

अध्यक्ष महोदय : अब इस पर माननीय सदस्यों को ज़िद नहीं करनी चाहिए।

श्री बड़े : कल 34 के 34 लोगों को मौका दिया गया था तो आज भी जितने नाम उसमें दर्ज हैं उन सभी को सवाल पूछने दिया जाय।

अध्यक्ष महोदय : 34 के 34 लोगों को मौका दे दिया था जब समय था लेकिन आज 40 मिनट पहले ही इस पर खर्च हो चुके हैं और हमें यह भी देखना चाहिए कि हम कितना वक्त खर्च करते हैं वाकी चीजों पर। इस पर काफी बहस हो चुकी है। अब कार्यवाही आगे चलनी चाहिए। श्री रामसेवक यादव।

श्री गुलशन : हमें एक सवाल करने दिया जाय।

अध्यक्ष महोदय : श्री किसी शक्य में आप इस मामले को पेश करिये।

There is another Calling Attention notice about Cambodia and Laos. That will be taken up at 5-45 P.M. today in the afternoon. Shri Ram Sewak Yadav.

श्री बूटा सिंह (मोगा) : कैसे आयेगा ? पंजाब के मैम्बर्स को सवाल पूछने का मौका दिया जाय।

श्री बागड़ी (हियार) : अध्यक्ष महोदय, मेरा पहले एक व्यवस्था का सवाल सुन लिया जाय।

Shri Khadilkar (Khed): May I rise on a point of order?

Mr. Speaker: Shri Ram Sewak Yadav.

श्री बागड़ी : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न तो सुन लीजिए।

अध्यक्ष महोदय : अब माननीय सदस्य बट जायें। मैं इस को नहीं ले सकता हूँ।

श्री बागड़ी : आप समय तो नहीं दे सकते लेकिन आप के पास कोई नीति होगी, कोई कायदे-कानून होंगे, जिन के अनुसार आप चलते हैं।

अध्यक्ष महोदय : मैंने श्री रामसेवक यादव को बुलाया है। मुझे उन को सुन लेने दीजिए। श्री बागड़ी के पार्यट आफ़ आर्डर के बारे में मुझे इत्तिला मिली हुई है। मैं बाद में उस को सुन लूंगा।

श्री बूटा सिंह : मेरा भी एक : बमिशन है।

अध्यक्ष महोदय : वह बात अब खत्म हो गई है। अब आप मुझे आगे चलने दीजिए। मैंने श्री रामसेवक यादव को बुलाया है।

एक माननीय सदस्य : यह चलन तरीका है।

एक माननीय सदस्य : यह कानून का उल्लंघन है।

12.41 hrs.

RE: QUESTION OF PRIVILEGE

श्री रामसेवक यादव (बारांबंकी) : अध्यक्ष महोदय, 19 तारीख को इसी सदन में भारत सेवक समाज के प्रवक्ता के अख़्तबारी बयान को लेकर जो उन्होंने लोक लेखा समिति के प्रतिवेदन के खिलाफ़ दिया था, एक चर्चा चली थी। उस प्रवक्ता ने भारत सेवक समाज के सम्बन्ध में लोक लेखा समिति के प्रतिवेदन पर जो कुछ भी टीका टिप्पणी की थी, उस को अध्यक्ष महोदय आप ने विशेषाधिकार हनन माना था। उस को इसलिए छोड़ दिया गया, क्योंकि उस से सम्बन्धित व्यक्ति, श्री चांदीवाला, ने आप को लिख कर एक तरह से माफ़ी मांग ली थी।

[श्री रामसेवक यादव] :

जब यह चर्चा चल रही थी, तो इस सदन के एक बहुत ही सम्मानित और माननीय सदस्य, श्री कृपालानी जी, ने कहा कि उस से पहले जब लोक लेखा समिति के अध्यक्ष श्री मुरारका, केन्द्रीय हाल में थे, तो माननीय गृह मंत्री, श्री नन्दा जी, भी वहाँ पर पहुँचे। वहाँ पर काफ़ी सदस्य थे—शायद उन की संख्या दस से ज्यादा रही होगी। तब श्री नन्दा ने लोक लेखा समिति के प्रतिवेदन के बारे में श्री मुरारका को जो शब्द कहे, वे मैंने कार्यवाही से भी निखे हैं और बाद को भी मैंने जो जानकारी ली, उस से भी मुझे उन का पता चला। मैं उन शब्दों को भी दोहराता हूँ और कुछ और भी आप के सामने रखूँगा।

उन्होंने कहा कि आप इस प्रतिवेदन से कांग्रेस को बहुत बड़ा नुकसान पहुँचा रहे हैं और यह प्रतिवेदन पूर्वाग्रहपूर्ण है। उन्होंने यह भी कहा—मैं अंग्रेजी में कह दूँ :—

“You have done the worst. You have killed the Bharat Sewak Samaj.”

और फिर माननीय सदस्य, श्री कृपालानी जी, ने जो कुछ कहा, वह भी मैं आप के सामने पढ़ देता हूँ :—

“... he told him that ‘Your findings are prejudiced and you are working against the Congress’, and used such other expressions and those expressions were used before many Members of the House. Also it is said further that before the report was out, efforts were made to see that the findings of the report were in some way or the other modified, and important people were approached. I want this matter to be investigated into.”

इस सम्बन्ध में एक बात और मैं आप के नोटिस में ला दूँ। ये जो पब्लिक एकाउंट्स कमेटी के कागजात और प्रतिवेदन होते हैं,

जब तक वे सदन के पटल पर न रख दिये जायें, तब तक वे बहुत ही सीक्रेट और कॉन्फिडेंशल रखे जाते हैं। लेकिन मुझ को यह भी जानकारी हुई है कि वे साइक्लोस्टाइल्ड होने ही किसी तरह से पहले ही गृह मंत्री जी के पास पहुँचाए गए।

अध्यक्ष महोदय : माननीय सदस्य मुझे वे शब्द बतलायें, जिन से माननीय सदस्य के कहने के मुताबिक ब्रीच ऑफ़ प्रिविलेज हुआ है। माननीय सदस्य सिर्फ़ उस पर रहें।

श्री रामसेवक यादव : ठीक है। इसी तरह से और भी कई तरह से प्रयास हुआ कि इस मामले को दबाया जाये।

अध्यक्ष महोदय : अब सब बातों को मैं नहीं ले सकता। आप मुझे वे शब्द बतलायें, जो कहे गए और जिन से ब्रीच ऑफ़ प्रिविलेज होता है।

श्री रामसेवक यादव : मैं निवेदन करना चाहता हूँ कि लोक लेखा समिति इस सदन की एक सम्मानित समिति है और इस बात का ध्यान रखा जाना चाहिए कि उस पर किसी तरह का कोई दबाव न पड़े, वह भ्रान्तना-पूर्वक काम कर सके और वह जो भी निर्णय उचित समझे, वह ले और इस तरह देश का काम चले और इस लोक सभा का काम चले। यदि कोई व्यक्ति कोई काम कर के या कुछ कह कर उस में बाधा डालता है, तो वह विशेषाधिकार के हनन का दोषी है। जैसा कि कहा गया है, श्री नन्दा ने कहा :

“You have done the worst. You have killed the Bharat Sewak Samaj.”

