

[Shri B. K. Daschowdhury]

that this Government has no further information than that mentioned here in the statement laid. I would like the hon. Minister to go through the papers very seriously and carefully. On the same day that this information was published, there was another news item published in the *Hindustan Standard* dated 14th August saying that the Senate Panel is suspicious of US-Thai secret pact. It is said that it is the policy of the US Government to have certain secret pacts and those pacts were kept secret from the purview of Congress by the Pentagon.

The same thing is found here. There are three things to be considered. The US Congressional proceedings are exacting, high-powered proceedings. The fact of these secret sales of arms to Pakistan is certainly incontestable. Secondly, the Senate has been kept completely in the dark about the US-Thai secret pact by the Pentagon. This has been specifically stated by the Chairman of the Public Relations Committee, Senator William Fulbright. Thirdly, the mysterious fact of the supply of arms to Pakistan through third countries, such as West Germany, Iran etc., has been clearly stated by Senator Larry Coughlin.

In view of these things, this is a clear case of violation of commitments made to India by the US Government that there would be no arms supply to Pakistan after the Indo-Pak war. In this context, will Government consider lodging a sharp and strong protest with the US Government, to be sustained if necessary, by a new turn in our foreign policy towards that country, in view of their continued arms supply to Pakistan?

SHRI DINESH SINGH : I would beg of the hon. member to see it in the perspective in which it affects us. What the US Government has done on a secret basis with other countries they would naturally like to keep secret and would not disclose to us or to anybody else. The hon. Member has pointed out to a certain secret pact that they have entered into. How are we to know about it? These are matters which are kept secret between governments. Of course, every other country tries to find out, but it is not always possible to find out these secrets. We also keep some secrets despite our open society in this country.

Therefore, it has to be looked at in the perspective in which we are answerable to this House in regard to these matters. What the United States Government does, I do not say that it does right or it does wrong; it is on each matter that we have to see, and the fact that they have given such open support to Pakistan is a matter that has been discussed in this House and our opinion conveyed to the United States Government on many occasions. It is not something that we have seen for the first time; what we are now trying to do is to see that the United States adopts a certain attitude in the relations between India and Pakistan, and our talks with the United States Government have been on this basis. Whether they supply arms to Pakistan or not, it is our duty to defend ourselves, and let us look at it from that point of view. Whether Pakistan gets from China, from the Soviet Union or from the United States or buys from France or Germany or any other country, the point is that we have got to make greater efforts to defend ourselves. Let us not spend too much time in goging into what America is doing. Let us spend more time in seeing what we have to do to meet that challenge.

12:38 hrs.

#### QUESTION OF PRIVILEGE RE DELHI HIGH COURTS' SUMMONS TO MPS

MR. SPEAKER : There is a privilege motion already pending before the House.

SHRI HEM BARUA (Mangaldai):  
I wrote to you a letter.

MR. SPEAKER : I am on my legs now, on a different matter. I hope you will wait for some time. There are three privilege motions: by Shri Madhu Limaye a little earlier, by Shri Kundu and also one dated 4th August by Shri Salve. This is in connection with some discussion in this House about the Shankaracharya. Three of his disciples went to the high court and the judge later on, rather than deciding it himself, asked for the constitution of a Full Bench. So many points have been raised and very aptly raised by Shri Madhu Limaye, Shri Salve and also Shri Kundu. After reading the judgment and a number of

other points mentioned therein, before giving my own views, I would like to hear the hon. Members who have given the motions, very briefly, because the time is limited.

SHRI S. M. BANERJEE ( Kanpur ) : We are all affected.

SHRI NATH PAI (Rajapur) : Before we had the honour of electing you to this high office, the whole matter had been raised here and we were in possession of the House, and there was a directive from the then Deputy-Speaker who was presiding that when the matter is taken up we will be called to make a statement, since the matter is of utmost importance to the whole House.

MR. SPEAKER : If all of you should express your views about this, we can take it to another day also, if it is not finished today. Yes, Shri Salve.

SHRI N. K. P. SALVE (Betul) : Mr. Speaker, Sir, trusting yourself to be a very great realist and your anxiety to maintain the dignity of the House, I have no doubt in my mind that you will not hustle us through this matter which is of considerable importance. It is not without a sense of poignant distress that I feel impelled to seek leave of this House to raise this privilege issue about which I am now making a statement.

