

[Shri K. C. Reddy].

complicated subject of the relationship between house-owners and tenants in Delhi.

My Ministry has been in consultation with the Ministries of Home Affairs and Health and the Chief Commissioner, Delhi, in order to formulate concrete proposals for legislation. A meeting, which the Home Minister wanted to hold with representatives of house-owners and tenants, before this threat of hunger strike was received, was held on 24th January. After hearing both sides, it was suggested that much the better course would be for representatives of tenants and house-owners and officials of my Ministry to get together informally with the Chief Commissioner, Delhi, and endeavour to come to agreed conclusions on the various issues involved or, on as many of them as possible. This would, it was felt, lead to a much more satisfactory and harmonious solution of the difficulties than any settlement imposed by Government, which may not be equally acceptable to both sides. The representatives of the two associations of house-owners and one association of tenants (the Central Tenants Association) agreed to the proposal, but the representatives of the Delhi Pradesh Kirayadar Federation wanted further time to examine the matter. Later on, however, the Federation decided to participate in the discussions.

The informal committee started discussions under the chairmanship of the Chief Commissioner and its deliberations are now just over. These discussions were also attended by the representatives of the Delhi Pradesh Kirayadar Federation. However, a day prior to the conclusion of the deliberations, i.e. on 7th February, 1958, the Federation wrote to say that nothing would come out of these deliberations and that their President would go on hunger strike outside the Prime Minister's residence on 9th February, 1958.

It is clear that the Federation wanted Government to accept immediately their two main demands, namely, the setting up of a committee to let out vacant premises and to stop all evictions except on the grounds of non-payment of rent, and an announcement made by Government to that effect, even before Parliament had a chance of examining in detail the various implications of the landlord-tenant relationship in Delhi. Since this relationship is now governed by Acts passed by Parliament, the position taken by the Federation is patently untenable and could not be accepted.

A report on the informal discussions held by the Chief Commissioner is awaited. Government intend, as has been indicated before, to formulate proposals on this difficult question of the relationship between house-owners and tenants in Delhi and to introduce legislation during the current session of Parliament.

RE: NOTICE TO RAISE A MATTER
OF PRIVILEGE

Mr. Speaker: Before the House takes up the debate on the President's Address, I would like to give my ruling regarding the notice that was given by Shri A. K. Gopalan and a few others yesterday.

Shri A. K. Gopalan (Kasergod): Mr. Speaker, will you hear me for two minutes before you give your ruling? Yesterday a notice was given and I had already said yesterday, there was no precedent for this in this House. In the Constitution it is said in article 105(3)—I have not got the Constitution, you may have referred to it—that where there is no precedent, the House of Commons procedure is followed. In *May's Parliamentary Practice* the procedure is given and I have given it in my notice yesterday. The Rules of Procedure do not provide for raising a question of contempt. On page 109, of *May's Parliamentary Practice* it is said that any act or omission which obstructs or impedes either House in the perfor-

formance of its functions or obstructs or impedes any Member in the discharge of his duty or which has a tendency directly or indirectly to produce such results may be treated as a contempt even though there is no precedent of an offence. No question of contempt having been raised in our House so far, we feel that it is necessary to raise the question and have a discussion thereon.

The Minister, on two days, 4-9-1957 and in answer to Question No. 659 on 29-11-57—copies have been given to you—gave answers to certain questions. Besides giving answers to certain questions, also when there was a discussion on the Mundhra affair, he also gave an answer. On the basis of these questions and answers to questions as well as the statement given, what happened was, after some time there was an enquiry about this and evidence was taken. The evidence taken in the enquiry has clearly shown—the Prime Minister has said today that copy of the evidence is not here—it had been given to the people and it had been published in all the papers—that the evidence that was recorded there was something against what was spoken here. It was not a mistake as we have shown yesterday or an inaccuracy. If in giving an answer or a statement there is a mistake or inaccuracy, the Rules of Procedure say that after some time it can be changed. But, from the proceedings it is found out that it was neither a mistake nor an inaccuracy but it was a clear distortion. And also, though not the Minister, others who are responsible, the Finance Secretary and others definitely have given evidence showing that what was said in the Parliament is contrary to what was said in the evidence. The evidence of others—the Finance Secretary is also there; he is also part of the Government—that evidence as well as other evidence has shown that what was said was contrary. Whether this thing will come as contempt: that question I wanted to raise. I say it will come under contempt of the House. I want

to raise that matter and I want to convince that it will involve contempt of Lok Sabha.

Mr. Speaker: The point that was raised yesterday by Shri A. K. Gopalan and others was regarding certain answers to certain questions relating to the L. I. C. and these questions have been referred to in the notice.

