Press Registrar stated in his reply that in the case of publications other than periodicals, the State Governments concerned were the appropriate authority to initiate action. The Ministry of Home Affairs was then requested to obtain the required information from the Government of West Bengal for being placed before the Committee. The Ministry of Home Affairs informed the Committee that the Government of West Bengal had furnished the following information in their letter dated the 20th October, 1960:—

“...that the publication referred to above came to the State Government's notice only last month and that necessary action is being taken in respect of the contravention of Section 3 of the Press and Registration of Books Act, 1867.”

III—RECOMMENDATION OF THE COMMITTEE

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

NEW DELHI;

The 2nd December, 1960.

HUKAM SINGH,

Chairman,

Committee of Privileges.

MINUTES

I

First Sitting

New Delhi, Wednesday, the 7th September, 1960

The Committee met from 16.00 to 16.20 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri Hem Barua
3. Thakor Shri Fatesinhji Ghodasar
4. Shri M. R. Masani
5. Shri Harish Chandra Mathur
6. Shri Hirendra Nath Mukerjee
7. Shri C. D. Pande
8. Shri Shivram Rango Rane
9. Shri Asoke K. Sen
10. Shri Satya Narayan Sinha
11. Dr. P. Subbarayan
12. Shri Shraddhakar Supakar.

SECRETARIAT

Shri H. N. Trivedi—*Deputy Secretary.*

2. The Committee considered the question of privilege referred to them by the House on the 30th August, 1960, regarding alleged reflections on the Speaker and the House contained on page 21 of a printed pamphlet entitled "An Open Letter to Jawaharlal Nehru, in re: Assam Tragedy (1960)", written and circulated by Shri Dhirendra Bhowmick of Calcutta.

3. The Committee directed that, in the first instance, Shri Dhirendra Bhowmick be requested to state what he might desire to say in the matter for the consideration of the Committee.

4. The Committee noted that the pamphlet did not indicate the name of the printer and the place of printing of the pamphlet, as required by section 3 of the Press and Registration of Books Act, 1867. The Committee desired that the Press Registrar might be requested to inform the Committee as to whether the matter had come to his notice and whether any action had been taken by him in the matter.

The Committee then adjourned sine die.

✓ II

Second Sitting

New Delhi, Thursday, the 17th November, 1960

The Committee met from 16.00 to 16.15 hours.

PRESENT

Sardar Hukam Singh—Chairman.

MEMBERS

2. Shri C. D. Gautam
3. Thakor Shri Fatesinhji Ghodasar
4. Shri M. R. Masani
5. Shri Harish Chandra Mathur
6. Shri Hirendra Nath Mukerjee
7. Shri Asoke K. Sen
8. Shrimati Jayaben Vajubhai Shah
9. Shri Satya Narayan Sinha
10. Dr. P. Subbarayan
11. Shri Shraddhakar Supakar.

SECRETARIAT

Shri H. N. Trivedi—Deputy Secretary.

2. The Committee considered the explanation dated the 6th October, 1960, submitted by Shri Dhirendra Bhowmick. From the incoherence of his reply and the tenor thereof, the Committee came to the conclusion that Shri Dhirendra Bhowmick was not a person whose writing should be taken notice of seriously.

3. The Committee decided to recommend that while the passage complained of cast aspersions on the Speaker and the House and, therefore, constituted a breach of privilege and contempt of the House, it would be in conformity with the traditions of the House not to take any further notice of the matter. In doing so the House would be consulting its own dignity.

4. The Committee noted that the Government of West Bengal were taking necessary action in respect of the contravention of section 3 of the Press and Registration of Books Act, 1867, in not indicating on the pamphlet the name of the printer and the place of its printing.

5. The Committee decided that Shri Dhirendra Bhowmick's letter dated the 6th October, 1960, need not be appended to the Report.

The Committee then adjourned.

✓ III

Third Sitting

New Delhi, Friday, the 2nd December, 1960

The Committee met from 15.35 to 15.45 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri C. D. Gautam
3. Shri Shivram Rango Rane
4. Shrimati Jayaben Vajubhai Shah
5. Dr. P. Subbarayan.

SECRETARIAT

Shri H. N. Trivedi—*Deputy Secretary.*

2. The Committee considered their draft eleventh report and adopted it.

The Committee then adjourned sine die.