

THE
PARLIAMENTARY DEBATES

Dated.....27/11/2011

(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Wednesday, 12th May, 1954

*The House met at a Quarter Past
Eight of the Clock*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-16 A.M.

QUESTION OF PRIVILEGE

Shri N. C. Chatterjee (Hooghly):
Mr. Speaker, I want to raise, with your permission, a question of privilege, not merely of myself as a Member of this House, but of this House itself.

Late last night I was served with a notice issued by the Secretary of the Council of States which runs in these terms:

“No. CS.21(2)/54-L, dated 11th May, 1954.

Sir,

I am directed to refer to the speech delivered by you at the concluding session of the All-India Hindu Mahasabha held at Hyderabad on the 10th May, 1954, as reported in the ‘Statesman’ and certain other English newspapers of Delhi on the 11th May, 1954, and to state that according to the said report you appear to have said in the course of that speech, while referring to the Special Marriage Bill recently passed by the Council of States, that it was a ‘wonderful Parliament’ which was considering the Bill and that the Upper House ‘which is supposed to be a body of elders

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seems to be behaving irresponsibly like a pack of urchins’. The words quoted have been made the subject-matter of a question of privilege raised by a Member of the Council of States at the sitting of the Council today on the ground that they constitute a reflection on the proceedings of the House and a violation of the rights and privileges of the House. It has been further contended that these words amount to an indignity offered to the Council of States. Before the Chairman takes further action in the matter, I am directed to request that you will kindly intimate to this Secretariat whether the statements attributed to you have been correctly reported in the newspapers, particularly the ‘Statesman’.

2. I am further to request that an immediate reply to this communication may kindly be sent.

Yours faithfully,

(Sd.) S. N. Mukerjee,
Secretary.

Shri N. C. Chatterjee, M.P.,
7-B, Pusa Road,
New Delhi.”

It is addressed to me as M.P.,—Member of Parliament—and the Division Number is also given—360.

I maintain that it is an extraordinary procedure that a Member of the House of the People has been served with a notice like this by the Secretary of the Council of States. It suggests there has been a breach of dignity and violation of the rights and

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privileges of the Upper House and lowering of the prestige of that Upper House. If any judgment or adjudication has to be made or given, it should be made by the House of the People or by you the Speaker.

I find in May's *Parliamentary Practice* it is clearly laid down:

"When a member, officer, or servant of either House has been guilty of any offence either against the other House or against its members, which would be punishable by the latter if committed by one of its own members, officers, or servants, it is the duty of the House to which such offender belongs, upon being apprised of the fact, to take proper measures to inquire into and punish the offence in a proper manner".

Therefore, I submit if there is any offending Member, or if I have committed any offence, it is you and you alone, and this House and this House alone, which can make an enquiry and pass judgment and I am amenable to the jurisdiction of you as the Speaker and of this House alone. No writ of another House can run. Only the writ of this House can run.

I have been reminded that I am a responsible person who occupied responsible positions and do still hold some responsible positions and, therefore, I should speak in a responsible manner. With the fullest sense of responsibility I say that the last sentence is rather extraordinary. It says "before taking any action". That indicates that the other House would take action against me, and that will be usurpation of jurisdiction which is not warranted.

I do not want to say anything further. I am absolutely in your hands and in the hands of the House. If you think that I should make any statement as to the facts or that I should comply with this notice or summons

or whatever you call it, or requisition, I shall do it. But, so far as I know, so far as I remember the history of the English Constitution, very strong speeches were delivered by very prominent Members of the House of Commons commenting on the House of Lords and their proceedings were criticised very strongly, in language which was very much stronger. Very prominent Members like Mr. Lloyd George and other Members said that the Upper House, the House of Lords, was wholly an ineffective, inefficient body, a thoroughly antiquated body of fossils which ought to be weeded out and it was acting as a clog on democracy. So far as I know, no action has been taken and nobody's rights and dignities were injured. Whatever it is..

Shri Gadgil (Poona Central): Was it in the House of Commons or outside?

Shri N. C. Chatterjee: In the House of Commons and outside, both. Hundreds of speeches like that were delivered by very prominent Members. Whatever it is, I submit it is an important matter where a requisition like this has come to one Member of your House, it is entirely for you to indicate the procedure and to guard the privileges of the Members of this House against any usurpation or infringement of their rights and privileges by the other House or by the Secretary of that House.