उन्होंने कहा कि आप ने कांग्रेस का बहुत बड़ा अहित किया है।

मैं निवेदन करना चाहता हूँ कि इस सदन में सभी सदस्य इस सदन के सम्मानित सदस्य हैं और वे किसी दल के रूप में यहाँ पर नहीं

बैठते हैं और न हमारे संविधान में ऐसी कोई व्यवस्था है। इसलिए ये शब्द दवाव के बराबर हैं और इन से सदन का अपमान होता है।

मेज़ पार्लियामेंटरी प्रैक्टिस के अनुसार धमकी भी विशेषाधिकार हनन के अन्तर्गत आती है। चूँकि वह मंत्री हैं, इसलिए उन का यह कहना धमकी के बराबर है। श्री नन्दा का भारत सेवक समाज से भी किसी न किसी तरह का सम्बन्ध है, लेकिन मैं चाहता था कि उन को इस प्रतिवेदन से बुरा नहीं मानना चाहिए था।

इस लिए मैं यह कहता हूँ कि यह विशेषाधिकार की अवहेलना हुई है। जब 19 तारख को लोक सभा में ये तथ्य आए और माननीय श्री कृपालानी जी ने ये वाक्य कहे, उस समय माननीय श्री मुरारका और माननीय श्री नन्दा भी सदन में मौजूद थे। उस समय माननीय श्री मुकर्जी ने कहा कि इन तथ्यों की जानकारी उन से ले ली जाये। और अगर उन्होंने उन के विरोध में कुछ कहना है, तो कह दें। लेकिन उन्होंने चुप रहना ही उचित समझा। इसलिए मैं उन तथ्यों को सही समझ कर चलता हूँ। अध्यक्ष महोदय, आप इस सम्बन्ध में श्री कृपालानी जी से भी बात कर लें।

अध्यक्ष महोदय : इस पर श्री बागड़ी के भी दखत थे :

श्री रामसेवक यादव : अध्यक्ष महोदय, मेज़ पार्लियामेंटरी प्रैक्टिस के सफ़्हा 123 पर "एट्टैम्प्टड इन्टिमिडेशन आफ़ मेम्बर्ज़" लिखा हुआ है।

अध्यक्ष महोदय : माननीय सदस्य ने जो कुछ कहना था, वह मैंने सुन लिया है। श्री खाडिलकर।

Shri Khadilkar (Khed): On a point of order. As I have already intimated, the question is whether a private conversation between two Members, over-

heard and reported to this House could form a subject-matter of breach of privilege. That is the main question before this House.

I would like to submit in the very beginning that a free and frank discussion of all issues before the House when they form part of the proceedings inside the House is not always limited here, but it goes on even outside, and that is the life-breath of democracy. If by any interpretation this conversation or expression of opinion is prohibited, I am afraid that parliamentary democracy would be throttled in this country.

Therefore, I would like to submit, when this motion is before this House, that the question is whether it can be the subject-matter of a breach of privilege of this House.

My hon. friend has referred to May's *Parliamentary Practice*. I have also consulted May's *Parliamentary Practice*. At pages 118 and 125 several cases are cited. I have gone through all those cases. I have come to the conclusion that none of the cases relate to private conversation. No case has been traced where reflections made in the course of private conversation and noted by others have been held to be breach of privilege. That is the position. What is object of privilege, after all? The privilege that we enjoy and that this sovereign body enjoys is meant preserve the decorum and dignity of the House, and discussion

Mr. Speaker: The hon. Member has formulated his point of order already and it is whether a private conversation in the Lobby can form the subject matter of a breach of privilege. He has formulated that, and I have followed him.

Shri Khadilkar: But let me have my say a little more. Give me a few more minutes to have my say because this is a matter, on the decision on which, as I said earlier . . .

Mr. Speaker: I have seen those decisions. The hon. Member might tell me the conclusion.

Shri Khadilkar: My conclusion is this. Please give me a little more time.

A breach of privilege of the House or a contempt of the House can be equated with the contempt of a court, and it is on the same level. Even when a decision of the court is given, if *bona fide* criticism is offered, it is not contempt. In this House, if a Member, in the course of a debate within the precincts of the House, says something which is derogatory, the Chair is there to check it certainly, but this discussion does not end here, and as you observed the other day, the Lobbies also form part of this House, and there all sorts of things are discussed and all sorts of decisions are taken, and sometimes even your decision is being questioned, but no motives are attributed. That is the main thing.

Then, another important thing is that the conversation was overheard by a third Member and reported. Should this House start taking notice of such reports by a third Member—with whatever motives, I do not know? From the statement about that conversation it is clear that there was some bullying; I do not know what the actual words were. If motives are not attributed, even this conversation cannot be subject-matter of a motion for breach of privilege, and cannot constitute a contempt of this House. Therefore, I would submit that on this issue your ruling is sought for, before any discussion could take place on the privilege motion.

Mr. Speaker: First, I have to find out whether really it was a private conversation. The point raised also is about that, because if it was a private conversation, probably, there might be different considerations; if it was really something else, there might be other considerations.

Shri Nanda has written to me a letter:

"With reference to the privilege motion tabled by Shri Maniram Bagri, Shri Ram Sewak Yadav and Shri Kishen Pattayak dated 20 April 1965, I have the honour to state as follows: I had a purely private conversation with Shri R. R. Morarka in the Lobby of the Lok Sabha. It could not have been my intention to say anything derogatory to the Public Accounts Committee or its Chairman. I am sorry if a contrary impression has been created".

Shri Ranga.

Shri Daji (Indore): Shri Morarka is here. He may be asked about it.

Mr. Speaker: This much I would like Shri Morarka to say, whether that conversation was a private one.

Shri Morarka (Jhunjhunu): The conversation was in the Lobby, as the hon. Home Minister has said. During the conversation, at one stage, the hon. Home Minister did tell me that it was a private conversation between us, because he said he was also aware of the implications of breach of privilege, and therefore, he was having it outside with me. (*Interruptions*).

Shri Harish Chandra Mathur (Jalore): There it ends. What is the question now?

Shri P. K. Deo (Kalahandi): What was the conversation?

Shri Ranga (Chittoor): I am glad that no demand has been made from any quarter in this House that Acharya Kripalani should withdraw what he has said in the House. I am also glad that the two dignitaries concerned in this dispute or this conversation also were good enough not to contradict what Acharya Kripalani had said the other day, both on that occasion as well as on this. So we take it that what he has said is true, that what he has reported is true.

Mr. Speaker: I have not yet enquired about that. I only put the question whether it was a private conversation or not.

Shri Ranga: I am putting it to the House. On two occasions, what has been reported has not been contradicted, that is, what was supposed to have passed between these two friends of ours in the presence of a number of other MP's, including no less persons than my hon. friends belonging to the Congress Party, including no less a person than an ex-President of the Congress. What had transpired between them has not been contradicted. So, so far as our knowledge goes, it stands, as it was reported to us by Acharya Kripalani.

Now, it is the right of this House to take notice of this. What is it that is involved? My hon. friend, Shri Morarka, he is not only a Congress Member, he is Chairman of the Public Accounts Committee representing the elected representatives of all parties in this House, of all sections of this House; he is subordinate only to you, not to this Government; he is next only to yourself; he enjoys that prestige which is conferred upon him by you and by the House—now says that Shri Nanda must have known that it would be improper for him—I suppose it amounts to that—to say anything, therefore, he must have spoken of that as a personal conversation between themselves. Beyond that, his statement takes us nowhere.

But what has happened raises a very important question, Shri Nanda happens to be the second-in-command in this Government.

Shri P. K. Deo: Ex-Prime Minister.

Shri Ranga: Ex-Prime Minister and also the founder-president of the Bharat Sevak Samaj, of which I also had the honour of being a founder-member for a number of years, till 1960 (*laughter*). Nobody need laugh at that. If my hon. friends, belonging to the Congress Party, laugh, then

they are laughing at the Bharat Sevak Samaj itself and at its founder-president. They are welcome to do so. But I take objection to it because we started the Bharat Sewak Samaj for a definite, useful purpose, national purpose. But unfortunately, Shri Nanda allowed himself to be led by very many doubtful people, in spite of the advice repeatedly given by so many of us. Worse than anything else, he allowed it to go into business. He did it with laudable motives, but unfortunately he has been let down.

Mr. Speaker: That would all be a different thing.

Shri Ranga: Let me proceed.

Mr. Speaker: We cannot go into its history now.

Shri Ranga: Would it do any credit to me if I did not know how much time I should take? If you interrupt me, do you think I would be able to make it as brief as I want it to be? Therefore, kindly bear with me.

Now, he wanted to achieve more than what the CPWD has been able to, to avoid corruption and wastage, to help the public get many of these public construction activities completed cheaply, efficiently and satisfactorily. He has failed in all these things, as is evidenced by the report of the Public Accounts Committee. What is worse, those people have misused public funds, did not account properly, did not satisfy even the departments from which they were taking these contracts. It is not as if the Public Accounts Committee did not give them an opportunity to explain. First of all, all these accounts were placed before the PAC by the Auditor General.... (*Interruptions*). It is vested.....

Shri A. K. Sen rose—

Mr. Speaker: He is giving all these details as he has experience about the Public Accounts Committee. But at the moment, we are not concerned with these.

Shri Ranga: Is it proper for the Chairman of the Public Accounts Committee to be accosted even privately, personally, by a Minister of this Government in the manner in which he had been accosted? That is one thing. Why has it happened? That also I want you to consider because you, Sir, have yourself been responsible in appointing him as Chairman of the Public Accounts Committee. There were many occasions in this House when several Members had requested the Chair to appoint one of the representatives of the Opposition as Chairman, and not a representative of the ruling party. Before I came to be appointed, I gave that advice to the then Speaker, 'Please, for God's sake, appoint as Chairman a Member from the Opposition'. He would not heed my advice. You see the result now.

