

12.24½ hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL*

The Deputy Minister of Law (Shri Hajarnavis): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951."

The motion was adopted.

Shri Hajarnavis: I introduce the Bill.

12.25 hrs.

MOTION OF PRIVILEGE

STATEMENT BY CHIEF MINISTER OF KERALA

Mr. Speaker: The House will now resume further consideration of the following motion regarding the question of privilege moved by Shri M. R. Masani, and amendment thereto, moved by Dr K B Menon, on the 27th September, 1958:

"That the attention of the House having been drawn by an Hon'ble Member on September 23 to the telegram sent by Mr. E. M. S. Namboodripad, 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 *Amrit Bazar Patrika*, Calcutta, on September 21, in the course of which Mr. Namboodripad has attributed the

motive of slander to some Hon'ble Members of this House;

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

this House resolves that the matter be referred to the Committee of Privileges for investigation as to whether a breach of privileges of the House and of the Hon'ble Members concerned has been committed; and whether any contempt of the House thus committed has been adequately purged; and that the Committee be requested to present its report and recommendations for appropriate action at the first day's sitting of the next session of the Lok Sabha."

Thereafter, I have received one more amendment to the motion, and that was tabled by Shri Narayanankutty Menon. Does he want to move it?

Shri Narayanankutty Menon: Yes.

Raja Mahendra Pratap (Mathura): I have been to Kerala recently. So, I must also be given an opportunity

Mr. Speaker: I will try to give him an opportunity later. I have received notice of an amendment from Shri Tridib Kumar Chaudhuri. But it was received only today.

Shri Tridib Kumar Chaudhuri (Berhampore): I may be permitted to move it.

Mr. Speaker: I think it is too late. I will be satisfied with whatever amendments have already been moved.

Shri Tridib Kumar Chaudhuri: Yesterday was a holiday.

*Published in the Gazette of India Extraordinary, Part II—Section 2 dated 27-11-58.

Mr. Speaker: But day before yesterday was not a holiday

Shri V. P. Nayar (Quilon) It is within your power to do it

Mr. Speaker: Now it is 12 25 Two members have already spoken, Shri Nayar has already spoken Therefore we will conclude by 2 30 or 3 o'clock I will give ten minutes to each Member

Shri Narayanankutty Menon (Mukandapuram) I beg to move

"The attention of the House having been drawn by a member on September 23rd to the report of a telegram alleged to have been sent by Mr. E. M. S. Namboodripad, Chief Minister of Kerala State, to Pandit G. B. Pant, Home Minister, extract from which is contained in reports in two newspapers

and having taken note of the subsequent telegram from Mr. Namboodripad to Pandit G. B. Pant which was read to this House on September 23rd by hon. the Speaker,

and having taken note of the fact that the original telegram sent by Mr. E. M. S. Namboodripad itself was a confidential document and intended by the sender to be such

and having satisfied that it would be improper and inappropriate to initiate any action relating to the privilege of this hon. House basing upon a confidential document never intended to be published,

the House decides that no further action be taken in respect of the telegram above referred and that the whole matter and any proceedings thereto be dropped"

My substitute motion is based upon the mere fact that the whole privilege motion was necessitated by the hon. Member passing through a document which was obviously, according to him, sent by the Kerala Chief Minister to

the hon. Home Minister. Any correspondence between a Chief Minister of a State or a Government of a State and the Central Government, if we go into the principles on which our Constitution is based, we will find, is bound to be confidential in nature because otherwise the rights to be exercised by the State Legislatures and the State Governments and the rights that are to be exercised by the Central Government and this Parliament may come into conflict

12 28 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

And the hon. Prime Minister the other day, while discussing another motion, said that the real relationship between this Parliament and the State Legislatures and the jurisdiction of this Parliament and the State Legislatures are embodied in certain articles of our Constitution, the elaboration of which and the understanding of which could be laid down only by mature consideration and discussion hereafter because these relationships will have to be built upon certain conventions that we ourselves build in this country. Looking into our Constitution, we find that the very basis of our Constitution, the very basis on which the integrity and the unity of the country is based, is the federal nature of our Constitution, and as long as the Central authority, which is the Parliament, gives due respect to the Legislatures which exercise sovereignty on their own spheres, the integrity of our Constitution and the unity of our country will be built up. The other day, the Law Minister said for the benefit of those who brought this motion and also for the benefit of all the hon. Members of this House that the privileges of either individual Members of this House or the privileges of this House are not at all to be enforced by means of certain actions which we hold as a threat. These privileges in the long and uncertain past history when democratic institu-

[Shri Narayanankutty Menon]

tions were built up, were built up by the way in which the Members of this House behaved and because of their actions alone, they have built up this privilege. Any privilege that any hon. Member of Parliament has got today, any privilege that this august House has got today should be a privilege in the eyes of our people to whom we all owe our ultimate allegiance. Those people should understand and appreciate that there is a breach of privilege and there is already a privilege. But, in this case, when a correspondence passes on between the Chief Minister and the Home Minister here, according to the very nature of our Constitution, the Home Minister should be the custodian and interpreter and defender of the action of the State. As far as this Parliament is concerned, if any day, the archives of this correspondence and the sanctity of it, any hon. Member or anybody in this House tries to probe, certainly that day will be the most sorrowful day as far as the integrity and the basis on which our Constitution has been based.

Forget for some time—all hon. Members of this House—that this has been committed or alleged to have been committed by the Chief Minister of the Kerala State. Remember, the day will come when, in the 14 States where they usually carry on correspondence on matters of State where things like this usually crop up, every Chief Minister will have to be hauled up before the Bar and every State Government will have to be hauled up before this House for such breach of privilege or contempt which they have committed. Is it the case that any hon. Member of this House who owes allegiance to our Constitution and also to the basis, the letter and spirit of the Constitution, can tolerate for one day that there shall be a relentless war of privileges, of rights, of their own jurisdiction between the 14 State legislatures and each Chief Minister in each State and the Centre? When

that day will dawn, in spite of the fact that from outside and inside the House we as everyone else are asked to follow our Constitution both in letter and spirit, the very nature of this motion, I wish to submit, is an affront to the real spirit and letter of our Constitution today. Because, if we go through the proceedings of our Constitution, it presupposes a happy relationship which does not contradict each other, as between the State legislatures, the State Governments and the Central Government. As long as we owe allegiance to this Constitution and every hon. Member of this House owes allegiance to the Constitution, it shall be the bounden duty of every Member to see that the particular spirit as also the letter of the Constitution is safeguarded and no action is done opposed to it, which will promote any sort of ill-feeling or war between the States and the Centre. That will not be any action that we will be doing in support of the Constitution, to uphold the Constitution both in letter and spirit.

I will come to the very point of the substitute motion, that is, the confidential nature of the correspondence itself. The other day, the Law Minister, obviously after he became a Member of the Cabinet, said,—we have got every right to take it for granted that that is the opinion of the Cabinet—that this correspondence between the Home Minister and the Chief Minister, obviously the first telegram, is a confidential telegram, intended to be confidential and therefore it is a privileged document. I invite the attention of hon. Members to the Rules of Procedure of this House itself. The Rules of Procedure have been formulated to have a healthy relationship between the Centre and the States and the 'sanctity and privilege and the secrecy given to any correspondence between the States and the Centre. Every Member of this House is entitled to ask questions of the hon. Ministers and it is considered to be the privilege of every hon. Member to

elicit any information. It is only under extraordinary circumstances that the Ministers and the Cabinet get the right and privilege to deny to the hon. Member to give certain answers relating to certain subjects. It is basing on this principle that in the Rules of Procedure we have formulated that when we ask questions, those questions will be out of order under Rule 42 of the Rules of Procedure, if those questions relate any matter of correspondence between the State Governments and the Central Government. Rule 42 says:

"In matters which are or have been the subject of correspondence between the Government of India and the Government of a State, no question shall be asked except as to matters of fact and the answer shall be confined to a statement of fact."

The very principle is this that if this House or any hon. Member thereof gets liberty to go into the nature of the correspondence that is carried on between the State and any hon. Minister in the Cabinet, that will let loose a chain of events whereby any discussions in this House will not be helping the relations between the State and the Centre and it will be undermining the very nature of the confidence that the Government holds on behalf of the State Governments.

What is the relationship under law? Under all known systems of jurisprudence, in this particular case, between the Home Minister and the Chief Minister of a State, it is a relationship of high confidence. It is a relationship which is sanctimonious in character. Because unless the Home Minister upholds the rights and view points of the Chief Minister, as far as this forum is concerned, the State Government will go unrepresented. (Laughter). My hon. friend who obviously comes from Kerala has got every right to laugh at me because it is one of his intentions that his laughing should mean something more as he

laughs out. I am not worried about his laughter. What I am speaking is not because the Chief Minister of Kerala is involved. We in this part of the House will be only too happy that every Chief Minister who obviously commits certain acts in the course of his duty should be called before this House because politically we are not with them. I am submitting this not because in this case the condemner or the alleged person who committed the alleged breach of privilege is the Chief Minister of Kerala. I am submitting this because, just like others, when we say that our Constitution is based upon a principle, we will be the first to uphold that principle, because we have got as much respect if not more than others as far as our Constitution is concerned and also the rights and privileges of this House are concerned.

My submission, therefore, is that if today this House goes deep into any correspondence and that correspondence is to be called on the floor of the House and this House begins to describe the subject matters of that correspondence, this House will not be doing an act which will promote the strength and also the longevity of our Constitution, but that itself will be the first under-mining bomb that would be placed beneath our Constitution which will develop one day that by a series of actions following this privilege, the entire basis of the Constitution will be blown up. I make an appeal to hon. Members of this House because matters of privilege are not to be treated as party politics. In a democratic Constitution, party politics will have to travel beyond in cases of privilege, because it is a privilege which we will have to enforce by the confidence that we build up in the country, in the minds of our people. What is the sanction behind this privilege? It may be that the condemner can be called to the Bar of the House; it may be that the condemner can be committed to prison. After 100 years of freedom struggle, is anybody in India afraid of being condemned to prison for the courage of his conviction? In the case of the Kerala Chief

[Shri Narayanankutty Menon]

Minister, the Mover of the Motion knows that for the courage of his conviction, a jail or custody is not due to him. But, today, if, because of political grounds, because the Keraia Chief Minister has got the courage of conviction, because he refuses . . .

Mr. Deputy-Speaker: Order, order; the appeal should not be in such identical terms.

Shri Narayanankutty Menon: . . . because the Kerala Chief Minister refuses to reconsider his views on socialism, he should be called to the Bar of the House and penalised because of certain political reasons, for that particular purpose alone, all decency, decorum and principles ought to be thrown to the wind! The wind that is being sown today for the purpose of being utilised against the Kerala Chief Minister will turn into a whirlwind and the originators of this motion shall reap the fruits of the whirlwind. We are interested, in this part of the House as you and everybody there, beyond the question of party politics, that our Constitution should have a long standing and that this country should have democracy and the general principles and the sanctimonious principles of democracy will have to be upheld in this country. Joining with you, I make an earnest appeal that we should not probe further into this matter. Let us give as much privilege, let us give as much respect to that correspondence which the Government itself agreed on that day through the mouth of the Law Minister as a privileged correspondence. Later on, the Chief Minister himself said that the correspondence was not intended to be published. Let us drop it today and show to the people that we are not people who get ourselves bitter by means of certain actions which never touch the real privilege of the House, the real privilege of this House being the discharge of its duty in the interests of the people.

I will conclude by making one point in appeal. The real test whether a privilege of this Hon. House has been broken is whether the people of this country today feel that a telegram by the Kerala Chief Minister—indeed something may be contained or may not be contained in it—is a breach of privilege of this House. In my humble opinion, the people of this country are the least worried about the telegram of the Chief Minister. Since the people could not find any solemn right of the hon. Members of this House being involved, if we inside the House, the most responsible people in this country, make much of it so that an alleged privilege is being built up or consider that a privilege which did not exist has been broken, then certainly the very sanction that we have got to enforce our privileges will be lacking because the people are our ultimate sanction

Raja Mahendra Pratap: May I say a few words?

Mr. Deputy-Speaker: Order, order. Not just now

Dr K. B. Menon (Badagara): I have not spoken on my amendment.

Mr. Deputy-Speaker: Yes, he may speak.

Dr. K. B. Menon: I rise to speak on my amendment to the main motion moved by my hon. friend Shri Masani. My amendment is more direct. It is direct because I was completely convinced that the first telegram of the Chief Minister was not intended to be confidential

I have listened to the speech of Shri Narayanankutty Menon on his substitute motion. He is, in my opinion, clutching at a straw, for, his argument is based upon rather flimsy assumptions, and the strength of the argument depends upon the strength of the assumptions.

The first and foremost assumption that he makes is that the first telegram of the Chief Minister was confidential. In the first place, it was not intended even by the Chief Minister to be a confidential one, for, if he had intended the first telegram to be a confidential one, he should have sent it in code, for, inter-government communications of a confidential nature are generally communicated in code. This telegram was not in code.

Shri V. P. Nayar: I do not know of Government sending them in codes.

Dr. K. B. Menon: In the second place, while the House was discussing the admissibility of the motion, I received a telegram from my friend in Trivandrum which I wish to place on the Table of the House. The telegram is dated 25th September, and is addressed to me. The telegram reads:

"Kerala Chief Minister first telegram under privilege motion was released through his private secretary to a news agency stop surprised his claiming it confidential—R. Parameshwaran Pillai, Convener District Congress Ad hoc Congress Committee Trivandrum"

Shri V. P. Nayar: *Ad hoc!*

Mr. Deputy-Speaker: Subsequently it is to be seen what credit is to be attached.

Dr. K. B. Menon: There was no interruption when Shri T. C. N. Menon spoke.

Mr. Deputy-Speaker: He should be allowed to proceed uninterrupted.

Dr. K. B. Menon: Encouraged by this telegram, I went to Trivandrum to conduct a personal enquiry, and I wish to place before the House the little information that I gathered from my personal investigation. I met Shri Pillai himself. (*Interruption*)

Mr. Deputy-Speaker: Would it be possible for us to proceed in this manner?

Dr. K. B. Menon: I met Shri Pillai and a few others, and I understood that the telegram was read out to the news agency by Shri Sarma, the private secretary of the Chief Minister. The news agency person has taken, and must have taken notes when it was dictated on the telephone. I am perfectly sure that, being a confidential document, he would have preserved it, and that it would be available to the House if the House prefers to refer it to the committee and call these relevant witnesses before the House. I have no doubt that they will be able to throw some light on this subject.

We are interested in getting at the truth. We are not interested in getting after persons. I want to be fair even to the person who is on the dock, and I have no objection if the House rejects my amendment and accepts the main resolution and refers the same to the committee.

In the statement that is made by the PTI in the *Times of India* I wish to submit again, reference is more than once made to official sources. That publication refers to the subject matter of the telegram, viz. the objections raised by the Chief Minister that the subject should not be discussed in the House because it would be interfering with the rights of the State and that the State has no representative in the House to speak against the unfounded allegations that are likely to be made; quoting all this, the despatch, as printed in the *Times of India* in three places, makes reference to official sources.

Coming to the time of the telegram, the Speaker of the House made the announcement on the 19th that he would consider the admissibility of my motion. The telegram was dated the 20th. It was released to the press on the 20th, it was published all over India on the 20th. From the point of view of time it perfectly tallies. There was no lapse of time, and therefore there is no reason to believe that the press got at the telegram in an

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illegal way. As the telegram which I have placed on the Table of the House shows, it was released to the press by the private secretary of the Chief Minister, Shri Sarma.

Another argument brought forward is that the second telegram is an apology. I humbly submit that the second telegram is not an apology. It is an effort to explain away the situation, and if I may also submit the House would take it, even into it there is an incorrect statement, because the Chief Minister says in the telegram that it was not intended to be released to the press. I submit: if he did not intend it to be released to the press, how did his private secretary talk to the news agency on the telephone? That is a fact and it may be inquired into. The Chief Minister should take his private secretary to task if he had not officially authorised him to release it to the press.

Then again, judging from the subject matter of the telegram, the two facts that were stated in the telegram were firstly that it was improper to discuss the subject because most of the cases were *sub judice*; in the second place, it was improper to discuss it because the State's representative was not present in the House to defend the case. Both these, I feel, are points which the Chief Minister wanted to communicate to the Speaker, and through the Speaker to the House. There was no question of confidence involved in it because it was only that, for some reason I do not know, why the hon. Home Minister was made the agent of communication to the Speaker. The telegram, as a matter of fact, is intended for the Speaker, and is intended for the House. So, no confidence can be claimed in this matter, as far as the first telegram is concerned. The second telegram is an after-thought after Shri M. R. Masani moved his motion, and after it appeared in the paper on the 23rd September, an explanatory telegram comes to the

Home Minister. The first telegram was not marked confidential, was not in code, and was never intended by the Chief Minister to be a confidential one.

Now, I wish to make another submission. What is it that I have done? What is it that my colleague comrade Shri Asoka Mehta has done? What have we done to merit to be called 'slanderous'? I have responded only to the call of the people of my State.

