

[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.

Then the hon. Deputy-Speaker referred to some rulings of the House of Commons. If there has been an established convention how far those cases relate to cases where the accused was recalcitrant and in spite of his being given an opportunity by the Committee, did not appear before it and still the House gave him an opportunity because they were satisfied that an opportunity should be allowed to him and how many relate to cases where an opportunity was given by the Committee and was availed of by the accused and yet he was given an opportunity by the House, all these matters will be disposed of tomorrow. After this is disposed of, the question whether he should be called to the Bar of the House and given an opportunity or not will be disposed of tomorrow on the motion to be made by the Deputy-Speaker. Thereafter, the motion under rule 315(3) that the House agrees or disagrees, or agrees with amendments, will have to be taken into consideration.

**Shri S. M. Banerjee (Kanpur):** Where is the motion?

**Shri M. R. Masani (Ranchi-East):** He has only made a suggestion; he has not moved the motion.

**Shri Tangamani (Madurai):** My feeling is that this motion is out of order, although we may agree with the spirit of the motion.

**Mr. Speaker:** Let the motion be made. The hon. Member must know that a point of order is raised only after something is placed before the House. Let him make the motion and, thereafter, the hon. Member may say whether it is in order or out of order. I will dispose of that also tomorrow.

**Shri S. M. Banerjee:** Sir, you have ruled that except in the case of an adjournment motion, nothing can be moved in a vacuum. Here he is moving the motion in a vacuum.

**Mr. Speaker:** I allow him to move

**Sardar Hukam Singh:** I move:

"That Shri R. K. Karanjia, Editor, *Blitz*, Bombay, do attend this House on the 22nd of August...."

It may be 23rd or 24th....

**Mr. Speaker:** On a date to be fixed by the Speaker within a week.

**Sardar Hukam Singh:** "...on a day to be fixed by the hon. Speaker within a week...."

The time also to be fixed by the Speaker in this regard.

**Shri Tangamani:** On a point of order.

**Mr. Speaker:** I am coming to the point of order.

**Shri Tangamani:** May I point out...

**Mr. Speaker:** Order, order. The motion has to be moved. The point of order cannot be made in a vacuum. Let it be moved.

**Sardar Hukam Singh:** I move:

"That Shri R. K. Karanjia, Editor, *Blitz*, Bombay do attend this House on a day and time, within a week of the adoption of this motion, to be fixed by the Speaker."

**Mr. Speaker:** Why has he left out his assistant?

**Sardar Hukam Singh:** He is not to be called here.

Then, three questions were put to me. Shri Asoka Mehta enquired of me whether there were cases which stood on all fours with the case that we have before us. Certainly, out of the six cases I have referred to, two refer to strangers and four relate to Members themselves. Of course, there was no case where any of the offenders refused to appear, or declined to take advantage of the opportunity. That is right. Everywhere, in all these six cases, it has been stated that an opportunity was given if the offender had to say anything further in that respect.

[Sardar Hukam Singh]

I was also of that opinion when I had read the rules, and some hon. Members had complained to me that I have changed my mind. Because, at that time I had thought, so far as I could understand the rules that if we straightway pass a resolution in this House, then he cannot be given an opportunity and he cannot say anything, as we would not be influenced by what he says afterwards when a resolution has already been adopted. If we decide beforehand what has to be done and what punishment has to be given, then there is no sense in giving him an opportunity; that is to say, when the judgment has already been pronounced by us, then he has to come only to listen to the decision by the Speaker. After we signed that report, one earlier case was brought to my notice which, if you would allow me two or three minutes, I would like to read because that, I think, is on all fours with the present case. That is the *Sunday Express* case. Mr. Butler, who was the Leader of the House then, said:

"I said that I should move a Motion, which is now on the Order Paper...."

Of course, that was on the Order Paper.

"...ordering the attendance of Mr. John Junor. I suggest to the House that we follow the same procedure as we adopted in similar cases in the past, where we have given the person affected by the Report of the Committee of Privileges...."

Note the words "where we have given the person affected by the Report of the Committee". If the Committee has made a report and it is to the prejudice of a person or it affects some person, that person is given an opportunity.

"where we have given the person affected by the Report of the Committee of Privileges an opportunity of making a submission to the House before proceeding to

consider the Report of the Committee, and also what action should be taken on it.

If I may suggest this, I think it would be unwise for the House to adopt this Report now, without knowing whether Mr. Junor has anything further to say. That is why I have moved this simple Motion. The Report was published on 9th January...."

Then there is what he says in continuation.

In every case out of these six cases which I have referred to, every time after the Report had been made the offender was given an opportunity before deciding as to what action is to be taken.