Shri Atulya Ghosh (Asansol): What is the result?

Shri Ranga: The anomalous position created by the decision of the Chair to appoint the Chairman as he has appointed. Because of the fact that the Chair here, unlike in so many of the state legislatures, has chosen consistently to appoint only a Member belonging to the ruling party as Chairman, it has become possible for a member of Government to accost our Chairman—he is no longer their Chairman or their Member; he is Chairman of the Committee on behalf of the whole House—in this ignoble, according to me, in this disrespectful and indecent manner.

Therefore, it is time now for you also, apart from all these things, to reconsider this procedure that you been good enough till now to pursue.

The next thing is this.

Is it not proper for this House to take notice of what has happened and consider it as a matter of privilege?

13 hrs.

The privilege question comes up even when one ordinary Member of this House is insulted. On top of it, he is the Chairman of the miniature House as it were, of our Committee. And it is about what? About a report, a report that is not onesided, that is not based upon merely *prima facie* evidence or anything like that; a report based upon the recommendations made by the Auditor-General who had vetted all the facts, all the relevant records and who had reported on them. On top of it the Public Accounts Committee had made its unanimous recommendations to you and to this House. As you were good enough to observe the other day, if the BSS and the concerned departments which were dealing with the BSS had any objections to anything that is contained in that report, it was open to them, and it is open to them, to send their explanations as well as their answers to it. It will be open to the Committee to reconsider their decisions if they so wish to and come to us. Even then, you would come in. You would have to direct them to come to this House a second time.

If in spite of all these things, Government feels itself aggrieved on examining,—a precedent has been established unfortunately on an earlier occasion over the jeep scandal—Government would only be allowed to enjoy the privilege of coming here and placing their statement also for the consideration of this House. That is the usual procedure.

In spite of that, they wanted to shortcircuit the whole thing. Here was the Home Minister who has got, I do not now, possibly he got himself intoxicated because he is in charge of the Home Ministry . . .

Mr. Speaker: Order, order.

Shri Ranga: Let us remember this, that he has become the Home Minister. If, as earlier on, he was Labour

Minister or something else, possibly he would not have made this mistake, he would not have dared challenge our Chairman. Now because he has become the Home Minister—and God has given him these two opportunities of being an ex-Prime Minister and the second in command—he does this.

Mr. Speaker: Order, order.

Shri Ranga: He says he apologises. I want him to offer fulsome apologies to this House for having treated our Chairman even in that personal way. He has no right whatsoever to deal with the Chairman on a personal basis and in a private manner.

Mr. Speaker: He must conclude now.

Shri Ranga: So, I want him to offer fulsome apologies to this House—I am advised by my hon. friend, an unqualified apology to this House and the Chairman.

Shri Bhagwat Jha Azad (Bhagalpur): What for?

Shri Hari Vishnu Kamath (Hoshangabad): I do submit with all respect and in all humility that the issue which my hon. friends Shri Yadav, Shri Patnaik and Shri Bagri have raised is an issue which cannot be dismissed lightly.

श्री बागड़ी (हिसार) : मेरा भी मोशन था लेकिन मुझे बोलने का मौका नहीं दिया गया। मैं नहीं जानता कि कौन सा जादू है जिस पर से स्पीकर साहब की नजर पर अंतर पड़ सकता है।

अध्यक्ष महोदय : मैंने दो दफे माननीय सदस्य को बुलाया है।

श्री बागड़ी : मैं बीस दफे खड़ा हुआ।

अध्यक्ष महोदय : लेकिन यह जरूरी नहीं है कि ए. ज. आदमी को बुलाने के बाद भी हर एक को बुलाया जाये।

श्री बागड़ी : मैं दो दफे बोलने के लिये खड़ा हुआ। लेकिन कोई फर्क नहीं पड़ता है क्योंकि बात तो सामने आ जायेगी।

Shri Hari Vishnu Kamath: I submit that this is an issue which cannot be treated very lightly. It is an issue which, to my mind, *via* a reportedly verbal affront to the Chairman of the Public Accounts Committee by a Minister, raises the fundamental question of what an affront, what a contempt or a breach of privilege of the entire House is, because, as you rightly ruled, the Public Accounts Committee, being, as it is a body representative of all sections of the House, is equal in status and dignity to the entire House itself, and therefore, an affront, if an affront has been committed, to the Chairman or a Member of a Parliamentary Committee, is tantamount to contempt or insult or breach of privilege of the entire House.

Having said that, I would join issue with what my hon. friend Shri Khadilkar has said just now. He expressed his solicitude for preserving the life breath of democracy. I do hope he will bend his energies to that very vital task of this epoch in our country, but may I tell him that that life breath of democracy will be conserved and preserved, not by the feeble efforts of my hon. friend Shri Khadilkar but by a strong, vigilant, dynamic Opposition in this House? I do hope we will have more and more of that in the coming years?

I join issue with him when he says that it was a private talk. May I invite your attention and the attention of the House and the attention of the Home Minister, Shri Nanda, also, who is well known all over India and abroad also for Sadachar . . .

Mr. Speaker: He may confine himself to the subject.

Shri Hari Vishnu Kamath: I am reading from *May's Parliamentary Practice*, 16th Edition, 1957, page 473:

"Misbehaviour in the Lobbies: Misbehaviour in the Lobbies such as the use of offensive expressions or insults, insulting words or threats is, accordingly left to the House to be dealt with under the ancient practice or as a contempt."

My hon. friend Shri Khadilkar said that it was a private conversation. If Shri Nanda was really keen, if his intention was to have a private conversation, certainly he could have invited Shri Morarka to the spacious lawns of his house or to his antechamber either here in Parliament House or at home, and had a prolonged, hearty private talk with him over a cup of tea if he cared to offer that too. It was not a private talk of that kind as a number of Members were present around them, as I have been told. It was not just that Shri Nanda and Shri Morarka, met casually in the lobby, or that Shri Nanda just called him aside and *sotto voce*, talking to him in a subdued voice; he talked to him in the presence of a number of Members, and another Minister was present on the occasion who overheard the conversation. It was loud enough for it to be overheard within perhaps at least 10 or 15 yards. It was not in a subdued voice in दूरी उतर or silent whispers. It was not a private conversation conducted in that manner.

Mr. Speaker: Now he must conclude

Shri Hari Vishnu Kamath: You allowed Shri Nanda and rightly, because it is . . .

Mr. Speaker: I made an appeal to him, and I am appealing now also.

Shri Hari Vishnu Kamath: It is an important subject and it must be debated because it is a precedent for the future. A Minister, if he commits contempt, should not get away lightly; nobody should go scot-free even if he is a Minister of the Government.

Shri Ranga: More so a Minister.

Shri Hari Vishnu Kamath: The other day when this matter was raised by my hon. friend, Acharya Kripalani, you on that occasion, if I understood you aright, heard you aright, took *prima facie* a fairly serious view of the matter, and when one of our colleagues on this side of the House asked whether the lobbies were a part of the House, whether talk in the lobbies could be so construed as to bring it within the purview of privilege, you rightly said that lobbies were a part of the House. That is the first point. That is not open to any argument or any further discussion.

The second point is about private talk. I do not agree at all that it was a private talk. It may be that emotionally Shri Nanda was worked up; being President of the BSS, he could not stand any aspersion. I can put myself in his position and fancy that I might have acted like him. His own Samaj, his own baby, brought up with so much care and attention all these years was suddenly exposed to public ridicule and contempt, and naturally he was in a fit of righteous indignation, if I may use that expression. But was the lobby of the House the proper place, and was it the proper time when Members were walking out into the lobby after a debate, or when there was the usual exodus? Was it proper for him to catch him by the collar, so to say and ask him, the Chairman of the Public Accounts Committee, using those words which were reported to have been used according to the statement of Acharya Kripalani

Therefore, may I submit that an offence of breach of privilege or contempt has been committed. According to the letter which Shri Nanda, the Minister of Home Affairs, has written to you, if my memory serves me aright, . . .

Shri J. P. Jyotishi (Sagar): Is it his opinion that we should not talk in the lobby?

Mr. Speaker: He should try to finish.

