

cited many examples. I can cite one example here. In Lucknow a building was constructed known as *suryodaya*—Sunrise. It is a huge building. But only one month after its completion it has become "Sunset" and it has started leaking. That is the work done by contractors in Lucknow. This building houses the office of the Chief Engineer, Eastern Command. So I would request that the contract system should be done away with.

15.59 hrs.

[Mr. Speaker in the Chair]

With these words, Sir, I would once again request the hon. Minister for Rehabilitation who has come just now to let us know, whether 7, Jantar Mantar Road is an evacuee property and the reasons why it has become the subject of public controversy in Delhi and other places. I want to know whether this has been purchased by the All India Congress Committee at Rs. 6½ lakhs without allowing anybody else to bid.

16 hrs.

श्री आसुर (रत्नागिरि) : अध्यक्ष महोदय, सप्लीमेंटरी डिमांड्स पर मैंने कुछ कटौती प्रस्ताव रखे हैं, जो कि डिमांड्स नं० १८, ३४, ४२, ६१ और ७३ के सम्बन्ध में हैं और उन पर मैं अपने विचार व्यक्त करूँगा।

सबसे पहिले मैं एक्सटरनल एफेयर्स मिनिस्ट्री की डिमांड पर कुछ कहना चाहता हूँ। हमारे जो एम्बेसी और मिशन हैं उन पर इतना पैसा खर्च करते हुए भी उनसे जो पर-पज सर्व होना चाहिये था वह नहीं हो रहा है। हमारे खिलाफ विदेशों में प्रचार जो हो रहा है उसका जवाब देने के लिये हमारे एम्बेसीज और मिशन की धोर से जो प्रयत्न होना चाहिये वह नहीं हो रहा है। इसका एक ताजा उदाहरण श्री सामने थावा जब जनरल थायूब का हान में अमरीका बसे थे। उन्होने वहाँ जाकर हिन्दुस्तान

के बारे में और प्राइम मिनिसटर के बारे में बहुत सी बातें कहीं। उनके जवाब में हमारा दृष्टिकोण जिस सफाई से रखा जाना चाहिये था वह नहीं रखा गया। इस लिये इस बारे में उनको विशेष इन्टरेशन जारी की जानी चाहिये।

दूसरी बात मुझे यह कहनी है, जैसी कि आज मुबह राजा महेन्द्र प्रताप ने कही थी, कि हमारे जो देशवासी विदेशों में जाते हैं उनका इन एम्बेसीज और मिशन से उचित सहायता नहीं मिलती। जो लोग वहाँ जाते हैं उनको आशा होती है कि हमारे एम्बेसी वहाँ हैं और उनकी धोर से हमको अच्छी तरह सहायता मिलेगी, लेकिन ऐसी सहायता नहीं मिलती और उन लोगों के साथ अच्छा बर्ताव नहीं किया जाता। इस धोर भी ध्यान देना चाहिये।

दूसरी बात यह है

Mr. Speaker: The hon. Member may continue his speech tomorrow.

16.01 hrs.

PRIVILEGES—contd.

Mr. Speaker: I will now take up the question of privilege and the letter from Shri Karanjia. I adjourned it this morning till 4 O'Clock so that we can have the authoritative decision of the Supreme Court. The whole matter arose out of a letter which he wrote to me and which I have already read to the House. I sent a summons to him in pursuance of the resolution by this House adopting the report of the Privileges Committee, which says that he must be brought here to the Bar of this House to be reprimanded for the article published in an issue of *Blitz*. I have read out the letter which he wrote to me. I would again draw attention to portions of this letter to decide as to whether any of the amendments tabled by Shri Tangamani are in order. He says in his letter:

[Mr. Speaker]

"I am in receipt of hte summons dated the 21st day of August....

I should have been happy to be able to respond immediately to your summons and appear at the Bar of the Lok Sabha as directed by you. However, I have been legally advised that irrespective of the personal consequences to me, I should make an application to the Supreme Court, requesting the hon. Judges of the Supreme Court to reconsider the judgment given by them in the *Searchlight* case. As a consequence, an application is being filed by me in the Supreme Court today or tomorrow in this behalf.

Allow me to assure you that this application is being filed only with a view to getting a proper decision from the highest judicial tribunal of the land on questions of principles which affect the citizens as well as Lok Sabha equally. As I have stated before, I am completely in your hands and willing to take the consequences of the article published on 15th April 1961 in BLITZ which, to my great regret, has become the subject matter of the Privileges Committee's adverse report on me.

