

HOUSE OF THE PEOPLE

COMMITTEE OF PRIVILEGES

(THE SUNDARAYYA CASE)

(Report, Minutes, Appendices and Debates in the House)



सत्यमेव जयते

PARLIAMENT SECRETARIAT

NEW DELHI

December, 1952.

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MEMBERS OF THE COMMITTEE OF PRIVILEGES

1. Dr. Kailas Nath Katju—*Chairman*
2. Shri Satya Narayan Sinha
3. Shri A. K. Gopalan
4. Dr. Syama Prasad Mookerjee
5. Shrimati Sucheta Kripalani
6. Shri Sarangadhar Das
7. Shri B. Shiva Rao
8. Shri R. Venkataraman
9. Dr. Syed Mahmud
10. Shri Radhelal Vyas

SECRETARIAT

Shri M. N. Kaul—*Secretary.*

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

REPORT

(iii)

I

INTRODUCTION AND PROCEDURE

I, the Chairman of the Committee of Privileges, present this report to the House on the following question of privilege which was raised by Shri B. Shiva Rao, M.P. in the House and referred to the Committee by the Speaker on the 2th July, 1952:—

“That a breach of privilege of the House has been committed by the publication of the following passage in the Delhi edition of the “Times of India” of the 5th July, 1952:—

‘About Dr. Sinha’s allegations in Parliament, Mr. Sundarayya stated that the documents in question were false, fraudulent and forged and the Privileges Committee of Parliament had now almost completed its investigations and Dr. Sinha was finding it difficult to get out of the situation.’ ”

2. The Committee decided to ask the Editor of the “Times of India” and Shri Sundarayya to make their submissions in writing (see Appendices I and II).

3. The Committee held two sittings. At the first sitting held on the 2nd August, 1952 the Committee considered the replies received from the Editor of the Times of India” and Shri P. Sundarayya, Member, Council of States (see Appendices III and IV) and had a general discussion on the points of privilege involved in the case.

4. The Committee also directed that the Secretary should prepare for the consideration of the Committee a memorandum setting out the facts of the case and law, practice and precedents on the subject.

5. At the second sitting held on the 24th November, 1952 the Committee considered the memorandum (see Appendix V) prepared by the Secretary and came to its conclusions.

II

FACTS OF THE CASE

6. The “Times of India” to whom the matter was referred have forwarded several cuttings of newspapers in which references on the same subject have appeared. The “Hindustan Standard” of the 8th July, the “Tribune” of the 6th July and an Urdu daily “Sawera” of Delhi of the 7th July have carried the news in identical terms. Another cutting from “Naya Zamana” (of the 7th July) an Urdu daily of Jullundur, which is stated to be the organ of the Punjab Communist Party also carried the statement, but in a somewhat different form. The words used by this paper are somewhat as follows:—

“Then, he (Mr. Sundarayya) while speaking about the charges made by Dr. Sinha declared that all of them were false and now Dr. Sinha was finding himself involved in the situation.”

7. The “Times of India” while forwarding these cuttings also forwarded a statement (see Appendix III), from their correspondent in Moga, Shri Gurnam Singh Tir, who testified that the statement which appeared in the “Times of

India" was in fact made by Shri Sundarayya at Moga and in support of his contention forwarded certain written statements by three other individuals who claimed that they were present at the meeting. One of the witnesses is a representative of the P.T.I., Ludhiana, the other two are local residents of Moga whose status in public life is not known.

8. From the letter-head paper on which Shri Gurnam Singh Tir has furnished his statement, it is observed that he also represents the "Tribune", "Delhi Express", "Tej", "Naya Zamana" and "Sawera". The statement in question has appeared in all these papers in addition to the "Times of India" which he represents.

9. Shri Sundarayya, to whom the matter was referred has given the following version (see Appendix IV):—

"Later on when a few of my Party workers asked me what had happened to Mr. Sinha's allegations, this is what I told them:—

'The question was referred to Privileges Committee and it will be going into the whole matter. Now it will be for Mr. Sinha to prove his allegations which it will be a very hard job for him to do.'