Shri Hari Vishnu Kamath: He said towards the close of his letter, "I am sorry if . . ." Will you kindly read out that portion? "I am sorry if that impression has been created", that is what he has written. I am of the view that a bland and bald statement like that does not purge the offence of contempt or breach of privilege of the House or the Committee. Something more satisfying is needed, not merely saying: 'I am sorry if that impression is created'. I would consider, and the House can consider whether the offence of breach of privilege or of contempt has been purged by the Minister who has reportedly committed the offence only after he makes a categorical statement here.... (An hon. Member: Why?) here, on the floor of the House, because the matter was raised on the floor of the House. He should say that 'I offer my unqualified and unconditional apology to the Chairman of the Public Accounts Committee and through you to the entire House'. Only then perhaps you can consider that it has been purged.... (Interruptions).

Mr. Speaker: I would not be able to allow so much time to each Member. We cannot spend the whole day.

Shri Hari Vishnu Kamath: We may take a whole day even, if necessary; it is a matter for the House as a whole, a serious matter.

श्री बड़े (खारगोन) : यह एक बड़े महत्व का सवाल है । इसमें पहला प्रश्न यह है कि क्या यह प्राइवेट टाक थी, और दूसरे आपको यह देखना है कि यह टाक किस पृष्ठ-भूमि में और किस के बीच में हुई ।

तो पहला प्वाइंट यह है कि अगर वह प्राइवेट टाक थी तो काहे के बारे में थी । वह टाक जो पबलिक एकाउंट्स कमेटी ने जो भारत सेवक समाज के विरुद्ध लिखा था, उस के बारे में थी, क्या वह प्राइवेट टाक

हो सकती है । उन्होंने डिफेंस दिया कि यह प्राइवेट टाक है । क्या दस बारह आदमियों के बीच में जो टाक हो उसे प्राइवेट टाक कहा जा सकता है ? तीसरे आप देखें कि यह टाक पबलिक एकाउंट्स कमेटी के चेयरमैन और भारत सेवक समाज के चेयरमैन के बीच में पबलिक एकाउंट्स कमेटी के बारे में लाबी में हुई । यह प्राइवेट टाक नहीं हो सकती है । और उस के दौरान जो उन्होंने एलोगेशन लगाए वे बड़े विचित्र हैं । पहला तो यह है कि :

"You have killed the Bharat Sevak Samaj."

और दूसरा यह है कि :

"You are a Congressman."

यह तो पबलिक एकाउंट्स कमेटी के चेयरमैन और मेम्बरों पर इन्डाइरेक्टली प्रेसर लाना है और इसका अर्थ यह है कि अगर कभी भी पबलिक एकाउंट्स कमेटी होम मिनिस्टर के खिलाफ अपनी रिपोर्ट में कुछ लिखे तो विचार के साथ लिखे । ऐसी स्थिति में वह संतुलित रिपोर्ट नहीं दे सकती । मेज पालियामेंटरी प्रेक्टिस आपके सामने है । उसमें दिया गया है अगर कोई, जब पालियामेंट का कोई मेम्बर पालियामेंट आता हो सवाल पूछने के लिए, उस समय उस पर प्रेसर डाले तो वह कंटेप्ट आफ पालियामेंट होता है । वह कह सकता है कि यह तो मेरी प्राइवेट टाक थी कि मैं ने मेम्बर से कहा कि अगर तुम यह सवाल पूछोगे तो मैं तुमको डंडे माहंगा या गालियां दूंगा । मैं कहता हूँ कि यह प्राइवेट टाक नहीं हो सकती ? मैं कहता हूँ कि मोरारका जी को साफ साफ कहना चाहिए कि दरअसल मैं उन्होंने क्या कहा था । उनको बतलाना चाहिए कि जो एलोगेशन कूपलानी जी ने लगाए हैं क्या वे ठीक हैं । यदि वे शब्द कहे गए तो यह ब्रीच आफ प्रीविलिज है । यह प्राइवेट टाक हो या पबलिक टाक हो, इसका सवाल नहीं है । सवाल यह है कि इस तरह के एलोगेशन क्या लाबी में किए गए या नहीं ।

[श्री बड़े]

सवाल यह है कि क्या होम मिनिस्टर ने जो भारत सेवक समाज के चेयरमैन भी हैं पब्लिक एकाउंट्स कमेटी के चेयरमैन से ये शब्द कहे या नहीं। मैं आपको निवेदन करना चाहता हूँ कि यह प्राइवेट टाक नहीं था बल्कि It is bringing pressure on the Members and Chairman of the Public Accounts Committee not to do their duty.

श्री भगवत झा आज़ाद : अध्यक्ष महोदय, मैं यह बात स्पष्ट कर देना चाहता हूँ कि इस तरफ जो हम सदन के मेम्बर हैं, वह सदन के विशेषाधिकार के प्रश्न पर उतने ही मजबूत हैं जितने कि उस तरफ के सदस्य। हम समझते हैं कि सदन में यद्यपि विभिन्न पार्टियाँ हैं, मगर फिर भी सदन की मानहानि होती है या सदन के किसी भी अधिकार का हनन होता है, तो वह हम सबों का हनन होता है। हम इस बात को मानते हैं और माननीय सदस्य इस बात को माने कि हम स्पष्ट रूप से इस बात को जानते हैं। अगर आज सदन के सामने यह प्रश्न आ जाता कि जिन बातों का उल्लेख माननीय कृपलानी जी ने किया है वे बातें कही गयी हैं, तो निश्चय ही यह एक मानहानि का प्रश्न उठता। लेकिन अभी तक सदन के सामने इस बात का पुष्टीकरण नहीं किया गया है कि वे बातें कही गयीं। अगर कही गयीं हैं तो मैं आपके सामने एक बात रखना चाहता हूँ। हम कांग्रेस पार्टी के सदस्य ही नहीं अन्य पार्टियों के सदस्य भी लाबी में ऐसी बातें बोलते हैं जिनको वे सदन में स्पष्ट रूप से नहीं कह सकते। आपने कुछ दिन पूर्व यह रूलिंग दिया था कि लाबी भी सदन का ही हिस्सा है।

अगर मेज़ पार्लियामेंटरी प्रक्टिस को रेफर किया जाए, जैसा कि मैं कर सकता हूँ तो उसमें एक उदाहरण है कि आज से ढाई सौ वर्ष पूर्व हाउस आफ कामन्स के स्पीकर ने यह कहा था कि लाबी सदन का एक हिस्सा

है। उसका स्पष्ट रेफरेंस यह है कि जब कि माननीय सदस्य ने दूसरे माननीय सदस्य पर तलवार खींच ली थी उस समय यह कहा गया था। अगर वह प्रश्न उठे तो वैसा रूलिंग यहां भी उचित होगा जैसा कि वहां था। अगर आप इस बात को मान्यता देंगे तो निश्चय ही आप दें, लेकिन इसका परिणाम यह होगा कि जो बात न केवल कांग्रेस पार्टी के सदस्य बल्कि अन्य दल के सदस्य भी लाबी में बोलेंगे उन के सम्बन्ध में आपका ध्यान आकर्षित किया जाएगा और उनको आपकी मानना होगा कि विशेषाधिकार के प्रश्न के अन्तर्गत आती हैं।

मैं आपका ध्यान एक बात की ओर आकर्षित करूँ कि इस सदन के 500 सदस्यों को जो अधिकार प्राप्त हैं, वह जनता को पुष्ट-भूमि में प्राप्त हैं। लेकिन जो बातें लाबी में कही जायेंगी, अगर उनको भी यहाँ आपके सामने लाया जायगा और यह सदन उन पर विशेषाधिकार का प्रयोग करेगा तो इस बात की प्रतिक्रिया बहुत बुरी होगी और इस देश के लोग यह समझेंगे कि जो बातें हम प्राइवेट रूप में लाबी में करते हैं उन पर भी यहाँ विशेषाधिकार का प्रश्न उठाया जाता है। मैं समझता हूँ कि इस सदन के लिये यह परम्परा कायम करना गलत होगा। इसलिए मैं कहना चाहता हूँ कि एक तो इस सदन के सामने ऐसी कोई बात का पुष्टीकरण नहीं है कि जिस पर हम विशेषाधिकार का प्रश्न उठा सकते हैं। नन्दा जी ने यह कहा कि उनकी कुछ बातें पब्लिक एकाउंट्स कमेटी के चेयरमैन से हुईं और चेयरमैन ने इस बात को पुष्टी की है। हमको यह बात नहीं भूलनी चाहिए कि ये दोनों कांग्रेस पार्टी के सदस्य हैं और वे व्यक्तिगत रूप में भी आपस में बात कर सकते हैं। हम सदन में सरकार का मजबूती से समर्थन करते हैं लेकिन अगर हम अपनी सरकार का लाबी में किसी रूप में विरोध करते हैं और अगर उसका असर यहाँ पर सदन में होता है तो इसका नतीजा यह होगा कि