An Hon. Member: The great representative of the people of Kerala! (*Interruptions*).

Dr. K. B. Menon: Violence was let loose in Kerala, discrimination was made between Communist and non-Communist. There is a general denial of Fundamental Rights to the people of the State, the privilege of the House.... (*Interruptions*).

Mr. Deputy-Speaker: I am very sorry that in spite of my best efforts, hon. Members are not going to stop interrupting and allow him to proceed. There should be a fair discussion, we should at least be patient and hear the hon. Member.

Shri Goray (Poona): We should be the guardians of democratic rights at the same time.

Mr. Deputy-Speaker: I hope there will be no more interruptions now.

Dr. K. B. Menon: I have done only my duty, and I know that the privilege of the House is sacred to the extent that any whittling away of the privilege of the House will mean withering away of the efficiency and efficacy of the House. It is not a party question, as Shri Narayanankutty Menon has rightly pointed out. It is a question and it is an issue on which every Member must keep a close watch, and must keep a hawk's eye, and must see that it is defended at all costs.

Therefore, I appeal to the House in the name of fairness. And that is the reason why I am even prepared to go to this extent that I shall have no grouse if the House rejects my direct motion, and accepts the motion moved by Shri M R Masam, I feel then greater justice will be done to the Chief Minister who is today on the docks, we should be fair even to the person on the docks

With these few words, I conclude

Shrimati Renu Chakravartty (Basirhat) May I make one submission? I did not want to disturb the hon Member while he was speaking. But I would like to have a ruling from you whether you think that that telegram is worthy of being placed on the Table of the House, because it is within your discretion. We do not know who this gentleman, Mr Pillai, is, and what authority he has to say that so-and-so has actually given some material to the paper

Mr. Deputy-Speaker: As for the telegram, if it is desired, certainly, I shall ask the hon Member to place it on the Table of the House. That may be placed on the Table of the House

Shrimati Renu Chakravartty: May I point out that on an earlier occasion, you disallowed me to lay anything on the Table of the House saying that it is a general rule that the Chair has to look into it and see whether it is a document worthy of being placed on the Table of the House? Are we to take it that you take it that this particular letter coming from some Mr Pillai is worthy of being placed on the Table of the House?

Raja Mahendra Pratap: May I say a few words?

Mr. Deputy-Speaker: Order, order. The hon Member should not get up every time when there is a pause and just express his desire that he should be allowed to speak. I thought that the hon lady Member desired that it was fair

Shrimati Renu Chakravartty: No

Mr. Deputy-Speaker: that it ought to be placed on the Table of the House. At least that was what I understood, and I said that it might be placed on the Table of the House

Now that this telegram has been read, there is no harm, and I think it should be placed on the Table of the House. Since it had been referred to, it should be placed on the Table of the House

[The telegram was accordingly laid on the Table of the House which was placed in the Library, see No. LT-1053/58]

Shri Khadilkar (Ahmednagar): May I point out one thing? We are discussing the fundamental rights of this House, in order to preserve its dignity and decorum. When we are debating on certain evidence already before the House, are we to allow other things to be gathered from outside in support of a particular position? Would it not be derogatory to the proceedings of the House. I would like to have your ruling on this

Mr. Deputy-Speaker: We have not drawn anything from outside. It is yet to be seen whether this gives us any clue or not, whether it is to be credited with any reliable source or not, and what it is worth. That is a different thing altogether

What I have just now said is that this telegram which had been referred to would be placed on the Table of the House. Whether it is worth anything whether it is to be given any credit or not would be a thing to be subsequently looked into. Nobody has said that this is to be given discredit or credit

Shri Tyagi (Dehra Dun): May I get one clarification from you with regard to placing of documents on the Table? Does your discretion allow that Members could place anything on the Table? Because if this were made a

[Shri Tyagi]

precedent, all types of telegrams can be had, and they may be placed on the Table of the House.

Mr. Deputy-Speaker: It is not the right of any hon. Member to have a document placed on the Table of the House. The hon. Member expressed his desire. And there are rules that he should first provide a copy to the Speaker, and then the Speaker would decide whether really that is a document which should be placed on the Table of the House, and whether it should be permitted. But this document had been referred to, and it had been read. And what I thought was that because it had come up during the course of the argument and reference has been made to it also, it ought to be placed on the Table of the House. Whether we should attach any importance to it or not is a different thing altogether.

Therefore, I decide this way.

Shri Asoka Mehta (Muzaffarpur): Unfortunately, when this matter was first brought up in the House in the last session, I was not present in the House.

I would like to bring to a common focus the developments that led to this motion being brought us before this House. At the very beginning of the last Session, my hon. friend Dr K. B. Menon had brought forward a motion in this House that the situation in Kerala should be considered because he felt, and many of us felt that the conditions there were such as were denying the people the Fundamental Rights. It was not as if this was the stray feeling of an individual or a group in this House, but during the same Session, when this question was seriously agitating the minds of all of us, no less a body than the Working Committee of the Congress Party passed an eighty-word resolution wherein it was pointed out as follows. It referred to the state of insecurity in the State....

12-58 hrs.

[Mr. SPEAKER in the Chair]

Shri Nagi Reddy (Anantapur): On a point of order. Are we discussing the privilege motion, or the resolution of Congress Working Committee or the conditions in Kerala as they exist today?

Mr. Speaker: Order, order. We are discussing a privilege motion. As to what is relevant and what is not relevant, I have to decide.

Shri Nagi Reddy: What about my point of order?

Mr. Speaker: I have answered the point of order. So long as I allow any hon. Member to go on, hon. Members may take it that I take it, and I rule that it is all relevant.

Shri Asoka Mehta: The resolution said:

“ as well as the policy of the State Government which is often discriminatory and not in accordance with the rule of law.”.

This was the very point that we had made, and you, Sir, very rightly wanted us to substantiate this kind of a general charge that we had made on the opening day of the last Session of Parliament. My hon. friend Dr. K. B. Menon, and I, therefore, in accordance with your wishes, and in accordance with your command, whenever we got an opportunity, tried to place before the House facts and documents as they came to our notice. We were doing that because we were called upon to prove that conditions in Kerala were such as demanded an intervention by this House. While we were discharging our responsibilities, the Chief Minister of Kerala sent a telegram. It purports to be a confidential telegram. I shall not cover the ground that has been so ably covered by my hon. friend Dr. K. B. Menon. I shall only invite the attention of the House to a P.T.I. message published by the *Times of India* of

21st September. This message, dated 20th September says:

"According to official sources here the substance given in that report is given there according to the official sources here (meaning in Trivandrum)."

I am sure that at that time neither the P.T.I. man nor the *Times of India* man was interested in playing any mischief

13 hrs.

Then the word used there is "slander". The whole controversy revolves round the word "slander". If this word "slander" was—as tried to be made out on the last occasion by some friends—used in the heat of the moment, one would ignore it. But this word "slander" is being deliberately and consciously used by the Communists. I would invite your attention to the *New Age*, the official organ of the Communist Party. In its publication of 1st October, a publication that came out immediately after this debate took place in this House in the last session, this is what Mr. P. C. Joshi, a very eminent leader of the Communist Party, has to say about this discussion and I shall read it to you—

"Tata employee M. R. Masani (which is absolutely false) . . .

An Hon Member: It is a fact.

Shri Asoka Mehta: Keep quiet.

" . . . brought up a privilege motion . . ." (*Interruptions*)

Mr. Speaker: Order, order.

Shri Nagi Reddy: Is it right on the part of the hon. Member to say "keep quiet". (*Interruptions*).

Several Hon. Members: He said "shut up"; he should withdraw those words.

Shri S. M. Banerjee (Kanpur): Is he maintaining the decorum? (*Interruptions*).

Mr. Speaker: Order, order. We are discussing a privilege motion. Hon. Members need not get excited. I called Shri Menon; he spoke. All hon. Members will have reasonable opportunities to speak. Let there be no interruption. Let not hon. Members get excited over this matter.

Shri Tangamani (Madurai): I would like to know whether it is proper to say "shut up"?

Shri Asoka Mehta: I said "keep quiet".

Shri H. N. Mukerjee (Calcutta—Central): May I raise a point of order?

Mr. Speaker: What is the point of order?

Shri H. N. Mukerjee: Mr. Asoka Mehta used the expression "shut up".

Several Hon. Members: "Keep quiet" he said.

Shri H. N. Mukerjee: Are you keeping order in the House, or Shri Asoka Mehta? Those words, according to his understanding of the English language, means "you please keep quiet". Are we going to take orders from Shri Asoka Mehta?

Shri Asoka Mehta: My knowledge of English is not as good as Shri Mukerjee's.

Mr. Speaker: I have heard the point of order. All hon. Members will kindly keep order in the House. Let there be no talk here other than what is relevant. There was continuous interruption and I did not hear him say one way or the other. Possibly the hon. Member also got excited and used the words "shut up".

Hon. Members must know that every hon. Member is a human being first and everything else next. I do not

[Mr. Speaker]

think he ever used the words, but if the words "shut up" are there they will be removed. Shri Asoka Mehta.

Shri Nagi Reddy: There is so much of extraneous matter which he is bringing that I think the debate is taking an entirely different course:

Mr. Speaker: The hon. Member brings it to my notice that what Mr. Asoka Mehta is reading is not relevant. I ask him to continue. It is relevant. It is for me to decide. What is the meaning of going on interrupting like this?

Shri Asoka Mehta: Hon. Members, I know, lose their patience or get excited.

Mr. Joshi says:

"It is only a gibe of those who have lost the battle of facts and principles."

Then he continues:

"The Parliamentary session will close this week but the Kerala debate will go on in the country. Truth and good service to the people: this is the strength of the Kerala Government. Slanders and fear of good work being done by a Communist Ministry: this moves the opponents of the Kerala Ministry."

Again, Sir, the word "slander" is used here. This word "slander" is used after the debate took place.

I would now invite your attention to a very interesting book written by my hon. friends Mr. A. K. Gopalan and Prof. Hiren Mukerjee entitled *Communists in Parliament*. I would invite your attention to page 4.

Shri Nagi Reddy: When was that published?

Shri Asoka Mehta: This book says:

"We were in Parliament, in very fact, a new element—forthright and obviously in touch

with the people, qualities which made us perhaps vaguely feared but always respected, even in the height of attack and slander on us (as over the issue of Telengana and of Preventive Detention in the May-August session of 1952.)"

Whenever you criticise the Communists, whenever you say anything that they do not like, they are in the habit of calling those who criticise them as slanderous. This word "slander" is a favourite expression of the Communists. Therefore, the Chief Minister of Kerala used it not in the heat of the moment. It is a part and parcel of the Communist strategy. I would like to invite your attention to the fact that it is the recognised tactics of the Communists in Kerala to intimidate the people. The Chief Minister of Kerala tried to do it with the High Court. The Kerala High Court was conscious of its rights and privileges. Therefore, he had to go before the bar of the High Court and offer an unqualified apology to the High Court, because he had tried to play that kind of thing with the High Court. This House should be equally concerned about its own privileges.

Sir, what is happening in Kerala today? This technique of intimidation is being carried on. A D.S.P. in Kerala has to go to the Communists..... (Interruptions).

Mr. Speaker: The hon. Member need not refer to that

Shri Asoka Mehta: After all you must give me an opportunity of explaining to you and to the House. If this were a stray expression, I have sufficient respect for the Chief Ministers of this country as not to associate them with a motion of this kind and I would have been the first person to request my hon. friend Shri Masani not to press this motion. The Communists in Kerala have been deliberately indulging in these tactics. This

motion is not a matter of mere form; it is a matter of profound substance and of profound importance, because this has been the tactics and the technique which is being deliberately used. That was the reason why a telegram purported to be confidential was deliberately leaked to the press, as has been proved not by the telegram that my hon. friend read out, but by the internal evidence in the report that was published by the *Times of India* on the very morrow of the telegram being sent. This deliberate leaking out of the telegram, this use of the word "slanderous" against some of us by Mr. P. C. Joshi in the official organ of the Communist Party after the discussion had taken place here, this use of the word "slander" by Mr. Gopalan and Mr. Mukerjee against the entire House, because nine-tenths of the House disagrees with one-tenth of it is deliberate. This one-tenth does not represent the vital elements of the country. If the nine-tenths of the House disagrees with them they are being denounced as slanderous. This is a conscious, deliberate and well-defined strategy of the Communist leaders and that is the reason why this matter should be looked into, should be gone into and should be referred to the Privileges Committee so that they may realise that in this country they will not prevent any one—least of all a Member of Parliament—from discharging his duty, because there are some who are interested, who are masters of the tactics and strategy of intimidation. But intimidation is not going to work against us, and to prove that, to conclusively prove to all concerned in the country, and above all, to the brave people of Kerala, who are fighting against heavy odds in order to keep the torch of freedom alive, in order to see that the lamps of liberty are not put out there, are not put out in any part of the country, this Motion must go to the Privileges Committee.

Shri S. A. Dange (Bombay City—Central): I do not want to speak on points of law for the simple reason that I am neither a lawyer nor a jurist.

But I would prefer to take a lesson from my hon. friend, Shri Asoka Mehta, and ask a question: why has this thing arisen? From where does it proceed? It proceeds from a well-planned conspiracy and a cold-war to overthrow the Communist Government in Kerala. And let me assure my friends who, as Opposition parties should be in a position to support another 'Opposition' Government, that they know, if ever by chance or mischance they come to power, they will meet with the same fate from that side. In any case, it seems today there is a nice unholy alliance amongst all these gentlemen to malign and to start a cold-war against Kerala....

Shri Tyagi: Slander.

Shri S. A. Dange: This has nothing to do with privilege. If it is a question of the dignity of these gentlemen who have made speeches, we know what dignity they have got. (*Interruptions*).

Mr. Speaker: Order, order. Let us not lose ourselves in excitement.

Pandit K. C. Sharma (Hapur): It is very undignified.

Mr. Speaker: It is not right for the leader of the Communist Group to say 'We know what dignity the other hon. Members who have spoken have got'. It is not right. Every hon. Member is a dignified Member of this House. I am afraid in the heat of the moment the hon. leader of the Communist Group has said something which, I do not think, he meant. While trying to support or oppose a Motion of Privilege relating to 'slander'—the word used—let us not be drawn into the same situation here by using expressions which are not quite good.

Shri S. A. Dange: I said that because I thought when Shri Asoka Mehta read an extract from the *New Age* describing the hon. Member, Shri M. R. Masani, as a Tata employee, he would protest. Since he did not protest, I thought, being a Tata employee, he had not a very dignified position.

Mr. Speaker: That is another matter.

Pandit K. C. Sharma: This is undignified

Shri S. A. Dange: Let me explain. As a Member of Parliament, he has his dignity. I was referring only to his dignity as a Tata employee. That is all.

Mr. Speaker: Let it be in any capacity. So long as an hon. Member is a Member of the House, let not anything be said which would take away the dignity of the hon. Member. The hon. Member might have read it. But that does not mean that we can use that as an excuse to attack any hon. Member here. He is an honourable Member both inside and outside. Let there be no words said about it.

Shri H. N. Mukerjee: On a point of clarification. A little earlier, Shri Asoka Mehta had the goodness to refer to my hon. friend, Shri A. K. Gopalan, and myself as past-masters in the art of slandering people, intimidating people and all that sort of thing. But you did not think it fit and wise to stop him. But now you stop this kind of thing being said.

Mr. Speaker: If I slipped over in a particular matter, the hon. Member might have pointed it out to me. (Interruptions)

Shri M. R. Masani (Ranchi—East): On a point of personal explanation. Now that Shri S. A. Dange has asked why I did not contradict that remark in the *New Age*, may I say two things? One is that I ceased to be a Tata employee when I got elected to the House in May 1957. I considered it a great honour for sixteen years to be identified with the leading industrial House in the country which has done a great deal for this country. Secondly, I did not contradict the *New Age* because it is a habitually lying newspaper. (Interruptions).

Shri T. B. Vittal Rao (Khammam): He says that it is a habitually lying newspaper. What is this?

Mr. Speaker: The newspaper is not a Member of the House. (Laughter)

Shrimati Bena Chakravartty: We shall now take this to mean that the word 'lying', which has been used, is parliamentary. (Interruptions).

Shri S. A. Dange: Therefore, I would submit that we should pay attention to the implications of this Motion. Even if it were held to be a correct Motion and even if it were passed, it would do damage to the political development in this country. That is why I am looking at it from the political standpoint.

Shri Rajendra Singh (Chapra): Damage to Communist development in this country. (Interruptions).

Mr. Speaker: The hon. Member is disturbing his own leader!

Some Hon. Members: No, no.

Shri Vasudevan Nair (Thiruvella): He is not a member of our Party.