Another thing that I might say is about this point that has been raised, namely, that we were unanimous. One part is the conclusion of the Committee and the other is the recommendation re: the action to be taken. The conclusion is that it is a clear breach of privilege. About that we were unanimous. Shri Mukerjee also agreed with us. We were unanimous in that conclusion, namely, that it is a gross breach of privilege. There is no doubt about it. We were all agreed about that so far as the Committee is concerned.

Then there was the question of our recommendation as to what action is to be taken. Of course, on the first day we all agreed that a reprimand should be administered. Then on the second day Shri Mukerjee thought that it should be reopened, but the Committee refused to reopen it.

**Shri Asoka Mehta (Muzaffarpur):** What should be reopened?

**Sardar Hukam Singh:** The recommendation about the punishment or the action only, and not the conclusion.

**Shri Nath Pai:** Not the finding.

**Sardar Hukam Singh:** Not the finding.

**Shri Raghunath Singh** (Varanasi):  
The operative portion.

**Sardar Hukam Singh:** Yes, about what action is to be taken. He thought that it should be reopened when he had read certain other authorities and was of the opinion that this punishment would not be proper. Therefore where we differed was only about the recommendation about the action that is to be taken. Otherwise we were all agreed and unanimous so far as those conclusions are concerned, namely, that there is a clear breach of privilege.

**Shri H. N. Mukerjee** (Calcutta—Central): Could I explain? A reference has been made to the stand which I took in the Committee. Our Chairman, the hon. Deputy-Speaker, is certainly right in saying that I did consider that if this matter was pushed to a definite question as to whether privilege was attracted or not, certainly I would have to say, in view of the law being what it is—according to our comprehension—that privilege has been attracted. But at the last meeting of the Committee I tried to reopen the whole position because I had discovered a case relating to 1901 to which I hope to be able to make further detailed reference tomorrow during the discussion which almost corresponded to the question at issue here. That report came to my notice rather late. That was partly because the documents which we had been supplied by the Secretariat were not comprehensive enough and it was only after a certain amount of research that I discovered that document. I found in that case that the position taken up by the First Lord of the Treasury in 1901, the Rt. Hon. A. J. Balfour, who was the Leader of the House, was exactly the same as the one I wanted to take up, namely, that this matter should not be discussed and the privilege matter should not be pressed. But if it is driven to a vote, I would have to say, "Yes, privilege has been attracted". The Rt. Hon. A. J. Balfour also went forward to say that since the Press was involved in the matter

the best thing to do was to proceed to the next item of business and not take recourse to the step which had been recommended by the Committee. That was a case which corresponded, as far as I understand, to the issue before us at the present moment. That is why at a late stage of the proceeding I wanted to reopen the whole matter. But if I am driven to answer the question as to whether privilege was attracted or not, certainly I would have to say, "Yes", because that is the law as far as we are concerned. I cannot have an interpretation of the law which is not in reason. Therefore, if I am driven to answer the question whether privilege was attracted or not, certainly I would have to say "Yes", but I will not take the steps which have been recommended by the Committee.

**Sardar Hukam Singh:** May I make my position clear? I had said that Shri Mukerjee only wanted that thing to be reopened which related to our recommendation and the action that was to be taken. Shri Mukerjee has now said that he wanted the whole matter to be reopened. I differ from him and refer him to the proceedings. Definitely I put him the question whether he wanted to get the whole matter reopened or only the action and so far as I can recollect he said, "Only the latter portion and not the whole".

**Shri Tangamani:** On a point of order, Sir. My point of order is that this motion which has been moved by the Chairman of the Privileges Committee is out of order. I formulate it on the following two reasons.

The first thing is that our rules are perfectly clear as laid down under rule 315, sub-rules (1) and (2) of the Rules of Procedure. The House can only go into the question of taking the Thirteenth Report into consideration. Once that report is taken into consideration, according to the practice in the House of Commons which we have been adopting, as directed by the Constitution, you will be empowered to summon or not to summon the person concerned.

**Mr. Speaker:** For what purpose is that summoning of the person? Assuming that I am empowered to summon the person, is it for the purpose of getting further explanation or for informing him that the House has imposed a punishment upon him and is it at all possible for him to make any further representation which could be taken into consideration? If the House commits itself to a particular course, what is the object of that summons?

**Shri Tangamani:** The object has been explained in the *Sunday Express* case which has been amply explained to you. Then the Speaker will be directed to get further explanation from him, if the Speaker thinks it necessary.

My second point is that the Thirteenth Report of the Privileges Committee concerns not only Shri Karanjia but also Shri Raghavan, the Delhi C correspondent of the *Blitz*.

**Shri M. R. Masani:** Of the *Daily Worker*.

**Shri Tangamani:** I am only referring to what is contained in the Thirteenth Report. This is what it says. . . . (*Interruption.*) in the case of Shri Raghavan, New Delhi Correspondent (*Interruption*). This is what is said in the record. He may be a correspondent of other papers also. We are not concerned with that. Here it says regarding Shri Raghavan, New Delhi Correspondent of the *Blitz*:

"...Lok Sabha Press Gallery Card and the Central Hall Pass issued to him be cancelled and be not issued again till he tenders to the House a full and adequate apology."

