

# COMMITTEE OF PRIVILEGES

EIGHTH REPORT

(THIRD LOK SABHA)

(Presented on the 9th August, 1966)



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LOK SABHA SECRETARIAT  
NEW DELHI

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(1966-67)

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
- \*3. Shri P. R. Chakraverti
4. Shri N. C. Chatterjee
5. Sardar Kapur Singh
6. Shri L. D. Kotoki
7. Shri H. N. Mukerjee
8. Shri V. C. Parashar
9. Shri Purushottamdas R. Patel
10. Shri C. R. Pattabhi Raman
11. Shri Jaganath Rao
12. Shri Yuveraj Dutta Singh
13. Shri Satya Narayan Sinha
14. Shri Sinhasan Singh
15. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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\*Resigned from the Committee with effect from the 25th July, 1966.

# EIGHTH 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 raised<sup>1</sup> by Shri H. C. Heda, M.P., and referred to the Committee by the House, on the 4th April, 1966, regarding the following two telegrams received by (1) Sarva-shri H. C. Heda and Narendrasingh Mahida, M.Ps., and (2) the Speaker, respectively, from Shri George Fernandes, General Secretary, Hind Mazdoor Panchayat, Bombay:—

(1)

“People’s wrath will be upon you if you persist in attacking SSP Members who are the conscience of the nation (Stop) Bastar murders by D. P. Misra’s Government most dastardly act which will be avenged sooner or later (Stop) Why should you identify yourselves with worst dregs of society like Misra and his gangsters (Stop) Dignity of Lok Sabha would have been raised by open discussion of Bastar murders which violate dignity of human life.”

(2)

“Congressmen Heda, Basappa and Mahida’s suggestion to have secret session of Lok Sabha to consider the question of maintaining the dignity and decorum of the House exposes the mental degeneration of these so-called representatives of the people (Stop) Parliament must learn to defend the dignity of human life (Stop) Bastar murders are further proof that under Congress rule human beings are shot down as though they were stray dogs (Stop) Urge you as Speaker to defend the Socialist members who are fighting in defence of people’s [dignity (Stop) Tell Congressmen that dignity and decorum]<sup>2</sup> of the House can be raised higher by discussion of Bastar murders by Congress Government of Madhya Pradesh.”

2. The Committee held six sittings.

3. At the first sitting held on the 7th April, 1966, the Committee directed that Shri George Fernandes be asked, in the first instance, to state what he had to say in the matter for consideration of the

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<sup>1</sup>L.S. Deb., dated 4-4-1966, cc. 9220-9228.

<sup>2</sup>These words were left out in transmission in the telegram received by the Speaker but were contained in the original copy (signed by Shri George Fernandes) of the telegram obtained from the Posts & Telegraphs Department.

Committee and also to appear before the Committee in person, if he so desired.

4. At the second sitting held on the 21st April, 1966, Shri George Fernandes appeared before the Committee in person and submitted a written statement<sup>3</sup> to the Committee. He also made a request to the Committee to give him a subsequent date for an oral hearing. The Committee agreed to his request.

5. At the fifth sitting held on the 27th July, 1966, the Committee examined Shri George Fernandes and thereafter arrived at their conclusions.

6. At the sixth sitting held on the 2nd August, 1966, the Committee considered their draft report and adopted it.

## II—Findings of the Committee

7. It is well established and recognised that any attempt by improper means, e.g., intimidation, threats or coercion, to influence Members of Parliament in their Parliamentary conduct is a breach of privilege and contempt of the House<sup>4</sup>. No person has any right to seek by improper means to influence a Member's activities in Parliament<sup>5</sup>. It is the duty of Parliament to protect Members from threats which are calculated to affect the Members' course of action in Parliament so that they may discharge their duties as such independently and without fear of punishment or hope of reward.

8. Shri George Fernandes, in his oral evidence<sup>6</sup> before the Committee, submitted that it was not his intention, in sending the impugned telegrams, to make any threat or to intimidate or coerce any Member of Parliament in relation to his Parliamentary conduct. He stated that what he wanted to convey by the use of the words "People's wrath will be upon you" in his telegrams was that the people would not take very kindly to the position which certain Congress Members of Parliament (to whom he had sent the telegrams after reading their names in the Bombay papers of that day) had taken regarding the conduct of the S.S.P. Members in Lok Sabha in the context of Bastar incidents and that their party (Congress) would be defeated in the forthcoming general elections.