Shri S. A. Dange: The point I wish to make is this, that this question of privilege should not be pushed too far. I need not tell you about how this concept of privilege has arisen. But I may say that a privilege was claimed by the House of Commons against autocratic monarchs who hanged them when they criticised the monarchs. Later on, the House of Commons developed a certain content for this concept of privilege. But now even in the House of Commons, there is a protest from the public that the Members carry this privilege too far; in fact they are setting themselves as super-Gods who cannot at all be questioned or against whom a remark will not be tolerated from the members of the public. There has been a certain amount of debate in the House of Commons also and in the general Press of England about this question of privilege. Here too the same development is likely to take place. Of course, unfortunately, the first occasion that has arisen here is with

regard to the Kerala Ministry. But that is not the main point. The main point is: how far are we going to stretch this concept of privilege? My impression is that we are trying to set ourselves as demi-Gods or super-Gods over anybody else who is outside the House who would like to use this word or that against a statement on the part of a Member. This would bring the dignity and privilege of the House in conflict with the general sentiments of the people who would like to criticise even hon. Members, may not be in very polite words.

Therefore, the first point is: let us look at it from the political standpoint, that if we go on putting forward obstructions in the way of people not merely criticising but even sharply criticising us, using sometimes even bad words against Members here, it would not redound to our dignity and privilege; if we are criticised, we should not lose temper and call them before the Bar of the House. In that case, we shall be losing our own dignity before the common people.

Of course, here in this case it is not a question of a common man being involved. Here is the Chief Minister of a State. That is still greater reason why we should have restraint, because has the Chief Minister as a member of another legislature not his own privilege? That also should be a question which we will have to look into

For example, the question of privilege in England does not suffer from the obstruction of another Assembly which is an Assembly of a State or Province. England does not have a federal Constitution. We have a federal Constitution. As yet, I do not think we have come to any balance between the privilege rights of Parliament and the privilege rights of the State legislatures. There have not been much of case-law or rulings on this question. Therefore, that point also should be taken into account, and we should come to the conclusion that the members and Ministers of the

State legislatures also should have certain privileges. If the two privileges conflict, let us come to certain understandings and rulings on this question. Instead of taking that way politically, the whole debate is taking another angle, that is the angle as is provided by Shri Asoka Mehta and that angle is that he thinks the communists are very fond of the word 'slander'. Well, if it is slander, it is slander. For example, if I were to discuss it politically, my friend Shri Asoka Mehta is a standing slander against socialism. He deserves to know socialism and naturally he hates communism; and when he hates communism, then he thinks every minute of his life to get an opportunity to damn the communists. Therefore, we are bound to say it is a question of slander. And slander is not such a bad word too

Shri Asoka Mehta: Sir, can this word be brought in in this manner? He is only trying to defend his leader, the Chief Minister of Kerala and he called me a slanderer

Shri S. A. Dange: A slanderer against his own socialism which he has betrayed.

Shri Asoka Mehta: Mine is a socialism which is accepted by the House. I am being charged as a slanderer against the socialism which is the accepted policy of the whole House.

Shri S. A. Dange: You are slanderer and a betrayer.

Mr. Speaker: Order, order; I do not want hon. Members.....

Shri S. A. Dange: When passions are sought to be roused, we shall not be short of it. Let it be remembered.

Mr. Speaker: Hon. Members are very good parliamentarians. They have had experience of this House as also elsewhere. I would request hon. Members not to cast aspersions against one another, here in this House. It is

[Mr. Speaker]

enough that we are dealing with something that has been said outside the House. It is true that any hon. Member has the privilege here and he won't be taken to a court of law for what he says. But I am here to see that one hon. Member does not use expressions derogatory to any other hon. Member. They have enough vocabulary that they can use in such a manner to express their own ideas as forcibly as possible without bringing in any words of abuse.

Shri S. A. Dange: I am not at all calling him a slanderer against me or against Shri E. M. S. Nambudripad, or anybody. It is a philosophical expression. If somebody slanders against something it is a slander against philosophy. What have I said? I mean slander against his own philosophy. It is not an imputation on his personal character. I do not see how I have violated the decorum of the House. It is not a reflection on his individual character.

Mr. Speaker: With all respect I do not agree. There is no use trying to make it anything impersonal. It is only with respect to this person. We are not saying anything here about socialism versus communism or some aspects of socialism. But it is in relation to an hon. Member of this House that it is said he is a slanderer. One can easily say that he is a slanderer to his house, to his family or to the whole country and so on. There is no difference between this and the other one. I am still sorry that an hon. Member, a leader of a group should persist in the use of the word 'slander'. (*Interruptions*).

Order, order.

Shri S. A. Dange: I am only submitting. (*Interruptions*.)

Shri Rajendra Singh: Shut up. (*Interruptions*).

Shri S. M. Banerjee: Sir, he said 'shut up'.

Mr. Speaker: Order, order.

Shri S. A. Dange: Sir, I was making a submission that this question should be looked at from a political standpoint and the question of privilege also should be considered with sober attitude. I was pointing out the danger that if only party considerations or considerations that were against a certain ministry which you do not like or a certain Minister whom you do not like, if these considerations were brought into the assessment of things and assessment of the value of privilege in this House, then, the traditions of this House would meet with a bad fate. That is what I was submitting.

Now, so far as other things are concerned, which my hon. friend Dr. Menon or my hon. friend Shri Asoka Mehta has raised, it is really doubtful why a telegram of an *ad hoc* Congress committee should have been allowed here and brought here. I thought there was a properly established Congress committee. I do not know about *ad hoc* Congress committees. In any case, there is no protest from the real Congressmen on the other side about the *ad hoc* congressmen on this side. Therefore, I thought it is all accepted.

Shri Rajendra Singh: On this side, there is an *ad hoc* Comintern.

Shri S. A. Dange: Therefore, I think it is quite natural for an *ad hoc* Congress committee's telegram being quoted by a socialist gentleman who thinks he is in opposition to the Congress benches. So, my submission is that the consideration of the whole question is being vitiated by pure considerations of party propaganda. I would like to know later on from the declamations which would be made from all sides whether such considerations should be imported into the discussion of the privileges of an hon. Member of this House, because, as I have already submitted, and I once again repeat it—and I do not want to take much more time of the House—that this is all being got up as a cold war,

Let me assure my hon. friends that cold war has never frightened us—of whatever kind either here or elsewhere. Therefore, if it is imported into this House, then, it will only lead to bad results for all of us, not only for us but for all of us. What is happening. An elected Ministry—an elected Legislature is there and it has put the Ministry into power—is being tried to be overthrown by all sorts of means, and means which are not very constitutional means. If that lesson were to go to the country that a Parliament with a majority party and the so-called socialists and all combined, in order to overthrow a Ministry which they did not like (Interruptions.)

Shri Rajendra Singh: What does he mean by so-called socialists, Sir? (Interruptions.)

Shri C. D. Pande (Naini Tal): Shri Dange has a passion for it.

Mr. Speaker: Hon. Members resent the expression socialists. (Interruptions.)

Shri S. A. Dange: Some of them are of the so-called socialist party, some of the socialist party; some of them are of the Praja-Socialist Party and there are these different kinds of parties we have got here. They have tried to become one socialist party; unfortunately they failed. I cannot help it. That is why I have tried to describe them in their different shades. If I am wrong in my description, please excuse me. So, with such an impression I am saying (Interruptions.)

Shri C. K. Bhattacharya (West Dinajpur): Whenever they differ from the communists they become the so-called socialists; when they are one with the communists, they are the only socialist party.

Shri S. A. Dange: So, Sir, I want to repeat that if an impression were to go sound in the country that all these

forces are combining in order to overthrow a Ministry which is carrying out certain measures which had a place in the programme of all these parties but were not carried out—if this Ministry is to be overthrown by such means—then the masses would draw very peculiar conclusions regarding the development of democracy in this country, regarding the use of the Constitution in this country and of the way in which a landlord capitalist government as we call it is run by various Congress Ministries in the various States and how they can be overthrown. (Interruption.) We have tried to overthrow by legal means and we have succeeded. Why should there be anything against? If you want to overthrow it, do it in the same way as we have done. That is, you try to do things in a good way and meet the demands of the people and society yourself. But, no; they want to create an atmosphere as if this Government is not liked by the people and there is violence and insecurity in the land.

Sir, if these means are to be used, I once again say this that the results would be very bad for all of us. I am not considering only the question of Communist party; I am considering the question of all the parties in this country and all elected Governments. If once a government which is elected and which does not belong to the majority party should be treated like this, then elections will be of no value. No elected government will have any value because anything will be done to overthrow it. I certainly want such an impression not to be created. (Interruptions.) Therefore in this tactics of overthrowing the Kerala Government this privilege motion should not be allowed. I would appeal to the gentleman who has brought it if there are certain grievances against the Government in Kerala let us sit down and discuss threadbare and thrash it out. That will be for the good of us all.

Some Hon. Members rose—

Mr. Speaker: Order, order. I have heard sufficiently. Before I call upon the other hon. Members, I would like to impress upon the House the scope of this motion. Now, the simple question is whether the word 'slander' ought or ought not to have been used and whether it is a question of privilege and if so, what steps the House ought to take, whether it must dispose of it here and now or send it to the Committee and if the House itself disposes of it in what manner should it dispose of it, whether it should accept this motion or that motion. These are the simple points generally. Cold war and other things have been brought in. Whatever might have been said, hereafter it is not necessary to say what is the motive behind all these. The simple point is this. If the word has been used, has it been used rightly and is it meant to attribute motives to this House? Is it such a big matter or is it a small matter? That is the point.

Shri Frank Anthony (Nominated—Anglo-Indians): Sir, you have, may I say with respect, sought to bring this discussion back to its proper moorings. Unless my communist friends provoke me, I do not propose to vie with the Leaders of the Communist Group in the way in which they sought to fight gratuitous personalities.

The position, as I see it from a more or less legalistic point of view, is this. Under our Rules of Procedure, a motion of this kind can only be moved with the consent of the Speaker. Under Rule 224, three conditions are postulated before you are pleased to give your consent. One of the conditions is a very important condition and that is that the matter requires the intervention of the House.

Now, having been seized of Mr. Masani's motion, having before you certain evidence, particularly documentary evidence, you were pleased, in terms of this rule, to say that the matter *prima facie* required the intervention of the House. I would ask the

Members of this House to bear this in mind. The Speaker has advisedly and after ample consideration come to the conclusion before giving his consent that the matter requires intervention of the House.

Now, what is this House supposed to do? Under rule 226, the House is supposed to do one of two things. It can, after hearing the case put forth by all sides, decide the matter itself or take a decision to remit the matter for consideration and investigation by the Privileges Committee. I am not very certain of the implications of Rule 227. Under Rule 227 you, as the Spcaker, appear to have an overriding discretion *suo motu* to refer the matter to the Privileges Committee . . .

Mr. Speaker: The Rule has been interpreted to me in this way. Before I give my consent, I may ask the expert body to give me advice and independently, of my own, I can do that. But it is not for publication here. It is only to give me an opinion as to how I should act—whether I should give consent or not.

Shri Frank Anthony: I was only outlining the procedure. What we are really concerned with is this whether after the Speaker has found that there is sufficient material to warrant the matter being brought to the notice of the House, we will in a cavalier manner say: 'No', as the Communists want us to do and just throw it out or act otherwise.

Dr. K. B. Menon has put in his amendment in a rather forthright manner. He has asked us to come to decision, that a contempt of the House has been in fact committed, that we should arraign before this House the Chief Minister of Kerala. By training and by experience I am objective and I quite frankly see Dr. Menon's amendment is rather forthright although there is ample precedent for it in the British House of Commons and they do act *ex parte* in privilege matters without hearing the other side. But all sorts of issues have been

brought in and all the irrelevant matters have been brought in by the other side whereby they are making all kinds of charges of *mala fides* and they are trying to embarrass the Central Government. We have heard here all kinds of rather irrelevant sermons about relationship between the Centre and the State. I say the simple issue is this.

We are here concerned with the complaint by an amendment before this House that there has been a breach of privilege by a person. Let us try to forget the personalities involved, whether that happens to be the Chief Minister of a State or I shall say, even the Prime Minister of this country. What are we concerned here? I say let us, whoever the person, at least give the appearance of fairness. It is not good enough to be fair only. I would request the House to remit this matter to the Privileges Committee. Otherwise my friends on the other side would probably welcome it in order to damn the Government and say that this Government has run true to its form; it has given its blessings to something *ex parte* against the Chief Minister of a State only because he happened to have a different political complexion. I say, in fairness to this House, we should not decide the matter as Dr. Menon has asked us. Let us remit the matter to the Privileges Committee.

Then, Sir, I also want to put the other side of the medal to you. We are here custodians of the privileges not only of the Chief Minister or the Prime Minister. We are custodians in privileges of the humblest Member of this House. No Member of this House has come to us and said: "Well, I have been called a slanderer; improper motives have been imputed to me and I am seeking your protection, improper motives have been imputed to me in the discharge of my duties as a Parliamentarian, in functioning in no other capacity." As I have said, the Speaker has looked into this matter. He has

come to the conclusion before admitting it that this is *prima facie* a case for intervention.

My friend, Shri Dange, I submit with respect, sought to draw a political red herring across this question. He assumed a pose of injured innocence. He said that there was a conspiracy on the part of everybody else to join against the communists. I do not think we need take that attitude of Shri Dange very seriously. Then a pseudo-legalistic position was taken by Shri Narayanankutty Menon. He said: "How can we seek to posit a privilege motion on a confidential document?" I submit with the utmost respect that it is not the correct position. I just do not understand how this 'confidential document' is being brought in. I say it has been brought in advisedly in order to embarrass the Home Minister and through the Home Minister the Central Government. The Home Minister is being charged directly with breach of faith. There is no question of the Home Minister being involved. If this matter is remitted to the Privileges Committee, the Home Minister will not be asked to appear before it; the Home Minister will not be asked to produce any document and show: here is the telegram. The telegram was sent in an open way. All that the Committee would have to do is this. It will summon the original of the telegram from whichever office it was sent. The Home Minister does not come into the matter.

There is ample evidence to show that these people have been stigmatised as slanderers. Should we accept—Shri Dange's thesis: "Why should we sc thin-skinned?". The communists, I say with respect, when anybody talks against them, are very unduly thin skinned but when they talk against anybody else, as Shri Asoka Mehta pointed out, the word 'slander' and other abusive, defamatory words are part of their ordinary vocabulary. I say this with respect. We had ample evidence. We have ample evidence that my hon. friend here is being

[Shri Frank Anthony]

stigmatised as a slanderer. In the reply telegram which was sent to the Home Minister and which was read out here—there is no question of privilege and it is not as if we are trying to drag out some thing which was behind, completely behind the curtain of official secrecy; the thing is already at large—the Chief Minister reaffirms the word. He admits that the word 'slander' was used; he does not deny that at all. Once again these people have been stigmatised as slanderers.

The position to my mind is very clear. Is there *prima facie* evidence to show that a Member of this House in the discharge of his duty has been called a slanderer?

Shri Tyagi: Has he named any Member?

Shri Frank Anthony: The whole matter was *ad hoc*, so to speak in respect of Dr. K. B. Menon and in the reply the matter was raised as far as I know; the Chief Minister had referred to Dr. Menon in effect as a slanderer. An explanation was asked for from the Chief Minister. In the reply the slander was repeated. There was no question of his saying: "No, I never said that; it was false". If he had said so—it was never said—for proof we can get the whole confidential document. As I said, the whole thing has been reaffirmed and publicised. Everybody knows it, and it is a fact that the Chief Minister referred to Dr. Menon as a slanderer. That is the simple position. I know that the Government are embarrassed, but they would be doing an injustice to the House if they allow this embarrassment, any false sense of somekind of relation between the Centre and the States to come in in order to reject this motion for reference to the Privileges Committee. I say, it would be setting up a precedent which is completely unworthy of the House.

What are we seeking to do? We are seeking still to work to some kind of democratic parliamentary conventions and principles. I can understand my Communist friends feeling hurt that they must submit to democratic and parliamentary controls. That is why they would like to call people slanderers and worse. With respect, Sir, I beg to submit, if the Prime Minister of India is in the same position, we must follow the same procedure. It is not only a question of his referring to a person as a slanderer. Here it is a question of precedent. If he refers to a Member of this House—whether he is the Chief Minister or the Prime Minister—as having said something because he has taken a bribe, how would you distinguish it from a person being called a slanderer instead of being called a bribe-taker? And, what will be the protection that they will seek? Because you were intimidated by Communist tactics you were afraid to arraign the Chief Minister as he happens to be a Communist Chief Minister. Why do you arraign an editor if he says that a Member of this House has made a speech because he has received a bribe? Sir, I am talking about a legal precedent. Is it a breach of privilege to refer to me as a slanderer? If it is a breach of privilege to refer to me as bribe-taker, then, *a fortiori* equally it is a breach to refer to me as a slanderer.

Now, Sir, you have ample *prima facie* evidence. There is no question of any relations between the Centre and State Governments. It is a simple question of Dr. K. B. Menon, a Member of this House *vis-a-vis* a gentleman who was a citizen of this country. I submit, there is more than enough evidence for the matter to be remitted to the Privileges Committee; we are not asking the House to take a decision on this.

Mr. Speaker: The hon. Prime Minister.

