

[Mr. Speaker]

was a secret statement and that the contents of the statement are being treated secret. I was informed about that. I could not question it. (*Interruption*). Order, order. It is for the Minister in charge to consider about it. That has been done. It is quite in order. That ought not to be questioned.

Shri Hari Vishnu Kamath: May we have an assurance that this will not be a precedent for the future?

Mr. Speaker: No assurance; perhaps it may have to be done many a time.

12.43 hrs

STATEMENT BY MEMBER

Mr. Speaker: Shri J. B. Kripalani, He might sit and speak. Let us hear him patiently.

Shri J. B. Kripalani (Amroha): Mr. Speaker, Sir, I thank you for the facility that you have allowed me, to sit and speak.

12:43 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The day after the discussion on the no-confidence motion of October last was over, I wanted to raise in the House a matter of public importance connected with the integrity of the Members. But I was taken ill. It is only now that the doctors have allowed me to do some of my normal work. I, therefore, take the first opportunity to raise the issue.

I was accused during the debate of using Gandhi Ashram funds for my election. It was also said that I had defalcated lakhs of rupees given to me by the Dalai Lama for the relief of the Tibetan refugees. I denied these charges. But that was only word against word. I feel that if serious

charges are levelled by Members of this august House against their colleagues, these charges must be investigated. I therefore request you either yourself to institute an enquiry into all these charges or appoint a committee of one or more Congress Members of this House to do so. It will not be difficult to find the truth.

So far as the Ashram funds are concerned, they are deposited in one or two banks. It can easily be ascertained if any account of the Ashram stands in my name even though I was its director. If I cannot draw money from the banks I can only get it in collusion with the Secretary of the Ashram, Shri Vichitra Narain Sharma. He is a Congressman of 43 years' standing and was a Minister in the Uttar Pradesh Cabinet for 12 years. Enquiries can be made from him. He is not likely to allow an Opposition candidate to use public funds at his disposal. The Ashram accounts undergo a double audit; one internal and the other instituted by the Khadi and Village Industries Commission, for the Ashram has received from it a large amount of money as loan.

The second charge whether any money was given to me by the Dalai Lama for the relief of the Tibetan refugees can also be easily verified by writing to him and asking him if he has ever contributed any funds whatsoever either to the Tibetan Relief Committee or to me personally for relief work. If he has given money he will naturally be anxious to know what has happened to it. Whether any funds were given by him for relief to the Committee can also be ascertained from the treasurers of the Relief Committee. For years, Shri Morarka, a Congress Member of this House, was the treasurer. Recently, another hon. Member of the House Shri Kamalnayan Bajaj, who was for many years the treasurer of the Congress Party, is the treasurer. Their evidence may be taken. Further,

the Tibetan Relief Committee was formed by the A.I.C.C. as an all-party Committee, and one of its former General Secretaries and several Congressmen were its members. Also a high officer of the Foreign Department has always been its member or an invitee to all its meetings. Copies of all the important correspondence are always sent to the Foreign Department.

Public men must not only be honest but also appear to be honest. They must be like Caesar's wife; nay, even more, because Caesar's wife was not above suspicion.

Then a Member of this House belonging to the fair sex treated me unfairly. She said that Ashram workers were coerced to work for me in the elections, on pain of being deprived of their livelihood, in spite of the fact that they were in sympathy with the Congress. People are not coerced to canvass votes. If they are, they are likely to work against those who coerce them. I challenged her statement. The charge may also be investigated by you or the Committee I have suggested.

If these Members cannot prove their charges, the least they can do is to withdraw them. If they do not, they will be casting doubts not only upon my honesty but on the working of the institutions that have for years been doing philanthropic and charitable work and enjoying the confidence of the people and they will also be lowering the prestige of this august House. Such charges involve the privilege of the House. If because some Member of the Treasury Benches, present or past, is criticised and as a result, wild charges are brought against the critic, the Members may be afraid to do their duty by the public.

Sir, as these defamatory statements were made on the floor of the House, under its privilege, my remedy can lie only with you and with this House. Thank you.

Shri Hari Vishnu Kamath: I hope some action will be taken as suggested by my hon. friend.

