

12:18 hrs.

**RE: POINT OF PRIVILEGE**

**Shri P. K. Deo (Kalahandi):** Mr. Speaker, Sir, on the 23rd of this month, I gave notice to you of my desire to raise a question of breach of privilege under Rule 222 of the Rules of Procedure and Conduct of Business in Lok Sabha. In this connection, I would like to draw your attention to a news item appearing in the daily Oriya paper *Samaj* of 18-3-1959. The news item appears in the front page under the bold heading "Who does not give false accounts?". It ends with an interrogation mark. The news is reported from Bhubaneswar on 17-3-1959 by a staff reporter of the *Samaj*.

Sir, the English translation is this:

"In reply to the criticism of some members that Block Development Officers have been using Government jeeps for their own work and have been submitting false accounts so that they may not be caught, Dr. Mehtab, the Chief Minister, replied in a realist manner. Aiming at the critics, the hon. Chief Minister said that Members of the Legislative Assembly and Members of the Parliament also furnish false accounts (false vouchers). The Chief Minister further sought the advice of others for its remedy."

It is a very serious charge. To give false accounts to the Government is a criminal offence which amounts to cheating and at the same time, forgery under sections 420 and 463 of the Indian Penal Code for which seven years' rigorous imprisonment and two years rigorous imprisonment respectively and fine have been prescribed. If any particular Member of Parliament has given any false account and it has been brought to the notice of the Chief Minister, he might have been perfectly right to mention his name. But to pass a sweeping and general remark like this against all the Members of Parliament that they have

been submitting false accounts is deliberate, calculated, mischievous and defamatory.

**Mr. Speaker:** I suppose these are the observations of the hon. Member. He is repeating what ought not to have been said by the Minister.

**Shri P. K. Deo:** *May's Parliamentary Practice* clearly says that reflections upon members, even if the particular member is not named or otherwise indicated are equivalent to a reflection on the House.

**Mr. Speaker:** I have heard him sufficiently.

**Shri P. K. Deo:** Just one minute. In this connection, I would like to draw the attention of the august House to the fact that Members of this House are men of integrity, they are representing several lakhs of people each and that they are engaged in the pursuit of their duties to this country, and making these serious charges against their conduct has lowered them in public estimation, making it very difficult for them to function in this country. Secondly, these utterances of Dr. Mehtab have been magnified by the report of the staff reporter of *The Samaj* where he says that these remarks have been made "in a realist manner". Thirdly, the way in which it has been published in the paper, on the front page inside a box with a big headline "Who is not giving false accounts" makes the editor and management of the paper also chargeable.

In this connection, I would like to submit that Dr. Mehtab selected the most opportune time to hit the Members of Parliament below the belt. He thought that he will get the protection of article 194(2) of the Constitution under which any action or any legislative procedure in the Legislative Assembly of a State cannot be questioned in any court of law. But I do not think that protection will apply in this case to be referred to the Privilege Committee of this House.

So, I appeal to the Prime Minister who is the Leader of the House that there should be a stop to this mud-slinging and to you, Sir, that a *prima facie* case has been established and, therefore, Dr. Mehtab and the editor of *The Samaj* may be called to the Bar of this House to explain their conduct and, in the alternative, the matter may be referred to the Privileges Committee for investigation and report by a specified date.

**Shri Tyagi (Dehra Dun)**: On a point of order My submission is that there is no convention or established practice in the British Parliament to ban all types of criticism of Members of Parliament. If motions of this type are allowed by this House the difficulty that would arise would be that Members of Parliament will become absolutely immune from any criticism whatsoever in a democracy. That is not the meaning of the privileges of the House. Therefore, I submit that the press and the people outside must be at liberty to criticise even Members of Parliament, if they so desire, because criticism is always helpful and it does not in any way affect

**Shri V. P. Nayar (Quilon)**: There is no point of order.

**Shri Tyagi**: My point of order, therefore, is that such a small matter as reference to Members of Parliament with regard to any matter pertaining to their domestic affairs or private life such as that "Members of Parliament are merry making or Members of Parliament do drink" ought not to be referred to the Privileges Committee.