Shri Tyagi: Sir, may I request you kindly to ask the Home Minister to place on the Table of the House the

telegram because, after all, we are discussing language without knowing as to what exactly it is.

Mr. Speaker: Order, order. The hon. Member has not been following the proceedings. This matter was disposed of at an earlier stage.

Raja Mahendra Pratap: Sir, I had been to Kerala, and I want to give a report about it before the Prime Minister speaks.

Mr. Speaker: He will have his turn.

Raja Mahendra Pratap: I must explain what I saw in Kerala.

Mr. Speaker: Very well.

Shri Khadilkar: Before the Prime Minister makes a statement regarding this from his angle, would it not be better, Sir, for others to say something, whatever they want to say?

Mr. Speaker: I will call the Prime Minister now. Does the hon. Home Minister propose to speak?

The Minister of Home Affairs (Pandit G. B. Pant): I have no particular intention of speaking.

Mr. Speaker: I won't call upon any hon. Member unless he wants to speak.

Pandit G. B. Pant: If I have to make a request I will do that, but at present I do not intend to bother the Chair by making any such request. If I want to do so, I will do it later.

Mr. Speaker: I only wanted to know the time that I have to allot. Very well; I have called the hon. Prime Minister now.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I was not present in this House on previous occasions when this matter came up for some kind of discussion; but, naturally, I tried to follow what had happened, to understand it, because it

was a matter, in a sense, of grave consequence from many points of view.

I suppose it is difficult, when such a matter comes up, for Members of this House entirely to shed their party character or their pre-conceived ideas. It is not an easy matter. Nevertheless, it is obvious—and I agree with Shri Anthony in what he said—that the matter has nothing to do, ought to have nothing to do with groups, parties or other political ideas that people may have.

However, I do not think we can entirely forget or we should forget the fact that the person who is charged with an impropriety or against whom the allegation is made is the head of a State Government. It is a fact, and I do not know why we should forget that and merely imagine that we are dealing with a simple matter as one citizen to another citizen; of course, in the ultimate analysis it is between a citizen and another citizen, but all these factors are relevant and important.

I think all of us will agree that where any kind of—may I use the word without any impropriety—slander is done to any Member of the House, in whatever way it may be, or, in fact, anything is done which attracts the privileges of this House; every party and every group in this House should defend the House and should take steps to prevent that kind of thing happening. We are all, I hope, jealous of the reputation that this House should have and should build up for itself. So there can be no doubt, no argument—even though we may in our heart of hearts differ—about that basic issue.

There may be sometimes, of course, argument whether in the name of defending the privileges of this House we do not sometimes act in a rather thin-skinned way, we do not import other considerations than the immediate ones at issue. I know it is difficult. None of us can avoid import-

[Shri Jawaharlal Nehru]

ing other considerations to some extent. Nevertheless, the issue should be decided apart from those other considerations.

If I may respectfully submit, Sir, I did not, well, agree with what has been said, the manner in which it has been said about importing other considerations by either the hon. Member Shri Asoka Mehta or the Leader of the Communist Party here, Shri Dange, when he talked about the cold war. I am not very efficient with cold war as he said he was, and, personally I dislike the cold war wherever it occurs, even in the wider international sphere and much more so, of course, if we have it in our own country or in this House. So I cannot, apart from other reasons, because I would find myself rather incompetent to meet such a situation. Anyhow, it is not desirable for us to bring that in here. Therefore, I do not wish to say anything on that issue although I think some of his remarks were very uncharitable, so far as the Government is concerned, in that connection.

I know my colleague the Home Minister and I, who have most to do with State Governments, have tried to the very best of our ability to deal with the Kerala Government as we deal with other State Governments. We may have made a mistake; I do not say we are infallible, but we have only tried to do that. We have differed in some matters with them who pointed out our differences, but we have not to my knowledge done anything which we would not have to do to another State Government in that position. In fact, if I may say so, speaking for myself, there has sometimes been an element of bending backwards in this matter lest we be suspected of having done something to a Government which is controlled by a party which is opposed to our party and Parliament. So, we have been particularly anxious about it. Again I say that I do not claim any particular virtue. I do not say

we might not have made mistakes or said something which should not have been said. But this has been our attitude, and therefore, I was a little distressed at what Shri Dange said,—that we were leading some kind of crusade against the Kerala Government. However, I do not wish to refer to that matter in this connection, because, I would like this House to try, and every hon. Member to try, not to bring in these issues, important as they may be in other contexts, in the consideration of the particular matter before us.

Having said that, I would also like to say this. I am not quite sure we as a Government should function at all in this matter, as a Government. As individual Members, of course, we have equal right with other Members. I go a step further. As a Member also, I do not think these are party matters, that a party should function in a particular way. So, my request to the Members of this House will be that they should not get entangled in their other pre-conceptions what they think of the Kerala Government or the conditions in Kerala. They should keep that apart and try to judge the matter on the bare facts before us.

I would have preferred—I shall be quite frank to this House—if this motion had not been brought, not in order to protect the Chief Minister of Kerala, although, if necessary, it is my duty to protect him or help him—that is a different matter—but because I am a little anxious that we should not enter into a path of conflict in such matters, because this kind of thing might be overdone. There are things said, often enough, which are not desirable and things said in the heat of the moment which, a person, thinking more would not have said.

If we pursue every person who makes a statement like that, I do not know how many of us will be completely innocent of never making any remarks which might not be held up against. We are all human beings,

and I know that I err sometimes, Sir, though I hope not too often. So, from that point of view, if my mind was quite clear that if it was a deliberate flouting of the dignity of Parliament or of any individual Member of Parliament, then, of course, there can be no doubt that that challenge has to be met. But where in other contexts, in the heat of the moment or in a controversy something is said, I would personally prefer this House not to take too much notice of it. But, as I said, this is my personal reaction which I place before this House.

When I read about it on the first occasion, I did feel that perhaps it would have been better if this matter had not been pressed. But there it is. The House is seized of it, and it is now for each individual to decide on this issue and in which way he should vote. I cannot give an advice. I can function by myself as I think best. But I would repeat again that we have heavier tasks before us, tremendous difficulties and tasks before us, and if we get into this groove of challenging each other, over every petty thing or words spoken and of importing what Shri Dange was pleased to describe as an atmosphere of cold war here, it would not be good for this House or for the country outside.

I would only beg Shri Dange, when he says that, to advise his own party-men—not here, for, here we know each other, but outside—to speak a little more, shall I say, gently, to write a little more politely, and not always to behave as if the Heavens were falling, and therefore this fact had to be announced in square headlines.

I confess, maybe, I have become too old for this kind of thing, but it distresses me—this continuous shouting and running down people. It is a question of a Member of the House here, he can take exception to it and ask you, Sir, to protect him or the House to protect him. But who

is to protect all others outside this House who are being held up to ridicule or slander or whatever the word may be? It is too much, and I am not for the moment thinking in terms of even any particular group. There is a tendency, far too big a tendency, in the country to that effect, and it distresses me.

As I said, maybe I am not in tune with modern ways of thinking and I am ageing, but I do think it is a good thing to be courteous; it is a good thing not to shout too much at each other and to speak a little gently and try to solve problems in that way.

Therefore, all I have to say is that this is a matter for each individual to decide, as indeed it is, and it is not for me as Leader of the House or leader of the majority party in this House to tell them what they should decide in this matter. It is a matter of dignity of an individual and if that dignity has been affected in the wrong way, if somebody else has acted in a wrong way in so far as a Member of this House is concerned, I have expressed my own view about it, and I leave it to others to decide what they should do.

Shri Khadilkar: Since the beginning of the last session, what I find is that some attempts are being made in this House to continue the debate concerning Kerala and the things that are, for the time being, raging in that State as well as outside that State, in the country. When my friend Shri Masani noticed certain news items in the newspapers and thought of bringing that matter before the House, I thought that his attempt was to avoid, as far as possible, from either side, this controversy being carried to a limit where this House will have to take a serious note of. So, I considered that it was a mild warning that he desired. But now what do we find here? I am not going to look at the motion or issue before the House in a partisan way and I expect Mr. Masani and

[Shri Khadilkar]

Mr. Asoka Mehta, who have faith in multi-party democracy and who would like that the democratic institutions in this country should further grow and evolve on those lines, would not also adopt a sort of partisan attitude towards the issue before us. So far as the words that were used are concerned, I feel they were of a general nature, and as I raised the point of order on the last occasion, if such a general complaint not referring to a particular individual, is made, the original document must be before the House before we are competent to take any action.

14 hrs.

I will not take much time of the House, but I will just refer to page 135 of Mays' Parliamentary Practice. What I feel, is as the Law Minister pointed out on the previous occasion, the original document is not before us and in the subsequent telegram, which the Speaker had an opportunity to see, a certain explanation of the former telegram was given. So, I think the Chief Minister stands exonerated, and, therefore, the matter should be dropped after the second telegram was received. As the former correspondence was of a confidential nature, it should not be pursued further.

I would like to appeal to this House from another point of view. In this country, though we have adopted the British parliamentary procedure, we are a type of a federation and we believe in multi-party democracy. If our faith is genuine, then in the course of evolution, occasions might arise when the Centre will be controlled by one party and there might be different States governed by different parties. In such a situation, if we lose our head and take a partisan attitude because a particular party is not to the liking of the party ruling at the Centre, I am afraid we will not build up national unity or help the cause of democracy in this land. Therefore,

the issue before the House is not simply the privileges, decorum and dignity of the House. We must be very watchful and vigilant about them; there is no doubt about it. But we must be equally vigilant about the decorum and dignity of the Chief Ministers in the States, whether they belong to the Congress or the Communist Party, because they have been elected properly and they have assumed charge of office as the Head of the State. Is it not our duty in a federal structure of the Constitution, to look at the problem from this angle as well?

Therefore, I would like to appeal to every Member of this House, that if we are going to be short-sighted and going to import the debate that is continuing in the country against a particular brand of Government that is ruling in Kerala, let that debate be fought on a political partisan platform. But when this House debates a question of privilege, it is not a partisan issue. It is not any party issue; it is the issue of the House. As I said earlier, it is the fundamental right of this House that we are going to protect, if at all it has been infringed by somebody outside. That is the main question before us.

A certain telegram of a routine nature, which is *prima facie* confidential, was sent. It has been said on the last occasion by the Prime Minister...

An Hon. Member: The Prime Minister was not present.

Shri Khadilkar: I am sorry; the hon. Law Minister said that it is normally confidential, unless otherwise it is expressed that it is for publication. If some newspaper tries to get hold of a secret confidential document and publishes certain parts of it and if on that basis we are going to say that our dignity, decorum or privilege has been infringed, I am afraid these things would give certain encourage-

ment to those who are trying to pry and get secret documents of the Government. I personally would deprecate such an attempt.

Shri Asoka Mehta said that a certain resolution has been passed by the Congress Working Committee. He has unfortunately quoted it on the floor of the House, because from the very quotation of the resolution of a party executive, he has exposed himself to the charge that he is arguing his case, getting support from a particular party which feels rather afraid to act and at the same time through some utterances sometimes creates an atmosphere that this is a Government which is not desired by the major party ruling the country. I do not think all Congressmen are of the same view. But as a party, their expression is of such a nature which implies that they are visualising the evolution of one-party authoritarian rule in this country and they would not have that democratic tolerance which presupposes the healthy atmosphere for the growth of the democratic institutions in our society. If this is so, as Comrade Dange said, there is an atmosphere of cold war and this House, let me repeat, should insulate itself, if it is going to discharge its responsibilities properly, against importations of cold war atmosphere if it exists in any State or in any part of the country.

If, as we saw at the initial stage of the debate, when the question of privilege of this House is involved, a certain partisan warfare is waging on the floor of the House, I think we are not equal to the task of protecting the dignity of the House, because it is not the dignity of any individual or any party, but it is the dignity of the whole House that we are going to protect. That is the law of privilege.

When my friend, Shri Masani, introduced his motion, I had a talk with him, and I said, "It is very unfor-

tunate that this word has been used; I was also surprised. But if you are drawing the attention of the House and the Chief Minister of Kerala for a slip, I would not object so much." But seeing the manner in which the debate was carried on the last occasion, particularly the partisan warfare on the issue before the House that took place in the early part of the debate here, I feel the best course for my friend, Shri Masani, is to drop the motion, as it has served the purpose. Perhaps it will be useful for future guidance of all the Chief Ministers, whether of the Congress persuasion or some other persuasion in every State, who fortunately come to assume charge of responsibility to bear in mind that a certain amount of restraint in their official, and perhaps even in the non-official, utterances is necessary. They should remember the debate that took place on the little report that appeared in a section of the press

With these words, I again appeal to every Member of the House, as well as to the main mover of the motion, Shri Masani, that they should give serious thought to this particular issue before the House. As I said earlier, I feel that unless the original document is in possession of the House, this House cannot decide this matter. That is the law, as laid down by *May*, an authority on parliamentary practice, which we are supposed to follow. As I have already quoted him, I do not want to take any more time in repeating it. If by inference we are going to convict the Chief Minister of a State, perhaps the future historians will accuse us of certain short-sightedness when they read the proceedings of the House, and say that those who were charged with the responsibility, not only of preserving the dignity and decorum of the House but also of ensuring the future growth of democracy in this country, did not act with imagination, with

[Shri Khadilkar]

vision and a certain decorum, which is necessary for democratic evolution and public life in this country. With these words, I conclude my speech.

Raja Mahendra Pratap: I told the House in the last session that I shall be going to Kerala and it would be better to discuss this question when I come back. I and my friend Shri Daulta, we two went to Kerala. We were there only for three days, but we toured 400 miles in Kerala, and we did not see anywhere any trouble of any kind. I asked some people here on the road, I asked some people there on the road; I asked some Muslim gentleman: "What is the condition here? Are you suppressed by the Hindus here?" That Muslim gentleman said: "Here are four communities—the Nairs, the Ezhavas, the Christians and Muslims. We are living at peace."

Mr. Speaker: The hon. Member will kindly resume his seat. I have no intention to avoid any statement by the hon. Member who has taken all the trouble to go there and study the conditions by himself. But if I allow the hon. Member to go on saying what happened in Kerala, another hon. Member, who possibly has got a different impression on the same subject, may say: what he says is wrong. In any case, that is not the point. The simple point is whether we in this House should take any action on the statement and whether it is a statement which goes against the privilege of the House. So, leaving all other topics, let hon. Members address themselves to this simple point. Even today, after Shri Dange, Shri Asoka Mehta referred to something and Shri Dange allowed him to conclude. After that, I submitted to the House that such controversies relating to what is happening in Kerala need not be brought in this discussion.

Raja Mahendra Pratap: That is my preface. I am coming to the point. I must also explain very clearly before this House that I am a religious man. I tried even to convert Comrade Lenin to religion.

An Hon. Member: Did you succeed?

Raja Mahendra Pratap: Anyhow, I was really very greatly distressed this morning when I saw a lot of shouting in this House. I quite agree with the hon. Prime Minister that in this House there should be a kind of decorum, there should be very great tolerance for one another. It is very unfortunate that Shri Masani and Dr. Menon brought these resolutions, these suggestions. What they really want is not served by these resolutions. I am not a communist. Therefore, I can say without any fear that they are helping the communists by the resolution. You know in our country when some people are persecuted or persecuted, then those people are very much liked by our people. Now, if such a resolution is brought here, the result is that people will like the communists more. I say that such a resolution is very unfortunate, even for that object for which they meant it. I want to say that now when there is a danger on the border, there should not be brought such questions in the House which divide us more and more, because then a day will come when all the parties are dissolved. I do not wish that. But if we will continue to quarrel like that then there may be a certain dictator who may dissolve all the parties.

What I saw in Kerala was quite peaceful. I asked all kinds of people. We were both together and I think he will bear with me when I say we were always together. One gentleman, Shri Thanu Pillai, who was formerly the Chief Minister there, said that all the communists are scoundrels and no communist can be believed.

Mr. Speaker: The hon. Member is referring to some statement of some hon. Members there. It will give opportunity to others to say all sorts of things. I want to avoid that.

Shri P. S. Daulta (Jhajjar): I just want to submit that every word of what he said is true.

Mr. Speaker: But let them not be repeated here. It is no good trying to repeat what hon. Members said elsewhere. If there is any abuse, why should he carry the abuse inside the House? I think the hon. Member has concluded and he has nothing to add.

Raja Mahendra Pratap: I want to say more. I am giving an eye-witness account before the House as to what I saw in Kerala

Mr. Speaker: That is not relevant

Raja Mahendra Pratap: We asked certain principal of the school. This gentleman was with me

Mr. Speaker: All that is not relevant.

Raja Mahendra Pratap: That principal said: we are very satisfied

Mr. Speaker: That information may be useful elsewhere, but not in this context. Let the hon. Member confine himself to this resolution.

Raja Mahendra Pratap: This is a very unfortunate resolution that is the impression created. And there I must agree with these communist brethren that the impression created is this: the Congress, P.S.P. and these lot of people are against the Government in Kerala and by hook or crook, by some method, they just want to pull it down. This impression should not be created. I agree with those gentlemen that we should drop it. Of course, I am not for democracy; I do not know it. I am for religion, and I believe in that democracy of God. God who created all men; God wants good of all men. But I say that if this

situation created by my friend is continued, we shall then be nowhere. We shall only quarrel here and when this news is printed in the press, what will the public say? The public will say "Oh! Ayub Khan is very good".