This matter of privilege involves certain exceedingly important and fundamental questions, questions which have very far-reaching consequences, because the issues in this privilege question are not confined merely to something like a censure of a citizen or a few citizens for an act of omission here and there, for disrespect to the House or for a breach of privilege of its Members, but the issues will ultimately necessitate a decision of this House, and the House will have to determine the attitude and approach it wants to adopt towards those people who want to recklessly and ruthlessly outrage the essential norms, the vital guarantees, and the immutable rights which are prescribed in the Constitution which give to this Parliament a commanding and impregnable position in the affairs of the nation, without which position the rich and luxurious growth of parliamentary democracy would be stultified and very soon it will make nonsense of parliamentary democracy.

SHRI RANGA (Srikakulam) : What is this privilege motion? Against whom? What is the subject matter?

SHRI N. K. P. SALVE : I am coming to that. I would beg of Shri Ranga to bear with me for two minutes.

MR. SPEAKER : If Professor Ranga is still anxious to know as to what it is about.

SHRI NATH PAI : Sir, you did explain it very lucidly in the beginning.

SHRI S. M. BANERJEE : It is in the Order Paper.

SHRI RANGA : It must be stated on the floor of the House.

MR. SPEAKER : It is already before the House and a number of suggestions have come to me on the number of issues involved from many hon. Members. This is in connection with the discussion about Sankaracharya in this House. It is already a pending matter. I thought he was aware of it. Otherwise, I would have asked the hon. Member to read the whole motion.

SHRI N. K. P. SALVE : I would beg of the indulgence of the hon. Leader of the Opposition to show a little patience to me. It is a very important matter, involving the dignity of the House, the honour of the Speaker and the privileges of themembers.

This question of privileges arose out of a suit of damages for defamation which has been filed by some citizens of Delhi. I do not want to give their names, because that will mean giving undue publicity to them. They are five of them and they have filed a suit in the Delhi High Court, suit No. 228 of 1969. The gravamen of the charge in the plaint is that the Speaker (Sir, your predecessor), the Home Minister, myself and two other Members of Parliament, who participated in a debate on a Calling Attention Notice, made certain observations regarding the Jagadguru Sankaracharya which were highly defamatory to the Sankaracharya, and that these plaintiffs have been offended, hurt and injured as a result of what we said here on the floor of the House. So, they filed suit for damages before the High Court of Delhi to the tune of Rs. 26,000.

[Sh. N. K. P. Salve]

For a proper appreciation of the issues involved it is necessary for me to demarcate the entire dispute into two parts, firstly, relating to the action and lapse of these five plaintiffs and their lawyers, who entered into an unholy alliance to drag us into a court of law in respect of what we have said here and, secondly, in respect of the attitude of the Delhi High Court, and to determine whether the Delhi High Court and its Judges acted justly, fairly and properly to protect the privileges of the Members of Parliament and to protect the honour and respect of the Speaker.

The first part of the matter, which has very close nexus with the demeanour of the plaintiffs and their lawyer, is very unfortunate and unfolds an extremely sordid story of an unwholly conspiracy to outrage the dignity of this House and the honour of the Speaker and an absolutely atrocious and arrogant attitude to trample the rights and privileges of the Members of Parliament. A plain reading of the plaint makes it absolutely clear that the plaintiffs and their lawyers were completely aware of the fact that no High Court can dare sit in judgment over the proceedings of this House. They were not unaware of the fact that it was not within their jurisdiction to adjudicate upon what hon. Members have said on the floor of the House, and we have never said a word on the matter outside this House. They knew the position fully well. But, then, they were not interested in seeking redress of their grievance; they were interested only in retaliation and vengeance.

MR. SPEAKER : I find that in the judgment they have accepted the plea that the members were protected. But I have not seen the judgment in detail. So, he may quote the relevant portion from the judgment.

SHRI N. K. P. SALVE : Sir, it is a very important matter. So, if you bear with me for a short while, I will be very grateful to you and to the House for the indulgence shown to me. I am dealing with the plaintiffs and their lawyer. Their entire action was motivated by considerations of retaliation and vengeance and the use of invective and abusive language against us which constitutes grave contempt and a

matter of which a very serious notice will have to be taken by this House.

The charges are fourfold. I will refer to the very relevant paragraphs very briefly. Firstly, it is contended in the plaint that the entire calling-attention was admitted in breach of the rules themselves, as though they are saying that Parliament acted in excess of its jurisdictions beyond its competence in debating this issue. Never have I heard a more astounding, more insane and stupid contention about the jurisdiction of Parliament. However, one of the contentions is that Parliament is not competent to discuss about the gospel of the Shankaracharya on untouchability.