Now, I submit that this motion is defective inasmuch as it leaves out Shri Raghavan. I would also submit that after going through *May*, I find that the various punishments that have been mentioned are either fine, which has been given up after the 17th cen-

ture, or commitment or admonition or reprimand. Nowhere do we find any punishment like the one which has been imposed. I was under the impression that it is the exclusive jurisdiction of the hon. Speaker to deprive a correspondent of his card. The hon. Speaker has got the right to withhold a pass not only to correspondents but to other persons also. That is why I say that the motion is defective.

**Shri Naushir Bharucha** (East Khandesh): Sir, I may be permitted to make a submission.

**Mr Speaker:** On the point of order?

**Shri Frank Anthony** (Nominated—Anglo-Indian) *rose*—

**Shri Nath Pai** (Rajapur): There is no point of order in what Shri Tangamani says.

**Shri Frank Anthony:** Sir, I am somewhat in a difficulty. Presumably, on the motion moved by my hon. friend, the hon. Deputy-Speaker, we will be required either to affirm the recommendation or to rescind it. I do not know whether we will have the power, if we are so persuaded, to enhance it. But my difficulty is that we will automatically be affirming whatever recommendations are there with regard to the co-accused, so to speak. I do not know whether we will have the power to enhance it. If we are seeking to give Shri Karanjia an opportunity—some of us may or may not agree to our seeking to give him an opportunity—should a similar opportunity not be afforded to the other gentleman also? I may be opposed to it; but purely on the basis of principle, I wonder whether it will be in order for us to say that only one accused should be given an opportunity and not the other. That is my difficulty.

**Shri Naushir Bharucha:** May I make a submission? So far as the proposition moved by the hon. Deputy-Speaker is concerned, I am afraid it is not the entire proposition. I, therefore, beg to submit that it should be

enlarged in the following manner, namely: That Shri R. K. Karanjia and Shri Raghavan be summoned to attend this House on a date and time to be fixed by the hon. Speaker within a week hereof to make submissions, if any, on the report they may desire to make to his hon. House and to receive the judgment of the House. These words must be added.

If you will permit me, I shall amplify. Merely summoning a person to attend this hon. House does not carry with it any meaning unless we specify the purpose of the summons. I am presuming that when this communication is sent to him, an official copy of the report will be sent to both these gentlemen.

With regard to the point which Shri Tangamani raised, may I point out that the matter of substantive action and the matter of procedure should be distinguished. The grievance which Shri Tangamani makes is that under Rule 315(3), there is provision that after the motion is made and agreed to, the Chairman or any member... etc. may move that the House agrees. We are not required immediately to follow it up. Once the proposition regarding taking into consideration of the report is carried, that can be deferred to any date. My submission, therefore, is, the correct procedure to follow is,—it is not merely a matter of convention; it is a matter of compliance with natural principles of justice—that the accused must be heard before any order is passed by this House to his detriment. Therefore, I seek to extend the ambit of the proposition moved by the hon. Deputy-Speaker by the inclusion of these words, to make submissions, if any, on the report they may desire to make to this hon. House and to receive judgment. I beg to move:

“That Shri R. K. Karanjia, Editor of the *Blitz*, and Shri Raghavan be summoned to the House, on a date and time to be fixed by the Chair, within a week hereof, to make submissions, if

any, on the report of the Committee of Privileges they may desire to make to this House and to receive the judgment of the House.”

**Mr. Speaker:** I take it that he has moved it as an amendment to the motion?

**Shri Naushir Bharucha:** Yes.

**Mr. Speaker:** Does the Leader of the House want to say anything?

**Shri Jawaharlal Nehru:** I have nothing further to add.

**Mr. Speaker:** I am disposing of the point of order. A point of order has been raised that immediately after the motion for consideration is adopted by the House, we have no alternative but to proceed according to sub-rule (3) of Rule 315. I do not agree. The House is sovereign. Of course, the House agrees or disagrees. A motion, if it is made, it must be in the form of agreement or disagreement or something in between them. That is what sub-rule (3) provides. But, it does not prevent the House from sending for him. There is a residuary power in this House. All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct. If even now he comes and makes an unconditional apology, possibly the House may consider it. Apart from the question whether the Committee's decision ought to be adopted or not,—we will assume that the House will come to the conclusion that the Committee's decision is right—if he comes and says, “I am extremely sorry”, whatever he may have said earlier, it is open to the House to consider that matter. Why should it restrain itself or make it impossible for it to come to any conclusion? Therefore, I do not want to stand in the way. He will come to the House. He must come to the House at some stage or the other. At this earlier stage, I

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say that there is no point of order so far as this matter is concerned. It is not said, "you shall not do anything in between" if the House is so inclined. As to whether this motion ought to be adopted or not, I leave it to be decided tomorrow. I will take it up. The hon. Member Shri Asoka Mehta has got a doubt as to what exactly the convention of the House of Commons is and in what circumstances they have given an opportunity. In this case, it appears that though he did not appear in person, he made a representation in writing. Is it not so?

