

I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 14th August, 1961, agreed without any amendment to the Marking of Heavy Packages (Amendment) Bill, 1961, which was passed by the Lok Sabha at its sitting held on the 2nd May, 1961."

- (ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 16th August, 1961, agreed without any amendment to the Delhi (Urban Areas) Tenants' Relief Bill, 1961, which was passed by the Lok Sabha at its sitting held on the 2nd May, 1961."
- (iii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Salt Cess (Amendment) Bill, 1961, which was passed by the Lok Sabha at its sitting held on the 10th August, 1961, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendation to make to the Lok Sabha in regard to the said Bill."
- (iv) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Indian Standards Institution (Certifications Marks) Amendment Bill, 1961, which has been passed by the Rajya Sabha at its sitting held on the 14th August, 1961."
- (v) "In accordance with the provision of rule 97 of the Rules of Procedure and Con-

duct of Business in the Rajya Sabha, I am directed to enclose a copy of the Foreign Awards (Recognition and Enforcement) Bill, 1961, which has been passed by the Rajya Sabha at its sitting held on the 4th August, 1961."

BILLS PASSED BY RAJYA SABHA AND LAID ON THE TABLE

**Secretary:** Sir, I lay on the Table of the House the following Bills, as passed by Rajya Sabha:-

- (1) The Indian Standards Institution (Certification Marks) Amendment Bill, 1961.
- (2) The Foreign Awards (Recognition and Enforcement) Bill, 1961.

12:04 hrs.

COMMITTEE OF PRIVILEGES  
 THIRTEENTH REPORT

**Sardar Hukam Singh (Bhatinda):** I beg to move:

"That the Thirteenth Report of the Committee of Privileges presented to the House on the 11th August, 1961, be taken into consideration."

**Shri Tangamani (Madurai):** There are also other motions. Under Rule 315(3). I would like to know whether the first motion is going to be taken up and dispose of according to the rules after discussion for half an hour and the other four motions will be taken up subsequently, in which case, I would like to know how much time will be allotted for these four motions, notice of which has been given and which have been circulated.

**Mr. Speaker:** Hon. Members may kindly refer to Rule 315, which says:

"(1) After the report has been presented, the Chairman or any member of the Committee or any other member may move that the report be taken into consideration, whereupon the Speaker may put the question to the House.

[Shri Tangamani]

(2) Before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration, and such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the House.

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

I shall follow this procedure. The hon. Deputy Speaker has moved, as Chairman of the Committee, that the report be taken into consideration. Hon. Members who would like to say that the report may be taken into consideration or why it ought not to be taken into consideration may address the House briefly.

**Shri Tangamani:** After the half-hour discussion is over, I would like to know whether time will be allotted for the four motions which have already been tabled under Rule 315(3), because it is not clear how much time be allowed for those motions. Half an hour is for the motion for taking the report into consideration. What about the time for the motions for agreeing, not agreeing, etc.?

**Mr. Speaker:** It is not provided in the rules. No restriction is there. I shall consider what time may be necessary.

**Sardar Hukam Singh:** The hon. Member is anxious to know beforehand what would be the procedure after this has been adopted. I will just submit that if this motion has been adopted and then if the motions notice of which has been given and which are mentioned on the order for agreement or disagreement are taken

up and the House passes a resolution agreeing or disagreeing, whatever it is, the position will be that if it is disagreement, then of course no question arises of calling Shri Karanjia. But if the House agrees and that resolution is adopted and then Shri Karanjia comes—we are discussing only hypothetically—he would not have any opportunity to say anything by way of explanation or extenuation of his offence.

In 1887—that was the last case in the House of Commons—a case came up and there, without giving an opportunity in the House to the offender to explain his conduct, the House passed a resolution. But that was the last case and that can be distinguished, because in that case, the offender had confessed his guilt before the committee. Since that case, five other cases have happened in the House of Commons. In everyone of them, after the committee had made the report and the House has decided to consider the report, then the offender was asked to attend the House on a particular day. If he comes after the resolution, then he cannot say anything, because he will have to listen to the pleasure of the House expressed in that resolution. If before that he is called, he can be just allowed an opportunity to say something, if he has to, by way of extenuation of his offence.