The second contention is that the House was reduced to a common place with the connivance of the Speaker. It is unfortunate that many times things do happen in this House which do not add to the dignity of the House, but it is one thing to say that some things have happened which are unparliamentary and it is quite another thing to say that all of us have done this mudslinging on the Shankaracharya with your connivance. It constitutes a very grave contempt of the Speaker.

The third charge is that we, Members, who participated, used undignified and unparliamentary language and made false and malicious charge against the Shankaracharya. I have never known the Shankaracharya personally; I have never heard him. We are told that he is a man known for his profundity and erudition and that he is a great spiritual leader. We have absolutely nothing against him. All that we had stated was in relation to his observation in which he had propagated and justified untouchability, which conscientiously we had to oppose. It is in respect of that that we had made our submissions to the House.

The fourth charge is that in condemning the Shankaracharya we besmirched his image deliberately. Why so? Because the Government all these years had failed to eradicate untouchability and we were, therefore, anxious—all of us, including Shri Banerjee—to exonerate the Government and palm off the blame on the Shankaracharya.

**SHRI J. B. KRIPALANI (Guna) :** They have made each other untouchables.

**SHRI N. K. P. SALVE :** Therefore I submit that the entire plaint has been drafted distorting facts. It makes out a case that we were people who are mean, cowards, untrustworthy and not capable of being proper representatives of the people. This constitutes very grave contempt.

Now I may refer very briefly to two or three lines in this plaint. First I refer to what is stated in paragraph 15. I quote:

"In the instant case not only this Rule was thrown to the winds but the Speaker took part in the hurling of defamatory imputations and all the defendants while expressing themselves on the address of His Holiness Jagadguru Shankaracharya Ananta Shri Swami Niranjan Deva Teertha of Govardhan Peeth, Puri, gave themselves upto a use of language which was more common place than serious, more lax than dignified, more unparliamentary than sober, and jokes and puns were bandied around with playful sprress and His Holiness Jagadguru Shankaracharya Ananta Shri Swami Niranjan Deva Teertha of Govardhan Peeth, Puri, was made to appear as a leperous dog. The defendants forgot that use of unparliamentary words by device is as prohibited as its direct use."

It is further observed in paragraph 17:-

"To impute upon a person of the status of His Holiness Jagadguru Shankaracharya Ananta Shri Swami Niranjan Deva Teertha of Govardhan Peeth, Puri, that he was a person worthy of being placed "under the table" is nothing but saying that he is a dog or a lowly animal fit to lick the dust and when the unsolicited suggestion is made by the Speaker of the Lok Sabha, the imputation becomes more indecent and defamatory coming as it does from that forum and place. The Speaker is no more privileged to call a stranger to the House a dog as the stranger is no more privileged to call the Speaker a dog."

श्री प्रकाशवीर शास्त्री (हापुड़) : इस को संक्षेप में कहिये, क्यों लम्बा कर रहे हैं ?

श्री नरेन्द्रकुमार साल्वे: मेरा आप से अनुरोध है कि यह गम्भीर मामला है। इस को समझना चाहिये। जल्दी किस बात की है? दो चार लाइनें हैं। श्री रंगा ने समझना चाहा था कि क्या मसला है, इसलिये चार लाइनें पढ़ कर मैं खत्म करता हूँ।

"The defendants severally and collectively in the manner already herein stated before in this plaint maliciously spoke and published of His Holiness Jagadguru Ananta Shri Swami Niranjan Deva Teertha of Govardhan Peeth, Puri, words and sentences which not only mean that he is a criminal of the worst type who should be punished with public whipping, but also that he is also a degraded and wretched person unworthy of being permitted to live in this country, that he should therefore be hanged, and in any event he was a person who was so defiled, malignant and polluted that it was not proper for anyone even to touch him".

Not a word of these allegations has an iota of truth about them. This is done purely with a view to maligning us, distorting facts and wreaking vengeance upon us. Therefore, it is my submission to this House that the plaintiffs and their lawyer planned a conspiracy and filed a suit against the Speaker, myself, the Home Minister and two other Members, of Parliament making insulting, unwarranted and outrageous statements against us, imputing unholy motives for what we stated *bona fide* and conscientiously on the floor of the House, and dragged us to a court of law tendenciously knowing full well that they had no remedy in a court of law. Therefore, I submit, the House should give its permission to raise this issue here in the House itself.