I have never said that 'the Privileges Committee has now completed its investigations.' The whole report of that correspondent from the beginning to the end is so grossly distorted and false that it was evident the basis of whole of his report was mere hearsay. So I thought no useful purpose would be served by issuing a Press contradiction."

III

FINDINGS OF THE COMMITTEE

10. The Committee observe that while Shri Gurnam Singh Tir, the Correspondent of the "Times of India" has stated that the report published in the "Times of India" of the 5th July, 1952 to the effect that "the documents in question were false, fraudulent and forged and the Privileges Committee of Parliament had now almost completed its investigation and Dr. Sinha was finding it difficult to get out the situation" was in fact from the speech of Shri Sundarayya, Member, Council of States, Shri Sundarayya on the other hand had stated that what he said at the meeting was as follows:—

"The question was referred to the Privileges Committee and it will be going into the whole matter. Now it will be for Mr. Sinha to prove his allegations which it will be a very hard job for him to do."

It is, therefore, a question of two different versions, one given by Shri Sundarayya, Member, Council of States and the other by Shri Gurnam Singh Tir, the Correspondent. In a case like this it is difficult for the Committee to base its decision on what was said at an informal Press Conference unless a verbatim and authorised record had been kept and it was absolutely conclusive about the matter. Although a report similar to that published in the "Times of India" appeared in some other newspapers it appears that all these reports in the different papers emanated from the same correspondent. There is no evidence to show that the other Correspondents who are said to have been present at the meeting gave a similar version of Shri Sundarayya's statement. In fact it appears that they did not at all send to their papers any report of Shri Sundarayya's speech at the meeting.

11. It is in accordance with the law and practice of the privilege of Parliament that while a Committee of Parliament is holding its sittings from day to day its proceedings should not be published nor any documents or papers which may have been presented to the Committee or the conclusions to which it may have arrived at referred to in the Press. In the present case, however, the situation is rather peculiar inasmuch as the Committee had not met to consider the matter at all when Shri Sundarayya is reported to have made the statement in question. It is, therefore, not a case of inaccurate reporting of the proceedings of the Committee but of making or publishing a factually incorrect statement. The Committee must however point out that it is highly desirable that no person including a member of Parliament or Press should without proper verification make or publish a statement or comment about any matter which is under consideration or investigation by a Committee of Parliament. In the present case the Committee recommend that no further action may be taken in the matter.

KAILAS NATH KATJU.

NEW DELHI,

Dated 12th December, 1952.

MINUTES

I
FIRST MEETING

New Delhi: Saturday, the 2nd August, 1952

The Committee met from 6-40 to 7-50 P.M.

2. The following were present:

Dr. Kailas Nath Katju—*Chairman*.

MEMBERS

Shri A. K. Gopalan.

Shri B. Shiva Rao.

Dr. Syama Prasad Mookerjee.

Shri R. Venkataraman.

Shrimati Sucheta Kripalani.

Shri Radhelal Vyas.

Shri Sarangadhar Das.

SECRETARIAT

Shri M. N. Kaul—*Secretary*.

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

3. The Committee deliberated on the question of privilege raised by Shri B. Shiva Rao regarding a statement alleged to have been made by Shri P. Madhavayya, Member, Council of States.

4. The Committee directed that the Secretary should prepare a memorandum on the law, practice and precedents bearing on the question.

The Committee then adjourned.

II

SECOND MEETING

New Delhi: Monday, the 24th November, 1952

The Committee met from 5-15 to 6 P.M.

2. The following were present:

Dr. Kailas Nath Katju—*Chairman*.

MEMBERS

Dr. Syama Prasad Mookerjee.

Shri Sarangadhar Das.

Shrimati Sucheta Kripalani.

Shri Radhelal Vyas.

SECRETARIAT

Shri M. N. Kaul—*Secretary*.

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

3. The Committee decided to recommend to the House that no breach of privilege was involved in the question referred to them.

