

am not going to allow it, because it is not our concern. There may be many other matters also. Let them file a suit.

12 02 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

The Minister of Agriculture (Dr. P. S. Deshmukh): I beg to lay on the Table, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, a copy of each of the following Notifications

- (i) G S R No 62 dated the 17th January, 1959, and
- (ii) G S R No 102 dated the 24th January, 1959 [Placed in Library See No LT-1241/59]

12 02½ hrs.

APPROPRIATION BILL* 1959

The Minister of Finance (Shri Morarji Desai): I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59

Mr. Speaker: The question is

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59."

The motion was adopted.

Shri Morarji Desai: I introduce the Bill.

12.03 hrs.

COMMITTEE OF PRIVILEGES

EIGHTH REPORT

Shri Naushir Bharucha (East Khandesh). Before I speak on the Eighth Report of the Privileges Committee, may I seek a clarification from you, Sir, on a point of procedure? Under rule 315, first, this House has to discuss the formal issue that the report be taken into consideration, and after this House votes on that issue, then a substantive proposition can be brought forward. May I request, if the House so desires, we might skip over the first stage and take it for granted that the House desires to consider the report? That will save half an hour of the House, because I think the House is agreed on the point that it wants to discuss the report, and we need not spend the half an hour provided for in rule 315 only to discuss that formal issue

Mr. Speaker: Shall I put it straightway to the vote of the House that the report be discussed? The procedure is this: Whenever any matter of privilege or motion of privilege, after consideration by the House, is sent to the Privileges Committee and the report is submitted by the Committee to the House, the procedure that is laid down is that first of all, it has to be taken into consideration. The time allotted for this consideration motion is half an hour. After the consideration motion is carried, an amendment, or a further motion can be made by any Member to accept the report or to modify it or to suggest any other amendments, so far as the punishments are concerned, what further course of action should be taken etc.

The hon Member Shri Naushir Bharucha suggests that we need not spend time over the first portion, namely that the report be taken into

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 24th February, 1959.

†Introduced with the recommendation of the President.

[Mr Speaker]

consideration, but we may straight-way go into the other matter as to what is to be done with this report. If the House is agreeable, I shall put the question immediately.

Shri C. D. Pande (Naini Tal) And get the approval of the House.

Shri Asoka Mehta (Muzaffarpur) I feel that a brief discussion is necessary, because before we are called upon to give our vote one way or the other, I think it necessary to know why the report needs to be discussed. I feel that for the first time, when the report was placed on the Table of the House, we were able to see the full text of the telegram. The report says, as you know, that the committee felt that only a particular sentence in the telegram need be considered. Now, some of us feel that an opportunity should be there to consider the full text of the telegram, and the Privileges Committee had not considered the full text of the telegram. The report is based upon a particular sentence in that telegram. The full text of the telegram was not before us or before this House at any time. Now that the full text is there, some of us at least feel that the House should have an opportunity of considering the report in the light of the full telegram which the committee has not considered, and that is the reason why it would be necessary to consider the report.

Raja Mahendra Pratap (Mathura) May I move that this be dropped? Can it be moved?

Mr. Speaker: Yes, after the consideration stage is over, the hon. Member can say that the matter may be dropped.

Raja Mahendra Pratap: I propose that the matter be dropped.

An Hon. Member: He can oppose this motion.

Mr. Speaker: It is not to be moved now; it is to be moved after the consideration motion is carried.

Shri A. K. Gopalan (Kasergod): I have no objection to the report being discussed. But what I have to say is this. In the new Parliament, there have been several occasions when the Committee of Privileges has given its report on privilege motions, this is the first time where before it was sent to the committee, there was a full discussion here, and after the report also, a discussion is sought to be raised. There is the unanimous opinion of the committee that this report must be adopted. The convention has been that when the committee gives its report, we adopt it, and let it not be said and let not the idea be there in the minds of the people that this is a new thing which we are seeking to do; let not the impression be created that it is because the Kerala's Chief Minister is involved that we are again and again discussing this thing. That is what I want to say. This is the first time when after the committee has given its report, we are seeking to discuss it. I do not find any reason why there should be a discussion again. I am not objecting to the discussion, but I only wanted to make this submission.