**Sardar Hukam Singh:** Yes.

**Mr. Speaker:** That was his representation. In the case that was quoted—Junor's case—or in the other case of the House of Commons, he made a representation and the point was he was asked whether there was anything more to make. That means that the previous representation may be oral or in writing. He need not have attended then. He may have thought that it was enough if representations are made. He may now think that an oral representation is necessary. I am not coming to any conclusion. It is for the House to decide. I will give ample opportunity to this House, because we will be establishing a convention in between these sub-rules (1) and (3) whether any other steps can be taken or whether the rules are so clear that it is not open to the House to take any other steps or accept the amendment and the further amendment moved by the hon. Deputy-Speaker asking him to appear before this House along with the amendment moved by Shri Naushir Bharucha. As to whether it ought to be allowed or not, that would be disposed of tomorrow along with the substantive motion if the House is willing. There are two portions of it. Whether the House has got the right under the rules to accept this motion or whether we are prevented by the rules from making any such motion

and accepting it: that is one. **Secondly**, whether we ought to accept it or not on the merits and we should summon him again and give him an opportunity or independently we must come to a conclusion on the report and the materials available before the committee and merely he must be brought here either for reprimand or excuse, and so on. This matter will be disposed of tomorrow.

**Shri H. N. Mukerjee:** Would you permit me, Sir, to move the other amendment that the House proceeds with the next item of business?

**Mr. Speaker:** There is no such thing. If this is disposed of, that is a negative one. This is disposed of. The House will always proceed to the other work. The House is not going to keep quiet. Even if the privilege question is disposed of, it will proceed to some other business.

**Shri H. N. Mukerjee:** It is the convention that when a matter like this comes within the House's consideration, it is for the Leader of the House usually to come and move that no other steps need be taken. It is stated in the form that the House proceed with the next item of business. That is done.

**An Hon. Member:** He is not the Leader of the House.

**Mr. Speaker:** This matter will stand adjourned to tomorrow.

**Sardar Hukam Singh:** The Member had moved that the report be adopted. Then, of course, the Leader of the House said that he does not agree and the House might proceed to the next item of business. That was a different thing.

**Shri H. N. Mukerjee:** That the report be noted. The report is already there and we have considered

it and it is a part of the proceedings of the House.

**Mr. Speaker:** I am not going to allow it. I have adjourned this to tomorrow.

**An Hon. Member:** At 12 o'clock?

**Mr. Speaker:** Immediately after Question hour.

**Some Hon. Members:** There is no Question-hour.

**Mr. Speaker:** There is Question-hour. Immediately after Question-hour.

12.47 hrs.

EXTRADITION BILL—Contd.

**Mr. Speaker:** The House will now proceed with the further consideration of the following motion moved by Shri A. K. Sen on the 17th August, 1961, namely:

“That the Bill to consolidate and amend the law relating to the extradition of fugitive criminals, be taken into consideration.”

**The Minister of Law (Shri A. K. Sen):** No, Sir; we have given notice of a motion for reference to a Joint Committee. It is in the supplementary sheet.

**Mr. Speaker:** Has he moved it?

**Shri A. K. Sen:** I shall move the motion: I beg to move:

“That the Bill to consolidate and amend the law relating to the extradition of fugitive criminals, be referred to a Joint Committee of the Houses consisting of 21 Members; 14 Members from this House, namely;—Bakshi Abdul Rashid, Shri Joachim Alva, Shri Frank Anthony, Shri Dinesh Singh, Sardar Hukam Singh, Pandit Jwala Prasad Jyotishi,

Shri Nemi Chandra Kasliwal, Shri Khushwaqt Rai, Shri Hirendra Nath Mukherjee, Shri Shivram Rango Rane, Shri J. Rameshwar Rao, Shri Sadath Ali Khan, Shri N. Siva Raj, Shri Asoke K. Sen,

and 7 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

“That this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee.”

I have hardly to add anything more to what I said while moving the motion yesterday except to say that the Government readily agreed to the suggestion put forward from the Members of the other side that this matter should not be rushed through, but should be referred to a Select Committee. Consistent with the tradition that we have been following, we readily agreed to the suggestion for reference of this Bill to a Select Committee. Therefore, a formal motion is being made now. The matter has been discussed threadbare yesterday. I, therefore, recommend that this motion be accepted by the House.

**Mr. Speaker:** The motion is now before the House. Does any hon. Member want to speak? The time