

Mr. Speaker: I shall allow opportunities to the hon. Member.

Dr. K. L. Shrimall: It was not my intention to raise any public controversy with regard to a University, and I have been avoiding it all these months, but since the hon. Member has now alleged that I was suppressing the truth, I would place the full facts before the House tomorrow afternoon, after the Demands for Grants relating to my Ministry have been discussed.

Shri Surendranath Dwivedy: That may be helpful.

Shri Raghunath Singh (Varanasi): I have tabled to short notice question also on this matter.

Shrimati Renu Chakravartty (Basirhat): He should place a statement on the Table of the House in the morning, so that before the Demands for Grants relating to the Education Ministry are taken up, we may be apprised of the whole thing.

Mr. Speaker: The Demands for Grants of the Law Ministry come up first.

Shri Surendranath Dwivedy: The Demands for Grants of the Education Ministry are coming up tomorrow.

Mr. Speaker: I shall give opportunities to hon. Members.

Dr. K. L. Shrimall: I am in your hands. If the House wants that I should make statement before the discussion takes place, then, not today, but tomorrow, after the Question Hour, I shall be very glad to make a full statement.

Shri Raghunath Singh: I have given a calling attention notice and also a short notice question on this subject.

Mr. Speaker: Very well. He will take notice of that also. I do not give my consent to this adjournment motion.

12.42 hrs.

WITHDRAWAL OF CERTAIN
OBSERVATIONS MADE BY
DEFENCE MINISTER ON 10
MARCH 1960

Mr. Speaker: There is one other matter with respect to which this morning I have received motions of privilege or notices to the effect that a question of privilege arises.

The matter arises out of this. On the 10th March, 1960, that is, on the final day when the general discussion on the General Budget was going on, the hon. Minister of Defence intervened. During the course of his speech, he made certain remarks or observations with respect to which there and then some exception was taken, and the hon. Deputy-Speaker who was in the Chair said that he would consider the desirability of expunging some of those observations.

Later on, Shri Goray sent me a letter taking exception to, and pointing out, the portions in the speech of the hon. Defence Minister, and stating that he was also of the opinion that these must be expunged and sufficient amends had to be made.

It is a long speech, and various matters have been referred to therein, but two points, particularly, out of the various items have been brought to my notice. Also, that is the subject-matter of the privilege motion.

The first one relates to this. Shri Mahanty had spoken earlier on the 8th March, that is, a couple of days earlier. Referring to that speech, the hon. Defence Minister seems to have said:

"That is an attitude of mind..."

Acharya Kripalani: He said.

Mr. Speaker: I am only reading out from the records. Instead of my saying 'He seems to have said',

the hon. Member wants me to say 'He said'. Very well. I find from the records that this was what the Defence Minister said:

"First of all there is no ever-increasing expenditure'. If the hon. gentleman thinks that the moral sanction of the House resides in him, he is very much mistaken. That is an attitude of mind that requires treatment other than by my answering by speeches."

It is thought that this contains a threat.

An Hon. Member: Yes.

Mr. Speaker: As regards the other one, the complaint is this. (*Interruptions*) Order, please.

Shri Goray (Poona): May I point out that there are two more sentences which are equally objectionable? I would like to read them out.

Mr. Speaker: I am not going to look into them, because this refers only to these two portions.

Shri Goray: If you give me some time, I shall explain it.

Mr. Speaker: We are not going into the whole question now. Let us assume that the debate goes on now, and I decide to expunge particular portions; it is not the whole speech that will be expunged. The hon. Member has drawn my attention to particular portions.

I am aware of what exactly the other portions are that can be expunged, and much can be said on this side as well as on the other side.

The two points that have been raised are the two portions to which exception has been taken in this letter, and to which pointed attention has been drawn. I shall confine myself to these. As a matter of fact, I need not even ask the hon. Member,

for, I consulted the Deputy-Speaker also, and he took time to consider whether they should be expunged or not. I may straightway give my ruling here.

But, so far as expunction is concerned, I would like to have a precedent or follow a convention that whenever an hon. Minister makes a statement which is considered defamatory or undignified, instead of my exercising the right, that is, instead of the Chair exercising the right to expunge such portions, I would like that the hon. Ministers themselves, when that is the sense of the House or the opinion of the Speaker, should explain to the House or withdraw that portion; that will be more graceful. Therefore, I did not want to exercise that right myself, and I have brought it up before the House. Therefore, no new matter need be introduced here now, except what happened on that day.

The second portion relates to the observations made by Shri Morarka earlier. He referred to some remarks of the Auditor-General, or he read out evidently from the report of the Auditor-General relating to the Defence stores and so on. In replying to that, the hon. Defence Minister said—it is recorded as follows—

"This is a statement from the Audit Report, 1959 which is, in essence, an *ex parte* statement.

'Despite repeated exhortations by successive Public Accounts Committees and assurances given by the Ministry, these provisions continue to be disregarded by the administrative authorities. Fictitious financial adjustments intended to conceal lapsed grants or to cover up excesses over allotments were noticed in a number of Engineer Divisions.'"