इसके बाद हम लाबी में कोई भी बात नहीं कर सकते हैं। अगर आप यह परम्परा रखना चाहते हैं तो आज से रख सकते हैं। लेकिन इसका परिणाम यह होगा कि न केवल कांग्रेस के सदस्य बल्कि कम्युनिस्ट पार्टी के सदस्य, स्वतंत्र पार्टी के सदस्य या किसी अन्य पार्टी के सदस्य लाबी में कोई बात नहीं बोल सकेंगे और कोई प्राइवेट बात नहीं कर सकेंगे। (इंटरपंज़) वे चिल्ला कर मुझे चुप नहीं करा सकते। उनके पास ही अक्ल का ठेका नहीं है, हमारे पास भी अक्ल है।

मेरा निवेदन है कि इस में कोई विशेषाधिकार का प्रश्न नहीं है। हम को कांग्रेस सदस्य होने के नाते यह स्वतन्त्रता है कि हम श्री मोरारका जी से कांग्रेस सदस्य के नाते, पब्लिक एकाउंट्स कमेटी के चेयरमैन के रूप में नहीं, बात कर सकते हैं और उस पर कोई विशेषाधिकार का प्रश्न नहीं उठाया जा सकता। (इंटरपंज़) अगर आप चिल्लायेंगे तो मैं आप के सामने बारहों उदाहरण रखूंगा। मैं अपने सामने उदाहरण रख कर बोल रहा हूँ। मैं यह कहना चाहता हूँ कि मैं कांग्रेस पार्टी का एक सदस्य होने के नाते यह अधिकार रखता हूँ कि मैं श्री गुहा से एस्टीमेट्स कमेटी के चेयरमैन के रूप में नहीं, लेकिन एक कांग्रेस सदस्य के रूप में बात कर सकता हूँ, मैं श्री मोरारका जी से पब्लिक एकाउंट्स कमेटी के चेयरमैन के रूप में नहीं लेकिन कांग्रेस सदस्य के रूप में बात कर सकता हूँ, और इस में कोई विशेषाधिकार का प्रश्न नहीं है।

इसलिये मेरा निवेदन है कि इस प्रश्न पर कोई विचार नहीं होना चाहिए।

Shrimati Renu Chakravartty (Barrackpore): I have already appealed to you last time that as far as the lobbies of the House are concerned we say many things there which we do not want to become part of the proceedings of this House. About this I am very clear, because, if once we start

this convention, it will lead to many bad things. But, at the same time, we have to see to one particular thing, and that is, after all, who were the people who were concerned with this. One was the Home Minister and the other was the Chairman of the Public Accounts Committee. The Public Accounts Committee is one of the most important committees of this House. I am not one with Shri Ranga when he says that it is our Committee: it is our Committee in the sense that it is a Committee of the House. But we have always held that the ruling party has kept the post of Chairman of the Public Accounts Committee a close preserve of the ruling party, that is, the Congress party. This has been going on consistently. And therefore we look upon Shri Morarka, a Congress Member, as a Member who has been elected to that Committee and because they are in a majority he becomes Chairman of that Committee, he is nominated by the Speaker to be the Chairman of that Committee. But to this point, I do not agree, namely, because Shri Morarka becomes the Chairman of the Public Accounts Committee he ceases to be a Congress man. He is a Congress Member in the sense that he is not in the Opposition. But I do feel that it is deplorable that Shri Nanda as a Minister should have said anything to Shri Morarka which might be interpreted as bringing some pressure upon him about some report which Shri Morarka might have made.

Now, if Shri Nanda had not been a Minister, wielding the immense authority of Home Minister, it would not have been considered a matter of privilege. The letter which has been written is in clear terms: that he did not mean to bring pressure, he did not mean to threaten. If that is so, I am prepared to accept it, because we have always in the past accepted the apology. Otherwise, it is essentially a matter of privilege. But we do not accept the position, namely, that a Minister can bring pressure in any way, even in private conversation, upon any Member of this House whe-

[Shrimati Renu Chakravartty]

ther he is Chairman of the Public Accounts Committee or of any other Committee.

Several hon. Members rose—

Mr. Speaker: I do not think there is need to listen to all the hon. Members now.

Shri Ranga: It was Shri Nanda who helped to cut short the debate by offering the apology.

Mr. Speaker: I shall allow one minute each for the other hon. Members. Shri Kapur Singh.

Shri Kapur Singh (Ludhiana): Mr. Speaker, Sir, after listening to all that has been said in this House...

श्री प्रकाशवीर शास्त्री (बिजनौर) : अध्यक्ष महोदय, मैं प्वाइंट आफ आर्डर उठाना चाहता हूँ। पूव इस के कि आप कोई निश्चय लें या सदन इस पर कोई निश्चय ले, आचार्य कृपलानी ने जो शब्द कहे हैं, अ.र जिन शब्दों को श्री रामसेवक यादव ने दुहराया है कि यह रिपोर्ट आने से भारत सेवक समाज मर गया या कांग्रेस को इतना नुकसान पहुंचेगा नन्दाजी के यह शब्द यादव जी ने कहे हैं कृपलानी जी भी यह कहते हैं— और दूसरे भी कहते हैं लेकिन जिन्होंने कहा और जिन को कहा उन की ओर से यह नहीं बतलाया गया कि वे शब्द क्या थे। पहले तो हम यह चाहते हैं कि नन्दा जी यह बतलायें कि उन्होंने ने क्या शब्द कहे या फिर मुरारका जी कहें कि उन्होंने ने क्या शब्द सुने। बजाय इस के कि कहीं और से शब्द कहे जायें उन से ही पहले वे शब्द पूछ लिये जायें और उस के बाद यदि निर्णय कुछ किया जायगा तो ज्यादा अच्छा रहेगा।

अध्यक्ष महोदय : शास्त्री जी को याद होगा कि ज्योंही यह बात छिड़ी, रामसेवक यादव ने इस को मूव किया, उसी वक्त प्वाइंट आफ आर्डर आया था कि वह क्या

प्राइवेट कनवरसेशन था ? प्राइवेट बातचीत उस को अगर मैं होल्ड करता हूँ तो उस में फिर मैं शायद न जा सकूंगा। अगर कोई मॅम्बर लाबी में जा कर आपस में प्राइवेट कनवरसेशन करते हैं और उस को अगर कोई तीसरा आदमी मेरे नोटिस में लाता है और मैं उस की तहकीकात करना शुरू कर दूँ तो मेरे लिए मुश्किल हो जाएगा। देखना यह चाहिये कि वह कैसा कनवरसेशन है, प्राइवेट कनवरसेशन है या नहीं। अगर वह प्राइवेट कनवरसेशन है तो मेरा रुख दूसरा होगा लेकिन अगर वह प्राइवेट कनवरसेशन नहीं है तो उस हालत में मेरा रुख मुख्तलिफ होगा। मैं ने उन से पूछा कि आया वह उन का प्राइवेट कनवरसेशन का तो नन्दा साहब ने लिख कर दिया और साफ कहा कि वह मेरा प्राइवेट कनवरसेशन था और मुरारका जी ने भी कहा कि वह हमारा प्राइवेट कनवरसेशन था। यही प्वाइंट मेरे सामने है जो कि मिक्खाडिलकर ने उठाया था।

श्री प्रकाशवीर शास्त्री : मैं अपनी बात शायद स्पष्ट नहीं कर सका... (इंटरप्शंस)

Mr. Speaker: Not so many people at a time.

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, मेरा अभिप्राय यह था कि गृह मंत्री ने जो आप को एक पत्र लिखा है और जिस पत्र में उन्होंने ने खेद प्रकट किया है, मैं जानना चाहता हूँ कि वह क्या बात है कि जिस के ऊपर गृह मंत्री जैसे जिम्मेदार पद पर रहने वाले आदमी को खेद प्रकट करना पड़ा? वह आखिर क्या बात है ?

