

Shri Tangamani (Madurai): We would like to know the position about the No-Day-Yet-Named Motions. We were informed that two No-Day-Yet-Named Motions will be taken up.

Mr. Speaker: We have been trying to have discussion on at least one No-Day-Yet-Named Motion in each week.

Shri Satya Narayan Sinha: We provided in the last week and this week. But next week we are hard-pressed for time. We want the discussion on the Plan to be finished.

Mr. Speaker: We are taking only one hour from the official time and we will sit for one hour more. The hon. Minister will consider it. That is the only way.

Shri Satya Narayan Sinha: I shall try.

Mr. Speaker: Most of the No-Day-Yet-Named Motions relate to taking into consideration reports laid on the Table relating to many projects. Therefore, I shall try to provide some time. One hour—from 4 to 5—will be the official time and we will sit for one hour more to make it two hours. The hon. Minister will consult and put down one of these Motions.

12.14½ hrs.

APPRENTICES BILL*

The Minister of Labour and Employment and Planning (Shri Nanda): I beg to move for leave to introduce a Bill to provide for the regulation and control of training of apprentices in trades and for matters connected therewith.

Mr. Speaker: The question is:

“That leave be granted to introduce a Bill to provide for the re-

gulation and control of training of apprentices in trades and for matters connected therewith.”

The motion was adopted.

Shri Nanda: I introduce the Bill.

12.15 hrs.

COMMITTEE OF PRIVILEGES

MOTION RE: THIRTEENTH REPORT—
Contd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Sardar Hukam Singh on the 18th August, 1961, namely,

“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”.

and also further consideration of amendment moved by Shri Naushir Bharucha on the 18th August, 1961.

Shri C. R. Pattabhi Raman (Kumbakonam): On going through this, I find there are two aspects. Shri Raghavan, New Delhi correspondent of Blitz ...

Mr. Speaker: I will give him an opportunity. We are dealing with Shri Karanjia. Let us go to the correspondent next. Let us dispose of Shri Karanjia.

Sardar Hukam Singh (Bhatinda): The desire of all the Members of the Committee had been to achieve unanimity. Of course, there were differing views, but then we could come to a compromise. This much was admitted by the committee and we were unanimous—and even now we are, I suppose—that this was a clear breach of privilege. There was no difference of opinion so far as that point was concerned.

The second point was the recommendation that we should make and

we tried to achieve unanimity. I had submitted yesterday that we could secure that on the first day, but then afterwards one of our hon. Members thought that he had studied some other cases and was of a different opinion. So far as the recommendation that Shri Karanjia be called to the Bar of the House and be reprimanded was concerned, he differed on that. Anyhow, after the motion that the report be taken into consideration was adopted, I had just moved that Shri Karanjia do attend this House on a day to be appointed by the hon. Speaker. My desire here also was that we should try to achieve unanimity. Up till now, in all the cases that we have considered, we have been lucky that the House has been unanimous and there has been no difference of opinion.

I will refer to Rule 315. It says:

"(1) After the report has been presented, the Chairman or any members of the Committee or any other member may move that the report be taken into consideration...."

That has been done.

"(3) After the motion 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 agree, or disagree or agrees with amendments, with the recommendations contained in the report."

I find that all the three sets of motions are there for agreement, for disagreement and for agreement with amendments. According to this rule, all are there.

Yesterday objection was taken that the motion that I had put in here was not according to the rules.

Shri Tangamani (Madurai): But the ruling has been given and we are now dealing with the motion.

Mr. Speaker: Can he not refer to that? He can say what exactly happens. He is proceeding, I think.

Sardar Hukam Singh: I am coming to that. All the three motions were there. After seeing those six cases, I myself was of the opinion that, though our rules say that the motions after the consideration stage can only be of these three kinds, but in consonance with the principles of natural justice, probably it will be better for us if we allowed Shri Karanjia an opportunity and asked him to come to the House. But the discussion that took place yesterday has left me in a very unenviable position. I find there is one section of the hon. Members in this House who want that Mr. Karanjia need not be called and we might proceed with the business of the House forthwith, we should not take any further action. There is another section who say that we should proceed forthwith and take up the motion that the House agrees or disagrees with the report. My desire here too, in moving this motion, certainly was that perhaps it would be a unanimous decision and the House would agree to my request. But I find that that is not possible and there are two different views and both desire, to my bad luck, that he should not be called for the present at least. Under these circumstances, I consider that I should leave it according to the rules, it to the House to decide. I am in the hands of the House. I am not particular that he must be called here. After a decision has been taken and the House comes to a particular conclusion, if any other hon. Member wants to move the same motion he might do that. So far as I am concerned, as Chairman of that Committee I should not go into that. Therefore, I beg to request you, Sir, to allow me not to pursue this motion at all.

Mr. Speaker: So far as this matter is concerned, the hon. Deputy-Speaker who was the Chairman of the Committee has explained the posi-

tion that in making this motion he wanted to have a unanimous decision to bring Mr. Karanjia here. But there seems to be no objection.