I, therefore, pray that the date for my appearance in the Lok Sabha be extended by a fortnight."

According to him, the chief reason is "I have been advised that the decision of the Committee is based on the decision of the Supreme Court in the *Searchlight* case which can be reviewed and, therefore, I would like to have an authoritative pronouncement by the Supreme Court once again in this matter. To enable me to do so, please give me a fortnight's time." The House was not in a hurry. This morning when it was suggested that we might await the decision of

the Supreme Court—we are bound to abide by it—the House agreed.

I have got before me a copy of the message of the PTI. One of our officers was also present there. The message reads:

"The Constitution Bench of the Supreme Court today dismissed the writ petition filed by Mr. R.K. Karanjia, Editor of *Blitz*, and Mr. A. Raghavan, Delhi Correspondent of the Weekly, challenging the decision of the Lok Sabha holding them guilty of breach of privilege and of contempt of the House and asking Mr. Karanjia to appear before the House to receive the reprimand."

Shri Karanjia challenged the decision by way of a writ petition. That writ petition has been dismissed. Even if the writ petition had been admitted, unless an interim injunction or an interim stay of further proceedings here was issued, we could proceed with the matter. We may have to respect it if a writ is found to be valid and stay order is issued. We have to abide by it. But no stay order has been issued. On the other hand, the writ petition itself has been dismissed. Therefore now there is nothing more pending before the Supreme Court which could revise its own decision in the *Searchlight* case. The Supreme Court has come to be definite conclusion so far as this matter is concerned. Therefore the purpose for which Shri Karanjia wanted time no longer exists. That has been disposed of. Originally perhaps he expected that it would take a month or two to dispose of. But now it has been disposed of within a week and nothing prevents us from saving. "The matter has been disposed of; please come here." The ground on which he sought time no longer exists.

I understand Shri Karanjia is here. He has come here in connection with this case. A point was raised by some hon. Members whether we

should not give him time. Of course, he must be here and take the consequences. If the Supreme Court should grant the stay, he could easily go back. But if the stay is not granted, he must come here tomorrow. In view of this, I think there is no more necessity for any of the amendments because the writ petition has been dismissed. There is no other ground of illness or anything of that kind for extension of time.

Shri Tangamani (Madurai): You were pleased to observe that my motion was not in order.

Mr. Speaker: No. It is not that originally it was not in order.

Shri Tangamani: May I explain my position?

Mr. Speaker: I am not saying that it was originally not in order. I say that in view of this, it is no longer necessary. Everything arose from the original matter.

Shri Tangamani: You were pleased to read the letter of Shri Karanjia on Saturday. At that time you were also pleased to observe that if any hon. Member wanted to move for extension of time which was demanded by Shri Karanjia, the House would consider it.

Mr. Speaker: No, no. I am sorry. He will kindly resume his seat. I will allow him an opportunity. I am not going to dispose of this now. I will hear him. The point is this. If Shri Karanjia wanted time, it is of course open to this House to grant him time. But for what purpose? He wanted it for the purpose mentioned by him. He said, "Within a day or two an application is being filed by me in the Supreme Court in this behalf." The one ground that he mentioned was the writ petition which was being filed in the Supreme Court. If the Supreme Court went on adjourning it, naturally he might need time. He thought that within a fortnight he would be able to persua-

ade the Supreme Court to come to one decision or the other. Now the Supreme Court did not want to wait for a fortnight and disposed of it today. Under these circumstances there is no more ground. Let Shri Tangamani convince me and the House. The very basis or the foundation of Shri Karanjia asking for time is lost. Shri Karanjia wanted time for the purpose of enabling him to file a writ petition and to get the decision of the Supreme Court. The writ petition has been dismissed. What is the meaning of an hon. Member of this hon. House saying that Shri Karanjia must be granted time when the very object of it has disappeared, unless a new motion for some other purpose comes in? I will hear Shri Tangamani for five minutes.

Shri Tangamani: You were pleased to observe that if anybody moved for grant of time to Shri Karanjia, it would be placed before the House.

Mr. Speaker: No. What is the meaning of this? I never said that. He need not quote my previous decision.