9. The Committee are of the opinion that, in view of the explanation given by Shri George Fernandes before the Committee, in which he had disclaimed any intention to threaten, intimidate or coerce any Member of Parliament in his telegrams sent to the Speaker and Sarvashri H. C. Heda and Narendrasingh Mahida, M.Ps., no breach of privilege or contempt of the House is involved in the matter.

10. The Committee, however, feel that the wording of the impugned telegrams was improper. But this appears to have been

<sup>3</sup>See Appendix.

<sup>4</sup>*May's Parliamentary Practice*, 17th Ed., pp. 122-123.

<sup>5</sup>H.C. 284 (1959-60), p. vii.

<sup>6</sup>See pp. 10—15.

done in the heat of the moment and political controversy aroused in the country in the wake of the Bastar incidents. The Committee are mindful that in the ardour of political contest and in the heat of the moment, strong and undesirable words are sometimes used which a person, thinking more coolly would not say.

In this connection, the Committee might quote the following observations made by the Committee of Privileges of the House of Commons, U.K., in the *Daily Mail* case (1948):—

“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]

11. In this context, the Committee noted that the Committee of Privileges of Second Lok Sabha, in their Eleventh Report on Bhowmick's case, even while holding that a breach of privilege and contempt of the House had been committed by Shri Bhowmick in casting aspersions on the Speaker and the House and using strong and objectionable language, recommended that the House would best consult its own dignity by taking no further notice of the matter.

### III—Recommendation of the Committee

12. The Committee recommend that no further action be taken by the House in the matter.

NEW DELHI;  
The 2nd August, 1966.

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

# MINUTES

## I

### First 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.*

\* \* \* \* \*

8. The Committee then considered the question of privilege regarding the telegrams received by the Speaker, Shri H. C. Heda and Shri Narendrasingh Mahida, M.Ps., from Shri George Fernandes, General Secretary, Hind Mazdoor Panchayat, Bombay.

9. The Committee directed that Shri George Fernandes, 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 April, 1966, at the latest, and also to appear before the Committee in person at 15·00 hours on that date, if he so desired.

The Committee also directed that the Director General, Posts & Telegraphs, be requested to furnish the original texts of the three telegrams sent by Shri George Fernandes, to the Speaker, Shri H. C. Heda and Shri Narendrasingh Mahida, M.Ps., for the perusal of the Committee.

*The Committee then adjourned.*

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\*Paragraphs 2 to 7 relate to another case and have been included in the Minutes of the Fifth Report of the Committee of Privileges, pp. 13-14, presented to the House on the 30th April, 1966.

## II

**Second 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.

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary.*

**WITNESS**

Shri George Fernandes, General Secretary, Hind Mazdoor Panchayat, Bombay.

2. The Committee was informed that Shri George Fernandes was present. He was called in.

3. Shri George Fernandes submitted a written statement to the Committee.

The Committee directed that the written statement submitted by Shri George Fernandes be circulated to the members of the Committee.

The Committee agreed to the request made by Shri George Fernandes for being given an oral hearing on Monday, the 25th April, 1966 at 16.00 hours.

*The witness then withdrew.*

\* \* \* \*

6. The Committee then adjourned to meet again on Monday, the 25th April, 1966 at 15.00 hours.

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\*Paragraphs 4 and 5 relate to another case and have been included in the Minutes of the Fifth Report of the Committee of Privileges, p. 15, presented to the House on the 30th April, 1966.



## III

## Third 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*

\* \* \* \*

7. The Committee then took up for consideration the question of privilege against Shri George Fernandes, referred to the Committee by the House on the 4th April, 1966.

The Committee noted that Shri George Fernandes, on whose request the Committee had decided to give him an oral hearing at 16·00 hours today (25th April, 1966), was not present†. The Committee authorised the Chairman to fix the next date of sitting to consider this matter.