There have been since proceedings before Mr. Justice Chagla and his report has also been laid on the Table. The hon. Member says in his notice that the evidence that was given there is inconsistent with the answers given on the floor of the House, and as such, it is not an ordinary incorrect statement, but goes to the root of it and, therefore, it is a breach of privilege of the House, or if not a breach of privilege of the House, it is a contempt of the House.

This consists of two portions. The portion that he refers to in the evidence given before the Commission by way of contradiction to the statements made on the floor of the House—these details have not been given. Of course, they could have been gathered from the newspaper reports. But there is yet time.....

Shri A. K. Gopalan: I have got the newspaper reports.

Mr. Speaker: I have not yet been convinced about the admissibility of the notice. I am going to rule that it is not admissible. No contempt proceedings can be started on this allegation, even assuming this allegation to be true. Inconsistent statement is a mere irregularity, even if deliberately made. This is not the procedure to be adopted. On that issue, I am disposing of it and therefore it is not necessary to call for any details of the inconsistency. If I agree that it is admissible as a case of contempt, then alone the question of calling for details of inconsistency may arise. Even if a Minister should have made one statement here and deliberately omitted to state or deliberately made an incorrect statement, that may be a matter of misconduct

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as there may be a matter of misconduct on the part of any Member. Misconduct on the part of a Minister ought not to be raised by way of contempt of the House. There are other means such as censure etc.

Whenever some mistakes are committed, there is a provision by way of Direction 115 by the Speaker that mistakes may be brought to the notice of the House. Any Member may point out these mistakes and the Minister may correct them and he may be given an opportunity to do so. The hon Members who have tabled this notice say that it ought not to be treated as a mere mistake, that it is a serious matter and that it ought to be taken notice of by way of contempt. They referred to page 109 of *Mays Parliamentary Practice* relating to privileges and contempts.

It says "...any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence"

So far as the House of Commons is concerned, I have looked into *Mays's Parliamentary Practice* and it is also admitted by Shri A K Gopalan that they have not been able to trace any precedent where any Minister in the House of Commons or in the British Parliament made a wrong statement or even deliberately gave an answer on the floor of the House which was not correct and where he was charged for contempt. Therefore, there is no precedent from the House of Commons practice.

So far as this House is concerned, there is an earlier case which is directly in point. Another case occurred in the Delhi State Assembly. It may not be an authority, but in the absence of any authority from *Mays* or any other precedent, we have

a precedent here and that may also be referred to for the purpose of throwing light on this matter. In the first case, Shri C. Subramaniam and Shri Ramnath Goenka, M.Ps., gave notice on the 23rd March 1951 of an alleged breach of privilege to the effect that in the Statement of Objects and Reasons of the Indian Tariff (Amendment) Bill, 1951—this is after the Constitution came into force and article 105(3) had become applicable—it had been stated that sago globules, calcium lactate etc. industries were to be given protection for the first time for which Parliament's sanction was sought, whereas in the Administrative Report of the Ministry of Commerce and Industry issued in February 1951 it had been stated that the Government had accepted the Tariff Board's recommendations and granted protection to sago globules, calcium lactate etc. industries. In this case, the Statement of Objects and Reasons which was supposed to inform the House regarding this matter stated that for the first time protection was sought for, whereas in the Administrative Report issued by the same Ministry it was stated that it had already been granted and acted upon. And then hon. Members, as Shri Gopalan has done now, brought this discrepancy to the notice of the Speaker

Shri Mavalankar, my predecessor, recorded the following note on that notice:

"I have not been able to appreciate as to how there is any breach of privilege of Parliament. The substance of the allegations seems to be that the Minister concerned, or the Government, have not made the fullest disclosure, or have made misleading statements. This may be regrettable, but I do not understand how this constitutes a breach of privilege, even if it be assumed that the failure to

give full or correct information was intentional."

There is another case of the Delhi State Assembly. A question of privilege was raised on the 2nd April, 1956 by Shri Kanwarlal Gupta, a Member of the Delhi Vidhan Sabha, on the ground that the Chief Minister of Delhi had made a wrong statement in the House regarding a letter written by him to the Chief Minister of Bihar. After the Member and the Chief Minister had explained the position, the Speaker gave the following ruling:

"We have the same privileges as are enjoyed by the House of Commons and we cannot create any new privilege. In order, therefore, to determine whether a wrong statement made in the House even deliberately constitutes a breach of privilege, I have to see whether such a question has ever been raised in the House of Commons. I have gone through all the references, *May's Parliamentary Practice*, and other papers dealing with the question of privilege in the House of Commons, and I have not been able to lay my hands on any such precedent. It is thus clear that a question has not been raised or decided as a breach of privilege of the House on this issue. I admit that there is some inconsistency in the Chief Minister's statement in the House in reply to the point raised by Shri Kanwarlal Gupta and the letter written by him to the Chief Minister of Bihar, but as I have stated, it does not involve any breach of privilege of the House. The hon. Member can seek other remedies provided under the rules if he is not satisfied with the explanation and apology of the Chief Minister."