4. The Committee felt that they should in this connection suggest that it would be desirable that no person including a member of Parliament or press should without a proper verification make a public statement or comment on any matter pending before a Committee of Parliament.

The Committee then adjourned sine die.

APPENDICES

APPENDIX I

No. 150-C/52.

PARLIAMENT SECRETARIAT

PARLIAMENT HOUSE,

New Delhi-1, the 16th July, 1952.

From

Shri M. N. Kaul, Bar-at-Law,
Secretary.

To

The Editor,
Times of India (Delhi Edition),
Delhi.

SUBJECT: *Question of privilege raised by Shri B. Shiva Rao regarding a statement alleged to have been made by Shri P. Sundarayya, Member, Council of States.*

Sir,

I am directed by the Chairman of the Committee of Privileges to refer you to a report which appeared in the "Times of India" dated the 5th July, 1952 (Delhi Edition) regarding a statement alleged to have been made by Shri P. Sundarayya, Member of the Council of States, concerning certain documents laid on the Table of the House by Dr. Satyanarain Sinha, M.P.

I am to state that the question concerning this matter was raised in the House of the People on the 12th July, 1952, by Shri B. Shiva Rao, M.P. and has been referred by the Speaker to the Committee of Privileges for investigation and report. The relevant extract from the Parliamentary Debates is enclosed herewith for your information.

In this connection I am to request you kindly to forward to me such information as you may possess about the report from Moga which was published in the "Times of India" dated the 5th July, 1952 (Delhi Edition), so as to reach me by Friday, the 18th July, 1952.

Yours faithfully,
Sd/- M. N. KAUL,
Secretary.

APPENDIX II

No. 150-C/52

HOUSE OF THE PEOPLE

PARLIAMENT HOUSE,
New Delhi-1, the 16th July, 1952.

From

Shri M. N. Kaul, Bar-at-Law,
Secretary.

To

Shri Puchalapalli Sundarayya,
Member, Council of States.

SUBJECT: *Question of privilege raised by Shri B. Shiva Rao regarding a statement alleged to have been made by Shri P. Sundarayya, Member, Council of States.*

Sir,

I am directed by the Chairman of the Committee of Privileges of the House of the People to forward herewith a copy of extract from Parliamentary Debates dated the 12th July, 1952 in connection with the question of privilege raised by Shri B. Shiva Rao regarding a report which appeared in the "Times of India" dated the 5th July, 1952 (Delhi Edition), concerning certain papers laid on the Table of the House by Dr. Satyanarain Sinha on the 12th June, 1952.

I am to state that if you have any submissions to make to the Committee in this connection, you may kindly do so in writing so as to reach me by Friday, the 18th July, 1952.

Yours faithfully,
Sd/- M. N. KAUL,
Secretary.

APPENDIX III

THE TIMES OF INDIA

P. O. Box No. 1046

10, Daryaganj

DELHI.

July 21, 1952.

Shri M. N. Kaul, Bar-at-Law,
Secretary,
Parliament Secretariat,
Parliament House,
New Delhi-1.

SUBJECT: *Question of privilege raised by Shri B. Shiva Rao regarding a statement alleged to have been made by Shri P. Sundarayya, Member, Council of States.*

Sir,

Further to my letter of 17th inst., I have pleasure in submitting herewith the relevant information desired by you regarding the report from Moga covering Mr. Sundarayya's speech, published in the Times of India, dated July 5, 1952.

I am herewith enclosing the original letter received by me from Mr. Gurnam Singh Tir, our correspondent in Moga, who reported the aforesaid speech by Mr. Sundarayya. As the letter makes it clear, our correspondent was personally present at the workers' meeting, being permitted by its organisers to attend it in his professional capacity.

Our correspondent Mr. Gurnam Singh avers that Mr. Sundarayya made the remarks that he is reported to have made in the press report in question and also cites three other witnesses in support of his contention. Three signed statements by Mr. S. S. Saroj, P.T.I. Correspondent, Ludhiana, Mr. Bharpur Singh Grewal and Mr. Kapur Singh Bhullar, respectively, are also enclosed herewith in original. In addition, four newspaper clippings reporting Mr. Sundarayya's speech in question—two from English newspapers and two from Urdu newspapers—are also enclosed as further evidence.