*The Committee then adjourned.*

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\*Paragraphs 2 to 6 relate to other cases and have been included in the Minutes of the Fifth and Seventh Reports of the Committee of Privileges, pp. 16-17 and 4, respectively, presented to the House on the 30th April and 16th May, 1966, respectively.

†Soon after the adjournment of the sitting of the Committee, Shri George Fernandes appeared before the Chairman and offered his regret for not being present in time and requested for time to appear before the Committee on the 16th May, 1966. The Chairman granted his request and fixed Monday, the 16th May, 1966 at 16·00 hours for his appearance before the Committee.

**IV****Fourth Sitting**

*New Delhi, Monday, the 16th May, 1966.*

The Committee met from 16·00 to 16·25 hours.

**PRESENT****CHAIRMAN**

Shri S. V. Krishnamoorthy Rao

**MEMBERS**

2. Shri Frank Anthony
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri Yuveraj Dutta Singh
7. Shri Sumat Prasad.

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee noted that Shri George Fernandes, who had requested the Chairman in person on the 25th April, 1966 to grant him time to appear before the Committee on the 16th May, 1966 (which the Chairman had granted), was not present.

3. After some discussion, the Committee decided to give another opportunity to Shri George Fernandes, to explain his case to the Committee in person. The Committee, therefore, decided that further consideration of the matter be deferred till the 3rd day of the next session of Lok Sabha.

4. The Committee directed that Shri George Fernandes be asked to appear before the Committee in person on that date at 16·00 hours, if he so desired.

*The Committee then adjourned.*

**Fifth Sitting***New Delhi, Wednesday, the 27th July, 1966.*

The Committee met from 16.00 to 17.00 hours.

**PRESENT****CHAIRMAN**

Shri S. V. Krishnamoorthy Rao.

**MEMBERS**

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri C. R. Pattabhi Raman
7. Shri Yuveraj Dutta Singh
8. Shri Sinhasan Singh
9. Shri Sumat Prasad.

**SECRETARIAT**Shri M. C. Chawla—*Deputy Secretary.***WITNESS**

Shri George Fernandes

2. Shri George Fernandes, General Secretary, Hind Mazdoor Panchayat, Bombay, was called in and examined by the Committee.

*The witness then withdrew.*

3. The Committee deliberated on the question of alleged breach of privilege against Shri George Fernandes in the light of the evidence tendered by him before the Committee.

4. The Committee came to the conclusion that, in view of the evidence given by Shri Fernandes in which he had disclaimed any intention to threaten, intimidate or coerce any member of Parliament in his telegrams sent to the Speaker and Sarvashri H. C. Heda and Narendrasingh Mahida, M.Ps., no breach of privilege or contempt of the House was involved in the matter. In this context, the Committee also noted the recommendation made by the Committee of Privileges [2nd Lok Sabha] in their Eleventh Report and felt that

Shri Fernandes had no doubt used improper language in his telegrams to the Speaker and the three Members of the House but it appears to have been done in a fit of frenzy and passion.

5. The Committee then adjourned to meet again on Tuesday, the 2nd August, 1966 at 16-00 hours to consider their draft Report.

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## VI

### Sixth Sitting

*New Delhi, Tuesday, the 2nd August, 1966.*

The Committee met from 16-00 to 16-25 hours.

#### PRESENT

#### CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

#### MEMBERS

2. Sardar Kapur Singh
3. Shri Purushottamdas R. Patel
4. Shri C. R. Pattabhi Raman
5. Shri Jaganath Rao
6. Shri Yuveraj Dutta Singh
7. Shri Sinhasan Singh
8. Shri Sumat Prasad.

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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

3. The Committee decided that the written statement submitted by Shri George Fernandes and the oral evidence given by him before the Committee be appended to the report of the Committee.

4. The Committee authorised the Chairman and in his absence, Sardar Kapur Singh, to present the Report to the House on the 9th August, 1966.

*The Committee then adjourned.*

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MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF  
PRIVILEGES

Wednesday, the 27th July, 1966.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri C. R. Pattabhi Raman
7. Shri Yuveraj Dutta Singh
8. Shri Sinhasan Singh
9. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri George Fernandes.