Shri Ansar Harvani (Bisauli): Sir, I have the greatest respect and admiration for Acharya Kripalani. I belong to that generation which was inspired by him and men like him to join the national movement and suffer and sacrifice for the freedom of our country. In fact, I am nearer to him than to many Members on my own side, who had not joined the freedom struggle. When I spoke on August 21st and 22nd, in defence of the Government headed by our great Prime Minister, I spoke with a full sense of responsibility. My allegations against Acharya Kripalani in reply to his wild remarks against the Congress Government were based on facts which were to my knowledge. All that I have said, I have said in good faith and I still stand by them. (*Interruptions*).

Shri Hari Vishnu Kamath (Hoshangabad): That air must be cleared.

Shri Hem Barua (Gauhati): A committee should be appointed immediately.

Mr. Deputy-Speaker: Further consideration of the following motion . . .

Shri Nath Pai (Rajapur): Sir, may I seek your protection and guidance? This is a matter that does not concern the two individuals who have taken part in making statements. It touches upon the integrity of the whole House and the modes we are going to set up. May I reiterate the suggestion made by Acharya Kripalani that you will have to look into this matter? Here Acharya Kripalani has all the evidence that he could muster and seeks protection, because it is his integrity that has been challenged. But, Sir, in a remote manner it is the integrity of the whole House that is involved. If Mr. Harvani is going to insist—he has every right to do so I think—that he has acted in good faith, the only remedy that remains to us,

[Shri Nath Pai]

because we want to shield our own reputation, is that you look into the question of appointing a committee. If we do not do that, I think we shall have miserably failed in our duty.

Mr. Deputy-Speaker: Both the statements are now on record. If the hon. Members wants any further action to be taken, they are at liberty to make any motion to the House.

Shrimati Subhadra Joshi (Balrampur); May I say . . .

Mr. Deputy-Speaker: Nothing more now, further consideration . . .

Shri J. B. Kripalani: May I suggest this is not fair to me? Either you say that no committee will be appointed and nothing will be done and those charges will remain in the debates of the House or something should be done.

Mr. Deputy-Speaker: If any action has to be taken, the hon. Member will have to make a motion. They know the rules.

Shri Nath Pai: Before the hon. Prime Minister leaves, may I make an appeal to him as Leader of the House that this matter need not be treated as a party matter so lightly, involving the integrity of two individuals? This is of the greatest importance to all of us. We have to evolve a proper procedure. (*Interruptions*).

Mr. Deputy-Speaker: Order, order I am saying that hon. Members are at liberty to table any motion.

Shri Nath Pai: As Leader of the House, the Prime Minister has a responsibility in this matter.

Shri Hem Barua: As Leader of the House, he should say something.

Mr. Deputy-Speaker: Unless there is some motion before the House . . . (*Interruptions*).

Shri Hem Barua: It is a very strange thing!

Shri Nath Pai: Why have the institution called Leader of the House if we cannot get any assistance from him?

Mr. Deputy-Speaker: I am saying that the hon. Members are at liberty to table any motion according to the rules. The Speaker will certainly look into it.

Shri M. R. Masani (Rajkot): Would you admit a motion now, Sir? Would you allow us to move a motion just now?

Mr. Deputy-Speaker: Not now. Notice will have to be given and the Speaker will have to take action on it.

Shri Surendranath Dwivedy (Kendrapara): We had no notice that Mr. Harvani was also going to make a clarificatory statement. The matter is before the House. Acharya Kripalani has made a suggestion. He stands by his previous allegations. I think the matter is before the House. The Leader of the House is there. We may appoint a committee here and now. This may be taken as a formal motion.

Mr. Deputy-Speaker: That is not the way we have to proceed. I am suggesting to hon. Members that they are at liberty to make any motion.

Shri Nath Pai: The Prime Minister is always quick on his legs whenever anything happens, but now . . .

Shri Radhelal Vyas (Ujjain): He has also raised the question of privilege, Sir.

Shri Bade: On a point of order, Sir. Mr. Nath Pai has moved the motion now.

Mr. Deputy-Speaker: Due notice has to be given of the motion.