Mr. Speaker: I think I have heard the point. I do not propose to decide anything at present. I will have to study it and hear the Members who wish to address me on this point.

The Minister of Commerce (Shri Karmarkar): The "action" may well be to report to the Speaker.

Mr. Speaker: I should like to hear if they have to say anything on the question of procedure to be followed in such cases.

An Hon. Member: The Leader of the House is here.

Mr. Speaker: I know. What I was suggesting was, a point has been just raised. Let hon. Members take some time to think about it. Let them take time to make references to precedents in the British House of Commons or British democracy, and then I shall have a hearing before coming to a conclusion.

Shri S. S. More (Sholapur): May I make one submission? Mr. Chatterjee has been called upon to make a statement regarding the correctness or otherwise of the particular statement. Will this House indicate its pleasure whether Mr. Chatterjee should submit to that order or not? I want to point out a precedent. The hon. Law Minister was instructed by the other House not to appear before this House.

Mr. Speaker: Order, order.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): As you have been good enough to say that you will consider the matter and have some occasion to discuss it if necessary, I would only submit one or two matters which might be considered by you and the House, before you decide.

The first point is that the incident referred to has nothing to do with this House. It has occurred outside. And it is a question whether a Member of this House behaving or misbehaving outside should come and seek the shelter of this House for his behaviour or misbehaviour outside, which has nothing to do with this House.

The second question is an inquiry has been put to him to say whether he said something in his capacity not as a Member of this House, but outside. These two matters have to be borne in mind. It is very easy to refer to privileges of this House and that House, but there are some things which occur outside these Houses, and an inquiry about them is normally

made, and I suggest that some action will be taken on the basis of that inquiry. When we do not know what that action is, it seems rather premature and going beyond the facts of the case.

Mr. Speaker: It is not my idea to go into the facts of the case or decide on merits anything, but as a question of procedure has been raised for the first time, as to how action can be taken by either House in respect of statements made with reference to the other House, whether inside or outside that House.....

Shri Jawaharlal Nehru: Outside the House has nothing to do with the House. If a Member does something outside the House, it is in his capacity as a citizen, not as a Member of the House. The Hindu Mahasabha is not a part of this House yet, I know.

Shri N. C. Chatterjee: May I point out one thing.....

Mr. Speaker: Order, order. I am not deciding that point. Even so, the question to be considered is what should be the proper procedure, whether it should be by direct action or at the instance of the other House or through some other procedure. That is an important point which should be constitutionally decided once and for all, after deliberation.

Shri Jawaharlal Nehru: The present question is whether an inquiry about the veracity of a report is justifiable or not. That is the only question. I do not know what procedure is coming, when an inquiry has been made.

Mr. Speaker: That itself will imply the initiation of procedures. It may be a preliminary inquiry, but it will require some initiation of proceedings in respect of the conduct of a Member of this House, and then we shall have to go into this question. I am not deciding this question at all, but I am merely saying that I shall hear, and the House will have an opportunity of

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discussing and deliberating in regard to the proper procedure in such matters. While discussing that, our aim will be to examine the question in regard to statements made by a Member outside the House, not relating to business of this House, whether he made them as a Member of this House or as a citizen etc. All those questions will have to be gone into.

The Minister of Law and Minority Affairs (Shri Biswas): May I take it that the procedure which you have been pleased to indicate will also include an inquiry into the question whether, when a newspaper report is brought to the notice of the Speaker or the Chairman of the Council of States, it is or is not open to the Speaker or the Chairman of the Council of States to direct the Member who is reported to have made a statement to say whether he actually made that statement? Will that question also be considered in the course of the discussion?

Shri Jawaharlal Nehru: The only question one must remember is— it is always an interesting proposition to consider the possibilities, probabilities, inferences and what may happen— whether an inquiry can be made as to the correctness of a report. That is all that has been done. I really fail to understand what all this pother is about.

Mr. Speaker: I am unable to carry conviction. I am not deciding anything on the merits. The only question is what is the nature of this inquiry that has been made, and whether the procedure followed is the correct one, or some other procedure has to be followed. Whatever is decided will equally apply when some Member of the other House makes speeches outside even in his private capacity with reference to the conduct of proceedings in this House. If this House decides that there is no jurisdiction, the course will be in that direction.