(The Committee met at 16-00 hours)

**Evidence of Shri George Fernandes**

**Mr. Chairman:** You are Mr. George Fernandes.

**Shri George Fernandes:** Yes.

**Mr. Chairman:** Have you anything to add to your statement ?

**Shri George Fernandes:** No, Sir. Nothing particular to what I have already said in my statement.

**Mr. Chairman:** You admit you sent the telegram ?

**Shri George Fernandes:** Yes. One to Speaker, and three identical telegrams to Messrs. Heda, Basappa and Mahida.

**Shri L. D. Kotoki:** He refers to this particular telegram.

**Shri N. C. Chatterjee:** It starts with the words "People's wrath will be upon you..." etc.

**Shri George Fernandes:** Yes.

**Mr. Chairman :** The other one to the Speaker.

**Shri N. C. Chatterjee :** It starts with the words "Congressmen Heda, Basappa and Mahida's suggestion...".

**Shri George Fernandes :** Yes.

**Mr. Chairman :** Anything else ?

**Sardar Kapur Singh :** Mr. George Fernandes, apart from the fact that you were greatly exercised over something, as it is apparent from your telegrams to certain Members of Parliament, did you specifically hold out any threat to the Members concerned ?

**Shri George Fernandes :** I don't think the telegram holds out threat to the person of anybody.

**Sardar Kapur Singh :** Did you intend to do that ?

**Shri George Fernandes :** It does not at all arise. I would not hold out threat to any person. That is not my political philosophy. I don't think it will convey that impression.

**Shri Sinhasan Singh :** You say you gave no threat. The telegrams contain the spirit of threat. Please read the telegram. What do you mean by wrath ?

**Shri George Fernandes :** People's anger.

**Shri Sinhasan Singh :** Anger may go into certain aspects—what aspect did you refer to ?

**Shri George Fernandes :** When I drafted this telegram and sent I thought the people would not take very kindly to the position which the Congress members of Parliament have taken on this issue, and at the back of my mind it would be that the Congress will be defeated in the elections on an issue of this sort.

**Sardar Kapur Singh :** You say so in your explanatory letter also. He says, he was referring to the forthcoming elections when he says that people's wrath will be upon them.

**Shri George Fernandes :** It would not apply only to elections, though as I said that is what I had in my mind. In normal course, people express themselves in various ways.

**Shri Sinhasan Singh :** What is the form your wrath will take ?

**Shri George Fernandes :** I am expressing the people's wrath.

**Shri Sinhasan Singh :** You had some idea of the wrath in your mind. It is a question of you, as representative of the people. What form of wrath you would take ?

**Shri George Fernandes :** I would not visualise physical wrath.

**Shri Sinhasan Singh :** It may take other forms.

**Shri George Fernandes :** I don't visualise physical injury.

**Shri Sinhasan Singh :** You say, they are not doing their duty to Parliament. If not physical injury, do you say that your wrath

may also amount to condemning them in public that they are not discharging their duty properly? You refer to one group—the SSP members.

**Shri George Fernandes:** Attack of these three gentlemen was on SSP Members.

**Shri Sinhasan Singh:** They wanted secret session of the House—nothing more. They wanted secret session.

**Shri George Fernandes:** To discuss the behaviour of SSP members. The demand of these Members was to discuss the situation that had arisen in the House.

**Mr. Chairman:** You think so?

**Shri George Fernandes:** It was to discuss the situation in the House that day.

**Sardar Kapur Singh:** That is how you understood the matter, may I take it?

**Shri N. C. Chatterjee:** May I put a few questions?

**Shri Sinhasan Singh:** There is a letter addressed to the Speaker at page 98. You have mentioned about this. Do you feel the ruling of the Chair was absurd? This is at page 98, para 2.

**Shri George Fernandes:** The absurdity relates to the first sentence. It is there in the proceedings. Having described himself as “murders” it is absurd to rule out the adjournment motion on the ground that the matter was *sub judice*. In my opinion it is absurd.