पुनर्वाप्त मंत्री (श्री त्यागी) : मेरा एक प्वाइंट आफ आर्डर है। मैं भी पबलिक एकाउन्ट्स कमेटी का चेयरमैन रह चुका हूँ। मैं आप से इत्तिफाक करता हूँ कि पबलिक एकाउन्ट्स कमेटी के चेयरमैन का जो

फंक्शन है उस के अन्दर कोई आदमी किसी किस्म का कोई दखल नहीं दे सकता। लाबी के लिये आप ने अभी ऐलान कर दिया है कि उस के प्रीविलेज भी वही हैं। यह सही है लेकिन मैं एक बात अर्ज करूंगा आप की रूनिंग के बास्ते और मैं चाहूंगा कि इस को आयन्दा के लिए साफ कर दिया जाय कि अगर कोई चेअरमैन पब्लिक एकाउन्ट्स कमेटी का, स्पीकर का या डिप्टी स्पीकर का कंटेम्प्ट होता है तो क्या डिप्टी स्पीकर वगैरह की रिपोर्ट पर ऐक्शन लेंगे या किसी दूसरे आदमी ने वह बात सुनी हो तो उस के ऊपर लेंगे ? मेरा यह अर्ज करना है कि जब तक उन दोनों पार्टियों में से कोई ब्यक्ति आप के सामने नहीं लाता मामले को उस बन्त तक दूसरे की सुनी हुई बात पर कोई ऐक्शन हाउस न ले... (इंटरप्शंस)।

अध्यक्ष महोदय : आर्डर, आर्डर । मॅम्बरस लोग बोलने वाले का ख्याल तो सुनें ।

श्री श्यामी : मैं ने भी सब को सुना है और मैं चाहूंगा कि मुझे भी अपनी बात सुना लेने दी जाय ।

कल को आचार्य कृपालानी हमारे चीफ मिनिस्टर यू० पी० से बातचीत करते है सेन्ट्रल हाल में और मैं उस को ओवरहियर कर लूं और आप को मैं उस की रिपोर्ट कर दूं तो क्या वह बात ऐक्शन के काबिल हो जायगी ? इसलिए मेरा कहना यह है कि जब एक पार्टी के दो मॅम्बरस आपस में इंटीमेट टॉक करते हैं और उन की उस इंटीमेट टॉक को दूसरी पार्टी वाला कोई दूसरा मॅम्बर ओवरहियर कर लेता है तो एक तो उन की आपस की इस तरह की निजी बातचीत को सुनना नामुनासिब है और अगर सुन भी ले तो उस पर नोटिस नहीं लेना चाहिए । ईन्स इंफिंग वाली जैसी कोई चीज को बढ़ावा नहीं देना चाहिए ।

Mr. Speaker: Shri Kripalani wanted to say something.

Shri J. B. Kripalani (Amroha): I only wanted to say that before you take any decision you will be pleased to call upon me to explain my position.

Shri Harish Chandra Mathur: I think the whole day will be taken up by this, if it goes on like this.

डा० राम मनोहर लोहिया (फर्रुखाबाद) :
अध्यक्ष महोदय

अध्यक्ष महोदय : मैं सब मॅम्बर साहबान से दरखास्त करूंगा कि वे इस को मुक्तसर करें ताकि यह किसी टाइम में खत्म हो सके । इस तरीके से इस पर कब तक बातचीत करने रहेंगे ?

डा० राम मनोहर लोहिया : मैं गैर जरूरी एक शब्द भी नहीं बोलता हूं । यहां निजी बातचीत और सार्वजनिक बातचीत के फर्क का सवाल नहीं करना चाहिए । फर्क असल में यहां करना चाहिए कारण प्राची में और बेकार धमकी में । अगश मान लीजिए कृपालानी जी या मुरारका जी शास्त्री जी को धमकी देते हैं तो वह बेकार धमकी है लेकिन अगर नन्दा जी मुरारका जी को धमकी देते हैं तो वह कारगर धमकी है । हमेशा यह फर्क करना चाहिए कि कोई धमकी ऐसी दी गई है या नहीं जिस का कि असर पड़ सकता है या आगे चल कर उस का कोई नतीजा निकल सकता है या नहीं । इसलिये मैं श्री खडिलकर और आजाद जी से यह अर्ज करूंगा, मेरा जैसा आदमी मान लो कभी कहीं कोई बात कहता है तो वह एक शक्तिहीन आदमी की बात है । चाहे वह यथार्थ बात हो लेकिन वह शक्तिहीन की बात है । जब नन्दा जी कोई बात कहते हैं तो वह चाहे जितनी गैर जरूरी, बेमतलब और अयथार्थ बात कहते हैं लेकिन उस के पीछे ताकत है । मैं ने इसीलिए गृह मंत्री को, प्रधान मंत्री को, हमेशा सब लोगों को कहा है कि इस सदन में जब कभी वह बोला करें तो इस बात को याद रखें कि उन के हाथ में दंड है, डंडा जिस को कि आप कह सकते है

[डा० राम मोहर लोहिया]

वह डंडा उन के पास है। उन के पास प्रचुर धन है और दोनों का सवाल आज यहां जो प्रश्न उठा है उस में आ गया है। जिस के हाथ में डंडा है उस की जीभ और उस का मन बड़ा संयमी होना चाहिए। अगर वह संयमी नहीं होते तो डंडे का बड़ा जबरदस्त नुकसान हो जाया करता है। यह तो पहली बात है जो कि मुझे नन्दा साहब से कहनी है। इसलिये जो उन्होंने ने माफी मांगी है अगर वह माफी कारगर होनी है तो सिर्फ एक तरह से हो सकती है, यह नहीं कि किस के दिमाग पर क्या असर पड़ा तो मैं माफी मांगता हूँ। उन्हें यह साफ कहना चाहिये कि मुझ से जो काम हुआ वह बुरा था और मैं उस के लिये माफी मांगता हूँ। अगर मैं उन की जगह होता तो ऐसा ही करता। लेकिन मेरा कहना यहां क्या मानेंगे (इंटरप्रेंस) जब गांधी जी जिदा थे तब मेरा कहना मानते थे। न सिर्फ यह कि वह माफी मांगे उन्हें इस तरह से हंसना नहीं चाहिए बल्कि जरा गम्भीर हो कर मेरी बात सुनें। वे अपना मन ऐसा बनायें आगे के लिये और हमेशा अपनी जीभ और मन पर संयम रखें। बातचीत जो हो रही हो चाहे वह निजी हो या सार्वजनिक, यह निजी और सार्वजनिक का कोई फर्क नहीं है।

अब इसी के साथ साथ एक दूसरा सवाल यह उठा दिया जाता है कि आज हिन्दुस्तान में एक तरफ डंडे का प्रयोग हो रहा है और दूसरी तरफ धन का और अगर अच्छे कामों में बुरे धन का इस्तेमाल हो रहा है तो उस के बारे में कुछ सोच विचार करना चाहिए। सारी कबीना को इस पर सोच विचार करना चाहिए। लोग राज्य के और सार्वजनिक धन को न केवल अपने निजी और कुटुम्ब के काम में लगाया करते हैं, बल्कि उस के द्वारा वे अपने दल को भी मजबूत बनाया करते हैं। इस को शायद नन्दा जी पाप नहीं समझते हैं। पहले वह इस को पाप समझना शुरू करें—यह समझना शुरू करें कि राज्य के धन को

अपने दल के काम में लगाना पाप है। शास्त्री जी भी यह समझना शुरू करें। जब तक ये लोग ऐसा नहीं समझेंगे, तब तक कोई सुधार नहीं होने वाला है। इस लिए मैं आप से अर्ज करता हूँ कि इस पर आप को विचार करना चाहिए।

Shri Kapur Singh: The matter has now crystallised into one proposition and one corollary. It is not disputed that what has passed between the Home Minister and the Chairman of the Public Accounts Committee involves a matter of privilege. It has been sought to be argued that it is not a matter of privilege, because it happened in the lobby or because it constituted private conversation. I wish to say that this is a fallacious argument. The essence of a breach of privilege is that there has been an attempt at subversion or erosion of free exercise of parliamentary right or parliamentary duties. In that sense, there has been a clear breach of the privilege here.

The corollary which follows from it is the one which was pointed out by my leader, Shri Ranga and my colleague, Shrimati Renu Chakravartty, namely, that this case now raises a question freshly as to whether or not the practice which is prevalent in UK and USA of invariably having a member of the opposition as the Chairman of the PAC should not be taken into consideration, particularly in view of the corroborative readiness with which Mr. Morarka has stood up in this House to support our Home Minister.