Our correspondent Mr. Gurnam Singh's letter is self explanatory. I have, however, to point out that the organisers permitted our correspondent to attend the meeting and also to report the proceedings of the meeting, as he openly took down notes of the proceedings of the meeting and at no stage was he told not to take down notes or not to report the proceedings, including Mr. Sundarayya's speech.

Our correspondent and the gentlemen who have submitted written statements testifying to the correctness of the press report of Mr. Sundarayya's speech in question are prepared to appear and testify before the Committee of Privileges to the fact that Mr. Sundarayya did make the following remarks which were reported in the Times of India:—

“About Mr. Sinha's allegations in Parliament, Mr. Sundarayya said that the documents in question were false, fraudulent and forged and the Privilege Committee of Parliament had now almost completed the investigations and Dr. Sinha was in great trouble as to how to get out of the situation.”

Yours faithfully,

Sd./- D. R. MANKEKAR,

Resident Editor.

6, New Town, Moga,
Dated: 19th July, 1952.

GURNAM SINGH 'TIR'—Journalist:

REPRESENTATIVE: The Tribune, Times of India, Bombay Chronicle, Hindustan Times, Statesman, Hindustan Standard, Delhi Express, Milap, Pratap, Tej, Desh Darpan, Sawera, Naya Zamana, Press Trust of India, etc. & Chairman, The Punjab News Corporation.

The Resident Editor,
The Times of India, Delhi.

Dear Sir,

In connection with Mr. Sundarayya's speech at Moga on July 3, please find below some substantiating facts of which you may make use in any way you like.

I. The utterance in question was made by Mr. Sundarayya at a workers' meeting (not a public meeting, nor it was reported as a public meeting) held here to which I myself was permitted by Local Organisers in the capacity of a pressman which clearly meant that the Communists know it fully well that the report would go to the press. In fact I was invited by the local party leaders to attend the meeting for press purposes. I heard Mr. Sundarayya pass not only the remarks in question but even more than that, which was: “For your information I may add that Dr. Sinha is a confirmed forger. He was dismissed from Deputy Collectorship on the charge of forging some documents.” Mr. Sundarayya was replying to a question while he made these assertions about Dr. Sinha. My presence in the meeting and Mr. Sundarayya's assertions can both be testified by the following gentlemen:

1. Mr. S. S. Saroj, P.T.I. Representative, Ludhiana, (who came here on that day on a personal business and attended the meeting after permission from the organizers).
2. Mr. Bharpoor Singh of village Gholia Kalan near Moga.
3. Mr. Kapoor Singh Bhullar of village Kokari-Kalan, near Moga.

I may get evidence from more people.

II. As for the C.I.D. report, I contacted some gentlemen of the Department who have expressed their inability to hand over any copy of the report to me as according to them I am not an authorized person in this respect. They are, how-

ever, prepared to submit their report to the Government or the Privilege Committee if it is called for by any of the latter. Verbally they have admitted before me that the assertions in question were made by Mr. Sundarayya, according to their source, as no staff-man of C.I.D. was allowed any, admittance to the meeting.

III. The report of the speech was published not only in the Times of India, but also in the following newspapers, the available cuttings from which I am attaching herewith.

1. Hindustan Standard, Delhi (Dak Edn., July 8).
2. Tribune, Ambala (Local Edn., July 6).
3. Delhi Express, Delhi (July 5).
4. Daily Tej (Urdu), De.hi, 7|8-7-52.
5. Naya Zamana (Urdu) (Communist), Jullundur, July 7.
6. Sawera Daily (Urdu), New Delhi, Communist, 7-7-52.

IV. I, myself and the gentlemen whose names I have referred for evidence may be called in person at any time for testifying before the Privileges Committee.