Shri Tangamani: We have not been served with any summons. It was only a question of admission. As you yourself know, the question of admission as such is generally decided *ex parte*. But by way of abundant caution a motion had been moved, which was adopted, authorising the Attorney-General to represent you and the Secretary when the matter came up before the Supreme Court today. Now, Sir, the report of the P.T.I. was read out to us. Because Shri Karanjia had made it clear that he wants time since he is moving the Supreme Court and we have also taken cognisance of it, is it not necessary for us to wait for an authoritative communication from the Supreme Court?

Some Hon. Members: No, no.

Shri Tangamani: I am only thinking of what happened in the past.

Mr. Speaker: I have given him five minutes. Let him go on.

Shri Tangamani: I will abide by your decision. What I want is this. We have taken notice of the letter of Shri Karanjia where he says that he is moving the Supreme Court. We have also authorised the Attorney General to appear on our behalf before the Supreme Court. If that petition for admission in the Supreme Court has been dismissed, naturally, we will get a communication.

Shri Naushir Bharucha (East Khandesh): How do you get a communication?

Shri Tangamani: You are aware that a communication has to go through a certain procedure. It may take one or two days.

Some Hon. Members: No, no.

Mr. Speaker: The hon. Member is a lawyer. Have the parties been ever intimidated by any correspondence by Judges that your suit has been dismissed? You are asked to be present.

Shri Tangamani: There will be an order of the court and the order of the court will have to be properly taken.

Mr. Speaker: Whoever is a party to a cause, a notice will be posted in the cause list that such and such a case will come up for admission or disposal. It is the duty of the persons to take note of it. I have taken notice of it. This House has taken notice of it. We cannot now say that it was open to the Supreme Court to decide it *ex parte*. No court gives intimation unless it wants to arrest and it may send a summons or a warrant of arrest.

Shri H. N. Mukerjee (Calcutta Centra): Could I point out, Sir,...

Mr. Speaker: Has Shri Tangamani finished? No. I am not going to allow anyone else till he has finished.

Shri Tangamani: Even though it was only a question of admission, both sides, the counsel for the petitioner and the counsel for the respondent have been heard for nearly two or three hours and naturally, an order will be there upon hearing the contentions of both the parties.

Some Hon. Members: How do we know that?

Shri Tangamani: I know; I was in the court.

I am prepared to accept your position. But, the point is, by way of abundant caution, for future.....

Mr. Speaker: Order, order; may I put one question?

Sardar Hukam Singh (Bhatinda): If he was present, he may tell us the order. That we shall take as communication.

Mr. Speaker: If he was in court, did he not wait sufficiently to hear the order? Did he come away as soon as the arguments were over? He heard the order, I think?

Shri Tangamani: I was not there when the order was actually passed. I left word and came here. I have received a telephonic communication that the petition has been dismissed. That information I am prepared to give. My difficulty is this. If we had not taken note of the proceedings in the court, that question does not arise because we have not received summons. Irrespective of the letter from Shri Karanjia, you are at liberty to summon him. Absolutely, I will be out of court with a motion like this. Because you were pleased to take notice of a position that has taken place in the Supreme Court, is it not necessary that the communication reaches us in the proper manner?

Some Hon. Members: No, no.

Shri Tangamani: It may be even twenty-four hours. This is my only point. Otherwise, I also agree with

you that his petition has been dismissed.

Shri H. N. Mukerjee: I only want to embellish what he has said. Because, I feel that since, on Saturday, you took notice of this matter and also adopted certain proceedings, about which we may have our own reaction, it is necessary for us, to be on the safe side, to wait at least for a certified copy of the order. Without a certified copy of the order being produced, we are here in Parliament. Since we have once taken cognisance of a matter which is before the Supreme Court, which we need not have done—perhaps some of us might think that way—it is necessary to follow the steps of the proceeding in a proper manner. Therefore, the heavens would not fall if there is a delay of a day or two. I do not know what the Supreme Court procedure here is. But in any High Court you will have to take a certified copy of the order, and without that you cannot take any further steps in a matter of this nature.

Dr. Ram Subhag Singh (Sasaram): This is unnecessary.

Sardar Hukam Singh: May I say a word? Whether rightly or wrongly, opinions may differ. We had as Shri H. N. Mukerjee has said, taken cognisance of the matter; we had instructed our lawyer to be there. We were parties to that action, and we were present in the court. The orders were announced in our presence. And now, we have been told that this is the order, and the House knows it. Where is the need for waiting any longer now to think as to what is to be done? We were parties to the action, and we were present in the court. The orders were announced in our presence. And the Speaker has conveyed the orders to the House now. Where is the need now for waiting for some other information or for the certified copy?