**Shri Nath Pai (Rajapur)**: What is the point of order?

**The Minister of Home Affairs (Shri G. B. Pant)**: I do not at all think this report is correct. If any statement like that has been made, it is unfortunate and I would be sorry that any responsible person should have made such a statement. But, so far as the motion of privilege is concerned,

the proceedings of all legislatures and Parliament are privileged and no action can be taken in one House for anything that is said in another House. It may be right, it may be wrong, it may be something trivial or small. We may not like that at all. But, still, this is not the remedy. So, while I would be sorry if such a statement has been made, no question of privilege arises.

**Mr. Speaker**: I merely brought it up for the purpose of finding out what exact jurisdiction we will have, before I give consent to raise it in the House itself. This is a preliminary stage. I am not giving my consent just now. I told the hon. Member when he came to me about the two reasons. First of all, we do not have the statement of the hon. Chief Minister, what exactly he said, because people who are sitting in the galleries may understand it in a different way. Whenever any statement is made in this House, if any hon. Member wants a certified copy of the same, it is supplied. So, I told him that we do not have the original statement with us. Assuming he produces the statement and the statement is exactly in the same terms which have been sent to us, apart from the question of merits as to whether they amount to a question of privilege, as suggested by the hon. Member, or a trivial matter, as pointed out by Shri Tyagi, and so everybody must have the right to abuse Members of Parliament—it is not a matter which I am deciding now, and I am afraid if I agree with the hon. Member then no Member of Parliament will be safe—, I understand there are small things and there are big things. What are the things that a reasonable, responsible person ought not to care, ought not to take notice of, what are serious matters, who is the person that utters, under what circumstances he utters—these are the matters that have to be considered. Now I am not going into the merits or giving my decision on those grounds. I also agree with the views of the hon. Home Minister. I am not going to give my consent for

[Mr. Speaker]

the reason that each House in supreme so far as its own proceedings are concerned, The immunity that we have in this House from being charged for defamation or any other charge by any other person or any other legislature, the same immunity applies to him also. If really the hon. Chief Minister has said what he is alleged to have said here it is regrettable, as the hon. Home Minister has said. I am sure that if any hon. Minister or any member in any other House takes advantage of the immunity there, the other 14 States with their legislatures, including Upper Houses, will also take advantage of it. Now, if it is really true, this ought not to be continued. I hope and trust that this wholesome principle will be followed everywhere—no House will cast any aspersion and no Member will cast any aspersion on any member of the other House or any other House in this way. I do not give my consent to this. I will treat it as closed.

Shri Jaipal Singh (Ranchi West-Reserved-Sch. Tribes): I think a clarification is called for in the light of what has been stated here, which is now public property. It is obvious that the MLAs and MPs referred to in what has been presented to us, belong to only one State.

Shri P. K. Deo: No, no.

Mr. Speaker: I am sure he refers to MLAs of his own State and MPs of this country.

12:29 hrs.

#### RELEASE OF A MEMBER

Mr. Speaker: I have to inform the House that I have received the following wireless message dated the 25th March, 1959, from the Superintendent of Police, Rohtak:—

"I have the honour to inform you that Chaudhary Pratap Singh

Daulta, Member, Lok Sabha, who was convicted on the 10th March, 1959 and imprisoned for two months and a fine of Rs. 200 or in default to undergo one month's further simple imprisonment for being a member of unlawful assembly in District Courts, Rohtak, was released from District Jail, Rohtak, under the orders of Punjab Government on the 25th March, 1959 at 12 noon."

He is already here.

12:30 hrs.

#### PAPERS LAID ON THE TABLE

##### CASES OF TENDERS NOT ACCEPTED BY INDIA STORES DEPARTMENT

The Minister of Works, Housing and Supply (Shri K. C. Reddy): Sir, I beg to lay on the Table a copy of the statement of cases in which the lowest tenders have not been accepted by the India Stores Department, London, during the half year ending the 31st December, 1958. [Placed in Library. See No. LT-1316/59.]

##### NOTIFICATION UNDER REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY ACT

Shri K. C. Reddy: Sir, I beg to lay on the Table, under sub-section (2) of Section 17 of the Requisitioning and Acquisition of Immovable Property Act, 1952, a copy of Notification No. S.O. 511 dated the 7th March, 1959. [Placed in Library. See No. LT-1317/59.]

#### COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

##### THIRTY-NINTH REPORT

Sardar Hukam Singh (Bhatinda): Sir, I beg to present the Thirty-ninth Report of the Committee on Private Members' Bills and Resolutions.