Yours faithfully,

Sd/- GURNAM SINGH TIR,
Times of India Correspondent.

1. *Statement by Mr. S. S. Saroj, B.A., Representative of the Press Trust of India Ltd., Ludhiana.*

I hereby testify that Mr. Sundarayya, M.P. (Communist) made the following utterance when some one of the workers at a workers' meeting at Moga on July 3, asked him a question about Dr. Sinha's allegations against Communists in the Parliament.

"Well, that's quite clear and plain. All of the so-called documents produced by Dr. Sinha were false, forged and fraudulent. It is now established that they were not genuine and were produced by Dr. Sinha simply to put the Communist Party in disrepute. The Privileges Committee has almost completed its findings and Dr. Sinha is now confronted with a problematic situation. He does not now know how to get out of the present situation. (After some pause) I may add another thing for your information. Dr. Sinha, while he was a Deputy Collector, was dismissed from his post on the charge of forging some documents."

I may further assert that I attended the meeting with the previous consent of the Secretary of the Punjab Committee of the Communist Party who gave this permission to me while coming back in a bus from the village of Katahni Kalan in Ludhiana district where I was taken by the partymen themselves to cover the speech of Mr. Sundarayya. Later this permission was also given by Mr. Avtar Singh Malhotra, another Communist leader, who organised the Moga workers' meeting.

It would, too, not be out of place if I mention in this respect that the assertions referred to above were also made by Mr. Sundarayya, at the workers' meeting at Ludhiana on July 2.

I prepared a news report of that meeting for the P.T.I. but the Teleprinter man of P.T.I. at Ludhiana did not creed it for reasons best known to him.

Sd/- S. S. SAROJ,
Representative of the P.T.I.,
Ludhiana.

2. Statement by Mr. Kapur Singh Bhullar of Kokri Kalan, District Ferozepur.

I stand evidence to the fact that Mr. Sundarayya, Communist leader, made the following observation when he replied to a question from a worker. The remarks of Mr. Sundarayya were immediately translated into Punjabi by Communist leader, Mr. Avtar Singh Malhotra.

Mr. Sundarayya said like this: "As for Dr. Sinha's allegations against Communists in the Parliament, I must say that the documents in question are all false, forged and fraudulent. The Privileges Committee has nearly completed its investigations and Dr. Sinha is now finding it hard to get out of the situation. I may add that Dr. Sinha is an old forger and he was dismissed from Deputy Collectorship for forging some documents."

I may further say, that I myself was present in the aforesaid meeting. I also saw Mr. Gurnam Singh Tir, Journalist, taking down notes in the meeting.

Sd/- KAPUR SINGH BHULLAR,
Village: Kokari Kalan, (District—Ferozepur).

3. Statement by Mr. Bharpur Singh Grewal, Village Gholiakalan, (Moga Sub-Division).

I testify that Mr. Sundarayya, M.P., made the following observation, when at the workers meeting held at Moga on July 3, he replied to a questioner.

"You will be amused to know that all the documents produced by Dr. Sinha were false, forged and fraudulent. The Privileges Committee has almost finished its inquiry and Dr. Sinha is now finding it difficult as to how to get out of the situation. I may further tell you that Dr. Sinha is a confirmed forger and he was dismissed from Deputy Collectorship on the charge of forging some documents."

I was present in the meeting. I saw Gurnam Singh Tir, Journalist, writing down notes as Mr. Sundarayya was speaking.

Sd/- BHARPUR SINGH GREWAL,
Village: Gholia Kalan, (Moga Sub-Division).

APPENDIX IV

Puchalapalli Sundarayya,
Member, Council of States,
Hyderabad (Dn.).

Camp: 1, Windsor Place,
Date: 18-7-52.

To

Shri M. N. Kaul,
Secretary.

Sir,

I received your communication No. 150-C/52, dated 16th July regarding my alleged speech at Moga as reported in Times of India of 5th instant.