**Shri Sinhasan Singh:** You still hold the opinion that the ruling was absurd.

**Shri George Fernandes:** The Speaker admitted that the murders had taken place at Bastar.

**Shri Sinhasan Singh:** He might have used the word ‘murders’ in some other context. What was the context in which you have taken that word?

**Shri C. R. Pattabhi Raman:** The Speaker used the word ‘murders’ in two places.

**Shri Kapur Singh:** He did use it.

**Shri C. R. Pattabhi Raman:** There were allegations and counter-allegations about shooting behind, etc. and then he used the word ‘murder of the ruler of Bastar’. By whom he did not say. I have got the sentence here, I think.

**Shri George Fernandes:** He characterised the happenings at Bastar as ‘murders’. If you have the proceedings of that day you will find that out.

**Shri N. C. Chatterjee:** We have got to decide whether he has committed any contempt or breach of privilege by sending these telegrams.

**Shri Sinhasan Singh :** That is not the sole question.

**Shri C. R. Pattabhi Raman :** We can discuss that after Mr. Fernandes goes.

**Shri N. C. Chatterjee :** Mr. Fernandes, you are a man of some position. You know certainly this much that to attempt to influence by improper means the Members of Parliament in the discharge of their parliamentary duties either by intimidation or by threat is surely a breach of privilege, which amounts to contempt. Was it your intention to intimidate the Members of Parliament in the discharge of their parliamentary duties ?

**Shri George Fernandes :** I don't believe that there has been any intimidation of any sort. There was no intention of intimidation involved in expressing my opinion.

**Shri N. C. Chatterjee :** *Prima facie* the people will think that there has been a breach of privilege when they read 'People's wrath will be upon you if you persist in attacking SSP Members'. I take it that you belong to SSP.

**Shri George Fernandes :** Yes.

**Shri N. C. Chatterjee :** It may mean that the people may go for these Members in any manner they like and may even commit violence. Was that your intention too ?

**Shri George Fernandes :** That was not my intention.

**Shri N. C. Chatterjee :** You have said somewhere in your letter about the crushing defeat of the Congress Party in the next General Elections.

**Shri George Fernandes :** You please see the last sentence of first para on page 100 which reads as follows :

"The form that such expression of popular wrath and people's vengeance will take is impossible to predict at this stage. I would like it to take the form of a crushing defeat of the Congress Party at the forthcoming General Elections."

**Shri N. C. Chatterjee :** Was that thing in your mind when you sent the telegrams and there was no intention of personal assault, etc. ?

**Shri George Fernandes :** I don't subscribe to personal assault politically. Recently in U.P. there was the expression of people's anger ; it took a very queer form. What I would like is a crushing defeat of the Congress Party in the next General Elections.

**Shri N. C. Chatterjee :** Was that in your mind when you sent these telegrams ?

**Shri George Fernandes :** That was in my mind.

**Shri N. C. Chatterjee :** You were motivated by that kind of expression of popular wrath.

**Shri George Fernandes :** Yes.



**Shri C. R. Pattabhi Raman:** You have stated in the telegram "Congressmen Heda, Basappa and Mahida's suggestion to have secret session of Lok Sabha to consider the question of maintaining the dignity and decorum of the Houses exposes the mental degeneration ..." My learned friend Mr. Chatterjee asked you what was in your mind and you have told us that you were opposed to violence and you never had any idea of personal assault in your mind. It is because of these names you referred to Congressmen.

**Shri George Fernandes:** It is because these three Members asked for a secret session, I had to mention about Congressmen. The newspapers in Bombay carried a box item on the next day of the debate in Parliament saying that secret session of Parliament was demanded. It is on that day I sent the telegram to three of them, stating that people's wrath would be upon them. I also sent a telegram to the Speaker where I referred to the demand for secret session and there I gave my opinion.

**Shri C. R. Pattabhi Raman:** You are referring to Congressmen in other places only in the context of these three Members.

**Shri George Fernandes:** In the normal course I would mean the entire Congress Party. But here the first sentence in my telegram refers only to the demand of these three Congress Members.

**Shri C. R. Pattabhi Raman:** You meant only the verdict in the polls when you said that people's wrath would be upon them.