Shri T. B. Vittal Rao (Khammam): It is a good precedent.

Shrimati Renu Chakravartty (Basirhat): May I just ask one thing? We are now going to consider the report, under rule 315 (1) the consideration of the report will be there. After the consideration motion is adopted, we have again a half-an-hour discussion.

Shri Naushir Bharucha: No, no.

Mr. Speaker: The only question is as to what ought to be done.

Shri Bimal Ghose (Barrackpore): This discussion is for half an hour.

Mr. Speaker: This discussion is for half an hour.

Shrimati Renu Chakravarty: After that, again, there is to be another substantive motion saying that the House agrees or disagrees or agrees with amendments with the recommendations. May we know whether those amendments have been circulated to us?

Mr. Speaker: There and then, I shall allow any hon Member to make a motion orally or move an amendment

Shrimati Renu Chakravarty: Normally, you never allow anybody to move an amendment without the House being seized of the amendment. Therefore, we should like to know your ruling on the matter.

Shri Bimal Ghose: No amendments can be moved unless the motion is adopted

Shri Tangamani (Madurai): Let us know from the Chair

Mr. Speaker: As it is, the rules seem to be rather silent over this matter. They give the impression—this is only a first impression, so far as we are concerned—that as soon as the House takes it into consideration, any hon. Member can rise in his seat and then say that he proposes such and such amendment, as to what further ought to be done. If there is so much of complication, then we can always adjourn and then allow opportunities to hon Members to table amendments ..

I think this may be disposed of easily. What Shri Naushir Bharucha wanted was that there need not be two debates on this, but let there be only one debate, namely consideration of what exactly is to be done. Immediately, I shall put the motion for consideration to the vote of the House. Why should there be two separate discussions? We can always adopt the consideration motion, and then whoever wants to say anything on this can say it on the next motion, and he can also say what he advises this House to do.

It may be said by an hon. Member that let the report be adopted, or be

modified in such and such a manner. I shall note down, and then dispose of it immediately

Shri V. P. Nayar (Quilon): May I seek a clarification from you? You say that from the wording of this particular rule, it has to be inferred that amendments can be made. But, if you go through the entire rules of procedure, you will find that wherever amendments have scope, they have been specifically referred to. If in this particular rule, the amendments have not been referred to, I think it was due to the wisdom of the person who made the rules in having omitted it completely. You cannot make an inference, because there is no reference to amendment here, and besides, in the whole body of the rules of procedure, wherever amendments are referred to, they are specifically referred to. We cannot draw an inference from this rule at all

Mr. Speaker: After the consideration motion is carried, then if it is necessary to give some time to table an amendment—hon Members may think of an amendment even from now and hand it over to me—I will give that

Shri Naushir Bharucha: Sir, you may put to vote the proposition that the House do take into consideration this Report. The vote of the House must be there. Then, I can move my substantive motion

Mr. Speaker: If there is unanimity so far as this suggestion of Shri Bharucha is concerned, I would accept it. The rule says that half an hour discussion ought to be allowed. Shri Asoka Mehta says that we must discuss this matter on this

Shri Asoka Mehta: With your permission I pointed out why it is necessary for us to discuss the Report. I do not want to go into the merits of it because according to the Rules I cannot go into the merits at this stage. I merely draw the attention of the House to the fact that the Commit-

[Shri Asoka Mehta]

tee have not taken the full telegram into consideration and, therefore, this House should get an opportunity to consider the telegram as a whole where there are certain sentences about which some of us may have something to say. I was trying to invite your attention and through you the attention of the House to the fact that unless such an opportunity is given to the House to discuss the Report, we shall not be in a position to say anything on the telegram as a whole which has not been considered by the Committee. I cannot go into the merits of the matter just now at this stage.

Sardar Hukam Singh (Bhatinda): This is what he wants. Shri Bharucha wants that the Report be taken into consideration so that he or any other Member should have the opportunity to speak on it. Therefore, he agrees to it.

Mr. Speaker: Hon. Members will address themselves to sub-clause (2) of this Rule. It says, at this stage, such a debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the House. I think the whole House is agreed that the Report may be considered. We may now proceed to the next stage as to what ought to be done with regard to this Report.