I want to submit to the Chairman of the Privileges Committee of House of People the following:—

There was no public meeting at all at Moga. There was only our party workers and sympathisers meeting, to which no press correspondent was allowed. Even in the party workers meeting the question of Mr. Sinha's papers did not come at all. Later on when a few of my party workers asked me what had happened to Mr. Sinha's allegations, this is what I told them. "The question was referred to Privileges Committee and it will be going into the whole matter. Now it will be for Mr. Sinha to prove his allegations which it will be a very hard job for him to do."

I have never said that "the Privileges Committee has now completed its investigations." The whole report of that correspondent from the beginning to the end is so grossly distorted and false that it was evident the basis of whole of his report was mere hearsay. So, I thought no useful purpose would be served by issuing a press contradiction.

Sir, the facts being as above, I have not said or done anything that can in anyway be construed as breach of privilege of any committee of the House of People.

Yours sincerely,
Sd/- P. SUNDARAYYA.

APPENDIX V

SECRETARY'S MEMORANDUM

Question of Privilege raised by Shri B. Shiva Rao, M.P. relating to a statement alleged to have been made by Shri P. Sundarayya, Member, Council of States.

Facts of the case

1. On the 12th July, 1952, Shri B. Shiva Rao, M.P. drew the attention of the House to the following passage which appeared in the Delhi edition of the "Times of India" of the 5th July, 1952:—

"About Dr. Sinha's allegations in Parliament, Mr. Sundarayya stated that the documents in question were false, fraudulent and forged and the Privileges Committee of Parliament had now almost completed its investigations and Dr. Sinha was finding it difficult to get out of the situation."

2. The "Times of India" to whom the matter was referred under the direction of the Committee have forwarded several cuttings of newspapers in which references on the same subject have appeared. The "Hindustan Standard" of the 8th July, the "Tribune" of the 6th July and an Urdu daily "Sawera" of Delhi of the 7th July have carried the news in identical terms. Another cutting from "Naya Zamana", (of the 7th July) an Urdu daily of Jullundur, which is supposed to be the organ of the Punjab Communist Party also carried the statement; but in a somewhat different form. The words used by this paper are as follows:—

"Then, he (Mr. Sundarayya) while speaking about the charges made by Dr. Sinha declared that all of them were false and now Dr. Sinha was finding himself involved in the situation."

3. The "Times of India" while forwarding these cuttings also forwarded a statement from their correspondent in Moga, Shri Gurnam Singh Tir who testified that the statement which appeared in the "Times of India" was in fact made by Shri Sundarayya at Moga and in support of his contention forwarded certain written statements by three other individuals who claimed that they were present at the meeting. One of the witnesses is a representative of the P.T.I., Ludhiana—the other two are local residents of Moga whose status in public life is not known.

4. It may be stated in this connection that from the letter-head paper on which Shri Gurnam Singh Tir has furnished his statement, it is observed that he also represents the "Tribune", "Delhi Express", "Tej", "Naya Zamana" and "Sawera". The statement in question has appeared in all these papers in addition to the "Times of India" which he represents, and the "Hindustan Standard". It, therefore, appears that the author of the statements in all these papers is the same press correspondent, Shri Gurnam Singh Tir.

5. Shri Sundarayya, to whom the matter was referred under the direction of the Committee, has given the following version:—

"Later on when a few of my Party workers asked me what had happened to Mr. Sinha's allegations, this is what I told them:—

"The question was referred to Privileges Committee and it will be going into the whole matter. Now it will be for Mr. Sinha to prove his allegations which it will be a very hard job for him to do."

I have never said that 'the Privileges Committee had now completed its investigations.' The whole report of that correspondent from the beginning to the end is so grossly distorted and false that it was evident the basis of whole of his report was mere hearsay. So I thought no useful purpose would be served by issuing a Press contradiction."

Law and practice

6. If on investigation of the matter the Committee came to the conclusion that the statement that has appeared in the various newspapers is in fact a distorted version of what Shri Sundarayya actually said—as reported by him in his letter to the Committee—the question of any breach of privilege by Shri Sundarayya does not arise. The question however arises as to how far the correspondent or the Editor of the paper is responsible for the breach of privilege, if any. This aspect of the matter is dealt with in para. 9 below.