**Shri George Fernandes:** Not only do I mean that but I also work for that.

**Shri N. C. Chatterjee:** You solemnly assure the Deputy Speaker and the other Members of the Committee that you had no intention of intimidating the Members of Parliament in the discharge of their duties or any personal assault by using the words 'people's wrath will be upon them'.

**Shri George Fernandes:** That question never arose in my mind. I don't think that it will ever arise in my mind because I don't subscribe to personal assault or intimidation politically. My own telegram would not suggest personal intimidation of any type.

**Mr. Chairman:** You meant that it will be expressed at the time of General Election in the form of a defeat of the Congress Party?

**Shri George Fernandes:** I never meant personal injury to any person. I do not believe in such a political philosophy; I do not subscribe to such a political philosophy.

**Shri C. R. Pattabhi Raman:** In a democracy you are entitled to say what you feel. If anything stops you from doing it, I shall support you. In a democracy you have every right to differ from me. You will be perfectly right then. In a democracy you have that right. Are you now assuring the Deputy Speaker who is the Chairman of this Committee that you had no idea about intimidation when you used the word 'wrath', or personal injury?

**Shri George Fernandes:** I had no idea of any personal injury to anybody.

**Shri C. R. Pattabhi Raman :** Or intimidation ?

**Shri George Fernandes :** My coercing a person to do something ?

**Shri C. R. Pattabhi Raman :** To bring you within the ambit of privilege, the expression is 'personal intimidation'. You now assure us that you had nothing like that in your mind.

**Shri George Fernandes :** That is right.

**Shri Liladhar Kotoki :** Please refer to your telegram to the Speaker. Your first sentence therein says that the demand by the three Members 'to have secret session of Lok Sabha to consider the question of maintaining the dignity and decorum of the House exposes the mental degeneration of these so-called representatives of the people'. Do you stick to this part ?

**Shri George Fernandes :** I very much stick to this.

**Shri Liladhar Kotoki :** That it exposes the mental degeneration, etc. ?

**Shri George Fernandes :** Very much so, in this context.

**Shri Liladhar Kotoki :** This is the first sentence of the telegram.

**Shri George Fernandes :** Mr. Chairman, I want to make the context clear. This is in the context of Bastar where in my view 200 people were shot dead in cold blood.

**Shri Liladhar Kotoki :** This question of maintaining dignity and decorum of the House was of course in the context of Bastar.

**Shri George Fernandes :** I said that their demand for a secret session to maintain the dignity and decorum of the House, while completely ignoring the demand for a discussion on Bastar, exposed lack of proper understanding of human values.

**Shri Liladhar Kotoki :** You also concluded from that that these members are not fit to be representatives of the people.

**Shri George Fernandes :** That is so.

**Shri Liladhar Kotoki :** In your first telegram to these members you say:

People's wrath will be upon you if you persist in attacking SSP members who are the conscience of the nation... Bastar murders by D. P. Mishra's Government most dastardly act which will be avenged sooner or later... Why should you identify yourselves with worst dregs of society like Mishra and his gangsters...

**Shri George Fernandes :** My last sentence, Sir, is still more significant. It says :

Dignity of Lok Sabha would have been raised by open discussion of Bastar murders which violate dignity of human life.

That really conveys my feelings.

**Sardar Kapur Singh :** I think he has made it quite clear.

**Mr. Chairman :** Now you can go.

*(The witness then withdrew)*

## APPENDIX

(See para 4 of Report)

*Statement submitted by Shri George Fernandes, General Secretary, Hind Mazdoor Panchayat, Bombay, at the sitting of the Committee of Privileges on the 21st April, 1966.*

From :

George Fernandes,  
General Secretary,  
Hind Mazdoor Panchayat,  
204, Raja Ram Mohan Roy Road,  
Bombay-4.

To :

The Committee of Privileges,  
Lok Sabha,  
New Delhi.