Under these circumstances, my intention is, if this motion of mine to consider this report is adopted, then I will request you to allow me to make a motion that Shri Karanjia do attend the House on such and such a date. When he comes and he is given an opportunity to say anything that he wants to say to this House, then in view of that, we might take up the other motions whether the report be agreed to or not agreed to. Then a discussion should take place, so that we have before us all that he has to say in that respect.

This is my request to the House, because in all cases that were taken up after 1887, that opportunity has always been given to the offender and he has been allowed to explain his conduct, if he wants to say anything.

**Shri Naushir Bharucha** (East Khandedh): May I submit that the procedure outlined by the hon. Deputy Speaker is the correct procedure to follow irrespective of the fact that though the Privileges Committee afforded an opportunity to Shri Karanjia and Shri Raghavan to appear, and they declined to appear? I submit that it would be only in the interests of justice that whatever Shri Karanjia desires to say to this House should be heard. It is immaterial what judgment the House passes afterwards. After this motion for consideration of the report is adopted, I submit that the procedure outlined by the hon. Deputy-Speaker should be followed.

**Shri Tangamani:** Actually according to our rules, all that we can do is that any report of the Privileges Committee can be taken into consideration. Even where the Privileges Committee does not direct a particular kind of punishment, in some cases we come before this House with a motion that the report may be adopted. So, Sir, we have to take the report into consideration and then follow it up there cannot be a substitute motion saying that a particular person or persons may be brought before this House.

**Mr. Speaker:** That is not what the hon. Deputy-Speaker said. He has already moved this motion for consideration of the report. That would be discussed now, according to the rules, for half-an-hour. Thereafter, the question is whether we should immediately proceed with the other amendments or substitute motions saying that the report be accepted, agreed to or rejected. Before that, the hon. Deputy-Speaker wants to ask Mr. Karanjia to come here and state what he would like to state. If we adopt the report and if we want to reprimand

him, he will have to be called here and he will have to come. If then he says something, it is also open to the House, in view of what he has stated, to consider what ought to be punishment. But according to the House of Commons practice, which we have adopted in many cases, though there is a case as early as 1887 later on all the other cases have been cases where immediately after the motion for consideration was adopted an opportunity was given to the accused to appear and state what he had to say. Therefore, whether he appeared before the Committee or not or whatever statement he might have made before the Committee, when he is given an opportunity to say what he has to say before the Bar of the House, he may reconsider and say: "I am sorry for what has happened."

**Shri Asoka Mehta** (Muzaffarpur): Sir, are the precedents on a par with what has happened here? Through you, Sir, I would like to seek some clarification from the hon. Deputy-Speaker. In this case the Privileges Committee afforded an opportunity to the gentleman concerned to come and appear before the Committee. He refused, and he has sent a long explanation about which the Privileges Committee has something very strong to say. Now, I want to know whether in the six cases that have been referred to by the hon. Deputy-Speaker the parties concerned were co-operative or non-co-operative and even when the party was non-co-operative whether this kind of courtesy was extended to him by the House. If we are to be guided by precedents, Sir, we should have full facts about those precedents.

**Shri H. N. Mukerjee** (Calcutta-Central): Sir, I want to seek one clarification. We have got the Committee's report before us and the Committee has made certain recommendations. Now, Sir, if those recommendations are to be acted up to, then we shall be doing something which is to create a very fresh precedent as far as our House is concerned. Now, that