As regards the High Court, I only want to submit that article 105(2), in turn says that Members of Parliament.....

**MR. SPEAKER :** That is very clear from the judgement.

**SHRI N.K.P. SALVE :** I do not have a copy of the judgement.

**MR. SPEAKER :** What is your suggestion?

**SHRI N.K.P. SALVE:** Kindly allow me a minute. My point is something different. Article 105(2) in term, says that Members of Parliament have absolute immunity....

**MR. SPEAKER:** That we know. You may please come out with your suggestion.

**SHRI N.K.P. SALVE:** Order 7 of Rule XI of the Code of Civil Procedure, in term, says that "the plaint shall be rejected in the following cases where the suit appears from the statement in the plaint to be barred by law".....

**MR. SPEAKER:** That is presumed; we all know it. You may please come out with your suggestion. You want it to be sent to the Privileges Committee. You have explained your case. You make out a case for a question of privilege. That is to be judged by the Committee. That is all.

**SHRI N.K.P. SALVE:** I seek your indulgence for a minute. I have made out a case, firstly, against the plaintiff and then the lawyer and now about the High Court. It is a very delicate matter. I submit that this House should consider whether the High Court should have dismissed the suit *in limine* without necessitating our presence in the court by issuing summons. I do not know whether the Government had to pay any fees to the lawyer who appeared before the High Court to argue the case and plead immunity for us from proceedings in a court of law under article 105(2) of the Constitution and whether it constitutes an act where the High Court has failed to be vigilant in its duties.

✓ **श्री मधु लिमये (मुंगेर):** अध्यक्ष महोदय, मैं ज्यादा समय नहीं लेना चाहता। मैं दो ही मुद्दों की तरफ आप की मारफत सदन का ध्यान खींचना चाहता हूँ। सवाल यह है कि जब संविधान की धारा 105(2) में साफ शब्दों में लिखा हुआ है कि पार्लियामेंट में जो भाषण होंगे या बोट दिये जायेंगे उन को लेकर किसी भी अदालत में कार्रवाई नहीं की जायेगी तब क्या वजह थी कि दिल्ली हाई कोर्ट के जज ने समन्स जारी किये? समन्स भी प्रोसीडिंग्स अर्थात् प्रक्रिया का एक

हिस्सा होते हैं। मेरे पास असिस्टेंट रजिस्ट्रार का समन्स जो है उसकी कापी है। उस में यह कहा गया है कि :

"You are hereby summoned to appear in this court in person...."

और यह नहीं करेगे तो उसमें उन्होंने लिखा है कि :

"...take notice that in default of your appearance on the date above mentioned, the suit will be heard and determined in your absence".

मेरी राय में रजिस्ट्रार और जज साहब को इस तरह के समन्स निकालने का कोई अधिकार नहीं था और इस के बारे में कोई सन्देह नहीं हो सकता। अगर वह धारा 105(2) को पढ़ते तो उन को पता चलता कि इस तरह का सूट कोई भी आदमी अदालत के सामने नहीं ले जा सकता है और न अदालत उसके ऊपर किसी प्रकार की कार्रवाई ही कर सकती है।

दूसरी बात यह है कि जब सरकार ने यहां पर आश्वासन दिया कि हम दिल्ली अदालत का ध्यान इस बात की ओर खींचेंगे। उस के बाद सरकारी वकील ने जो कहा और उस पर जज साहब की जो प्रतिक्रिया हुई वह जजमेंट से बिल्कुल साफ है। उसी पर मेरा आक्षेप है। जजमेंट की कापी मेरे पास है, उस में जो कुछ जज साहब कहते हैं और बाद में फुल बेंच ने जो कुछ कहा है, उस के जजमेंट के उस हिस्से को मैं पढ़ता हूँ :

"During the pendency of the suit, an application under order 7, rule 11, and order 27-A of the Code of Civil Procedure read with article 105 of the Constitution was filed on behalf of the Union of India praying that the plaint might be rejected under order 7, rule 11 of the Code of Civil Procedure as the present suit was not maintainable in view of the provision of article 105 of the Constitution. Prayer was also made that the Union of India might be added as a party and that notice be issued to the Attorney General of India. When the

case came up before Prakash Narain J. on July 30, 1969, the learned judge observed that the matter was of considerable importance as to the interpretation of the Constitution. He directed that a notice be issued to the Attorney General. He also referred the matter to the Chief Justice for constituting a Bench of two or more judges for disposal of the contention raised. It is in these circumstances that the case has been posted for hearing before the Full Bench of this Court."