Shri Hem Barua: Why this silence on the part of the Prime Minister?

Mr. Deputy-Speaker: I am not calling on the Prime Minister to make any statement. He is not concerned.

Shri Hem Barua: When the Prime Minister does not say anything, it is a reflection on him also. He is a silent party to this. (*Interruptions*). We would request the Prime Minister to make a statement on the floor of the House in all sense of justice. (*Interruptions*).

Shri Tyagi: It is neither that party nor this party. It is a case of two individuals.

Some Hon. Members: No, no.

Mr. Deputy-Speaker: Order, order.

Shri H. P. Chatterjee (Nabadwip): It is not between two individuals. The Prime Minister is the Leader of the House and he should answer it. He is silent. He is failing the country.

Mr. Deputy-Speaker: Order, order. When I am standing, hon. Members should sit down.

Shri H. P. Chatterjee: Charges have been given and he is silent. Why should he be silent?

The Prime Minister and Leader of the House (**Shri Jawaharlal Nehru**): I am really surprised at the way some hon. Members opposite are excited about it and repeatedly point to me. This is the first time I have heard about it. I have listened to the statement of Acharya Kripalani, I do not know; I cannot immediately suggest something. If something is put forward, we can consider it, I am sure the Speaker will consider what is being said and will propose something.

Mr. Deputy-Speaker: That is what I said.

Shri Hem Barua: Is it not crystal clear to you, when you compare the two? From the statements, can't you understand what is the motive behind it?

Mr. Deputy-Speaker: Order, order; the Prime Minister is on his legs.

Shri Hem Barua: He is an intelligent man and he should understand.

Shri Jawaharlal Nehru: The hon. Member may be very well-known, very much admired, etc. But as Mr. Tyagi said, it is a matter between two persons.

Shri Hem Barua: It is not.

Shri H. P. Chatterjee: You are protecting that Member.

Shri Jawaharlal Nehru: The hon. Member opposite is much too excited. I do not know whom I am protecting and why I am protecting. I am merely saying that this matter has to be considered by the Speaker and whatever he suggests, he will place before the House and the House will determine what should be done, I cannot straightway say anything.

Mr. Deputy-Speaker: That is what I suggested earlier. Hon. Members will make a motion and the Speaker will certainly consider it.

Shri M. R. Masani: I think the Prime Minister has put it quite correctly. What he said is that it is for the Speaker to consider and take the initiative. It is not necessary for Members to be forced to make a motion. We will be grateful if the Chair, as the guardian of our privileges and our honour considers Acharya Kripalani's request and takes a decision on it. I would request you to convey it to the Speaker.

Mr. Deputy-Speaker: I will convey this to the Speaker to consider it.

Shri J. B. Kripalani: May I say a word?

Mr. Deputy-Speaker: I think the matter is closed now. The Speaker will certainly consider all the statements made on the floor of the House.

Shri J. B. Kripalani: The Prime Minister has said that he agrees with our friend Shri Tyagi that it is a question between two Members.

[Shri J. B. Kripalani]

I have made it very clear in my statement that it is a question of public institutions and also a question of the privileges of this House.

Shri Tyagi (Dehra Dun): What I wanted to say was that Shri Kripalani's complaint is against an individual Member of this House, not against the party as a whole. The hon. Member has not spoken on behalf of the party as such. An allegation is made by a Member, which is refuted. The Member insists that his allegation stands. So, Sir, the case is there for you to decide. What I want to say is—and the Prime Minister has made it clear—please do not take it that the party as such has accused; nothing of that sort. It is a case between two individual Members.

13 hrs.

Shri Hem Barua: He does not represent you, that is what you say? (Interruptions).

Shri Hanumanthaiya (Bangalore City): Kindly permit me to say a few words. This has arisen for the first time. I am one with hon. Members on my right that the prestige of the House should be safeguarded, but, at the same time, they must realise the implication of their demand. Today if you give authority to the Prime Minister or the Speaker to institute an enquiry straightway, you yourself would later say that they manoeuvred to institute an enquiry in regard to a Member whom the Speaker or the Prime Minister did not like.

An hon. Member: No, no.