[Shri H. N. Mukerjee]

is a matter about which we have to make up our mind. Therefore, I feel that the merits of this report should be discussed before we decide on having Mr. Karanjia here or not. I think that here is a recommendation already and it is a matter of record. We have to have an opportunity of saying applying our minds to it. As far as I am concerned, Sir, I am a member of the Committee, and I owe it to myself and to the House to explain why I differ from the recommendations made by the Committee. Pending the acceptance or rejection of the recommendations, to have a particular journalist is brought here to the House is a proceeding which is so entirely without any precedent in the history of this Parliament and so out-of-date in the history of the British House of Commons. I feel that we should hold our hands as far as that is concerned. We should rather discuss the merits of the report and the recommendations as far as they go, whether they are right or wrong or whether they should be rejected or amended. And, I am sure—the Leader of the House is here—perhaps after a discussion lasting a certain duration a certain kind of punishment arrangement could be arrived at which would be to the satisfaction of all concerned and in conformity with the dignity of the House. That is why, Sir, I suggest that we proceed to a full scale discussion of the report, its objective recommendations, its merits and all this kind of thing.

**Shri Hem Barua (Gauhati):** Sir, I was a member of the Privileges Committee.

**Mr. Speaker:** I will ask non-members first.

**Shri Tyagi (Dehra Dun):** Sir, I could understand what the hon. Deputy-Speaker has said. We can adopt the report. But the difficulty in the report is, as I understand it, that the report makes certain recommendations as regards of punishment. I can understand the report making a recom-

mendation to the House that the case deserves consideration. If the Committee had gone only so far it would not have mattered. But the report goes further, and says with regard to a particular journalist: "As regard Shri A. Raghavan the Committee feel that the ends of justice will be adequately met by awarding him some milder punishment." If we adopt this report we adopt this punishment also. "The Committee accordingly", the report goes on to say, "recommend that the Lok Sabha Press Gallery card and Central Hall pass issued to him be cancelled and be not issued again till he tenders to the House a full and adequate apology." By adopting this report.....

**Some hon. Members:** We are not adopting.

**Shri Tyagi:** What else are we doing? If the Committee had only said that the case was one which deserved further enquiry, I could understand that. In that case whosoever was the accused could have been called at the Bar of the House to give an explanation. But here there is a regular conviction in this report. Therefore, I submit that it deserves a thorough discussion before we commit the House one way or the other.

**Shri Hem Barua:** Sir, Professor Mukerjee was pleased to say just now that he did not agree with the recommendations of the Privileges Committee. The Privileges Committee met on 4th August and discussed the entire matter in a threadbare way. They discussed the replied given by Mr. Karanjia also—a voluminous reply—and came to certain conclusions. The recommendations as adumbrated in this report were unanimous. Then what happened was, on the 7th August when the Committee met again Mr. Mukerjee said—it is embodied here on page 18:

"Professor Mukerjee sought to reopen the decision of the Com-

mittee regarding the course of action to be recommended to the House. The Committee did not, however, agree to do so."

"This means that the unanimous decision of the Committee stands because the matter was not reopened, because Committee did not want it to be reopened. At the same time, he also did not dissent from the conclusions arrived at by the Committee. When Professor Mukerjee was asked, he said that positively this was a gross breach of privilege. Therefore, Sir, this does not come in at all.

**Shri Braj Raj Singh (Firozabad):** With respect to the procedure, Sir, . . .

**Mr. Speaker:** Order, order. I will try to clarify this matter. According to our rules first the House must decide whether the report ought to be taken into consideration. A brief statement as to why it ought to be taken into consideration can be made. If there is no recommendation at all, there is nothing more to be done, in which case there is no question of taking into consideration because the Committee has not said anything. Here the Committee has advised that the person must be brought here and reprimanded. So the House has to take into consideration the report. Whether it agrees with the report or disagrees with the report comes at a later stage. Let me first dispose of the motion for consideration. At this stage we do not go into the merits, whether it is worthwhile taking it up at all or it is such a trivial affair that we ought not to take it up. Then the question will arise as to whether we should adopt it. We will assume that we do not adopt the old ruling of the House of Commons, but now a convention has been established. Wherever there are not adequate rules and the procedure followed is not ruled out it becomes a convention. The question is, when at a later stage when the accused comes here, after disposing of the other motion whether the House agrees with the report or disagrees with the report and after going into the recommenda-

tions thoroughly, then it is only a question of imposing the punishment upon him. On the other hand, if he then says that he is sorry for what has happened, the position will be that the House has already committed itself. Whether once again it will go beyond it or not I cannot say, because the rules do not provide for it.