The question is

"That the Eighth Report of the Committee of Privileges presented to the House on the 20th February, 1959, be taken into consideration."

The motion was adopted.

Mr. Speaker: Now, any hon. Member may speak with respect to the details and say what has to be done.

Shri Naushir Bharucha: Sir, I move a substantive proposition as follows:

"While adopting the Eighth Report of the Committee of Privi-

leges presented to the House on 20th February, 1959, and recommending that no further action be taken in the case, this House regrets that unfortunate expressions such as 'hitting below the belt' and 'political propagandist hoax' should have been used in the telegram dated 20th September, 1958 in connection with the legitimate expression of views by some hon. Members of this House." (Interruption).

Sir, I will just discuss it.

The broad facts of the case are that on 20th September, 1958, the P.T.I. reported in respect of a telegram purporting to have been sent by the Chief Minister of Kerala to the Home Minister which included certain phrases and in the opinion of this House it was then felt that on placing a reasonable interpretation on those phrases it amounted to attributing of certain motives of slandering the Kerala Administration to certain Members.

Sir, at that time, the whole debate in the House turned on a certain phrase, which contained the word 'slander'. And, naturally, the House was exercised by the fact that it meant that the major purpose on the part of these Members was not to mention anything about the Kerala Administration but to slander it. At that time we had not the text of the original telegram with us and, therefore, perforce, we had to proceed on the secondary evidence that was before us of the telegram, namely, the Press report. And, consequently, feeling that a *prima facie* case had been made out, this House was pleased to refer this matter to the Privileges Committee and requested the Committee whether in the opinion of the Committee that particular phrase amounted to a breach of privilege. In the circumstances of the case, and particularly bearing in mind the fact that at that time this House had not before it the telegram but only the Press report and the Press report did

not disclose anything more than that particular phrase, the whole attention of the House was concentrated on that one point

The Committee of Privileges acted in a highly judicial manner in calling for the original telegram that was primary evidence of the reports in the papers. On reading the text of the telegram, Sir, the Committee came to certain conclusions. It will be recalled that so far as the Press reports were there, the Press reports stated that in the course of the telegram Mr Namboodripad had attributed the motive of slander to some hon Members in this House. This was the part of the Resolution. But, actually, what transpired from the telegram was something very different. Whereas we thought that the Chief Minister used the words "tried to slander"—actually, the text of the telegram reads thus. This is the relevant portion

"PRAY PERSUADE HONOURABLE SPEAKER THAT STATE SUBJECT MAY NOT FAIRLY BE DISCUSSED IN PARLIAMENT WITHOUT STATE GETTING OPPORTUNITY BECAUSE EXPLANATION OF MEMBER BECOME MERE SLANDER ON STATE GOVERNMENT"

Sir the Privileges Committee, therefore, very correctly interpreted that what the Chief Minister wanted to convey was not that certain Members tried to slander the State Government but that if the State Government did not get an opportunity to represent its side of the case, then, statements made, however *bona fide*, by any other Members would amount to slander on State Government, in the absence of clear explanation by the State Government of its case

To my mind, the whole thing is so very clear that the Privileges Committee could not have taken any other point of view except this that the intention as well as the wording were totally different from what we ex-

pected—and that there was no breach of privilege

It so happened that, unfortunately, in the course of consideration of this subject by the Privileges Committee, when the telegram was produced, at least two phrases emerged from that which, in my opinion, perhaps, are from the point of view of severity of criticism much worse than the original phrase which we complained of. And, this telegram is reproduced in Appendix II of the Report and I desire only to refer to that part of the telegram which contained these phrases. It says

"ASPERSIONS ON OFFICERS BY SHRI MEHTA IN PARLIAMENT UNJUST HITTING BELOW THE BELT UNLESS ACTUAL FACTS AND THEIR EXPLANATION HEARD"

Later on, it states

"KERALA GOVERNMENT REPORT SHOWS SHRI MEHTA'S CHARGES A POLITICAL PROPAGANDIST HOAX"

Now, we have got to consider these two phrases. The first point to be borne in mind is that these phrases have got a legal aspect and the other an aspect from the point of view of public decency and fair criticism. But the Privileges Committee was perfectly justified in not going into this issue—this is a side issue which cropped up, a very important side issue which cropped up later on—because the Privileges Committee was strictly bound by its terms of reference

And, if we read the Resolution, though it might, at first sight, appear that the entire telegram was referred to, the Resolution has to be taken along with the debate in the House and it is very obvious that what was referred to the Privileges Committee was that narrow and very clear issue whether this particular phrase referred to in the Resolution amounted to a breach of privilege of this House.