This was part of the Audit Report. In connection with his observation in the Audit Report, the hon. Defence Minister said:

[Mr. Speaker]

"If it had not come from the Auditor-General and we were not familiar with it, and if I so wanted to say—I do not want to—I could have said that this was a malicious over-statement but I do not intend to say so, Sir."

Now, exception is taken to this remark, saying that it is not proper and it is derogatory to the position of the Auditor-General, whose duty it is, under the Constitution, to make a report to this House, without fear or favour, and look into various matters. He is practically the person who advises us on the financial aspects. He is an independent authority whose conduct cannot be impeached in this manner; there are special provisions so far as his removal etc. are concerned, if such a situation arises, but otherwise, nothing shall be said against his remarks, whatever he might say, and however strong the language that might have been used by him may be.

The hon. Deputy-Speaker agrees that those portions ought not to stand as they are. But, anyhow, I shall give an opportunity to the Defence Minister.

An Hon. Member: He must make amends for it.

Mr. Speaker: I request him to withdraw these passages. Hereafter, nothing shall be said to detract from the position of the Auditor-General.

Shri Goray: And also Members of Parliament.

Mr. Speaker: Of course, Members of Parliament also.

Shri Supakar (Sambalpur): On a point of information.....

Acharya Kripalani: Have you, Sir, received any communication from the Auditor-General, and if so, may it be placed on the Table of the House, because it is not a personal communi-

cation to you, but it is a communication, I think, through you, to the House?

Mr. Speaker: I have it here before me, but I do not know why he has said 'SECRET'.

Shrimati Renu Chakravartty: Acharya Kripalani seems to know about it. We must know what that communication is.

Shri Goray: The hon. Member also knows it.

Mr. Speaker: If some person writes to me and says it is 'Secret', without consulting him I do not want to place it before the House. The point is this. He refers to.....

Some Hon. Members: We must know what it is.

Mr. Speaker: There is nothing specially secret. I am confiding in the House. There is nothing secret in what he has written, though, evidently, he thought that he might not straightway write to the Speaker, or I do not know what passed in his mind.

Shri Goray: He may have been afraid of the Defence Minister.

Mr. Speaker: All right, the hon. Member knows much more than we know.

The point that he has raised is this. He refers to the constitutional aspect of it. Under the Constitution, he is bound to, in the discharge of his duties, find out mistakes, and because he found these errors from time to time, he had to use this language, and therefore, he did say that there was absolutely nothing wrong in what he had done. And he takes exception to the words attributing motives, he says that it is wrong, and it ought not have been done, and if that is allowed, then he would not be able to discharge his duty, nor would the host of subordinates that are doing that work under him would be able to discharge their duty.

So far as his position is concerned, I do not think any Member here assails it or desires to assail it. His position is unique under the Constitution.

Now, so far as the Defence Minister is concerned, does he want to say anything?

The Minister of Defence (Shri Krishna Menon): Mr. Speaker, I do not want to explain any of these, because it is likely not only to convey the wrong impression but in a sense make the expression of regret qualified. Therefore, I would like to express my regret in regard to these two statements, to which you have made reference, and request that, as you direct, they may be withdrawn.

Mr. Speaker: In view of the Defence Minister's statement, both the portions to which I referred, one relating to Shri Mahanty's observations and the other relating to the Auditor General, will be treated as withdrawn. We accept the hon. Defence Minister's expression of regret. I am sure the House will accept it and close this chapter. He has expressed his regret without attaching any conditions to it.

Acharya Kripalani: May I suggest that there is no need for withdrawal because it is the record of the House, and it may be kept as it is? What the Defence Minister has said now may also be kept on record.

Mr. Speaker: Yes. I am treating them as withdrawn; I am not expunging them from the record. Both these will appear in the record.

12.52 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORTS OF NATIONAL INSTRUMENTS (PRIVATE) LTD. AND ON THE ACTIVITIES OF COIR BOARD

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the

Table a copy of each of the following Reports:—

- (i) (a) Annual Report of the National Instruments (Private) Ltd. for the period from the 28th June, 1957 to the 31st March, 1958 along with the Audited Accounts under sub-section (1) of Section 639 of the Companies Act, 1956.
- (b) A Review of the working of the above Company. [Placed in Library, See No. LT 1986/60.]
- (ii) Annual Report on the activities of the Coir Board for the year 1958-59, under sub-section (1) of Section 19 of the Coir Industry Act, 1953. [Placed in Library, See No. LT-1990/60.]

NOTIFICATIONS UNDER COMPANIES ACT AND COFFEE ACT

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): I beg to lay on the Table a copy of each of the following Notifications:—

- (i) G.S.R. 220, dated the 27th February 1960 making certain amendment to the Companies (Central Government's) General Rules and Forms, 1956, under sub-section (3) of Section 642 of the Companies Act, 1956. [Placed in Library, See No. LT-1991/60.]
- (ii) G.S.R. 274, dated the 5th March, 1960 making certain further amendment to the Coffee Rules, 1955, under sub-section (3) of Section 48 of the Coffee Act, 1942. [Placed in Library, See No. LT-1992/60.]

NOTIFICATION re: AMENDMENTS TO MOTOR VEHICLES ACT FOR EXCLUDED AREAS, ASSAM

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): I