Shri Hanumanthaiya: Please keep quiet.

So, the ruling that you have given guarantees the rights and privileges of the House in a perfect manner, because a Member must be tried by his colleagues; not by an individual, whether it is the Speaker or the Prime Minister. Therefore, when you make

a proposition that the House must approve of a particular procedure regarding the institution of an enquiry, then full protection is guaranteed to the rights and privileges of the Members. I want hon. Members to appreciate my point of view that in our anxiety to get the enquiry made, or investigation started, we should not unwittingly hand over our rights to an individual so that he may do whatever he likes. Therefore, please sponsor a proposition in that way. We are here to support you.

Shri Harish Chandra Mathur rose—

Mr. Deputy-Speaker: I think it should be treated as closed.

Shri Harish Chandra Mathur (Jalore): I think it is a very serious matter which affects every sitting Member of this House. There is great force in what Shri Hanumanthaiya said, but I wish to add something more. I wish to remind you that when certain wild allegations were made by Shri Bagri on the floor of this House against Shri Humayun Kabir, it was the Speaker who *suo motu* wanted to get into the matter and wanted Shri Bagri to substantiate the allegations. He took the initiative in this matter. If any member feels strongly about it, as Shri Humayun Kabir did when wild allegations were made against him, it is for the Speaker to take action, as he did on the previous occasion, when he took upon himself the responsibility to see whether there was a *prima facie* case or not and then asked the House to proceed in that manner. So, the Prime Minister does not come into the picture. He owes no responsibility in this case. It is not a party case. It is not Congress Party any other party, accusing each other. It concerns the entire House and the procedure of the House. There is a precedence in this matter where the Speaker took the initiative on his own. When I went to his Chamber

at that time, he told me "I do not like wild allegations to be made on the floor of this House and they go unchallenged". If any particular Member takes exception to the remarks that have been made by another Member, certainly, you can expect from the Chair that *prima facie* an enquiry will be made into it, then the House will be taken into confidence and something will be done about it so that in future no wild allegations are made either by this side or that side.

Some Hon. Members rose—

Mr. Deputy-Speaker: I am not allowing any further statements.

Shri Harish Chandra Mathur: I only wanted to quote the precedent.

Shri D. C. Sharma: Sir, may I submit.....

Mr. Deputy-Speaker: I am not going to allow a discussion.

Shri D. C. Sharma: But, Sir, you have given opportunity to some Members.

Mr. Deputy-Speaker: Shri Sharma will please sit down. The question is under what rules the enquiry has to be made. The Prime Minister has suggested, as I have suggested earlier, that a motion may be made. It will strengthen the hands of the Speaker also. All the discussion that has taken place will be considered by the Speaker and he will take whatever action is necessary to be taken.

Shri M. R. Masani: May I plead that you should not press for a motion? Let the Speaker consider this question.

Mr. Deputy-Speaker: All right. This question will be considered. Now we will take up the next item.

13.05 hrs.

COMPANIES (AMENDMENT) BILL—*contd.*

Mr. Deputy-Speaker: The House will now take up further consideration of the Companies (Amendment) Bill, as reported by the Select Committee. One hour and fifty-five minutes remain. Only ten minutes for each Member.

Shri Heda (Nizamabad): Mr. Deputy-Speaker, before I give my support to this Bill I would like to welcome the policy statement made by the Finance Minister. I am happy to note that a number of Members have also welcomed it. I welcome his radio speech in last October and I hope he will continue this new method and thereby take the House and the nation into confidence and give them some indication of the state of affairs of our economy. I would only say that he should use a language which is more understandable to the common man.

Coming to the Bill, within the limited time at my disposal, I will take one or two points. The first point, which is the major and most controversial point, is regarding clause 5. The Finance Minister in his statement has mentioned that the implication of this clause, on which there is a controversy, is very much limited. If I may be allowed to read out a few sentences from his speech, he says:

"It has been mentioned to me and there has been some discussion outside about this particular clause whether the intention of the Government is to include loans issued by corporations over which Government has control, like the IFC and so on. I may at once deny that there is any such intention. The loans that are sought to be covered by this provision are loans directly given by Government and it is not