Some Hon. Members: No, no.

Raja Mahendra Pratap: I will tell you that is the impression created, because they say: these parties always quarrel. This should not be. I say that press should not take notice of the shouting in the House. We are all friends and we want good of all. We are all together

Mr. Speaker: I would like to give opportunities to representatives of some Groups. Pandit Brij Narayan "Brijesh". Then, I will call Shri Vajpavee and then Shri A. K. Gopalan. I will call one or two here also

Shri Braj Raj Singh (Ferozabad): May I speak, Sir?

Mr. Speaker: If he wanted to speak; very well

Shrimati Renuka Ray (Malda): May I speak, now?

Mr. Speaker: I have called the other hon Member I will give some opportunities to Leaders of Groups.

Raja Mahendra Pratap: On a point of order, This gentleman tells me that I should explain that I was not bribed there. We were not bribed there. We were charged for the food also by the Government restaurant.

वंदित ब्रज नारायण "ब्रजेश" (गिवापुरी) ·
अध्यक्ष महोदय, सदन में जो प्रस्ताव प्राया
है

Mr. Speaker: Hon Members will be brief as I intend closing this debate by 3 o'clock

वंदित ब्रज नारायण "ब्रजेश": उस प्रस्ताव
पर अध्यक्ष महोदय मन्मानित सदस्यों

[पंडित ब्रज नारायण "बज्रेश"]

ते बहुत संक्षेप में दो चार शब्दों में अपनी अपनी बात कहने के लिये बोल रहे हैं। स्वयं प्रस्ताव ही है, चार शब्दों में हैं। मेरा निर्बंदन इस सम्बन्ध में केवल इतना ही है कि जहां तक भारतवर्ष, धार्यवर्त और उस की इस लोक सभा का प्रश्न है, हमारे सामने एक आदर्श रहा है कि हम ने सारे संसार में यह दिखाना है कि हमें जो आज प्रजातन्त्र स्वीकार किया है, वह प्रजातन्त्र मसार में किम आदर्श के साथ चलना चाहिये, यह हमें सब के सामने उपस्थित करना है। अब यदि हम स्वयं प्रजातन्त्र की अवहेलना कर के और दूधिन उपायों के द्वारा एक दूसरे को अपशब्दों के साथ व्यवहार करना आरम्भ कर देंगे तो हम वह आदर्श और वह महानता जो मसार के सामने प्रस्तुत करना चाहते हैं उन्ने करने में पिछड़ ही नहीं जायें बल्कि एक प्रकार से केवल वह हमारी आदर्श प्रस्तुत करने की प्रणाली भी शाब्दिक ही रह जायेगी। मेरा यह निर्बंदन है कि मनसा वाणी और विचार करने में सब में साम्य होना चाहिये। हमारे विचार महान होने चाहिये और विचारों को व्यक्त करने की हमारी परिपाटी भी महान होनी चाहिये और जिन के लिये हम उन का प्रयोग कर रहे हैं उन के प्रति हमारे हृदय में भावना भी महान होनी चाहिये। इस महानता से प्रेरित हो कर जब हम कोई कार्य करेगे तो किसी को उपदेश देने की आवश्यकता नहीं पड़ेगी। खराबी तो उस समय आरम्भ होती है जब हम अपने मन में तो द्वेष बुद्धि रखते हैं और उसके पश्चात् शब्दाडम्बर में पड़ कर उस द्वेष बुद्धि को छिपाते हुए अपने हृदय के अन्दर बैठे हुए एक विशिष्ट स्वार्थ की पूर्ति के मार्ग पर अग्रसर होते हैं। आज हम देखते हैं कि हमारे देश में शब्द छल और शब्दाडम्बर और गालीगलौच बहुत काफी बढ़ गई है और वह दोनों ही पद्धतियां हानिकारक हैं। स्पष्ट रूप में स्पष्टता के नाम पर और स्पष्टवादिता के नाम पर अपशब्दों का प्रयोग भी देश के लिये अहितकर

ही होगा। । दूधित भाव हृदय में रख कर सुन्दर से सुन्दर शब्दों के आवरण में उन को कट कर और फिर विचार व्यक्त करने की जो परिपाटी है और जिसे डिप्लोमेसी के नाम से विमूषित किया जाता है, वह हमारे देश के लिये हितकर नहीं होगी। हमारे लिये तो मब में सुन्दर बात यही होगी "मनस्यकम् वचस्येकम् कर्मण्येकम् महम्मनाम्"। मनसा वाचा और कर्मणा सब में हमने महानता को सामने रखना है।

आज हम देख रहे हैं कि मदन में बैठ कर यह तो हम कहते हैं कि हमारे सामने पार्टी पालिटिक्स नहीं है और हमारे सामने दलगत नीति नहीं है और हमारे सामने व्यक्तिवाद का प्रश्न नहीं है। किन्तु वास्तव में अन्तर्गता में जब हम घुस कर देखते हैं तो उस से हम अपने को अछूता नहीं पाते। बोलने वाले भी स्वयं अपने आप को महान दिखाने के लिये यह बोल देते हैं कि यह उन सब से परे है लेकिन वास्तव में भीतर उन के यह दुःखता घर करे रहती है। और जब हमारे मन में कुछ आज छिपी होगी तो वह दूसरे पर अवश्य प्रभाव डालेगी चाहे हम उस को स्वीकार करें अथवा न करें और यह दलगत नीति को लेकर मदन में हम आ जाते हैं और उस के कारण हमारा वानावर्ण खराब हो जाता है। इस में सन्देह नहीं कि पार्टियों के बीच में जो मनोमालिन्ध उत्पन्न होता है और जो विषमता उन के बीच में उत्पन्न हुई और जिन विषमता के आधार पर जो वायु मडल निर्मित हुआ वह एक दूधित वायु मडल था और उस ने यह स्थिति हमारे सामने रख दी है। इसमें कोई सन्देह नहीं कि कोई भी व्यक्ति किसी के प्रति कोई अपशब्द का यदि व्यवहार करे तो वह महावना की दृष्टि में कभी भी स्वीकार नहीं किया जा सकता। उस का कोई भी बुद्धिमान आदर्श समर्थन नहीं कर सकता है और यदि इसी तरह का व्यवहार चलने दिया जायेगा तब तो एक दूसरे के लिये अपशब्दों

का व्यवहार आरम्भ हो जायेगा और जिस की कि कोई सीमा नहीं रहेगी और जब कोई सीमा नहीं रहेगी तब फिर कोई एक भयंकर स्थिति उत्पन्न हो सकती है। जहाँ तक अपशब्दों के व्यवहार का सवाल है, उन पर रोक तो होनी ही चाहिये लेकिन उस के साथ साथ हम किसी दूसरे आदमी को बदनाम करने के लिये नवीन नवीन प्रकार ढूँढ निकालेंगे और उन प्रकारों को आधार बना कर अगर हम एक प्रकार से न चल सके और गलत राह पर चले और लोगों को ठीक रास्ता नहीं बतला सके तो फिर हम अपना और दूसरों का हिन नहीं करने वाले हैं। अगर मीथे नाक पकड़ने के स्थान पर पीछे से हाथ डाल कर नाक पकड़ने की पद्धति निकालेंगे तो उस से कोई हमारा लाभ या हिन होने वाला नहीं है, मेरा यह नम्र निवेदन है।

14.26 hrs.

[Mr. Deputy-Speaker in the Chair]

यहां हम समय देश में जो वायुमंडल का निर्माण हुआ है जो कि समाचारपत्रों में मालूम होना है और यहाँ लोक सभा में कम्युनिस्ट पार्टी के माथ जो अन्वेषण वादविवाद चल रहा है, उस में दो मत नहीं हो सकते हैं कि लोगों में यह भावना निर्माण हो रही है कि इन दोनों में एक प्रकार की टग आफ वार चल रही है। मैं इस बात से इन्कार नहीं करता कि विचारों में मतभेद हो सकता है और जहाँ तक कम्युनिस्ट विचारधारा का सम्बन्ध है हम त्रिकाल में भी साम्यवादी विचारधारा स्वीकार करने को तैयार नहीं और उस का यहाँ भी और बाहर भी खड़े हो कर हम अपने बुद्धिवाद को आधार पर उस का विरोध करेंगे परन्तु इस सम्बन्ध में यह नहीं है कि हम वह विरोध इन अपशब्दों के द्वारा करेंगे। साम्यवादी दल ने भी यदि उन से हमारे विचार नहीं मिलते हैं और यदि उन्होंने भी अपशब्दों के द्वारा हम को निन्दनीय या निन्दक कह कर और घोषित कर के आगे बढ़ने का प्रयास किया तो यह उन के लिये भी श्रेयस्कर नहीं होगा। अन्ततोगत्वा हम इस देश के निवासी

हैं और हमें जो विचारधारा पसन्द आवेगी उस को लेकर हम चलेंगे लेकिन वह विचारधारा हमें जनता तक पहुँचानी है और यदि जनता के स्तर को गिरा दिया और उस के विचारने की पद्धति को गिरा दिया तो फिर हम स्वयं भी कहीं टिक सकेंगे यह स्वयं विचारने की चीज है। नेतागण जिस आधार पर चलना चाहते हैं जब वह आधार ही हिल जायेगा, जब आधार ही भ्रष्ट हो जायेगा तो फिर नेतृत्व के किस का करेंगे, यह सोचने की एक चीज होती है और उस दृष्टि से मैं समझता हूँ कि यह जो परम्परा चली आ रही है इस प्रकार से एक दूसरे को अपशब्द कहने की और सदन में बैठ कर यदि हम एक दूसरे के लिये अपशब्दों का प्रयोग करने लगेंगे तो फिर उस का गम्भीर्य, उस की महत्ता, और उस की निर्णायक शक्ति कहा रहेगी ? जब हम निर्णय करने बैठे और स्वयं उसी में जिस चीज में कि हम निर्णय करने बैठे हैं उस में फस गये तो फिर हमारा निर्णय भी शुद्ध होगा, यह कैसे माना जा सकता है ? इसलिये अत्यन्त शान्तिपूर्वक, अत्यन्त गम्भीरतापूर्वक बिना किसी प्रकार का क्षेप लगाये जो विषय हैं, उस पर विचार होना चाहिये। अभी जो यहाँ पर वाद विवाद हुआ और उस के द्वारा जो स्वरूप सामने प्रस्तुत किया गया वह योग्यतापूर्ण, बुद्धिमत्तापूर्ण और कोई बड़ा भव्य और सुन्दर नहीं था। भारतवर्ष की लोक सभा में इस प्रकार के दृश्य उपस्थित होना प्रशोभनीय है। जैसे अन्य देशों की ससदों में सदस्यों द्वारा एक दूसरे पर कुसिया उछालना और टेबुले फेंकने की घटनाये हो गयी हैं और हमारे निकट के पड़ोसी देश में ईस्ट बंगाल की विधान सभा में कुसिया और मेजे एक दूसरे पर फेंकी गयी और आपस में सदस्यों में हाथापाई भी खूब हुई और इस गडबड में वहाँ के स्पीकर महोदय को इतनी चोटें आई कि वे बंचारे जान से गये. . .

उपाध्यक्ष महोदय : वह स्पीकर नहीं, डिप्टी स्पीकर थे।

बंधित ब्रह्म माराबन्ध "अज्ञेय" : जी हां, मुझ से बसती हुई के डिप्टी स्पीकर ही थे। इस समय हमारे यहाँ उपाध्यक्ष महोदय भासन पर बिराजमान हैं और मुझे यह देख कर बड़ा दुःख हुआ कि कहीं पर ऐसी दुःखद स्थिति भी पैदा हो सकती है। खैर बाहर जो हो, हमें अपने भारत वर्ष की लोक सभा में इस प्रकार का दृश्य कभी भी उपस्थित होने देने का भ्रवसर नहीं देना चाहिये। दुनिया को हमें यह दिखाना है कि हमारा प्रजातन्त्र एक भद्र पुरुषों का, सम्य पुरुषों का, योग्य और बुद्धिमान पुरुषों का यह प्रजातन्त्री सदन है। इस सदन में हम लोग गम्भीरतापूर्वक बाल की लाल निकालते हैं और अच्छी प्रकार से आपरेषन करते हैं और कर सकते हैं लेकिन यह बेंच हिला कर, कुर्सिया हिला कर और मारपीट की नौबत ले आना, यह कोई बुद्धिमान और योग्य व्यक्तियों का काम नहीं है। यह तो जो साधारण मनुष्य होते हैं जिन में कि बिचारने की, सोचने की और बोलने की शक्ति नहीं होती है, वे हाथापाई पर उतर आते हैं या गालीगलोज़ पर उतर आते हैं। इसलिये मेरी यह प्रार्थना है कि सदन की प्रतिष्ठा को, सदन के सदस्यों की प्रतिष्ठा को और प्रान्तों की मिनिस्ट्रीज़ और चीफ मिनिस्टर्स की प्रतिष्ठा को ध्यान में रखते हुए इन सब में परस्पर एक साम्य रखना है और यदि चीफ मिनिस्टर किसी स्टेट का कहे कि मेम्बर क्या चीज होती है और मेम्बर कहे कि चीफ मिनिस्टर क्या चीज होती है तो जनता यह कहने पर मजबूर होगी कि हम दोनों कुछ भी नहीं हैं और इस तरह दोनों की जो महानता है वह समाप्त हो जायेगी। इसलिये हमें बजाय एक दूसरे पर कीचड़ उड़ालने के एक दूसरे का प्राशांसक बन कर और एक दूसरे के कानूनों का धावर करते हुए लोकतन्त्र के पथ पर आगे अग्रसर होना है। एक दूसरे के प्रति यह भावना रहनी चाहिये, "परस्पर भावयन्तः श्रेयः परमवा स्थेत्यः"। मेरी यह नम्र प्रार्थना और नम्र निवेदन है कि यह जो वायुमंडल का निर्माण हुआ है उस वायुमंडल को समाप्त

करना चाहिये। वैसे तो यह प्रस्ताव कोई बहुत महत्व का नहीं है कि बिच के बिचों देस की और बहुत ती बतों को छोड़ कर केवल प्रीविलेज मोशन पर विचार करने के लिये हम बैठते लेकिन जब हम उस पर विचार करने बैठ ही गये हैं तो उस का निष्कर्ष यही निकलना चाहिये कि भविष्य में इस प्रकार की घटनाओं की पुनरावृत्ति न हो और साथ ही इस प्रकार के भ्रमशब्दों का व्यवहार न किया जाये, इस प्रकार का निश्चय कर के हमें भविष्य में कार्य आरम्भ करना चाहिये।

श्री बाजपेयी (बलरामपुर) : उपाध्यक्ष महोदय, मेरे मित्र श्री भसानी ने जो प्रस्ताव सदन के सामने पेश किया है मैं समझता हूँ उस से जिस उद्देश्य को वह पूरा करना चाहते थे वह शायद पूरा हो गया है। सदन या सदन के सदस्यों की प्रतिष्ठा बनाये रखने के लिये हम लोग कितने व्यग्र हैं यह अब तक के हुए विवाद से पूरी तरह स्पष्ट हो गया है, और कोई भी ऐसा प्रयत्न जो सदन की प्रतिष्ठा को कम करने के लिये जब किया जायेगा उस का हम विरोध करेंगे इस सम्बन्ध में भी अब किसी को सन्देह नहीं रहना चाहिये।

लेकिन इस विवाद के साथ जो और भी प्रश्न खड़े हो गये हैं और हम इस विवाद को आगे बढ़ायेगे तो मैं समझता हूँ और प्रश्न जटिल होंगे, इस सदन की प्रतिष्ठा या सदन के किमी सदस्य की गरिमा का प्रश्न पीछे पड़ जायेगा, और यह कहे के बावजूद कि किमी राजनीतिक उद्देश्य से यह प्रस्ताव नहो लाया गया है, राजनीतिक मंतव्य सामने आ जायेगे।

जो भी केरल के मुख्य मंत्री ने तार दिया उन तार से यह स्पष्ट नहीं होता कि उन्होंने न सदन के किमी सदस्य बिचों के विरुद्ध कोई आरोप लगाया है। अभी यहाँ यह बात कही गई कि वह आरोप एक सदस्य

विशेष के विरुद्ध है। मैं समझता हूँ तार में किसी का नाम नहीं है। हम उस में से संदर्भ के द्वारा अर्थ निकाल सकते हैं, लेकिन यह बात सच है कि तार में किसी सदस्य के नाम का उल्लेख नहीं किया गया। इस का अभिप्राय यह है कि किसी निश्चित सदस्य पर कोई आरोप नहीं है। यदि यह कहा जाये कि सदन के सदस्य के नाते जो कुछ सामग्री उन्होंने सदन के सामने उपस्थित की उस के ऊपर केरल के मुख्यमंत्री की आपत्ति है, और उन्होने ऐसे शब्दों का प्रयोग किया है जिन्हें सदन की प्रतिष्ठा के प्रतिकूल कहा जा सकता है, इस में भी इस बात का विचार करना होगा कि क्या केरल के मुख्य मंत्री की नीयत सदन के किसी विशेष सदस्य को बदनाम करने की थी।

श्री प्रशोक मेहता ने कहा कि हमारे कम्युनिस्ट दोस्त इस तरह की शब्दावली का प्रयोग साधारण रूप से करते हैं। हो सकता है कि यह प्रयोग भी उम्मी साधारण रूप से हो गया हो और उस का अभिप्राय सदस्य की मानहानि करना न हो। मैं नहीं समझता मुख्य मंत्री की नीयत क्या थी, इस के सम्बन्ध में यह सदन कैसे निर्णय दे सकता है। लेकिन जो भी विवाद यहां चल रहा है वह विवाद एक राजनीतिक पृष्ठभूमि में देश में देखा जा रहा है, जबकि कम्युनिस्ट पार्टी केरल में चुन कर आई है। और मैं यह स्पष्ट कर दूँ कि कम्युनिस्ट पार्टी से मेरा विरोध है और उन की नीतियों और कार्यक्रमों और उस के सिद्धान्तों का मैं कट्टर विरोधी हूँ और आगे भी रहूँगा। लेकिन इस तथ्य से इन्कार नहीं किया जा सकता कि जनता के बोटो से भारतीय संविधान के अन्तर्गत कम्युनिस्ट पार्टी केरल में सत्तारूढ़ हुई है। यदि केरल में असुरक्षा की स्थिति है, संविधान द्वारा स्वीकृत मौलिक अधिकारों पर कुठाराघात किया जा रहा है, जैसाकि सदन में दावा किया गया है, तो मैं निवेदन करूँगा कि केन्द्रीय शासन को संविधान

के अन्तर्गत ये अधिकार प्राप्त हैं जिन से केरल में कम्युनिस्ट पार्टी को सत्ता से हटाया जा सकता है। क्यों नहीं उन अधिकारों को काम में लाया जाता ?