7. If, on the other hand, the Committee come to the conclusion that the press correspondent gave a faithful summary or a full version of what Shri Sundarayya actually said at the meeting, a question arises whether Shri Sundarayya has committed a breach of privilege of the House. The statement contained in the "Times of India" can be divided into two parts:—

- (i) "that the documents in question were false, fraudulent and forged; and
- (ii) that the Privileges Committee of Parliament had now almost completed its investigations and Dr. Sinha was finding it difficult to get out of the situation."

The first part of the statement is an independent statement and it cannot be held to be an allegation against a Member with regard to his work in Parliament. "To constitute a breach of privilege a libel upon a Member must concern the character or conduct of the Member in that capacity, and the conduct or language on which the libel is based must be actions performed or words uttered in the actual transaction of the business of the House." (May's 15th Edition—page 125). The statement would appear to have been made by the Member on his own responsibility without reference to the actual proceedings in the House. It is open to Dr. Sinha to take such action as he considers necessary under the ordinary law of the land. The words do not necessarily cast reflection upon Dr. Sinha as a Member of the House and therefore the privileges of the House do not appear to be affected.

8. As regards the second part of the statement, it may be stated that the Committee had not met to consider the matter at all. The question of premature publication or wilful misrepresentation of the proceedings of the Committee does not therefore arise. All that can be said is that the statement is unwise or is factually wrong. On the other hand, it may be argued that it is wrong to comment at all on a matter under enquiry of the Committee of Privileges because the matter is *sub-judice*, and that it is a contempt of the House to discuss a matter which has been referred by the House to a Committee. There are however no exact precedents to guide us in the matter. It is a case of first impression and the Committee will have to come to its own conclusion.

9. The Committee has also to consider whether any action is called for against the paper or papers which published the statement alleged to have been made by Shri Sundarayya. Technically speaking, the newspaper and its Editor have offended on the same grounds as stated in para. 8 above, but actually it is their job to report news for the public to read. Probably the papers reported the speech in good faith without themselves commenting upon it. In many cases no action has been suggested or taken against the newspapers in the U.K. for such offences. For example, on the 24th November, 1950, Mr. Leslie Hale complained about a speech by the Attorney General of Northern Ireland reported in the *Manchester Guardian* (Hansard, Vol. 481, cols. 653—662), and on the 25th April, 1952, Mrs. Castle complained about a speech by Lord Mancroft reported in the *Star* (Hansard, Vol. 499, cols. 891—898).

10. If, however, the Committee come to the conclusion that the statement published in the paper was a distorted version of Shri Sundarayya's speech, the matter stands on a different footing. The newspaper would then appear to have acted solely on its own responsibility.

Procedure when a complaint is made against a Member of the other House

11. If any complaint is made against any Member of the other House, the usual procedure is to examine into the fact and then lay a statement of that evidence before the House of which the person complained of is a Member (May's 15th Ed., p. 145). If upon considering the Committee's report, the House resolves that the speech amounts to a breach of privilege and contempt of the House, the House should send a message to the Council communicating their resolution and it will then be for the Council to take such action as they may like which must normally be the same as that which the House would have taken if the person concerned were not a Member of the Council.

DEBATES IN THE HOUSE

EXTRACT FROM THE HOUSE OF THE PEOPLE DEBATES DATED THE
12TH JULY, 1952 REGARDING COMMITTEE OF PRIVILEGES ON THE
SUNDARAYYA CASE.

POINT OF PRIVILEGE

Alleged speech of Shri Sundarayya.

Shri B. Shiva Rao (South Karana—South): Mr. Speaker, Sir, I am grateful to you for giving me permission under rule 199 of the Rules of Procedure to raise a question which, in my view, concerns a privilege of the Committee of Privileges.