Mr. Speaker: Then, we go beyond it as a matter of fact

Shri Naushir Bharucha: The Privileges Committee cannot go; but the House has got the right

Mr. Speaker: Order, order The hon Member will kindly hear me The House takes cognizance of a matter only on a motion The motion referred only to one point, namely, slander We are not going into other things It was open to the House then to have referred other points also to the Privileges Committee and then say, take the telegram as a whole and say whether it is slander or not

The Committee did not go into it because the House did not direct it The House itself should not have jurisdiction over matters which were not placed before it by a motion I think the hon Member may confine himself in his motion only up to the portion 'agrees and feels "dropped" This motion may be split up into two parts The latter part which refers to other matters in the telegram is outside the scope of the original motion

Shri Naushir Bharucha: Sir, it is true that originally only one particular issue was referred to the Privileges Committee and it has confined itself to this issue But this House has got various courses open to it Today it can pass a Resolution

Mr. Speaker: The hon Member can give notice separately

Shri Naushir Bharucha: It is open to the House to refer back to the Privileges Committee the report with a further reference on this issue Certainly this House is sovereign It is immaterial how the fact of the breach of privilege of the House comes to its notice It may come through Press reports or through the report of the Committee It may come from any other source Whatever be the source, this House cannot be shut out from referring any additional points

which it wants to refer to the Privileges Committee

Mr. Speaker: I am afraid the hon. Member has not understood me properly I do not say that this House is incompetent to go into any matter This House cannot of its own accord do it Some Member must make a motion, whether he is on the left or on the right side Otherwise, we have nothing to do with whatever appears in the newspapers if nobody brings it to the notice of the House A motion was specifically made with reference to that particular part of the telegram The hon Member must give notice, as Shri Masani did, of another motion, later on we will consider whether it is necessary to go into that matter and whether this House should go into it and send the matter to the Privilege Committee It is not as if the whole telegram is before us Only one part of it was brought to the notice of the House by that motion I think this is all irrelevant Now, many other hon Members may have taken notice of many other things, some other Members may find something else in the same letter or telegram Are we to go into it like this and split it up into a number of side issues? Therefore, I am afraid, unless I am convinced otherwise, this motion is out of order Only one part of the telegram which has been referred to as bringing this House into contempt and in regard to which the Committee has found that there is no breach of privilege can be taken note of and we cannot take note of any other part of the document once it was not the subject matter of the motion adopted by the House That is what exactly the hon Member wants to do

Shri Naushir Bharucha: Sir, rule 315(3) says as follows

"After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may move

that the House agrees, or disagrees or agrees with amendments with the recommendations contained in the report."

Mr Speaker. Amendment cannot relate to any other thing (Interruptions) If any other hon Member agrees with it .

Some Hon. Members. No

Mr. Speaker So, I disallow that portion as I find it out of order So far as the other portion of the motion is concerned, it may be relevant As regards other matters, the hon Member may table a separate motion It would then be for this House to consider later whether the motion is in order or not and whether in view of the time that has lapsed the motion should be admitted and so on We shall confine ourselves to this report and to this particular portion of the telegram which had been referred to the Privileges Committee to report whether there had been a breach of privilege

Shri Asoka Mehta: Sir, before you give your ruling, may I invite your attention to the Resolution which this House has adopted, it is there in the report It says

"That the attention of the House having been drawn by an hon Member on September 23 to the telegram sent by Mr E M S Namboodiripad "

Unfortunately the telegram was not before us

Mr. Speaker It is not the whole telegram.