Sirs,

The Deputy Secretary of the Lok Sabha Secretariat has asked me by his letter No. 76/2/C/66, dated April 7, 1966 to state for consideration by your Committee whatever I may have to say on the telegrams sent by me to the Speaker of the Lok Sabha and to Shri H. C. Heda and Shri Narendrasingh Mahida, M.Ps. I am indeed glad that I have been given an opportunity to elaborate the reasons that led me to send those telegrams and upon the issues germane to the inquiry by the Committee of Privileges.

The Parliament, including the Lok Sabha, is a body to which the people of India have delegated certain powers, duties and obligations. The preamble to our Constitution opens with the significant words "We, the People of India..... do hereby adopt, enact and give to ourselves this Constitution". Thus the Lok Sabha is a body with delegated powers, and its rights, privileges and status are always inferior and subordinate to those of the sovereign people of India, as constituted in a political democracy.

Political democracy is not exhausted by mere participation of the people in the mechanism of elections. Elections are merely one of the modes of expression of the people's democratic rights. Political democracy is a wider concept and includes among other things the fundamental freedoms guaranteed by our Constitution and the right to censure acts of commission and omission of the Legislators.

In brief, it embraces the connotations of the term "rule of law". Ruling party legislators and the presiding authorities cannot and will not be allowed under our Constitution to take up the presumptuous position that their rights, privileges and status supersede those of the sovereign people of India.

For effective functioning of democracy, it is necessary for the people to be eternally vigilant and subject its elected representatives to continuous scrutiny and criticism. The despatch of telegrams and other communications to representatives of the people is precisely to subject them to such a searching examination and to make them aware of the feelings and desires of the people on such specific issues as come up from time to time for deliberation by the legislatures. It may be noted that ministers, speakers and members of the Congress of the United States and of other democratic countries are constantly subject to a barrage of telegrams, letters, telephone calls and other modes of communication. Thus, my telegrams form a part of the basic democratic pattern of popular check over elected representatives, as practised in all the leading democratic countries of the world.

The happenings in Bastar have outraged the sentiments of a large number of people all over India. I am among them. I sincerely feel that political divergences were being brutally settled in Bastar when the Government of Shri D. P. Mishra acted against the late Shri Pravirchandra Bhanjdeo and his colleagues. It was an extremely cruel form of settlement of political differences. It was an act of pure gangsterism with fearful implications for all those who consider it their democratic right to oppose the infamous deeds of the Congress government of Madhya Pradesh and the same Party's oppressive rule everywhere in the country. If today Shri Pravirchandra Bhanjdeo and his associates can be murdered in a cold and calculating manner by the minions of one State Congress Party, such a fate may befall those anywhere in India, particularly as the Central Government is also the preserve of this same unpopular party. It is acts like these that undermine popular faith in the democratic process and produce retaliatory violence such as witnessed in many erstwhile democratic countries of Afro-Asia. It is my desire that India should be spared a similar ordeal.

About the Bastar incidents a few more points may be noted :

1. On the 28th of March, when Dr. Rammanohar Lohia of the SSP sought to move an adjournment motion in the Lok Sabha on this issue, Shri Hanumanthayya, a senior member of the Congress Party opposed the motion on the grounds that the subject matter was *sub-judice*. The Speaker did not ask him to quote the rule under which the debate was precluded, as is his invariable practice when dealing with objections raised by opposition parties. When another member tried to refute Shri Hanumanthayya's arguments, the Speaker said that he will reply to them himself—which proves that the *sub-judice* rule was not attracted.

2. On the 28th of March during the foregoing discussions the Speaker himself characterised the happenings of Bastar as 'murders' not once but twice. It was therefore all the more absurd to rule out the adjournment motion on the ground of the matter being *sub-judice*.

3. The rule relating to debates on matters which are *sub-judice* applies to all the debates and discussions in the Lok Sabha. A discussion on Bastar happenings through an Adjournment motion could have been permitted and the debate restricted to matters not falling within the terms of reference of the Inquiry Commission appointed by the Madhya Pradesh Government. The regulatory powers which were exercised by the Speaker on the 7th April were available on the 28th and 30th March as well.