I do not think it is necessary to argue at any length that a Committee which has been constituted by you is entitled to expect that no part of its proceedings will be published either prematurely or in an unauthorised fashion. I am raising this matter because I want to invite your attention and the attention of the House to a report which has been published, and which, to me, seems to be much more serious than either premature or unauthorised.

About two or three weeks ago, on a statement made by my hon. friend, the Leader of the Communist Party in this House, Mr. Gopalan, you were pleased to refer the question of the authenticity of certain documents placed on the Table of the House by Dr. Satyanarain Sinha, and from which documents he had made extensive quotations in the course of his speech on the Defence estimates, to the Committee of Privileges. So far the Committee has not made any report. To my great surprise, I saw in the *Times of India*, a few days ago, a reference to the proceedings of the Committee in regard to this matter. I have before me the Delhi Edition of the *Times of India* of the 5th July. On page five of that issue, there is a fairly detailed report of a speech alleged to have been made by Mr. Sundarayya, who is the Leader of the Communist Party in Parliament. I do not want to detain the House by reading the whole of the report, because it is not relevant to my purpose. But I may invite the attention of the House to

one passage. I am quoting it from this paper:

“About Dr. Sinha's allegations in Parliament, Mr. Sundarayya stated that the documents in question were false, fraudulent and forged and the Privileges Committee of Parliament had now almost completed its investigations and Dr. Sinha was finding it difficult to get out of the situation.”

I am assuming that this report is a fairly and substantially correct version of what Mr. Sundarayya said in the course of his speech. If my assumption is correct, I have no hesitation in saying that that report is utterly improper and highly objectionable from every point of view. I invite your attention in order that appropriate action may be taken under rule 203 of the Rules of Procedure.

Shri Frank Anthony (Nominated—Anglo-Indians): May I know where Mr. Sundarayya made the statement?

Shri B. Shiva Rao: At Moga, in the Punjab.

Mr. Speaker: The report is there. Hon. Members may refer to the report. I do not think it is Mr. Shiva Rao's contention that the report correctly represents what Mr. Sundarayya said. Anyway, *prima facie*, I think, this is a case which should go to the Privileges Committee, and may be considered along with main question of privilege which they are considering. The Committee will, of course, go into the question as to how far the report is correct and, if so, whether it constitutes a breach and, if so, what steps this House should take will also be recommended by the Committee in their report. I think that is enough for the present.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): On a point of information, Sir. Are

we taking into account anything appearing in the Press?

Mr. Speaker: Order, order. The hon. Member's question is entirely irrelevant. It is not anything in the Press that we are taking note of.

Shri Velayudhan: You gave a similar ruling.....

Mr. Speaker: Order, order. The report in the Press distinctly mentions Mr. Sundarayya and it attributes to him certain statements in connection with a matter which is under investigation by the Privileges Committee, and admittedly, the House has not yet received the report of the Privileges Committee. It is therefore necessary, I think, to investigate the facts. Therefore, I said that the Committee will investigate as to whether Mr. Sundarayya did say so as a matter of fact, and if so, it is for the Committee to consider further the circumstances in which he said so and whether his statement constitutes a breach of privilege, and state what the recommendations of the Committee are. The report will be before the House and ultimately the House will decide.

Shri S. S. More (Sholapur): Is not Mr. Sundarayya outside the purview of this House?

Mr. Speaker: No one in the Indian Union is outside the jurisdiction of this House....

Shri S. S. More: As far as this question is concerned?

Mr. Speaker: As far as the privileges are concerned. It is not competent for any person high or low, inside or outside the House, to act or speak in a manner which offends the dignity or interferes with the privileges of this House or any Member of this House. Let there be no misunderstanding or misapprehension that anybody, on the ground that he is not a Member of this House, is entitled to say anything about this House.

Shri S. S. More: Will the Committee go into the question of the responsibility of the *Times of India* people?

Mr. Speaker: That would be for the Committee. I do not want to anticipate that. The Committee will certainly examine whether Mr. Sundarayya said so. Then the *Times of India* comes. It has reported. If the Committee finds that Mr. Sundarayya did not say so, the burden will be heavily upon the *Times of India*.