फुल बेंच ने जो निर्णय किया है उसमें किसी का कोई झगड़ा नहीं है। किन्तु एक जो जज था श्री प्रकाश नारायण, उसके बारे में मुझे एतराज है। जब एक जिम्मेदार आदमी अदालत की कुर्सी पर बैठता है तो उसको तो कम-से-कम इमका ख्याल रखना चाहिये कि कौन सा मूट उनके सामने आ सकता है। मेरी उन के बारे में शिकायत है न कि फुल बेंच के बारे में। बाकी जिन लोगों ने शिकायत की उनके बारे में मैं निवेदन करूंगा कि उनको तो बिल्कुल तुच्छता और हिकारत की दृष्टि से हम को देखना चाहिये। उम में कोई दम नहीं है। उन्होंने जो काम किया वह गलत था। लेकिन जज के बारे में मैं यह जरूर कहना चाहता हूँ कि अदालत और संसद का रिश्ता ऐसा होना चाहिये कि अदालत हमारे अधिकारों पर आक्रमण न करे और हम लोग भी अदालत के अधिकारों का अतिक्रमण न करें। इस में अदालत के द्वारा यानी श्री प्रकाश नारायण जज के द्वारा हमारे अधिकारों पर आक्रमण हुआ है और उन्होंने जो हाजिर रहने का हुकम दिया, सम्मन इशू किया वह गलत किया। यह मैं आपकी मार्फत सदन के और उनके भी ध्यान में लाना चाहता हूँ। इसके अलावा मुझे और कुछ नहीं कहना है।

SHRI NATH PAI (Rajpur) : I shall try to be very brief. As the two previous speakers have submitted, the issues raised are of vital importance. We are aware that the hon. Law Minister informed the House that the proceedings were dropped. The matter does not end with the dropping of the proceedings after the intervention of

the Attorney General of India. The issue, as you will see, ought to have been known to the lawyers who drafted the plaint and also to the learned judge who allowed the summons to be issued. The issue is one of relationship between Legislature and Judiciary. It is not only a question of privilege of Members or of Parliament. The basic issue which ought to have occurred to the learned judge is one of relationship between Legislature and Judiciary. May I submit very briefly here that this issue has been very clearly defined finally by the Supreme Court in Keshav Singh's case. We have four distinguished cases in this regard... (*Interruptions*) I was submitting to you that this issue has been debated, discussed and finally decided by the Supreme Court and the other courts of judicature in this country. We have the Sharma's case; we have the Searchlight's case; we have the very important case of Keshav Singh; we have also the Orissa case. (*Interruption*) I would not go into all these here. As Mr. Madhu Limaye pointed out, and I may once again remind the House of this, issuing summons is not an ordinary thing. The Committee on Privileges of Parliament has recommended to the Government of India which then recommended to the Governments of the States to bring to the notice of the Chief Justices of High Courts what should be the methodology of dealing with Houses of Parliament and State Legislatures. Here I would like to read out this part:

"...that when Parliamentary records are required to be produced before courts of law, a proper form should be adopted:

"that in most cases it would be sufficient to call for only certified copies of the documents, at any rate in the first instance, and that the original documents might be called for at a later stage if the parties insisted upon their strict proof."

This is the position even when documents are required to be produced. Here the court did not bother to ask for the certified copy. The court, to start with, issued summons to Members of Parliament. May I state here what the law is. Beginning with the Bill of rights, the law is very clearly stated.

[Shri Nath Pai]

"The freedom of speech and debate— all proceedings in Parliament are not to be impeached or questioned in any court."