लेकिन यहां एक बड़ी विचित्र परिस्थिति पैदा हो गई है। केरल को एक उदाहरण के रूप में पेश किया गया, पंचशील का उदाहरण, कोएंग्जिसटेस का उदाहरण, कि १३ राज्यों में कांग्रेस का शासन है, केरल में कम्युनिस्ट पार्टी का शासन है, यह हिन्दुस्तान में पंचशील का जीता जागता नमूना है। अगर नमूना है तो उस के साथ न्याय का, नीति का व्यवहार होना चाहिये। मेरे कहने का यह अभिप्राय नहीं है कि केन्द्रीय सरकार केरल के साथ कोई पक्षपान कर रही है, अगर यह विवाद इस सदन के भीतर और बाहर इस प्रकार का भ्रम पैदा करने में सहायक हो सकता है कि हम येन केन प्रकारेण, किसी भी प्रकार से, केरल की कम्युनिस्ट पार्टी को बदनाम करना चाहते हैं। मैं समझता हूँ अगर इस प्रकार की स्थिति पैदा होती है तो वह ठीक नहीं है।

हम ने मघात्मक शासन को स्वीकार किया है। भारत एक फेडरेशन है, यूनिटरी स्टेट नहीं, यद्यपि मैं और मेरी पार्टी यूनिटरी स्टेट के पक्ष में हूँ जिस में इस प्रकार के राज्य और केन्द्र के साथ उत्पन्न होने वाले झगड़े और उन के परिणामस्वरूप देश की एकता के लिये पैदा होने वाले खतरे के लिये कोई सम्भावना नहीं रहेगी, लेकिन सत्तारूढ़ दल ने, देश के बहुमत ने मघात्मक शासन स्वीकार किया है और मघात्मक शासन स्वीकार करने से जो परिणाम आयें आवश्यक हैं, जो नीतियाँ अनिवार्य हैं, उन का पालन किया जाना चाहिये। किसी राज्य में किसी और पार्टी का शासन हो इमीनिये यदि सत्तारूढ़ दल के सदस्य उस पार्टी के साथ भेदभाव करें तो मैं समझता हूँ कि यह ठीक नहीं है। विविधता में एकता को अगर हमें राजनीति में भी आश्रय देना है तो फिर जब तक

[श्री बाजपेयी]

कम्युनिस्ट पार्टी संविधान के अन्तर्गत काम करती है, और मुझे यह मान कर चलना होगा कि वह ऐसा कर रही है क्योंकि केन्द्र ने अभी तक हस्तक्षेप नहीं किया है, तो फिर हमें उन को पूरी छूट देनी चाहिये, और मैं समझता हूँ कि अगर इस प्रिविलेज के मोशन को भी हम राजनीति में अलग रख कर देखें, और अगर मेरे मित्र मिस्टर मसानी जो कट्टर कम्युनिस्ट विरोधी हैं इस सवाल पर विशुद्ध ससद् की प्रतिष्ठा और उस के सदस्यों की गरिमा का प्रश्न बना कर देखें, तो मैं समझता हूँ वह भी इस बात को स्वीकार करेगा कि काफी विवाद हो गया। चीफ मिनिस्टर ने यदि कोई गलती की थी तो उस की ओर सारे ससार का ध्यान खींच दिया गया और अब इस विवाद को आगे बढ़ाने की आवश्यकता नहीं है। यहाँ समाप्त कर देना चाहिये। मैं उनसे अपील करूँगा, वह इस समय अपने स्थान पर नहीं है, कि उन के प्रस्ताव में जो उद्देश्य था वह पूरा हो गया है, और वह अब इस विवाद को समाप्त कर दें। इस कट्टर विवाद को और आगे न बढ़ाये।

इन शब्दों के साथ मैं समाप्त करता हूँ।

श्री बाजराज सिंह उपाध्यक्ष महोदय, जो विशेषाधिकार का प्रश्न मेरे मित्र श्रीमन् मसानी ने सदन में उपस्थित किया है वह बहुत ही महत्व का प्रश्न है। इस में इन्कार नहीं किया जा सकता कि सदन की प्रतिष्ठा, सदन के सदस्यों की प्रतिष्ठा का हमेशा ध्यान रखा जाना चाहिये, और इस प्रस्ताव पर जो बहस हुई उस ने यह स्पष्ट कर दिया है कि इस सदन को, इस सदन के हर एक सदस्य को, सदन की प्रतिष्ठा में बहुत मोह है, वह उसे कायम रखना चाहता है। लेकिन, श्रीमन्, सिर्फ इतना ही प्रश्न नहीं है कि हम सदन की प्रतिष्ठा और विशेषाधिकार को कायम रखें,

सदन के सदस्यों की प्रतिष्ठा और विशेषाधिकार को कायम रखें, इस के साथ ही राष्ट्र के बहुत से और भी प्रश्न हैं। हमें देखना होगा कि जहाँ एक तरफ हम सदन और सदन के सदस्यों की प्रतिष्ठा और विशेषाधिकार की तरफ इतने जागरूक हैं, क्या उतने ही जागरूक हम अन्य समस्याओं की तरफ भी हैं या नहीं। इस सदर्भ में हमें इस विशेषाधिकार के प्रश्न को देखना होगा।

मैं इस से इन्कार नहीं करता कि शब्द "स्लैडर" अपमानजनक है, और यदि किसी सदस्य की प्रतिष्ठा में ऐसा शब्द कहा जाता है तो इस को बरदाश्त नहीं किया जाना चाहिये। लेकिन हम को यह भी देखना होगा कि जिस व्यक्ति की तरफ से यह शब्द प्रयोग किया गया है उन की पृष्ठभूमि क्या रही है। उस पार्टी की पृष्ठभूमि क्या रही है। हम यह न भूल जायें कि राष्ट्रीय आन्दोलन के जमाने में राष्ट्रपिता के प्रति इन्ही हमारे दोस्तों ने किस तरह के शब्दों का प्रयोग किया था, उन को पूजीपतियों का दलाल तक कहा गया। जब सन् १९४८ में कांग्रेस कम्युनिस्टों की तृतीय कांग्रेस कलकत्ता में हुई तो उस समय उस में कहा गया कि जो सोशलिस्ट नेता हैं उन को आमतौर से बदनाम करना चाहिये और सोशलिस्ट कार्यकर्ताओं को अपनी तरफ खींचना चाहिये। उस वक्त कांग्रेस में यहाँ तक कहा गया कि हिन्दुस्तान का प्रधान मंत्री इम्पीरियलिस्ट डाग है यानी साम्राज्यवाद का कुत्ता है। यह पृष्ठभूमि है उस पार्टी की और इस प्रश्न पर विचार करते समय हम को इस पृष्ठभूमि को अपने सामने रखना चाहिये और देखना चाहिये कि उस पार्टी के लोगों को इस तरह की भाषा बोलने की जो आदत पड़ी हुई है, इस शब्द का प्रयोग उस के कारण किया गया है, या किसी अन्य उद्देश्य से और इस के पीछे क्या वही भावना थी, या किसी दूसरी तरह

की भावना थी। मैं कहना चाहता हूँ कि इस एक शब्द के प्रयोग मात्र से हम समझ लें कि इस सदन के विशेषाधिकार का उल्लंघन हुआ है और उस पार्टी के विरुद्ध एक प्रकार की लड़ाई छेड़ दें—जिस की हमारी परम्परा नहीं है—तो मेरे विचार में यह उचित नहीं है।

श्री ज० ब० पाण्डे : चूंकि उन की यह भ्रातृत्व हो गई है, इसलिये क्या उन को छोड़ दिया जाये ?

श्री बजरंग सिंह : मैं यह भी कहना चाहता हूँ कि यह उन की भ्रातृत्व बनी रही, लेकिन वह एक तथ्य है कि जब तक वे लोग अपनी उस भ्रातृत्व पर कायम रहे, वे हिन्दुस्तान में कुछ नहीं कर सके। अगर उन्होंने कुछ किया है, तो वह अपनी नीति और अपने तरीकों में परिवर्तन कर के, अपने काम के ढंग में परिवर्तन कर के किया है।

हम जानते हैं कि जब इस देश में १९४१ में ब्रिटिश शासन के विरुद्ध व्यक्तिगत सत्याग्रह शुरू हुआ, तो हमारे यही मित्र कहते थे कि इस समय देश में मास स्ट्रगल—जनयुद्ध—की जरूरत है, लेकिन जब १९४२ में “क्विट इंडिया” का प्रस्ताव सामने आया, तो इन्होंने कहना शुरू कर दिया कि आज लड़ाई की जरूरत नहीं है और ब्रिटिश शासन जो युद्ध कर रहा है, वह तो “पीपल्स वार” है।

एक माननीय सदस्य : क्या यह सब रिलेवेन्ट है ?

श्री बजरंग सिंह : मेरे कहने का तात्पर्य यह है कि उन की ये सब नीतियां चलती रहीं, परन्तु हिन्दुस्तान की राजनीति में उन में कोई फ़र्क नहीं आया। और आज हिन्दुस्तान की राजनीति में अगर कम्युनिस्ट पार्टी को कोई महत्व या गरिमा प्राप्त है, तो वह इस लिए नहीं है कि उस ने कोई अन्धका काम किया है

बल्कि इस लिए है कि शासनायुद्ध पार्टी को महारथा गांधी के सिद्धान्तों पर चल कर जनता के हित के लिए जो कुछ करना चाहिए था उस ने वह नहीं किया।

इस लिए मेरा निवेदन यह है कि इस विशेषाधिकार के प्रश्न को ले कर हमें कम्युनिस्ट पार्टी के विरुद्ध कोई युद्ध नहीं शुरू करना चाहिए। जब तक वे लोग संविधान में विश्वास करने हों, जब तक वे सोचते हैं कि वे हिन्दुस्तान में संविधान के मताधिकार कार्य कर सकते हैं और राज्य चला सकते हैं, तब तक हमें उन्हें काम करने का मौका देना चाहिए।

उपाध्यक्ष महोदय : यह एतराज किया जा रहा है कि इस सम्बन्ध में जो कुछ कहा जा रहा है, वह रिलेवेन्ट नहीं है। स्पिकर माहव ने कहा था कि आज हमारे सामने जो मुसला है, माननीय सदस्य, भिन्न उस पर बहस करें।

श्री बजरंग सिंह : मैं जानता हूँ कि केरल की तरह यदि हिन्दुस्तान में उन का शासन हो, तो ऐसी और बहुत सी बातें हो सकती हैं, जिन को हम बर्दाश्त नहीं करेंगे। लेकिन सवाल यह है कि क्या हम लोक सभा में, हिन्दुस्तान में जो कुछ हो रहा है, उस का दर्पण बन रहे हैं, देश में जो विचारधारा चल रही है, क्या हम यहां पर उस की सही तस्वीर खींच रहे हैं, या नहीं। मैं यह निवेदन करना चाहता हूँ कि इस सदन में आज जो बहस हो रही है, या पिछले प्रथिवेशन में इस सम्बन्ध में जो बहस हुई, मुल्क के लोग उस को सदन के विशेषाधिकार के रूप में नहीं ले रहे हैं। वे तो यह समझ रहे हैं कि दो पार्टियों के बीच युद्ध चल रहा है। “स्नैडर” शब्द के प्रयोग से हमारे माननीय सदस्यों का जो अभिमान हुआ है, उस के लिए उस शब्द का प्रयोग करने वाले व्यक्ति को जो सजा दी जानी चाहिए थी, देश में और विदेशों में इस घटना का प्रकाशन होने से वह सजा काफी हो जाती है। अब इस प्रश्न को, भागे बढ़ा कर हम विशेषाधिकार की रक्षा के प्रश्न को भागे नहीं

[श्री राजराज सिंह]

बढ़ायेंगे, बल्कि हम आगे बढ़ायेंगे राजनीति में वैचारिक मतभेद को, वैचारिक युद्ध को और वह देश की भविष्य की राजनीति के लिए अच्छा नहीं होगा।

व्यक्तिगत रूप से मैं जानता हूँ कि कम्यूनिस्ट शासन अच्छा नहीं हो सकता। आज सवाल यह नहीं है कि कांग्रेस के शासन और कम्यूनिस्टों के शासन में कोई फर्क है या नहीं। जहाँ तक मैं समझता हूँ, उस में कतई फर्क नहीं है—केरल के शासन में और उत्तर प्रदेश के शासन में कोई फर्क नहीं है, उन की नीतियों में कोई फर्क नहीं है। जिस पंच वर्षीय योजना को कांग्रेस चलाती है, उसी को चलाने और पूरा करने का प्रण कम्यूनिस्ट पार्टी करती है। आज प्रश्न तो यह है कि क्या हम इस विशेषाधिकार के प्रश्न को इतना महत्व दे, जिस से हिन्दुस्तान की मौलिक समस्याएँ पीछे पड़ जायँ और क्या इस प्रश्न पर बहस करने रहना हिन्दुस्तान की दूसरी महत्वपूर्ण समस्याओं के लिए ठीक और उचित होगा या नहीं? अगर हम सिर्फ कानूनी दृष्टि में देखने लगे, तो यह स्पष्ट है कि यदि 'स्ले-डर' शब्द का प्रयोग किया गया और प्रकाशित करने के लिए किया गया—जैसा कि वह प्रकाशित हुआ—तो यह उचित नहीं था और इस अपमानजनक शब्द का प्रयोग नहीं होना चाहिए था और उस में विशेषाधिकार के उल्लंघन का प्रश्न उठ सकता है। लेकिन यदि विशेषाधिकार का प्रश्न उठ, तो उस के बाद हमें देखना पड़ेगा कि सम्बन्ध व्यक्ति को हम कितनी सजा दे सकते हैं, हम इस प्रस्ताव को विशेषाधिकार समिति में भेजें या यह सदन उस पर विचार करे परन्तु जो कुछ हो चुका है, वही काफी है। मेरा विचार यह है कि अब तक जो कुछ हो चुका है, वही पर्याप्त है और इस सम्बन्ध में अब आगे बढ़ने की जरूरत नहीं है, इस को पास करने की जरूरत नहीं है। प्रस्तावक महोदय को इस पर ज्यादा जोर देने की जरूरत नहीं है। इस प्रस्ताव को जो

