

[Shri Jawaharlal Nehru]

a majority of the Governments represented on the Tribunal and on the recommendation of Japan. Article 25 states that no rights or benefits under the Treaty shall be conferred on any State which has not signed and ratified it.

The view of the Government of India has been that Article 25 of the San Francisco Treaty, negotiated and signed by third parties, cannot take away any right belonging to India as a member of the Tribunal. Further, the Tribunal's judgment was delivered long after the partition of India, and Dr. Pal was obviously acting only for the Government of India and not for the Government of Pakistan. Moreover, by the agreement annexed to the Indian Independence (International Arrangements) Order 1947, Membership of international organisations devolve solely on India.

Notes containing our views were delivered to all the Governments represented on the Tribunal and to the Japanese Government in April and May 1953. We received replies between July and December 1953. The Governments of Australia, Canada, France, Netherlands, New Zealand, the U.K. and the U.S.A., reaffirmed their stand that India had no jurisdiction in the matter of clemency since she was not a party to the San Francisco Treaty. They said further that there was no question of India's vote being transferred to Pakistan. According to them, Pakistan had equal jurisdiction in this matter as one of the successor States to British India, and if India had been a party to the San Francisco Treaty, both she and Pakistan would have had equal jurisdiction in the matter of clemency.

In a further series of notes handed in April 1954 to the seven Governments named above, the Government of India have reaffirmed their stand. A Press Note was issued by the

Government of India on the 10th May, a copy of which I have just laid on the Table of the House. This Note states briefly India's case in this matter.

The Government of India are wholly unable to accept the view of the Governments named above and consider it a negation of the principles of international law and practice. In their opinion, the exclusion of India whose representative had all along functioned as a member of the Tribunal even after the partition of India, is completely arbitrary and has no justification whatever. Equally arbitrary is the inclusion of Pakistan. The fact that India did not sign the San Francisco Treaty and Pakistan signed that treaty, has no relevance to this question. A treaty signed by some of the countries, and not signed by India, cannot bind India in any way and cannot affect India's rights.

As already stated, it was clearly laid down at the time of the partition of India that all international commitments and membership of international organisations previous to the partition devolve solely on India. The interpretation, therefore, put by the other countries has no justification whatever and the Government of India take a grave view of this arbitrary use of authority regardless of the principles of international law and practice and the circumstances governing this particular case.

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#### PAPER LAID ON THE TABLE

NOTIFICATION UNDER THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY ACT, 1952.

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** I beg to lay on the Table a copy of the Ministry of Works, Housing and

Supply Notification No. 2521-EII/54, dated the 31st March, 1954, under sub section (2) of section 17 of the Requisitioning and Acquisition of Immovable Property Act, 1952. [Placed in Library. See No. S-165/54.]

GOVERNMENT OF PART C STATES  
(AMENDMENT) BILL

**Shri Dasaratha Deb** (Tripura East): I beg to present fourteen petitions signed by fourteen petitioners in respect of my Bill further to amend the Government of Part C States Act, 1951.

POINT OF PRIVILEGE

**Mr. Speaker:** I received at about 5 P.M. last evening a letter from the Chairman of the Council of States which reads as under:—

“My dear Mr. Speaker,

At the sitting of the Council of States yesterday (11th May 1954) a Member sought my permission to raise a question of privilege in respect of certain statements reported to have been made by Shri N. C. Chatterjee, relating to the passing by the Council of States of the Special Marriage Bill, in the course of a speech made by him at Hyderabad on the 10th May, 1954, as President of the All-India Hindu Mahasabha, at the concluding session of the Mahasabha and published in the local newspapers. According to the newspaper reports, Shri Chatterjee is alleged to have said 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 seems to be behaving irresponsibly like a pack of urchins.’ Under my directions, the Secretary of the Council has written to Shri Chatterjee enquiring whether the statements attributed to him have been correctly reported in the newspapers.

As Shri N. C. Chatterjee happens to be a Member of the House

of the People, I am writing this to you.”

I think this note very much narrows down the issue. I do not even now express an opinion as I am keen that the procedure should once for all be settled after due consideration. It is not a matter of the prestige or dignity of this House or that House, and not a matter to be considered on party lines, or with a kind of feeling or pride for one's own House. Both the Houses together form Parliament, and the prestige of one House should be equally zealously and jealously guarded by the other House. But we want to be clear as to what the procedure should be for initiating proceedings, if at all they are thought to be necessary, in case a Member of one House is to be—I would not say charged—even approached for a preliminary explanation in a matter where the House feels that its dignity has been offended. Whatever decision is taken will apply equally to instances in both Houses, If we decide on a particular way, then so far as any Member of the Council of States making any allegations or aspersions, as this House may consider them to be, is concerned the procedure will be the same as in the case of a Member of the House of the People—as in this case—who is alleged to have made them. It is from this point of view that we have to look at the question and come to a decision. I may repeat what I said yesterday that as this is the first occasion which has arisen and as we have to build up some kind of proper procedure and tradition, we may discuss this matter in a dispassionate way and come to an agreed conclusion in the interests of the rights and privileges and also dignity of both the Houses of Parliament. It is not a question of this House against the other House. Let there be no misimpression on that question. Therefore, I had said that I would have the discussion postponed.

Now, in the light of this letter which I have received from the