4. Shri M. C. Chagla, Education Minister, intervening in the same discussion of 28th March, is on record as having said "The Centre has a responsibility in the matter. I even concede that the Central Government has failed to discharge its responsibility, but, and there is an important but.....". He then went on to spell out the "but" which was a mere reiteration of the well-known position under the *sub-judice* rule (rule 59). On the 30th March, he tried to wriggle out of this positive statement by quibbling like a petty court lawyer. He is reported to have cited the Oxford Dictionary for the benefit of the House. I quote below this dictionary :

"Concede, v. 1632 (AD. L. Concedere; see CELE) 1. trans. to admit, allow, grant (a proposition, claim etc.)".

I hope you will administer a suitable reprimand to the Education Minister for his having misled the august assembly. Late Shri Chagla is reported to have owned up his ignorance of English language. I therefore further hope that you will direct Shri Chagla and his ilk not to speak in a language that they do not understand and thus waste the time of your august assembly.

5. Last but not the least, the President has been dragged into this controversy by the ruling party ministers who met him. But the President is reported to have stated apropos the extraordinary expeditiousness with which the *post mortem* and cremation formalities were carried through with the bodies of the dead in Bastar: "The whole thing is fishy". He also expressed a feeling of shock and stated that he was more concerned of what happened in Bastar than what happened in Lok Sabha on the 28th March. He is further reported to have desired that all elements in the legislature including the ruling party and the presiding authority shall function within the four corners of the Constitution and the Rules.

In order probably to express their intense feelings, the SSP members raised this issue in the Lok Sabha, pressed their demand

for an open discussion on a motion censuring such dark deeds and ultimately compelled the ruling party to concede the debate.

I was heartened by the behaviour of the SSP members, who, I repeat the phraseology of my telegram, acted in this regard as the conscience of the nation.

It was stated explicitly as well as by implication in the papers that some members of the ruling party got rattled at the determination displayed by the SSP group. They are reported to have said that the dignity and decorum of the Lok Sabha suffered as a consequence of the behaviour of the small but vocal and courageous group of elected representatives of the SSP and that a secret session of the Lok Sabha be called where, by the brute majority of the Congress Party, it would be possible to censure such behaviour.

I therefore felt that I had a right to convey the feelings of anger and resentment felt by the people on the Bastar murders to the Speaker as well to certain members of the ruling Congress Party. The dignity of human life is a supreme value and it is only by upholding it that the Lok Sabha can uphold its own dignity as the representative assembly of the Indian people. I have no doubt that the Lok Sabha would have enhanced its prestige by an open and free discussion of this issue on the 28th or 30th March itself. The behaviour of the ruling Congress party in this matter has been such that the people's wrath will certainly visit them in 1967 and the authors of state violence will be surely thrown on the dung heap of history. The sovereign people of India will assuredly find the strength one day to avenge the dastardly deeds of D. P. Mishra's government. The form that such expression of popular wrath and people's vengeance will take is impossible to predict at this stage. I would like it to take the form of a crushing defeat of the Congress Party at the forthcoming general elections.

"We, the people of India", and this includes every single one amongst the people, conferred upon ourselves certain fundamental constitutional rights. The Lok Sabha enjoys no fundamental rights. It only possesses a few rights and powers that are sufficient for it to discharge those duties cast upon it by the Constitution, but always subject to the citizens' fundamental rights.

Far from threatening the members of the ruling party and/or obstructing them in the performance of their duties, my telegrams were a stern reminder to them that they had certain obligation to the people of India, especially the Adivasis who number over 30 million and who are protected by special provisions of the Constitution. Instead of taking offence at my telegrams, the Congress members should have become introspective and mended their ways. It is regrettable that instead they have sought to threaten me with dire consequences on the grounds of alleged breach of their privileges. Are the constitutions of our ruling party legislators so delicate that mere telegrams expressive of people's concern and resentment wound them mortally?

A Parliament that erects barriers of privilege between itself and the people is a constitutional monstrosity in a democracy. The throbbing channels of communication between a people and its temporary representatives cannot be permitted to get blocked by false notions of status. Otherwise, Parliament cannot reflect the desires and aspirations, the anxieties and pains of a free people.

NEW DELHI;

21st April, 1966.

Yours faithfully,  
Sd/- GEORGE FERNANDES.

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