मन्तव्य था, जो उद्देश्य था, वह पूरा हो चुका है। मैं समझता हूँ कि यदि कम्यूनिस्ट पार्टी जनतंत्रीय तरीके से हिन्दुस्तान में काम करने के सिद्धान्त पर दृढ़ है, तो उसे मानना पड़ेगा कि इस तरह की गलती भविष्य में न होनी चाहिए। मैं साफ तौर से मानता हूँ कि यह गलती है, इस को करने वाला व्यक्ति चाहे कोई हो, चाहे वह केरल का चीफ मिनिस्टर हो, चाहे उत्तर प्रदेश का हो। लेकिन इस के साथ ही साथ इस घटना के विषय में मुल्क में भावना इस तरह की है कि चूँकि केरल कम्यूनिस्ट शासित प्रदेश है, इस लिए यह कार्यवाही की जा रही है और अगर उत्तर प्रदेश का चीफ मिनिस्टर रहा होता, तो ऐसी कोई बात न होनी। भले ही यह बात निराधार हो, लेकिन यदि मुल्क की जनता के हृदय में यह भावना बँठी है, तो हिन्दुस्तान की भविष्य की राजनीति के लिए और शासन के लिए यह अच्छा नहीं है। इस विषय पर जितना विवाद हो चुका है, उस का पर्याप्त समझने हुए इस सम्बन्ध में आगे नहीं बढ़ना चाहिए। कानूनी रूप से इस प्रश्न के सब पहलुओं को देखने हुए, यह मानने हुए भी कि वह पत्र प्रकाशन के लिए था और उस को प्रकाशित किया गया और इस प्रकार इस मदन के विशेषाधिकार का उल्लंघन किया गया, इस सम्बन्ध में आगे नहीं बढ़ना चाहिए। जैसा कि मैं ने कहा, इस पार्टी के लोगों को इस प्रकार की भाषा और शब्दावली का प्रयोग करने की आदत शुरू से रही है। हमारे माननीय मित्र श्री डागे ने भी उगी प्रकार की शब्दावली का प्रयोग किया। वह तो समझते हैं कि उन की पार्टी के समान कोई दूसरी पार्टी क्रान्तिकारी नहीं है, कोई जनता का भला नहीं चाहती। वह चाहे जैसे शब्दों का प्रयोग करे और जैसा उचित समझे करे, लेकिन मैं कहना चाहता हूँ कि हम जो तरीका इस्तेमाल करना चाहते हैं, उस के हमारा उद्देश्य पूरा नहीं होगा। जिन प्रवृत्तियों को हम खत्म करना चाहते हैं, उन के लिए हम को सैद्धान्तिक बेसिस पर लड़ना पड़ेगा,

हमें वैचारिक लड़ाई लड़नी पड़ेगी—और वह हम लड़ रहे हैं, महात्मा गांधी के सिद्धान्तों पर चल कर लड़ रहे हैं, जैसा कि हम हमेशा लड़ते आये हैं। अब तो वे लोग अपने को अनुकूल बना रहे हैं और अगर वे ऐसा करना जारी रखते हैं और आने वाले समय में राजनीति में जनतंत्रीय परम्पराओं को विकसित करने की बात करते हैं, तो इस प्रस्ताव को वापस लेने से उस में कुछ मदद मिल सकेगी। मैं निवेदन करना चाहता हूँ कि हिन्दुस्तान के उन लोगों को काम करने का मौका दिया जाना चाहिए, जो कि हिन्दुस्तान की राजनीति में जनतंत्रीय परम्पराओं में विश्वास करने की बात करते हैं।

अन्त में एक और बात कह कर मैं समाप्त करूँगा। संघीय शासन में हमारे कुछ और उत्तरदायित्व होते हैं। हमारी लोक सभा या हमारी गवर्नमेंट उस तरह की नहीं है, जिन तरह की कि ब्रिटेन में चलती है, या अन्य जनतंत्रीय देशों में चलती हैं। यहाँ राज्यों और केन्द्र का अधिकार-क्षेत्र बँटा हुआ है, सीमायें बँटी हुई हैं। इन दोनों को अपने अपने क्षेत्रों में पूरी मार्बलमि मत्ता प्राप्त है। इस लिए इस देश में स्वस्थ राजनीतिक वातावरण पैदा करने के लिए और जनतंत्रीय पद्धति को विकसित करने के लिए यह आवश्यक है कि हम राज्यों को उन के मामलों में पूरी आजादी दें।

इन शब्दों के माध्य में कहूँगा कि इस प्रस्ताव पर और आगे बढ़ने की ज़रूरत नहीं है और इसको विशेषाधिकार समिति के मुपुर्द करने की ज़रूरत नहीं है। इस प्रस्ताव का उद्देश्य पूरा हो चुका है और इसे यहाँ ही समाप्त कर दिया जाना चाहिए।

Shri A. K. Gopalan (Kasergod): After the Prime Minister's speech and the good sentiments that had been expressed by him, I do not want to rake up those things that had been said here about me personally. Shri Asoka Mehta had said something

about me. If I have opportunities on other occasions I shall reply to them. I want only to speak on two points.

Shri Frank Anthony, while he was pleading for referring this motion to the Privileges Committee, said that there was some basis behind the second telegram, and that the telegram itself was the reason why it should be sent to the Privileges Committee. I want to read out the second telegram and then say that if the second telegram is the basis, then my opinion is that the matter should stop here, and no discussion should be there. I am sorry that even though at that time we had raised certain points, yet, unfortunately, the Speaker admitted this motion; if he had not, then these things would not have happened.

The second telegram says:

"I never intended to publish this telegram. On the contrary meant for your consumption only. Moreover never intended cast aspersions or reflection on any Member of Parliament or his conduct or proceedings of House. Context makes clear my meaning that if State not allowed to present correct facts an one-sided version from a Member may appear as slander on Kerala Government. Never meant to make imputation on Member but pleaded that if Kerala Government's case not before House impression would be damaging to my Government. Pray explain position to Hon. Speaker and my complete absence of intention to cast aspersion on Member of the House."

The second telegram definitely says that it was not intended against any Member of the House and there was no question of reflection on any Member of Parliament or on Parliament itself. In the last portion, he says: 'My complete absence of intention to cast aspersions on Members of the House'. Not only that. In the second sentence, he says: 'Context makes

[Shri A. K. Gopalan]

clear my meaning that if State not allowed to present correct facts, a one-sided version from a Member may appear on Kerala Government'. A Member gives a version here. The Member thinks that it is a correct version. It may not be a correct version. But when the Member gives the version to Parliament and if the Government against whom it is made is not there, is not represented there, to contradict it and say that it is not correct, it means it is a slander on the Kerala Government. This is all that he has said. This one-sided version goes outside and it becomes a slander against the Kerala Government. That is what he has said. I want to point out that that is the correct position.

There was an adjournment motion tabled by Shri Asoka Mehta sometime ago. There was also a discussion on the admissibility of that Motion for some time. Shri Asoka Mehta pointed out certain things. The Kerala Government or their representatives were not here to reply to that. We also did not know about the truth of the contents of the telegram. So we could not say anything. But that has gone into the proceedings and the country. The version was that one Velayudhan was attacked by Communists. It was said that there was something done to him on political considerations. When I inquired, I understood that immediately the question came up for discussion in Parliament and it was published, Shri Velayudhan gave a statement to the papers that this incident had nothing to do with politics, there was nothing between the Congress and the Communists in this. He said that some girls belonging to that house were going to school. Then some people made fun of them and there was an exchange of words between Velayudhan and the others. When Velayudhan was returning in the evening, he was attacked by some people. Velayudhan was out of the hospital. He had given a dying declaration. In that declara-

tion, he had said that this had nothing to do with politics; it was because of a quarrel between his son and some other people, and when he was returning home, he was attacked.

When something is presented here, it may be correct or not correct. Suppose I place some facts here. I have an adjournment tabled here or I give notice of some other motions here. The Government concerned is not here to reply. What happens is that when there is no reply by the Government of Kerala, which is the concerned Government, it will be a slander on that Government.

So it is not a question of the word 'slander'. Here is the Chief Minister of a State. You may not like his qualities and his party. My hon. friend, Shri Asoka Mehta, referred to a contempt of court incident. When he knew that he had made a certain statement after the matter had been filed in the High Court and that it was not a proper thing to do, he went to the High Court and said he was sorry about it. Then the Chief Justice remarked to the Chief Minister: "Your prestige and your stature have gone high by this".

So as far as the Chief Minister is concerned, if he had intentionally done that, he would have said that he had done that. But what he says in the telegram is very clear. I am not going into the constitutional point whether it is a confidential document or not. Here he has definitely said: 'I did not mean anything. I did not mean any reflection on any Member'. What he said was this: 'If you are taking cognisance of something against the Kerala Government and if Members are allowed to represent the matter anyway they like and we are not represented to reply to that and we cannot say anything about it, it must be a slander against the Kerala Government'. He has also drawn attention to the fact that he used the word 'slander' only in that context.

He again makes clear—'My complete absence of intention to cast aspersion on the Members The Speaker may be informed' He says that he had absolutely no intention of casting aspersions on the House So by sending this motion to the Privileges Committee, what is it that we are going to achieve? As the Prime Minister has said, as far as a Chief Minister and his duties are concerned, it will be not only a very difficult matter, but Parliament will have always to take these things into its cognisance, and Parliament's time will be sufficient only to discuss about certain words and so on

It is true as the Prime Minister has said, that in the heat of the moment we may sometimes use certain words But here the Chief Minister makes it very clear that what he said was that if the Kerala Government was not represented here to put its case a one-sided version would go round the country and that it would be a slander on that Government

I have nothing more to say except this that after receipt of the second telegram I think it is quite essential, if we want, as the Prime Minister said, to restore the dignity and privilege of this House, we should better end this matter here As far as other things are concerned, I do not want to say anything But I only want to refer to one thing The Prime Minister asked my Party and others to be careful in our speeches and writings I accept it I would only request him to see that as far as the Congress members in Kerala are also concerned, they might also be careful in their open speeches and writings, so that with carefulness on both sides, such things may not recur and there may be harmony all round After this, I hope that the House will certainly decide that the thing is over and there is no question of sending it to the Privileges Committee

Shri Mahanty (Dhenkanal) I have no intention to prolong this bitter and

acrimonious debate, but if I do so, it is precisely for the reason that some of the basic issues have been confused, and the House has been left with a sort of distorted impression I shall venture to put forth my views for what they are worth

The basic fact has to be remembered that the arms of this House are long enough and strong enough to lay them on any person, be he the Chief Minister of Kerala or be he even the Prime Minister of India, if that person commits certain acts which infringe the majesty and dignity of this House That is a fact which cannot be assailed

The next point we have to consider is whether the Chief Minister of Kerala in the telegram which was sent—whether by releasing that telegram and by giving it publicity in the Press—has committed any breach of privilege or not The House in its wisdom may condone any such action. That is one thing But it becomes a completely different thing if it is said that no breach of privilege has been committed

I would, therefore, request the House to differentiate between these issues, and see what is the genesis of this matter It will be remembered that during the last session an adjournment motion was tabled by Dr K B. Menon alleging certain incidents happening in Kerala While the Speaker was considering the admissibility of the motion, a question was raised as to who would answer on behalf of the Government of Kerala At that time, it was held that the Government of Kerala has been functioning in this matter through the Minister of Home Affairs of the Government of India Therefore, if any answer had to be offered, it would be by no less a person than the Home Minister Then the Home Minister of the Government of India naturally pleaded that unless he referred this matter to the Chief Minister of Kerala, he would not be in a position to acquaint the House with the real state

[Shri Mahanty]

of affairs. Therefore, while the House was seized of this question, while the Speaker was seized of this question, a telegram was received from the Chief Minister of Kerala which was addressed to the Home Minister of India for the consumption of the Speaker.

15 hrs.

An Hon. Member: For the consumption of the Speaker?

Shri Mahanty: I will come to the "consumption" part later.

The first point that I wish to raise is, is it right, is it open to the Speaker to withhold a particular document which is rightly the property of the House. That is a point which has to be clarified to the House. I am not concerned whether it is the Communist Ministry or any other Ministry. I yield to none in my anxiety to see that a non-Congress Ministry functions in a State and functions effectively. The real issue is whether the Speaker is entitled to withhold the document and whether he is not going to share his confidence with the House. If the Speaker says that he is not going to share his confidence with the House, then it is for the House to say that the House does not want to share confidence with him. That will be a very bad day for any Speaker. Even though it might have been meant for the Speaker for his own "consumption", the House has also to share it.

The second telegram says that the first telegram though it had used the word "slander" it was not meant for the House and was meant only for the Speaker.

Shri Tangamani: No; for the Home Minister.

Shri Mahanty: Yes, for the Home Minister. It was for the consumption of the Home Minister in relation to a matter with which this House was

seized. The Speaker has also got a part of that "consumption". He might have thought—after this consumption—that this matter, that this adjournment motion should not be allowed. But unless the House knows the circumstances under which that particular adjournment motion has been disallowed, it will be unfair both to the subject-matter of the consideration and also to the House. Therefore, even though it might have been meant for the Home Minister, even though it might have been meant for the Speaker, it was primarily meant for this House. This hon. House should have to judge whether the particular adjournment motion was admissible or not.

The second telegram admits that *prima facie* certain words might have been used in the first telegram advertently or inadvertently which had the effect of maligning the House or infringing its dignity but mentions that the first telegram was not meant for the House. That makes the position worse, because to say the least it is a breach of faith. The House is being maligning. If an individual member is maligning, to that extent, the entire House is maligning. It is one thing to say, 'I have done so; for that I express regret'; but, it is a completely different thing to say, 'Yes, I have maligning somebody but behind, his back.' That is unconscionable. That makes the position worse. What is troubling me is this: what is there to prevent the Chief Minister of Kerala to say, 'Yes, I did it; I am sorry for it; I did not mean it; if anybody has taken it seriously, I am sorry.' The other day he went to the High Court and said, 'I am sorry for it' and tendered his apology. That would have been dignified of him.

I had expected some of our communist friends to have admitted the matter. There can be no escape from the fact that in the first telegram the

word 'slander' was used. Slander is a word which is highly objectionable. It has been admitted in the second telegram, but it has been stated that the first telegram was not meant for the House

Before I conclude my speech, I would like to submit to you in all humility whether you are going to rule that a document which was germane to a matter which was under consideration in the House can be treated as confidential and whether the Home Minister cannot be asked to lay it on the Table of the House. I would like to know where is the secrecy about it. It is true that Members of Cabinet are bound by oaths of secrecy as much as we are bound by oaths of secrecy. But the question here is this: The telegram was sent. If I go to the post office in Trivandrum or Kerala, wherever it might be, if I deposit the requisite amount of fees and make an application in the requisite manner, what will prevent the postal authorities from supplying me a copy of the telegram? I am not conversant with that part of the law. But, according to my layman's knowledge, I know that a telegram can never be considered as a secret document under which the Government of India can take shelter. Therefore, I hold and maintain that there has been a breach of privilege.

But, I would appeal, now that its purpose has been served, the House may condone that act. It has served its purpose and the lesson has been driven home. A breach of privilege has been communicated and the House may condone that action.

But, it will be a completely different proposition if it is said that no breach of privilege has been committed taking umbrage under the fact that in the second telegram the first telegram was sought to be disowned.

I am of the opinion that a breach of privilege has been committed; but, as has been said by some hon. Members

since it has served its purpose, the matter should not be pressed.

Shrimati Renuka Ray: Mr Deputy-Speaker, Sir, I thank you for giving me a little time and I shall try to say what I have to say as briefly as possible.

I think our Prime Minister has rightly said that this is a matter that should be discussed absolutely objectively and dispassionately. It is unfortunate if political ideologies are dragged into it because it is a matter of the privilege of the Members of this House. This House is the custodian of the people's rights and any curtailment of the privileges of this House is a curtailment of the people's rights. As such, it is necessarily our duty and our responsibility as Members of this House to view this matter not from any political angle but simply from the one and only angle as to whether in any way this will be a precedent, if we allow it to pass by, that posterity might say of us that young though we were as a democracy, we were not zealous of our rights and we allowed the rights of this House to be curtailed because a majority in this House—let me be frank—were embarrassed. Why were we embarrassed? Because it happens that an eminent man, the Chief Minister, belonging to a party to which many of us do not belong, is, in fact, involved, and that the privilege motion that has been brought before this House is being viewed not objectively. We do not want to be embarrassed by other matters which are really extraneous to the issue.

Therefore, I say that it is very necessary for us to view it from the proper angle and to remember that "Eternal vigilance is the price of democracy." If today we allow our own embarrassments to come in the way of doing our duty as Members of this House, then, it will be extremely wrong of us. We shall have done something for which posterity might well say of us that we did not cherish

[Shrimati Renuka Ray]

the freedom that the Constitution has given us. The privileges of this House are a part really of the privileges of the people themselves, of democracy as we view it. Sir, the Opposition Leader, Shri Dange, spoke about the fact that today a great deal had been said and was being said regarding the privileges and privileges being made too much of regarding the British House of Commons. There is a vital difference between the privilege of a Member while he is discharging his duty as a Member of this House and the privilege that might be considered pertaining to him only because he is a Member of this House. These are two widely different things and we have to see the demarcation between them. A Member is trying to perform his duty in whatever light he may see it and his privileges should certainly be guarded zealously by every Member of this House, irrespective of party differences.

15 11 hrs.

[MR SPEAKER in the Chair]

It is unfortunate that on the floor of this House a great many things have been dragged in and a great many things said about our own party. These are extraneous. So far as the Chief Minister of Kerala is concerned, personally speaking, or even from the Party angle, we have nothing against him, he is a good man who works according to his own light. It is not a personal issue. It is an issue of the rights and privileges of this House. When this matter goes to the Privileges Committee, as the last speaker has said, it will decide. I am sure that a vindictive attitude will not be taken by the Privileges Committee where the representatives of all sides of this House are represented. I cannot say here what view it would take ultimately. But I am sure that this motion is being supported by so many because of the fact that a precedent of this

nature should not go down and not because of any other feeling.