Shri Asoka Mehta: The telegram is to be considered The telegram was not before them

Mr Speaker: The hon Member will kindly read para I

". . on September 21, in the course of which Mr Namboodiripad has attributed the motive of

slander to some hon Members of this House "

That is the point, it goes further

" and having taken note of the subsequent telegram from Mr Namboodiripad to Pandit G B Pant which was read to this House by the hon the Speaker on September 23, this House resolves that the matter be referred to the Committee of Privileges "

Now, what is the matter? The matter is slander No other matter has been referred to

Shri Asoka Mehta. But the telegram was not before us at that time

Mr Speaker: Whatever information was obtained from the newspaper report related only to slander That is exactly why the Privileges Committee has said that there has been no breach of privilege If now the telegram is before the House and if hon Members want to look into that, they may by all means move this House on any other matter which may be deemed to constitute a breach of privilege but not as an amendment to this motion It should be an independent motion

Raja Mahendra Pratap. Will you allow me to say a few words?

Shri Naushir Bharucha. I have not finished my speech

Mr Speaker: The portion which I had indicated will be eliminated He may say a few words more if he likes

Shri Naushir Bharucha It is open to the House to reject my proposition, it is open to you to rule it out of order

Mr Speaker: I have ruled it out of order

Shri Naushir Bharucha. The point that I am making is this While the Privileges Committee has concentrated its attention on one thing only, there

[Shri Naushir Bharucha]

are two other phrases in the telegram admittedly sent by the Chief Minister of Kerala which contained these two deprecating observations. The meaning of these two things is very obvious. In the first place, he uses the term 'hitting below the belt' which really means attributing foul play.

Shri A. K. Gopalan: Sir, he is raising a discussion which you have ruled out of order.

Mr. Speaker: I have disallowed all other matters not arising out of this motion that was referred to the Committee. The Committee confined itself only to this particular part. Therefore, I have disallowed any other reference in this amendment which has been tabled by Shri Bharucha. Therefore, he may confine himself to this: "no further action be taken in this case." Has he anything more to say on that?

Shri Naushir Bharucha: My submission is this. The whole report has been placed before us. The telegram also forms part of the report. It is certainly open to me to make comments on it. I can understand you have power to rule out my resolution on technical grounds. But how can any Member be prevented from saying something which is included in the body of the report?

Mr. Speaker: But it must be relevant.

Shri Naushir Bharucha: The telegram is entirely reproduced there, word for word.

Mr. Speaker: The hon. Member is a lawyer. All that can be said in this House must have some relevance to the matter or to the proposal. He may say there shall be punishment. He ought not to refer to things which were not brought before us by the original motion. For the purpose of strengthening his argument, even if he says that a person ought to be

punished, even then it will be irrelevant. His only motion was that the report must be taken into consideration and we have already passed it.

Now, I will allow opportunities to other hon. Members. Raja Mahendra Pratap.

Raja Mahendra Pratap: I say that whatever the Privileges Committee has said has said very wisely and we accept all that. It was said that there has been no slander. If we think that the Committee has not pronounced a right verdict, it would reflect on the judgment and wisdom of the individual Members of the Committee. If we are not prepared to accept it that would be the meaning. This motion has been put forward by some people on the idea that some are opposing the Communist Party. It is very bad because the idea of the Communist Party then becomes stronger on this point, that is, if you take such steps. We do not want to make the Communist Party stronger. We want that we should learn to work together in the interest of the entire country in which our hon. Prime Minister also believes. I support the Prime Minister in this line of thinking also, that we should all work for the country. So, my suggestion is that we accept the verdict of the Privileges Committee as it is and we drop the matter entirely.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Granting that the Privileges Committee confined its deliberations to that one item only, which had been entrusted to it, a new situation has developed by the publication of the telegram *in extenso*, in toto. I would like to have your advice as to what the remedy is. Do we have to reject the report, and have another motion?

Mr. Speaker: I did not invite any other motion.

Shri Jaipal Singh: Then there is no discussion required in that case.

Mr. Speaker: It is open to hon. Members to move a motion. Some people may take exception to one portion and some other people to another portion. In a case of defamation, the ordinary rules of procedure in a court are, if a particular portion is made the subject-matter of the case, or suit on the ground that it constitutes a libel or slander, then the parties concerned will confine themselves only to that. The case stands or falls on that. It is open to them to file another suit and bring another case.