That is why the hon. Deputy-Speaker said that immediately this motion for consideration is disposed of by the House after a brief statement, before the other motions are taken up as to whether we agree or disagree with the report, we should send for the accused and hear him. At a later stage it is inevitable, because if you want to impose the punishment you will have to call him. I have got a few cases here. This is the first case of its kind here. No recommendation has so far been made by any committee to call an accused person to the Bar of the House. It is not merely a ruling of 1887. Later on, in 1956-57 there was a case. I shall read it out for the benefit of the House, or may I know whether the Leader of the House will refer to the case?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** I confess, I have not kept myself in close touch with it. The matter was referred to the Privileges Committee and its report has come, which I glanced through. I should imagine from what I heard this morning that the proposal made by the Deputy-Speaker is probably the correct course to adopt.

**Mr. Speaker:** May I suggest one course? The first motion is that the Report of the Privileges Committee be taken into consideration. The other matters, that is to say, whether we should straightway proceed to the other motion agreeing or not agreeing to send for him, they come later on after this Report is taken into consideration. So far as those matters are concerned, I will give the hon. Members time till tomorrow to study the earlier reports, conventions of the

[Mr. Speaker]

House of Commons, etc. and come prepared to decide what kind of convention we should adopt—whether we should straightway go by the rules and then come to the other motion and so on. So, I shall now put this question to the vote of the House.

The question is:

“That the Thirteenth Report of the Committee of Privileges presented to the House on the 11th August, 1961, be taken into consideration.”

*The motion was adopted.*

12.30 hrs.

**MOTION RE: THIRTEENTH REPORT OF COMMITTEE OF PRIVILEGES**

**Shri Vajpayee:** What about the half-an-hour discussion?

**Mr. Speaker:** That Deputy-Speaker will move the motion that Shri Karanjia may be called to the Bar of the House. Then it is open to the House to discuss this matter and decide whether a new rule is necessary, because it is not provided in the rules, whether the convention of the House of Commons is clear in this matter and whether we should adopt that convention or not. All these matters will be discussed tomorrow *in extenso*. The hon. Members may come prepared. Then, if the decision is that he has to be called of course, it has to be done. Even if he is not called and we make up our mind that he ought not to be called, I will give opportunity some other day when we consider the question as to whether we agree with this motion. All these matters have to be discussed at length.

**Shri Braj Raj Singh (Firozabad):** May I just submit that when we consider the present motion we come under rule 315(3), and that rule says:

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

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

So far as I know, the amendments circulated do not contain any amendment which has been moved by the Chairman of the Privileges Committee, and if you allow the Chairman of the Privileges Committee presently to move an amendment we shall be taken unawares because that has not been circulated. So, if at all the Chairman of the Committee is in a mood to move any amendment to the motion, then he should be allowed to do so on a future occasion, either tomorrow or when we take up the matter again.

**Mr. Speaker:** I am afraid the hon. Member has misunderstood the situation. The Chairman of the Committee had tabled a motion that the Report be taken into consideration. It is quite in order, and it had been circulated also. That is the first stage. Under rule 315(1), that motion has been made and it has been also now adopted by the House, to the effect that the Report be taken into consideration. Thereafter, sub-rule (3) of rule 315 says that a motion may be moved that the House agrees, or disagrees or agrees with amendments with their recommendations contained in the Report. Dr. Ram Subhag Singh has given notice of an amendment that the House agrees with the Report. Shri Tangamani has tabled another amendment that the House disagrees with the Report. Those two notices are there. When we have been considering this matter, in between, not as an amendment but as an independent motion, the Deputy-Speaker wants to move a motion that the accused shall be called to the Bar of this House and given an opportunity to explain. Exception has been taken to this by Shri Asoka Mehta saying when Shri Karanjia was in fact given an opportunity and he did not avail of that opportunity whether it is right to give him another opportunity or not.