Many things have been said regarding intimidation and many extraneous issues have been brought in which are not quite pertinent to this motion. I have been in Kerala very recently but not for any political purpose and I have received the greatest hospitality from the Government of Kerala. They have given us opportunities to see things. While seeing things which are not of a political nature we have found that there seems to be some kind of difficulty on the part of the people to express themselves as they would like to. But that of course is not quite pertinent to the issue and I do not want to bring it up. But I do want to say this.

Mr. Speaker: That is not relevant.

Shrimati Renuka Ray: Intimidation, slander and all these words are used by so many people. Let them also not forget that, when they try to impute motives regarding the reasons for which Members of this House want to bring up this motion, they should look into their hearts and see whether they really believe in the Constitution and democracy and the safeguarding of these. In the ultimate analysis, this motion is for the safeguarding of the Constitution and of democracy. I am glad they are working under the Constitution today and I hope that they will join us in earnest in upholding it. That is the real reason why so many of us feel that this motion is of importance and we cannot let this go. We do not want to be vindictive. We do not want personal or party considerations to weigh with us. We do feel that if it had been any other Chief Minister, say of our own Party, of any other State, even then this matter would have been taken up and we would not have felt this hesitancy that is felt today. We must objectively

and dispassionately view this matter and consider it only from the one angle. This House is the custodian of people's rights and it is sovereign. In future this kind of thing may happen again and if it is not taken up now, gradually this House and democracy itself would be weakened.

Shri M. R. Masani. Mr Speaker, the Leader of the House has followed the highest traditions of the British House of Commons in making it clear that, on a motion of privilege of this nature, neither the Government nor the parties normally function. It is really a question of the House as a whole and for its individual Members to consider as to what has taken place and what action should properly follow. The Prime Minister did indicate his personal preference by saying that perhaps he would have liked this matter not to have come before this House but, as he quite rightly pointed out, this House is now seized of it. While two or three Members have appealed to me to withdraw the motion I feel that this motion is no more a kind of a private property of my own, it belongs to the House itself, and the House is now seized of it. It is for the House to consider whether the motion that I made two months ago is or is not warranted.

Now Sir there are some irrelevancies which have crept in this morning. One of these was the attempt to import the federal structure and to bring in the relationship between the Central and the State Governments which had nothing whatever to do with this case. Equally irrelevant were the motives of conspiracy which were alleged against all of us by the Party concerned. What is relevant is whether a citizen of India—the fact that he is the Chief Minister of a State or he belongs to a particular political party is not of the essence of it—outside this House has or has not infringed the privileges of the House and committed a contempt. Shri Mahanty who spoke before me pointed out that

nothing stopped the individual concerned during the two full months that have passed since from tendering the same kind of unqualified apology as he did in the High Court of Kerala before which he was brought for contempt. But these two months have been allowed to pass without the kind of amends which would have been enough to make all of us agree that these proceedings should be dropped. In fact, Shri Gopalan has just now said something to justify the use of the word "slander" by pointing out that it was used in a certain context and sought to make it legitimate. Shri Dange pointed out that we should not be thin-skinned and worry about criticism. Nobody worries about criticism at all. I had said in my opening speech two months ago that if we were called fools or unwise people who did not know the interests of the country or how to serve them then it was all right. But when people attribute motives of malice and mendacity, because slander imputes motives of mendacity and malice, then our integrity and honesty in performing our duties is impugned. It is not against criticism that anyone jibs at all. Let there be good and free criticism of Members of Parliament collectively and individually, but let their motives when they are functioning in this House in pursuit of their obligations to their constituencies and to the people of this country, not be impugned. It is a very good warning for them.

Those who have read May will recall that the reason for this is that this House is the sole judge of the legitimacy of the actions of its Members. It is for this House and you Sir, as its presiding authority to pull up any of us if we behave in an undignified way or say things which we should not say. But it is not right for anyone outside this House to sit in judgment on the honesty and the motives of anyone who functions in this House. It would make it impossible for the hon. Members of this House to function freely if they were to be faced with the kind

[Shri M. R. Masani]

of intimidation that comes of terms being leard against them that should not be hurled at Members of Parliament for performing their duties. Now, this House has three motions before it. Dr. K. B. Menon's amendment seeks to establish that a contempt has been committed. I, Sir, do not myself have very much doubt on that point, but I realise that it may be necessary to investigate whether a contempt has been committed and whether, for instance, there has been publication on the part of the individual concerned. That is why, Sir, at the end of my motion I have kept it completely neutral and non-committal. All that the resolution that I presented to the House says is

"this House resolves that the matter be referred to the Committee of Privileges for investigation as to whether a breach of privilege of the House and of the hon. Members concerned has been committed, and whether any contempt of the House thus committed has been adequately purged, and that the Committee be requested to present its report."

The Committee is asked, Sir, to investigate and report to the House on the first day of the next Session. That makes this motion nothing of the nature of persecution, nothing of the nature of a judgment, nothing of the nature of condemnation. It is a request for investigation by a body of Members of the House composed of Members of all parties of this House with our own Deputy-Speaker at its head.

Sir, in the course of the discussion many issues have arisen which call for investigation. Apart from the main question whether contempt has been committed on which I have brought in the motion, other issues have arisen. The Chief Minister in his second telegram has alleged that he had meant the first one to be confidential. The hon. Member, Dr. K. B. Menon, today has made an important disclosure that, to the best of his know-

ledge after investigation on the spot, he has reason to believe that this first telegram, almost simultaneously with its despatch through the telegraph office to our Home Minister, was released to the news agency concerned by no less a person than the Private Secretary or Personal Assistant. Shri Sharma, of the Chief Minister himself. If this is a fact, then the second telegram, far from being an apology or amends, adds insult to injury. It seeks to mislead the House about a fundamental thing—whether this was meant to be confidential or not. However, we do not know for sure about it. We want the Privileges Committee to call the relevant witnesses and to find out whether this was so, and whether it was marked confidential as alleged in the second telegram. These are things that need to be investigated. We are faced with the position that although two months have passed no amends have been made to this House as was made in the case of the Kerala High Court.

Now, Shri Narayanankutty Menon has moved a substitute motion. He relies on the confidential nature of the first telegram. He then goes on to say that it would be improper and inappropriate for this House to institute any action. Sir, I wonder whether this is not again an attack on the decision that you gave, that there was a *prima facie* case for instituting proceedings, and also not an attack on the House. An overwhelming majority of Members got up to signify their support that leave be granted for this motion, because you and the House were satisfied that there was a case. Here comes an amendment that it is improper and inappropriate for this House to take this up. Sir, this is not surprising. Shri Asoka Mehta this morning showed that this lack of respect for the House and its Presiding Authority is not accidental. He might have gone on to quote from page 6 of the same booklet of Shri Gopalan and Shri Mukerjee where they refer to the "unhelpful attitude of the Chair." So, Sir, this lack of respect for the House and its institutions is

something that is chronic and inherent in certain people's thinking

Lastly, what is the issue involved? The issue is whether a citizen of this country has done something to violate the privileges of this House and to commit contempt of it. If we are told that because a man belongs to a particular political party or because he happens to occupy for the time being the position of Chief Minister of a State he should not therefore be proceeded against, then, Sir I think we would be indulging in great discrimination if we asked an ordinary citizen or the editor of a newspaper to be proceeded against for a similar offence. This House should accept the principle that as Shrimati Renuka Ray and Shri Mahanty pointed out, there should be equality before the law and equality in the way we deal with people

This motion that I have made, Sir, is a non-contentious one which seeks to investigate and get at the truth. It does not sit in judgment over Shri Namboodripad or anyone else, and it avoids any question of bringing in any extraneous issues. I feel, Sir, the House would be doing justice to itself if it adopts this motion for reference to the Privileges Committee for investigation and report.

Mr. Speaker I shall first put Shri Narayanankutty Menon's substitute motion to the vote of the House

The question is

"The attention of the House having been drawn by a member on September 23rd to the report of a telegram alleged to have been sent by Mr E M S Namboodripad Chief Minister of Kerala State, to Pandit G B Pant, Home Minister, extract from which is contained in reports in two newspapers,

and having taken note of the subsequent telegram from Mr Namboodripad to Pandit G B.

Pant which was read to this House on September 23rd by Hon. the Speaker,

and having taken note of the fact that the original telegram sent by Mr E M S Namboodripad itself was a confidential document and intended by the sender to be such,

and having satisfied that it would be improper and inappropriate to initiate any action relating to the privilege of this Hon House basing upon a confidential document never intended to be published,

the House decides that no further action be taken in respect of the telegram above referred to and that the whole matter and any proceedings thereto be dropped."

The motion was negatived.

Mr Speaker: Then Dr K B Menon's amendment

The question is

"That for the last paragraph of the original motion, the following be substituted, namely —

"This House resolves that a contempt of the House has been committed by Shri E M S Namboodripad the Chief Minister of Kerala State and that he should be called to the Bar of the House on the first day of the next session"

The motion was negatived

Mr Speaker I shall now put the original motion to the vote of the House. The question is

"That the attention of the House having been drawn by an Hon'ble Member on September 23 to the telegram sent by Mr E M S Namboodripad, Chief Minister of Kerala, to Pandit G B Pant, Home Minister, extracts from which are

[Mr. Speaker]

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 *Amrit Bazar Patrika*, Calcutta on September 21, in the course of which Mr. Namboodripad has attributed the motive of slander to some Hon'ble Members of this House;

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

this House resolves that the matter be referred to the Committee of Privileges for investigation as to whether a breach of privileges of the House and of the Hon'ble Members concerned has been committed; and whether any contempt of the House thus committed has been adequately purged; and that the Committee be requested to present its report and recommendations for appropriate action at the first days sitting of the next Session of the Lok Sabha."

The Lok Sabha divided: Ayes 138;
Noes 32

Division No. 1]

[15.31 hrs.

AYES

Abdul Lateef, Shri	Hajarnavis, Shri	Naidu, Shri Govindrajulu
Achar, Shri	Heda, Shri	Nair, Shri C. K.
Anthony, Shri Frank	Imam, Shri Mohamed	Nair, Shri Kuttikrishnan
Arumugham, Shri R. S.	Jadhav, Shri	Naldurgker, Shri
Ashanna, Shri	Jaspal Singh, Shri	Narasimhan, Shri
Ayyakannu, Shri	Jena, Shri K. C.	Narayanasmv, Shri R.
Balakrishnan, Shri	Jhulan Sinha, Shri	Naskar, Shri P. S.
Banerji, Shri P. B.	Jhunjhunwala, Shri	Negi, Shri Nek Ram
Bangshi Thakur, Shri	Jinschandran, Shri	Onkar, Lal Shri
Bartman, Shri	Joshi, Shri A. C.	Padalu, Shri K. V.
Barrow, Shri	Joshi, Shrimati Subhadra	Pahadia, Shri
Barua, Shri Hem	Khadiwala, Shri	Pande, Shri C.D.
Besumatari, Shri	Kotaki, Shri Laladhar	Pandey, Shri K. N.
Beck, Shri Ignace	Kripalam, Shrimati Sucheta	Panna Lal, Shri
Bhagat, Shri B. R.	Krishna Chandra, Shri	Patel, Shri Rajeshwar
Bhargava, Pundit Thakur Das	Krishnaswami, Dr.	Patel, Shri Manben
Bhattacharyya, Shri C. K.	Kurrel, Shri B. N.	Pattabhi Raman, Shri C. R.
Birendra Singhji, Shri	Lachhi Ram, Shri	Pillar, Shri Thanu
Borooh, Shri F. C.	Lahiri, Shri	Rahman, Shri M. H.
Bose, Shri	Mafiq Ahmed, Shrimati	Rajah, Shri
Chanda Shri Aml K.	Majhi, Shri R. C.	Ram Garib, Shri
Chaturvedi, Shri	Majithia, Sardar	Ram Saran, Shri
Chavda, Shri	Mandal, Shri J.	Rampure, Shri
Chettiar, Shri R. Ramanathan	Masani, Shri M. R.	Rangaran, Shri
Daljit Singh, Shri	Masuriya Din, Shri	Rao, Shri Jaganatha
Das, Shri Ramdhani	Matin, Qazi	Ray, Shrimati Renuka
Dasappa, Shri	Mehta, Shri Asoka	Rungsung Suisa, Shri
Deb, Shri N. M.	Melkote, Dr.	Saigal, Sardar A. S.
Desai, Shri Morari	Menon, Dr. K. B.	Samanta, Shri S. C.
Dundod, Shri	Mishra, Shri Bibhuti	Scmdia, Shrimati Vijaya Raje
Dinesh Singh, Shri	Mishra, Shri L. N.	Selku, Shri
Dublab, Shri	Mishra, Shri M. P.	Shah, Shri Manabendra
Dwivedi, Shri M. I..	Mishra, Shri B. D.	Shankaraya, Shri
Ghodasar, Shri Fatesinh	Mishra, Shri R. D.	Sharma, Shri D. C.
Ghose, Shri Bimal	Mohan Swarup, Shri	Sharma, Shri R. C.
Ghoosh, Shri M. K.	Mohudeen, Shri Gulam	Shukla, Shri V. C.
Godsora, Shri S. C.	Morarka, Shri	Siddanajappa, Shri
Gohokar, Dr.	Mullick, Shri B. C.	Singh, Shri H. P.
Goray, Shri	Murti, Shri M. S.	Singh, Shri M. N.
Govind Das, Seth	Musafir, Giani G. S.	Sinha, Shri Gajendra Prasad

Sinha, Shri Saranbhadra
 Sinha, Shri Satyendra Narayan
 Sinha, Shrimati Tarakshwari
 Sanatak, Shri Nardeo
 Soren, Shri
 Subramanyam, Shri T.

Swami, Shri V. N.
 Tanti, Shri Rameshwar
 Thakur Das, Lala ;
 Tula Ram, Shri
 Uike, Shri
 Upadhyaya, Shri Shiva Datt

Varma, Shri B. B.
 Vedakumari, Kumari A.
 Verma, Shri Ramji
 Wadiwa, Shri
 Wamnik, Shri Balkrishna
 Wodeyar, Shri

NOES

Banerjee, Shri S. M.
 Braj Rai Singh, Shri
 Chakravartty, Shrimati Renu
 Dange, Shri S.A.
 Dasratha Deb, Shri
 Ellia, Shri Muhammad
 Ghore, Shri A.V.
 Gopalan, Shri A.K. ;
 Gounder, Shri Shanmuga
 Halder, Shri
 Iyer, Shri Bwara

Kar, Shri Prabhat
 Khadlikar, Shri
 Kumaran, Shri
 Kunhan, Shri
 Matera, Shri
 Menon, Shri Narayanankutty
 Mukerjee, Shri H.N.
 Nair, Shri Vasudevan
 Nayar, Shri V.P.
 Panigrahi, Shri
 Parulekar, Shri

Parvathi Krishnan, Shrimati
 Ram Subhag Singh, Dr.
 Ramam, Shri
 Rao, Shri T.R. Vittal
 Reddy, Shri Nagi
 Sampath, Shri E.V.K.
 Shobha Ram, Shri
 Sugandhi, Shri
 Tangamani, Shri
 Warior Shri

The motion was adopted.

15.30 hrs.

PARLIAMENT (PREVENTION OF
 DISQUALIFICATION) BILL—
 contd.

Mr. Speaker: The House will now take up further discussion of the Parliament (Prevention of Disqualification) Bill. Out of 10 hours allotted for the general discussion of the Bill, 8 hours 27 minutes have been taken so far, and the balance is 1 hour 33 minutes. Shri Tangamani may continue his speech.

Shri Tangamani (Madurai): Mr. Speaker, Sir, the other day I was saying that under article 102 of the Constitution Parliament is empowered to state those offices which will not disqualify a Member from holding his post of Member. But even when we give a schedule stating that such and such offices will be disqualifying, nothing would prevent the court of law from saying that any particular office will not disqualify. I mentioned also how there is no principle involved in saying that certain offices cannot be exempted. I mentioned the Employees' State Insurance Corporation and also the Dock Labour Boards. The schedule contains not only the

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Employees' State Insurance Corporation but also the regional committees. It also mentions the Port Trusts of Bombay, Calcutta, Madras and other bigger ports.

15.32 hrs.

[MR DEPUTY-SPEAKER in the Chair]

Even the various Electricity Boards and the consultative councils are also included in the list showing the posts which will disqualify.

In this connection, I would like to mention what the sub-committee had to say about categorizing. This is what they say in paragraph 14, page 19:

"In categorizing the Committee into disqualifying and non-objectionable ones no single uniform principle has been strictly applied as the Sub-Committee was influenced by the fact that in the peculiar circumstances of our country and the undeveloped state in many respects participation of members of Parliament, many of whom have special knowledge of various subjects could not rigorously be excluded,