Likewise, if hon. Members find from the telegram any other portion to which they can take exception, and think that it is a breach of privilege, certainly it is always open to them to bring it up by way of other motions here. Now, there was a substantive motion. This was taken into consideration, and so far as the motion of Shri Naushir Bharucha is concerned, the motion for consideration has been passed. I understand Raja Mahendra Pratap to have tabled a motion by way of an amendment.

Shri Mahanty (Dhenkanal): I have also tabled an amendment

Mr. Speaker: Yes, I am reading Raja Mahendra Pratap's amendment. Raja Mahendra Pratap says "that this House having considered the report, is of opinion that the matter may be dropped."

Shri Jaipal Singh: The whole thing is out of order. If Mr. Bharucha's motion is out of order there can be no amendment to the motion.

Mr. Speaker: It is an amendment to the motion for consideration of the report. It is not an amendment to the motion as moved by Mr. Bharucha.

Dr. K. B. Menon (Badagara): I am not an eminent lawyer as Shri Naushir Bharucha is. I would like, however, to place a layman's point of view before the House. A couple of hours was spent....

Mr. Speaker: What does he want? The House has passed the motion for consideration. Now, any hon. Member who speaks has to speak on the subject under consideration as per the rules. Rule 315(3) says:

"After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may move that the House agrees, or disagrees or agrees with amendments, ..." etc.

Raja Mahendra Pratap has said that we agree with this and that the whole matter be dropped. What does Dr. K. B. Menon want?

Dr. K. B. Menon rose—

Shri Nath Pai (Rajapur): May I seek one clarification on your ruling, Sir? I am not going into the merits of anything. But I want to be guided by you on one ruling you have given. Without any reference to the original reference made in this House to the Privileges Committee, we want to know what is before us today; we have the report of the Privileges Committee. The whole report is before us. If I want to discuss the report of any Corporation, everything that is included in it, I can bring to the notice of the House. So, in this case....

Mr. Speaker: I have already given a ruling.

Shri Nath Pai: If it is the report, is it not the whole report? If it is the whole report, to be adopted by us, can I not refer to any part of it? I am not interested in anything other than this.

Mr. Speaker: The whole report arises out of a motion here. If the Select Committee makes a report on a number of things or matters which have not been referred to it at all, certainly it is open to Members to say that this was not referred to the Committee at all, that they have gone

[Mr Speaker]

beyond the reference and that they have said new things

Likewise, here is a report that is sent and is based on a motion adopted by this House I have already given my ruling It is not that it prevents any hon Member from bringing to the notice of the House and asking this House to take action on any other portion which they find constitutes a breach of privilege

Dr. K B Menon: As I said, I am presenting the layman's point of view

Mr. Speaker: On what matter? Does he want to support or oppose?

Dr. K B. Menon: You have allowed us to speak on the report

Mr. Speaker. The report has been taken into consideration

Dr K. B. Menon: Yes We were fighting a shadow during the couple of hours that was spent on the debate on the issue of privilege, because we had not before us the original telegram The Home Minister was reluctant, but at the same time, was willing to place the telegram before the House, if the House wanted it The whole issue was then referred to the Privileges Committee, and the House left it to the Committee to decide whether that telegram should be obtained from the Home Minister or not. The Committee picked out the telegram from the Home Minister and some of us also were called upon to give evidence The telegram was read out to us I was asked whether I took objection to that telegram I said I took stronger objection to the telegram than to the edited version of the telegram as appeared in the papers My reason for taking objection to that telegram was because of these two expressions "propagandist hoax" and "hitting below the belt", and then with reference to me, calling me a propagandist. The Chief Minis-

ter obviously believes that we come here with the juggler's bag, producing exhibits before the House and thus misguide the House and mislead the public with regard to the real facts. The Chief Minister's telegram I think, is a challenge to the House, using harsh expressions and humiliating the hon. Members and calling into question their integrity and independence.