But we must try to find out and see what should be the correct procedure. That is the only point. I am not concerned at present with merits. I do not propose to anticipate anything. That is not in my mind. It is only a procedural point, if I may say so. As I said earlier, let us not immediately proceed to consider this point. I have just heard what the hon. Member had to say on the question of privilege. Let the hon. Members consider this point. Let them refer to precedents on this point and be ready with whatever arguments they have to urge from the point of view of procedure. Then, we should once and for all decide this procedure. I am not taking on myself the burden of deciding this thing. It is an important issue, to my mind, which cannot be disposed of immediately.

Shri Raghavachari (Penukonda): May I submit one point? We must not forget that this inquiry whether a particular thing is a fact or not is intended only with a view to take action upon it.

Mr. Speaker: I am not concerned with the intention. I should put it on a much simpler basis saying that it is the first step in initiation or by way of initiation of an inquiry. I put it at least at that. Whether that also comes as an initial step in an inquiry or not will be a question which we shall discuss in regard to the procedure. For example, it can as well be suggested that if there was any such report, instead of initiating proceedings, the other House will have done well to make an inquiry from this Secretariat and ask the Member of this House to state as to whether that statement was correct or not. I am merely suggesting it for the purposes of argument. I am not stating it as my view. It is not my view. But I think we must....

Shri S. V. Ramaswamy (Salem): On a point of information. Were you

addressed on this question whether a Member of this House said such and such a thing? Are you aware of this fact?

Mr. Speaker: I know it from the letter, which he has read out.

Shri Jawaharlal Nehru: May I say a word, Sir? I was present in the Council of States, when this happened. An hon. Member got up and drew the attention of the Chairman to a report of the speech in *The Statesman* or some paper, and the Chairman then said, I can take no action on it, I can only enquire whether this report is correct or not, then the matter might be considered. The only question is the Chairman said, I do not know if this report is correct, merely reading the newspaper you may say anything, but I should know whether the report is correct or not. All that he said was, I shall enquire if the report is correct. That is all that has taken place.

Shri S. S. More: Through what medium? (*Interruptions*).

Shri Sadhan Gupta (Calcutta—South-East): Since the whole thing hangs over a letter, I think it will be advantageous to us to have a copy of the letter and see what really is the intention of the other House. So, can we have the letter laid on the Table of the House?

Mr. Speaker: It has gone into the proceedings, and hon. Members can have a copy of the proceedings, if they like.

PAPERS LAID ON THE TABLE

REPORTS OF TRAINING AND EMPLOYMENT SERVICES ORGANISATION COMMITTEE AND NATIONAL TRADES CERTIFICATION INVESTIGATION COMMITTEE

The Minister of Labour (Shri V. V. Giri): I beg to lay on the Table a copy of each of the following Reports,

in pursuance of assurances given by me from time to time:—

(i) Report of the Training and Employment Services Organisation Committee. [*Placed in Library. See No. S-159/54.*]

(ii) Report of the National Trades Certification Investigation Committee. [*Placed in Library. See No. S-160/54.*]

STATEMENT IN CONNECTION WITH DEMANDS FOR GRANTS (RAILWAYS), 1954-55.

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to lay on the Table a copy of the statement containing replies to certain memoranda received from Members in connection with Demands for Grants (Railways) for 1954-55. [*Placed in Library. See No. S-161/54.*]

ESTIMATES COMMITTEE

PRESENTATION OF SEVENTH REPORT

Shri M. A. Ayyangar (Tirupati): I beg to present the Seventh Report of the Estimates Committee on the Ministry of Food and Agriculture.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

PRESENTATION OF NINTH REPORT

Shri M. A. Ayyangar (Tirupati): I beg to present the Ninth Report of the Committee on Private Members' Bills and Resolutions.

HINDU MARRIAGE AND DIVORCE BILL

Secretary: Sir, under Rule 178 of the Rules of Procedure and Conduct of Business in the House of the People. I have to report that two petitions as per statement laid on the Table have been received relating to the Hindu Marriage and Divorce Bill, 1952, as introduced in the Council of States.