This has been the Bill of Rights. In Bradlaugh's case, the House of Commons debated this. This was the law that was taken into consideration by the Constituent Assembly when it drafted article 105(2) and article 194 which applies to the State Assemblies. But the law was finally stated in the case of Keshav Singh where the Court and Legislature tried to reach a harmonious relationship. The UP Legislature after the reference by the Court has written something which is worthy of being taken note of by the High Courts, by the Supreme Court and by this House also. The basic issue is not to provoke an artificial conflict. I am afraid that the learned Judge of the Judicature of Delhi was totally oblivious of his basic duties. Any plaint which is barred by Rule 11 or Rule 7 or procedures ought not to have been entertained and a cursory look at the plaint shows that at every stage the plaint was barred by the law of Civil Procedure in this country. I do not know how the Registrar allowed such summons being issued. This is the basic issue. It is not a question of a bad lawyer doing the job. It is the Registrar who is responsible and without the permission of the House the summons was issued. The summons was issued after the approval of the Court. Sir, I would not take the time of the House. The issue has been framed. The issue is whether the High Court was justified in issuing the summons when Members are trying to discharge their duty. I would beg of those hon Members who disagree: what has His Holiness said. What is the place of untouchability? According to me and according to the scriptures of Hinduism there is no place for untouchability and nobody who pretends to be the Head of a religion and nobody who pretends to be the head of a sect can preach untouchability. There is no Jagatguru for the whole of Hindus. Let us make it very clear. This institution of Jagatguru does not exist in Hinduism at all. Anybody who pretends to speak in the name of scriptures ought to have known.

सर्वभूतस्थम् आत्मानाम्

Let us not entangle ourselves. I would beg of them who do not agree: let us not go into that issue here. Our issue is the propriety of issuing a summons when members expressed themselves on an issue which concerns them deeply. Let us not cast aspersions on the High Court. But, for me, the breach of privilege is very clear. May I submit to you, Sir, you guide the House and refer it to the Committee of privileges so that we can try to deal with it with proper circumspection and due decorum. This is a motion which will be supported by all. If, however, there is any opposition from the Law Minister, may I appeal to you that you, in your inherent discretion, refer the matter to the Privileges Committee so that in future there is no artificial conflict between the Judicature and the Legislature.

MR. SPEAKER: I have already heard a number of arguments in favour of reference of this privilege motion to the Committee of Privileges. I have been informed by the Government also that they have no objection to it. So I do not think there is any other matter left pending. I would request the non. Members who are very anxious....

श्री कंबर लाल गुप्त : दूसरी साइड भी आप सुनिये ।

MR. SPEAKER: You are against this motion? (*Interruptions*)

SHRI NATH PAI: Then I would like to continue my submission. I thought that there would not be any objection.

MR. SPEAKER: If you have any objection, I can postpone this discussion to another time. It is already lunch time. We may fix another time for this.

SHRI SURENDERANATH DWIVEDY (Kendrapara): I do not think there is any objection.

MR. SPEAKER: I think we may take it up tomorrow. Hon Members who are opposed to it....

SHRI BAL RAJ MADHOK (South Delhi): It is not a question of being opposed. Certain comments have been

made. I would like to make some submissions. There is no question of opposing.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON): I am in complete agreement with hon. Shri Salve that this is a matter which should go to the Privileges Committee. This is a most extraordinary thing. Ever since this Parliament was constituted a thing like this has not happened. A suit by half a dozen people who have nothing to do with the matter, saying that they are aggrieved with what some Members of Parliament including the Speaker said on a certain matter go to the Court. This matter should go to the Committee of Privileges. The Committee of Privileges should examine who among these people referred to here have erred in this matter.

We should create a precedent which should be available for us ever to follow.

13 hrs.

SHRI S. M. BANERJEE: What about the judge ?

SHRI GOVINDA MENON: If you read rule 222 you will see. It says that a member may with the consent of the Speaker raise the question involving breach of privilege either of a Member or of the House or of a committee thereof. My point is that there has been a breach of privilege and it is for the committee to consider who are the persons who have to be summoned or who are to be punished in this matter. It may be the plaintiffs; it may be the defendants; it may be the registrar or it may be anybody else. I do not want to express my opinion as to whether the court has not discharged its duties properly or not. I shall do it in the Privileges Committee.

SHRI BAL RAJ MADHOK: While I approve the suggestion made that the matter should be referred to the Privileges Committee, I want to make one submission. It is true that article 105 gives us Members of Parliament certain rights and freedom of speech. I think that we Members have also an obligation that we make use of that right and speak in a responsible manner....(Interruptions) This shows that

we are not behaving in a responsible way. I care for the privileges no less than you. At the same time we are not super beings. We are also human beings like the others. In this country things are happening which nobody likes and which everybody condemns. If anybody justifies untouchability on the basis of religion, I am the first to condemn it in the strongest possible terms. I know no scriptures in this country which justify it..