Therefore, it is neither a case of privilege, nor even a case of contempt. There have been no cases, so far as this particular matter is concerned, in the House of Commons.

So far as we are concerned, it is pointed out by Shri Gopalan that it is not only a breach of privilege, but it may also be treated as contempt, if possible. Shri Mavalankar said that even if it should be deliberate and intentional he did not consider it to be a breach of privilege or contempt of the House.

The general provision in *May's Parliamentary Practice* refers to obstruction. Many things obstruct. I do not know how in this case any obstruction was caused. Therefore, in the case of some statement made here, even deliberately, which is inconsistent with a statement already made, or which even amounts to a suppression or distortion of particular facts, this is not the remedy. There are other remedies.

I remember a case where Shri Gopalan himself was involved here. I will ask him to remember that matter. The Member from Salem made a remark that during the elections Shri Gopalan was present and made all sorts of statements. At that time Shri Gopalan was not present, but Shri Anandan Nambiar was present. Shri Gopalan had been to Calicut. Shri Gopalan wanted to bring this to the notice of the House and also wanted to know what could be done in the House. I only said that if the statement was made outside, he could prosecute the Member for defamation or for any other thing, but so far as this House was concerned all that I could do was to allow Shri Gopalan to make a statement in reply to the Member from Salem.

The Misconduct of a Member can always be brought up, as we have dealt with misconduct of Members or Ministers.

Shri A. K. Gopalan: This is not misconduct of a Member. This is something else.

Mr. Speaker: This is misconduct of a Minister at best. Therefore, this is

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not a matter of privilege or contempt. Therefore, I am sorry I am not able to grant permission to raise this matter.

Shri V. P. Nayyar (Quilon): May I..

Mr. Speaker: I have finished it.

MOTION ON ADDRESS BY THE
PRESIDENT

Mr Speaker: The House will now take up the motion on Address by the President for which 12 hours have been allotted excluding the time to be taken by Government to reply to the debate

Before I call upon Shri Jaganatha Rao to move his motion of Thanks to the President, I have to announce that under rule 21, I have fixed that the time limit for speeches shall ordinarily be 15 minutes, with the exception of Leaders of various Groups for whom 30 minutes will be allowed, if necessary.

The Prime Minister, who, I think, will reply to the debate, on behalf of the Government, may intervene or reply at a later stage, and take the necessary time therefor.

Shri Jaganatha Rao (Koraput): Sir, I beg to move:

"That the Members of Lok Sabha assembled in this session are deeply grateful to the President for the Address which he has been pleased to deliver to both the Houses of Parliament assembled together on the 10th February, 1958."

The motion that I have just moved is of the very texture of parliamentary propriety.

All of us heard the President on Monday with the deference due to him as Head of the State—and all of us, without any of the limitations of party labels, would like to thank him for

the honour he did us and for the light he shed on the Government policy and programme.

I am deeply sensible of the great privilege accorded to me in having been allowed to initiate the debate on the Address. On this occasion, I would like to express the hope that we will not let ourselves be unduly swayed by prejudices and passions arising out of issues extraneous to the Address.

The President's Address both because of its text and tone gives little or no room for political differences and party tensions. As a sober review of affairs and as a dispassionate recital of facts, it calls for not only serious but respectful consideration. In his survey, the President did not confine himself to conditions at home, but also referred to our foreign relations in brief. There was a time when parliamentary discussions were limited to domestic politics alone, but that was quite long ago. In later years, when the very security of parliamentary institutions was influenced by the actions of other countries, every country had to reconsider its relations with foreign countries and shape its policies. It is a tribute to India's sense of awareness that she is deeply susceptible to events abroad. It is, if I may say so, our great Prime Minister's gift to us that we are in no way isolated from the rest of the world. Nothing in our ten-year old history as a free country has won wider recognition than our intense desire not only to live peacefully but to promote the cause of peace everywhere.

It is in this perspective and unto this end that the President, in his Address, made a pointed reference to the issue of disarmament, the move for summit talks and the supreme need for agreed solutions. All this is in conformity with our well-known policy of non-alignment and of peaceful co-existence. Our Prime Minister's tours abroad are pilgrimages in the cause of peace and in this peace effort,