The service which the Privileges Committee has done to the House is to make available to the House the original telegram Now that the report of the Privileges Committee is before us for discussion, and because the report is placed on the Table of the House and is made available to the press,—the whole press and the public know what the original telegram is—I feel that there has been an interference with the privileges of the House The general desire among the hon Members, that they should have safety and security and that they will also have their freedom to express what they want to express has been shaken Therefore I believe that that aspect also should be taken into consideration and that the House should have a discussion of the telegram as originally sent—the original telegram—and as released by the Chief Minister

Shri Mahanty: Mr Speaker, Sir, I have given notice of my amendment which may be in your hands by now My amendment reads as follows:

That in the motion—

for the words "recommending that no further action be taken in this case"—

This House regrets that unfortunate expressions such as "hitting below the belt" and "political propagandist hoax" should have been used in the telegram dated 20th September, 1958 in connection with the legitimate expression of views by some hon. Members—

the following be substituted:

"and recommends that it be an instruction to the Committee of

Privileges to review its recommendations in the light of the Kerala Chief Minister's telegram dated 20th September, 1958 in its entirety".

Have I the leave to speak about it?

Mr. Speaker: Yes.

Shri Mahanty: My first submission is that the terms of reference which were laid down in the resolution of this House passed on the 27th November, 1958, were wide enough to include the telegram dated 20th September, 1958 sent by the Chief Minister of Kerala to the Union Home Minister I may read out the preamble of that resolution:

"That the attention of the House having been drawn by an hon. Member on September 23, to the telegram sent by Mr E N S Namboodiripad, Chief Minister of Kerala, to Pandit G B Pant, Home Minister, extracts from which are contained in a report based allegedly on official sources issued by the Press Trust of India from Trivandrum on September 20 and published in the *Times of India* Delhi, and the *Amrita Bazar Patrika*, Calcutta, on September, 21, in the course of which Mr. Namboodiripad has attributed the motive of slander to some Hon'ble Members of this House;

"and having taken note of the subsequent telegram from Mr. Namboodiripad to Pandit G B. Pant, which was read to this House by the Hon'ble the Speaker on September 23," etc etc.

Therefore, Sir, two facts emerge

Mr. Speaker: I am afraid, this amendment is out of order I hope the hon. Member will bear with me I will explain to him the position. The rule here says:

"After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the

Committee or any other member, as the case may be, may move that the House agrees, or disagrees or agrees with amendments, with the recommendations contained in the report."

There is no provision here for sending the report back to the Committee.

Shri Mahanty: In that case, under Rule 315(3) I am entitled to say that I do not agree with the recommendations of the committee.

Mr. Speaker: Certainly.

Shri Mahanty: That is what I am submitting

Mr. Speaker: Very good. I disallow this amendment Let him say that he disagrees (*Interruption*) Hon Member, Shri Mahanty may say that he disagrees

Shri Mahanty: I disagree with the recommendations of the Privileges Committee, and my submission will be to refer the entire matter back to the Privileges Committee

Mr. Speaker: There is no provision for that Here it only says: "agrees, or disagrees or agrees with amendments"

Shri Jaipal Singh: Earlier, Sir, I sought your guidance on this particular difficulty, and you suggested that a new motion, a substitute motion was the remedy

Mr. Speaker: Not now

Shri Jaipal Singh: May I have your permission to move that motion?

Mr. Speaker: Not now. He must give notice of the motion in the usual course I will circulate it, and hon Members will come prepared as to whether any other portion is a breach of privilege

Shri Jaipal Singh: I will submit it right now.

Mr. Speaker: I will take time to consider whether I should give consent or not.

Shri Mahanty: What I am submitting is this. It is within my rights, under Rule 315(3) to submit before the House that the House should not accept the recommendations of the Privileges Committee, and I can also make a further submission that the matter be reviewed once again—there can be a substantive motion later (*Interruption*).

Mr. Speaker: Order, order. I can hear only one at a time. I do not agree that this House, under the rules, can send it back to the Privileges Committee. Otherwise, there won't be any end to this discussion. The rule says: "agrees, or disagrees or agrees with amendments". Here and now he may say—it is said that the matter may be dropped—that he does not agree to the matter being dropped and he wants that the individual concerned should be punished. He may say anything he likes. You must agree with the report, or disagree with the report or agree with amendments. If he feels that the matter need not be dropped and the individual should be punished, let him say so. There is no provision to send it back to the Committee.

Shri Surendranath Dwivedy (Kendrapara): They have not considered the telegram.

Shri Jaipal Singh: I am still somewhat hazy about the guidance you have given, Sir.

Mr. Speaker: There must be a separate motion.