SHRI S. M. BANERJEE: The motion was moved by Mr. Salve and it was supported by other Members of Parliament and ultimately supported by the Law Minister. If anybody wants to oppose it, he can make a statement against this. Mr. Madhok is not opposing it; he said so even at the outset. Then this sermon on the Mount is not necessary. He can give sermons to Members who shout every day.

SHRI BAL RAJ MADHOK: I have as much right to make comment as anybody else. I was saying that it was anti social and anachronistic. It is against the basic values of our country. It is opposed to our Constitution. Therefore, there is no question of justifying untouchability or justifying anybody who support it. My only submission is this. There are many things in this country being done which are anti-social, unconstitutional; and which we all condemn; they undermine the Constitution. (Interruption)

MR. SPEAKER: Please first listen to me. You see this is not a debate where statement and counter-statements and accusation and counter-accusation are made. It is a simple question of a breach of privilege, and this is almost the unanimous opinion of this House.

SHRI BAL RAJ MADHOK: I shall complete what I wanted to say. Let us be clear. For example, there are people in this country who justify polygamy on grounds of religion. Would you justify that that is also a breach of privilege of this House? My submission is that when we condemn something bad, even then, while speaking in this House, we should use language which is decent, which is sensible; I am sorry that on that day, the words used in regard to Shankaracharya were not in a very decent language. I would like to appeal to the House, through



[Shri Balraj Madhok]

you, that in future, in respect of those people who cannot defend themselves in this House; we should use a language which is worthy of us, which is not irresponsible, which is not indecent. This is the only submission that I wanted to make.

SHRI RANDHIR SINGH (Rohtak): Shankaracharya should behave. (*Interruption*).

SHRI UMANATH (Pudukkottai) : Just one point. It is an important point arising out of this.

MR. SPEAKER: Is it a point of order?

SHRI UMANATH: It is on this breach of privilege question. Whenever questions of privilege are raised, especially about the conduct of the Members during their speeches or anything, there is one point to be remembered. This is the argument that Mr. Madhok raised, namely, the Members must be responsible: I submit with all due respect that if it is this argument that is encouraging this sort of breach of privilege outside. Why I am saying this is because,—I will tell you—on an earlier occasion, when a similar question arose in this very House, —I am referring to the question of breach of privilege which applied to my conduct—my conduct in this House was referred to. Mr. Ramkrishna Bajaj took it that what I said affected him; that he was affected by it. He called me a liar and typed out circulars and circulated them to all the Members of this House, calling me a liar for my speech on the floor of the House. At that time, it was the hon. Deputy Prime Minister himself, on behalf of the Government, who said that there was no breach of privilege because the hon. Member must be responsible for making speeches here. I say that it is this stand of this Government as well as some of the parties talking about our responsibility that has encouraged certain persons to go to the court and call the Speaker himself a dog.

MR. SPEAKER: The fundamental question that arises here is this. Who is to judge the relevancy or not is not the question. We are our own judges here. Why should it go to the court and why should any court sit around and see the merits of the obser-

vations. That is the point in question. What Mr. Madhok said—nobody denies it, but it should be decided by the House here. Any Member may invite the attention of the Speaker whether it is fair or not fair. It is for us to decide here and not for these people who are sitting out. As I understand, it, I think the Members are unanimous on referring this to the Privileges Committee.

There are two points, as far as I understand, and we shall draft them properly along with the others that hon. Members might suggest. The two points on which we have to judge are as follows.

The first in about the violation of the privileges of the House by the plaintiffs.

SHRI N. K. P. SALVE : Plaintiffs and the lawyer.

MR. SPEAKER : Then, we have also to judge the action of the judge in entertaining the plaint.....

SHRI N. K. P. SALVE : And issuing summons.

MR. SPEAKER...and then issuing summons and then recommending it for reference to a full Bench. In that light, we shall have to examine in detail the relations between the legislature and the High Court. Is there any other matter?

SHRI RABI RAY (Puri) : I think that would be enough.

MR. SPEAKER : These two are enough. With the unanimous approval of the Members, I refer this motion to the Privileges Committee.

SHRI SONAVANE (Pandharpur) : The lawyers also.

AN HON. MEMBER : They are professionals. (*Interruptions*).

MR. SPEAKER : I shall see to it to tomorrow. Let not any Member worry about it. I shall take due care of it.

13.13 hrs.

*The Lok Sabha adjourned for Lunch till Fourteen of the Clock.*