Shri H. N. Mukerjee: An authorised statement is necessary. Even the

Prime Minister, these days, issues an authorised explanation of his statement in Parliament. So, I want an authorised statement of what happened in court.

Shri S. M. Banerjee (Kanpur): May I make a submission?

Mr. Speaker: I am not going to allow.

Shri S. M. Banerjee: Not about this thing.

Mr. Speaker: There is nothing more to be said now.

Shri S. M. Banerjee: Then, you must rule out my motion.

Mr. Speaker: Now, there is no question of any motion.

The whole thing has arisen on account of the letter of Mr. Karanjia requesting for time for a definite and particular purpose, namely to enable him to file a writ petition. I was made a party, that is, the Speaker of the House was made a party, and the Secretary and the Under-secretary were also made parties. The other day, it was brought to the notice of the House. Now, the House could wait indefinitely, or the House, since it found that the privileges were broken and any number of other persons also could do likewise, might want him to be called to the Bar of this House; and the House was always prepared to take into consideration any reasonable request, and, therefore, it was that this matter was placed before the House. And, to represent the case of this House or what the House feels, the Attorney-General was also clothed with *vakalath* and power to appear. And he appeared.

Our Deputy-Secretary who has been in charge of watching all the proceedings, on our behalf, on my behalf and on behalf of the Secretary and the Under-secretary who were parties to that, comes and tells me that the writ petition has been dismissed. If I were there, and I being a party, com-

[Mr. Speaker]

municate it to the House that the writ petition was dismissed, would this House ask me to produce a certificate or a document?

Dr. Ram Subhag Singh: No.

Mr. Speaker: When Mr. Karanjia wrote to me, did he file a copy of the writ petition here? Hon. Members are prepared to accept Mr. Karanjia's statement, not the statement of my Deputy-Secretary! It is rather surprising.

Shri H. N. Mukerjee: It is a matter dealt with by the court. So, we must get an authorised or certified copy. *(Interruptions).*

Mr. Speaker: It is not proper for hon. Members to go on in this manner. There is absolutely no doubt, and I have no doubt in my mind, that the writ petition was dismissed. Shri Tangamani himself—on whose behalf he went there, I do not know—says so.

Dr. Ram Subhag Singh: On Mr. Karanjia's behalf.

Mr. Speaker: It is open to any person in the world at large to go and attend the public proceeding in a court. All can go. The hon. Member Shri Tangamani took interest, and he was waiting there; he was interested in finding out what exactly the result also was. And his good friend who was there watching the proceedings sent him a telephonic message that the writ petition was dismissed.

Now, I am doubly sure that the writ petition was dismissed. Therefore, under these circumstances, I rule these other motions out of order, for the reason that there is no basis for these motions.

Now, the only point which the hon. Member raises is this; he did not press it this way; he wants an authoritative statement, and he says: let us apply for a copy of the proceedings. The Supreme Court will take its own time to give it; in the meanwhile, the ex-

tension of time that Mr. Karanjia wanted will certainly be available to him not for the purpose of enabling him to file a writ petition, but even independently of it; that will give the impression that the House does not care to execute its own orders or directions, and it goes on indefinitely, and it does not have a mind of its own. I do not want to create that impression. Of course, all reasonable opportunities must be given to a person who is an accused, if there is a *bona fide* ground; or if he expects that the Supreme Court will reverse its judgment or modify its judgment, then, certainly opportunities must be given.

That is why we did not rush through with these matters.

Under the circumstances, there is no more reason for allowing any further time. I am sure the House will agree with me that Shri R. K. Karanjia must appear before the Bar of the House, as directed in my summons, tomorrow.

Several Hon. Members: Yes.

Shri S. M. Banerjee: Is no further intimation necessary? How is he to know?

Mr. Speaker: He should know.

Let us proceed to the next business.

16.21 hrs.

MOTIONS RE: FLOOD SITUATION

Shri Goray (Poona): I beg to move:

"That the statement on the flood situation in the country laid by the Minister of Irrigation and Power on the Table of the House on the 7th August 1961, be taken into consideration".

Shri Chintamoni Panigrahi (Puri): May I be allowed to move my Motion also?

Mr. Speaker: Very good. We will sit till 6 P.M.