Shri Jaipal Singh: May I say, Sir, that the penultimate ruling that you have given is obviously quite correct as far as I am concerned. But the question is that a new situation has been created by the fact that we have a telegram which gives some more facts than what we had previously. I am not quarrelling with the Committee or anything of that kind. What

I am saying is that this telegram be referred back to the same Privileges Committee and let it come back with a report. It does not serve any purpose by discussing it here now.

Mr. Speaker: That is a separate motion. The original motion referred to a particular portion of the telegram, and the Committee was asked to report whether the use of the word slander constituted a breach of privilege. If any other portion is taken exception to now, by all means hon. Member may table another motion drawing attention to that portion to which he objects or which he considers as a breach of privilege. Then I will circulate it to hon. Members, and thereafter if I find that really that is a case where there is a *prima facie* breach of privilege, I will give my consent. Before giving my consent nothing can be done.

Shri Mahanty: May I say a word, Sir?

Mr. Speaker: No. This is over. Does any hon. Member on this side want to speak?

The Minister of Home Affairs (Shri G. B. Pant): Sir, so far as the report goes, we accept it and there is nothing to be said. We agree with the recommendations that have been made by the Committee of Privileges. With your permission, Sir, I should like to say a few words.

We all hold here, and I hope the Members in the Opposition will agree with me, Shri Asoka Mehta in high esteem. He is a man of very high integrity, and we respect him for his character, his public spirit, and by his culture, by his erudition, by his usual behaviour and manner he is a thorough gentleman (*laughter*). I find that some hon. Members are laughing; I do not know if they differ from me. If they do not, then, I hope, they will endorse what I have said. So, while accepting the report, I should like to pay my tribute to him, and if there is any remark anywhere which

is inconsistent with what I have said I would express my regret that such a remark should not have been made.

Shri Naushir Bharucha: That is my motion. Why don't you accept it?

Mr. Speaker: I have received notices of a motion similar in terms to the first part of Shri Bharucha's motion from Shri Radha Raman and a number of other hon. Members. I will put that motion to the vote of the House.

The question is:

"That after taking into consideration the Eighth Report of the Committee of Privileges the House is of the opinion that the matter may not be proceeded with"

The motion was adopted

12.47 hrs.

INDIAN INCOME-TAX (AMENDMENT) BILL—contd

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Morari Desai on 23rd February, 1950

"That the Bill further to amend the Indian Income-Tax Act, 1922 be taken into consideration"

Shri N R Munisamy may continue his speech

Shri N. R. Munisamy (Vellore)
Mr. Speaker, Sir, yesterday I was making certain references about the Finance Act of 1956, and you were pleased to draw my attention and say that it is not proper or even relevant at this juncture to speak anything about that particular Act. Sir, I made out certain points regarding the justification of the points that I raised, though you were pleased to say that when the proper time comes I can once again touch upon this point over the Finance Act which will be passed in the near future

12.48 hrs.

[Mr. DEPUTY-SPEAKER in the Chair.]

Mr Deputy-Speaker, Sir, I do not propose to end my speech today without making certain appreciative references with regard to the service of the Central Board of Revenue. As far as my information goes, a large sum to the tune of Rs 600 to Rs 700 crores is collected by the Central Board of Revenue and given to the Exchequer of this Government. But, if only they spend a little more time and effort they can make some more amount by way of collection

I am of opinion that the income-tax officers are chasing only the small fry leaving the big sharks. People who have money, who earn income over a certain amount are charged, but people who earn on the border line are very much harassed and very much teased. So, I would suggest that this department should give more attention to the bigger sharks who know the game of manipulating accounts, so as to evade payment of tax to the Government

In the mofussil, the transport owners are able to make a huge amount of profit, but they maintain the accounts in such a way that one cannot find any loopholes. Moreover, if any assessment is levied these transport owners have got the right to go by way of appeal and more often they succeed. That is how these big income-tax assesses escape payment of large amounts of taxes to Government

I would request the Finance Minister to bring certain amendments which would give greater power to the income-tax officers in the performance of their legitimate duties so that they may seize the accounts and also check them in an informal way. They can depute officers to find out the real income of the transport owners by sending somebody incognito to see how much they earn per day. People owning 50 buses earn at the