I shall conclude by saying that in view of the tone of the letter of the Home Minister, the House in its magnanimity might now pass over this matter.

Shri Shivaji Rao S. Deshmukh (Parbhani): Every time hon. members of the opposition have stressed the point that it is a matter of privilege, though it may be private or personal

talk. They have laid stress on this fact that because the Chairman of the PAC happens to be a member of the ruling party, he is more likely to be pressurised by any minister. But they forget this basic fact that if a person is to be pressurised or bullied, it can be done even if he is a member of the opposition. That he is a member of the opposition cannot be treated as fool-proof guarantee that a person is no liable to be bullied or pressurised. Where the question of privilege or pressurisation comes in, there is also the question whether the nature of the talk was personal or private. For instance, if I address you, Mr. Speaker, as "Sardarji" on the floor of the House, it is a breach of privilege. But if I do so in your chamber, it becomes a matter of personal respect.

Now if two Congress members talk and the subject-matter is an organisational matter—because even according to the words of the hon. member, the Home Minister is alleged to have said what is sought to be done is likely to have organisational effect. How can it be treated as an attempt to bully or pressurise the Chairman of the PAC, when the first sentence of the conversation is that this private talk? That has been admitted by the Chairman of the PAC himself. If at all there has been an attempt to say that certain things which are alleged to have been said are sought to be removed from the purview of the House under the pretext that they are a matter of personal conversation, the matter boils down to this: that anything that happens in the official chamber or official room of the PAC only can be public talk and anything that is said outside is private conversation.

श्री मोर्य (अलीगढ़) : अध्यक्ष महोदय, एक क्षण मुझे भी दिया जाये। मैं कितनी दफा उठा हूँ। मैं एक शब्द से ज्यादा नहीं कहूँगा।

अध्यक्ष महोदय : कहिए।

श्री मोर्य : कोई भी वार्तालाप गृह मंत्री और लोक लेखा समिति के अध्यक्ष के बीच में हो, चाहे वह व्यक्तिगत रूप में हो और चाहे कैसा ही हो, यदि उस के कारण सत्य दबता है और असत्य उभरता है, तो प्रिविलेज मोशन लाना उचित हो जाता है।

Shri J. B. Kripalani: Sir, I raised this from the point of view of the dignity of a committee of the House and also from the point of view that this does reflect upon what the Congressmen are engaged in and there may be some self-analysis, Mr. Nanda as many of them, is an old friend. I have nothing personal against them. But I thought it my duty to give expression to the resentment that I felt at what I considered to be a bullying tactic from a person who was in great authority. As Dr. Lohia has said, any ordinary talk by ordinary people in the lobby will have no significance. When a man in authority talks to a young man who has been placed in charge of a parliamentary committee, I think that position ought to have been respected by the minister.

As for its being private conversation, you are a great lawyer and you have been judge of a High Court. Suppose there had been some defamatory statements made. Would they have been considered private if 8 or 10 people were standing there? Mr. Nanda afterwards may have told Mr. Morarka that what he was talking was private. But that does not take away the fact that it was not private in fact, in actuality. Our words do not change actually at all. If the actuality was that 8 or 10 people were standing there and yet it was a private conversation, did I eavesdropped? Was it a closed room that I eavesdrooped? This is fundamental. We must know, what is the dictionary meaning of the word 'private'? The place was not private; the conversation was not private. It was heard by many.

I can tell you that I have tried to modify the expressions. The expressions were much stronger. If our

[Shri J. B. Kripalani]

two friends would come out with what one said and the other heard, the whole question will be solved. I do not understand how the plea of privacy can work here. (*Interruption*).

I am very sorry that everytime people come to argue, they bring in the name of my wife, I have already said, this is no buffoonery. We are out on serious business and to bring in the name of my wife every now and then.

Shri Tyagi: I had mentioned the Chief Minister of UP, not his wife.

Shri J. B. Kripalani: I am really surprised at the shamelessness of the man who says like that: "I am talking of the Chief Minister and not your wife". There is a limit to impudence also. There is a limit to buffoonery also.

Mr. Speaker: I would ask the hon. revered Member to address the Chair.

Shri J. B. Kripalani: Mr. Speaker, Sir, I am speaking very softly and smoothly, but I must give expression to my thought. Instead of admiring my magnanimity in allowing my wife to do what she likes, they always bring in my wife. And, they laugh. These people laugh. These Congressmen laugh. I am ashamed of them. If anybody thinks that there is a greater friend of Congress than myself, then I say he is mistaken. I have showed in hundred ways that I love the Congress as much as none of these people do. But they do not even appreciate that. I say I am a truer Congressman than what they are. What are they talking? To whom are they talking?

Mr. Speaker: Has he finished?

डा० राम मनोहर लॉहिवा : आप तो इशक करते हैं लेकिन माशूक भागता है ।

श्री जी० भ० कृपालानी : माशूक को क्या करें ?

They want to treat this serious matter as a matter of no importance. They want to brush it aside with levity, but I want it to be considered seriously, and I appeal to Congressmen that they themselves should stand up not only for the dignity of the House but for the dignity of their party. There is a tradition behind that party. They must not forget that it is said that the Congress fought for the independence of the country under Gandhiji's leadership. Let them live up to that tradition. I would have been very glad if they did that. I have no ill-will against any of the Congressmen, least of all my colleague with whom I have worked in the past in Ahmedabad also. I hold him in great regard. He would have done justice to himself, justice to his party, justice to this House, if he had un-reservedly withdrawn his words.

The Minister of Law and Social Security (Shri A. K. Sen): Mr. Speaker, Sir, if I may say so with respect, we have travelled a good deal of ground which is not strictly relevant for the purpose of the present motion. If I may read out for the benefit of the House, with your permission, the language of the motion itself, to help us in understanding the scope of the discussion and your function in granting leave, the words are as follows:

"On 19-4-1965, Shri J. B. Kripalani, M.P., said in Lok Sabha that Shri G. L. Nanda had told the Chairman, P.A.C., that the P.A.C. Report relating to Bharat Sewak Samaj was prejudicial and that he was working against the interest of the Congress. The above statement has been contradicted neither by Shri Nanda nor by Shri Morarka although both of them were present in the House when Shri Kripalani mentioned about this. Hence this statement of Shri Nanda is a serious breach of privilege of the House and its Committee."

It is founded on two grounds, that Shri Kripalani had made a statement in which he alleged that Shri Nanda had used the expression "prejudicial" in his conversation with Shri Morarka and that there was no contradiction on the floor of the House and therefore this allegation may be taken as proved, and being taken as proved it amounts immediately to a breach of privilege of the House. This is the foundation on which the present motion is sought to be sustained.

My answer to that would be that when that allegation was made without a motion and you did not allow discussion on that there was no duty cast on either Shri Morarka or on Shri Nanda to contradict that statement.

An hon. Member: What was the statement?

Shri A. K. Sen: May I crave leave of the hon. Members to make my submission and then I shall be very happy to answer whatever other queries there are (*Interruption*). I find that Shri Ranga, as usual, is not willing to extend me the courtesy which he has been receiving himself from us.

Shri Hari Vishnu Kamath: Just recovering from a heat-stroke; he must take it coolly.

Shri A. K. Sen: As I said, there is no duty cast on either Shri Nanda or Shri Morarka to contradict those allegations.

Dr. M. S. Aney (Nagpur): I am sorry.

Shri A. K. Sen: Then, Sir, when the matter comes up by way of a motion, Shri Nanda has stated in his . . .

Shri J. B. Kripalani: Will he not testify to the truth?

Shri Hari Vishnu Kamath: What is truth?

Shri A. K. Sen: Shri Nanda has stated in his letter to you that it was purely a private conversation in which he was engaged with Shri Morarka and, in my submission, Shri Morarka has supported that statement.

Shri J. B. Kripalani: No.

Shri A. K. Sen: There is only one species of private communication which has been made the subject matter of a motion of privilege in the House of Commons, though there has been no incident in our House, to my knowledge, and that is where a private communication was held to amount to intimidation and coercion designed to restrain a member from performing his parliamentary duty. It is only that species which can be made to support a motion of privilege, otherwise it will be a dangerous precedent, in my submission, and I support Shri Khadilkar's point of order very strongly, that it will be throwing open a very dangerous floodgate if we allow all private conversations to be brought on the floor of the House and be made to sustain a motion for privilege. In our own experience we have seen judges in private conversations being called "fool" (*Interruption*). I remember the case of a very eminent judge.

Shri J. B. Kripalani: If it were a case of defamation . . .

Shri A. K. Sen: Even then privacy is different.

Shri J. B. Kripalani: It was not in private, it was in public.

Shri A. K. Sen: Now, Sir, the very first case he disposed of was a case in which his erstwhile senior was defeated and he lost that case. After the case was finished he met him and asked: "How did I do?" and the reply was: "You behaved like a bloody fool". If that matter was brought to the court in support of a motion for contempt of the Judge, it would be thrown out as ridiculous.

Shri Hari Vishnu Kamath: Where did he say that, in his ante-chamber or somewhere else?

Shri A. K. Sen: In his private conversation.

Shri Hari Vishnu Kamath: At home.

Shri A. K. Sen: Once it is a question of fact whether it was a private conversation or not, once it is conceded and proved to your satisfaction that it was a private conversation, then the right of privacy comes in and you can only allow a motion of privilege to succeed if it is proved by the man to whom the conversation was addressed, either the conversation or the communication, that it was designed to coerce him. There is no such complaint (*Interruption*). In my submission, there is no such complaint.

Shri J. B. Kripalani: Let him say that only two of them were present.

Shri A. K. Sen: Therefore, here we are not to meet a case of coercion or intimidation with which Shri Yadav started. We are here only to deal with the motion as it is, and in my submission there is no ground disclosed whatsoever for granting leave to this motion.

Mr. Speaker: Now I must just give expression to my views.

Dr. M. S. Aney rose—

Shri Hari Vishnu Kamath: He is a senior parliamentarian, the oldest Member of the House.

Mr. Speaker: Many other hon. Members are also rising in their seats. So, with great respect to him, I hope he will excuse me.

The question arose the other day when Shri Kripalani informed the House—though he did not say that he was himself present it is presumed that he heard them himself—that the Home Minister had used certain words which could rightly cause in-

timidation to the Chairman of the Public Accounts Committee. So far as this question is concerned, if any intimidation is caused, or is intended or is likely to be caused, to the Chairman of any parliamentary Committee certainly it is a breach of privilege.

Shri Ranga: But see the reply that we have got from the Minister. What is the effect of it?

Mr. Speaker: I could not follow him.

Now a breach of privilege issue can arise if in the view of the House something has happened inside the House. At that time, the House can take cognisance of that episode or breach of privilege. It can be by either a Member of the House himself or by a stranger who has been brought here for some purpose. If some breach of privilege is committed by such a person in the view of the House, the House can take action straightway here. Breach of privilege might also happen by publication in press, or by use of words on a platform or in a broadcast.

Shri Kapur Singh: By telephone also.

Mr. Speaker: I would not include telephone, because the conversation by telephone is a private conversation. So, that cannot come under breach of privilege. It may be a broadcast or words uttered on the platform. Then too, if any Member brings to the notice of the House that a breach of privilege of any Member or of the House has taken place, the House should proceed to take action on that. Now, there is a third category, as has happened in the present case, of some conversation taking place in the lobbies. The other day Shri Mukerjee, and today Shri Khadiolkar, Shri Azad and Shrimati Renu Chakravarty have pleaded that if the same rules which are applied to the House are applied to the conversation that takes place in the lobbies, there would be no freedom left for any Members there.

It has been said by Dr. Lohia, and repeated by Shri Kripalani that if the

talks take place between ordinary persons, that does not matter but if it is by people in authority then it should be taken in a different light.

First, I have to answer whether anything said in the lobbies can be the subject-matter of a breach of privilege. It is a fact that if anything is said which intimidates or coerces any Member from discharging his duties, then it is a breach of privilege; even though it may be inside the lobbies, it is a breach of privilege; there is no doubt about it. One question was raised by Shri Khadilkar: if I give a ruling, if members go to the lobby and say that I have shown partiality, is that a breach of privilege? It has been held by President Patel that it is objectionable and it is a breach of privilege. I have it before me. It happened in the lobbies. But I am not taking that view. I am not restricting the freedom of speech of the members. They might do it. I would not take note of that.

Shri Hari Vishnu Kamath: I am sorry to interrupt and you will pardon me. Would you agree with 'May' who says that "misbehaviour in the lobbies, such as use of offensive expression or insulting words or threats, constitutes breach of privilege?"

Mr. Speaker: I have already said that if the language is intended or is likely to cause coercion or intimidation, or any offensive language is used, even if it is outside the House, in the lobby, certainly it is a breach of privilege, it comes under the discipline of the Speaker of this House, and this House can always take action against that. But the question boils down to this. Shri Nanda has said, as I have read now, that he wanted to convey it to a member of his own party, and it cannot be said that because he is the Chairman of a Committee, he is not a party member. Shrimati Renu Chakravartty has said that the moment he becomes a Chairman he ceases to be a member of the Congress. Yet, we have to function on party lines. There might

be some meetings held inside the Central Hall. There are some rooms where the parties also hold their meetings. If they sit down and criticise each other, if some member overhears it and brings it up here, of course, that would not be a subject of breach of privilege.

Shri Hari Vishnu Kamath: You are talking of the Central Hall. Here it is the lobby which is part of the House.

Mr. Speaker: If they sit in the lobbies and talk and somebody overhears them and reports, that would not be a subject of breach of privilege.

Shri J. B. Kripalani: Does it mean that I over-heard, I was eavesdropping? Does it mean that?

Mr. Speaker: At least Shri Nanda did not invite others to that conversation and did not convey to others that he was intimidating or giving a threat to Shri Morarka. At least that was not his intention.

Shri J. B. Kripalani: He need not invite anybody to go to the Central Hall or the lobby.

Mr. Speaker: I am inclined to hold that if such an incident occurred in the lobby, then the person aggrieved is actually the one who has been intimidated or coerced, or against whom such language has been used.

Shri Ranga: You have already given the answer that he is a Congressman.

Mr. Speaker: If he brings a complaint then the House should take notice of it; not if it is brought by other Members who over-hear him or who happen to be present there at that time. I have to safeguard the freedom of the members to talk freely inside the lobbies. That must be reconciled with the breach of privilege that might be committed. Both things have to be taken together. In

[Mr. Speaker]

view of what Shri Nanda has written, that he is sorry that such an impression has been created, the matter is closed and there is nothing more that is required to be done by me.

Shri Ranga: If he behaves like that... (Interruptions)

Mr. Speaker: Now this is over. We will take up Papers to be laid on the Table.

13.58 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER THE ALL INDIA SERVICES ACT

The Minister of State in the Ministry of Home Affairs (Shri Hathi): I beg to lay on the Table a copy each of the following Notifications under sub-section (2) of section 3 of the All India Services Act, 1951:—

- (i) The All India Services (Death-cum-Retirement Benefits) Amendment Rules, 1965, published in Notification No. GSR 527 dated the 3rd April, 1965.
- (ii) The All India Services (Discipline and Appeal) Amendment Rules, 1965, published in Notification No. GSR 528 dated the 3rd April, 1965.
- (iii) The All India Services (Death-cum-Retirement Benefits) Second Amendment Rules, 1965, published in Notification No. GSR 529 dated the 3rd April, 1965. [Placed in Library. See No. LT-4223/65].

NOTIFICATION UNDER THE ESSENTIAL COMMODITIES ACT

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): I beg to lay on the Table a copy of the Indian Maize (Temporary use in Dextrose Manufacture) Amendment Order, 1965,

published in Notification No. GSR 589 dated the 12th April, 1965, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-4224/65].

13.58½ hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-FOURTH REPORT

Shri Krishnamoorthy Rao (Shimoga): I beg to present the Sixty-fourth Report of the Committee on Private Members' Bills and Resolutions.

13.58¾ hrs.

ESTIMATES COMMITTEE

SEVENTY-SEVENTH REPORT

Shri A. C. Guha (Barasat): I beg to present the Seventy-seventh Report of the Estimates Committee on the Ministry of Food and Agriculture (Department of Agriculture)—Central Rice Research Institute, Cuttack.

13.59 hrs.

RE: VIGILANCE COMMISSION REPORT

Shri Hari Vishnu Kamath (Hoshangabad): Sir, may I submit that the Report of the Central Vigilance Commission, which is functioning under the Ministry of Home Affairs, has not reached us? We are going to take up the Demands for Grants of the Home Ministry tomorrow. We should receive the Report before that.

Mr. Speaker: I will just look into it.