Shri Asoka Mehta (Muzaffarpur): On this point, Sir.....

Mr. Speaker: He has made the motion; let us see.

Shri Asoka Mehta: On this point, Sir, I do not know how the Deputy-Speaker came to the conclusion that there are these different trends of opinions in the House. Yesterday I had sought some clarification. I do not know whether the hon. Deputy-Speaker had me in mind. I am still at a stage, Sir, where I am seeking certain clarifications from him, from you and from the House. I think, as far as some of us here are concerned we are most anxious to see that the tradition of reaching a unanimous decision on this matter is maintained sustained and strengthened. But the hon. Deputy-Speaker should not reach the conclusion that because we asked some questions to seek clarification unanimity is not desired by us. I do not know if he had me in mind, that is why I am giving this personal explanation.

Mr. Speaker: Is anybody opposing the motion?

Shri Asoka Mehta: It is not a question of opposing the motion, before we have had some discussion. At the end of such a discussion I can understand the hon. Deputy Speaker saying that there is no unanimity. We do not do it even before we have a discussion. Before we can reach unanimity on any motion there must be some opportunity for discussion. If he wants to withdraw his motion I have no objection, but to withdraw on the basis that there is not going to be unanimity is, I am afraid, indirectly casting certain reflection on us.

Mr. Speaker: If Shri Asoka Mehta wants to speak I shall allow him to speak.

Shri Asoka Mehta: I am not at all anxious to speak. I am only pointing out that I do not like an impression to be created—it is likely to be created, however, inadvertently—that the Deputy Speaker withdrew this motion because some of us had already made up our mind to oppose the appearance of Shri Karanjia here. That is not the case. I would like personally—and I can speak on behalf of my group here—to say that we wanted to seek certain clarification, place certain issues before the House and at the end of it we are most anxious to see that the tradition of unanimity is maintained on this question. On that point, Sir, I wanted to make myself clear.

Shri Tangamani: Sir, I raised a point of order yesterday and you were pleased to rule....

Mr. Speaker: I disposed of the point of order yesterday. If he wants to say anything on the merits he may do so.

Shri Tangamani: You were pleased to rule that this particular motion is in order. I went through the Rules and I find that rule 228 gives you the powers. It says:

“The Speaker may issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege whether in the Committee of Privileges or in the House.”

In other words, although it is not found in the Speaker *Directions by the Speaker*, you are at perfect liberty to direct that a certain procedure has got to be followed. An interim motion has come before the House. Having done that, my submission will be, when this motion is before the House with an amendment of Shri Bharucha, that motion may be discussed, and certain aspects which will throw certain reflections or certain observations about the findings or otherwise which

you would be pleased to allow may also be considered. So my submission is that this motion may be considered.

Mr. Speaker: There is the motion that Shri Karanjia may be asked to come to the Bar of the House.

Sardar Hukam Singh: Shri Tangamani moved that his motion may be taken up just now, that the House disagrees with the report of the Committee. That was the next stage suggested. He raised certain objections to my motion. My hon. friend Shri Mukerjee also said that the House should proceed forthwith with the business of the House. He said that we should not call Mr. Karanjia to the Bar of the House and that we should proceed with the business of the House. Then, Sir, there were other hon. friends on my left who said the rules do not provide that such an opportunity should be given. So I thought that from either side my motion was being opposed and the desire was that the motion whether the report should be agreed to or not agreed to should be discussed immediately. Of course, the rules are silent on this point. They said that after the motion for consideration had been adopted we should proceed, so far as rule 315 is concerned, with the motions of agreement or disagreement. You have said, and you have every authority, Sir, when the rules are silent to regulate the procedure. That is a different thing altogether.

Mr. Speaker: I shall devote half-an-hour for this motion. Let me hear all hon. Members, whether they want to call Mr. Karanjia here. If they do not want that, we may proceed straightaway with the motion of agreement or disagreement.

Shri Braj Raj Singh (Firozabad): The hon. Deputy-Speaker has moved for withdrawal of his motion. I think there should be no objection to it.

Shri Vajpayee (Balrampur): There is no opposition. He may be allowed to withdraw his motion. I do not think there is any opposition to it.

Dr. Ram Subhag Singh (Sasaram): Sir, a suggestion has come from the hon. Deputy-Speaker which is worth consideration. He should be allowed to withdraw his motion.

Mr. Speaker: Shri Tangamani opposed it.

Shri Tangamani: I am not opposing it. Yesterday I only wanted a clarification from you about the procedure. You were pleased to rule....

Mr. Speaker: I have disposed of the matter of procedure.

Shri Tangamani: I am not opposed to the motion. The motion may be taken on its merits.

Shri H. N. Mukerjee (Calcutta-Central): Sir, could not we have all the amendments together? There were three amendments and yesterday two fresh amendments came into the picture. To clarify the whole position, Sir, let all the amendments be under discussion and let the House decide.

Mr. Speaker: What are the amendments?

Shri H. N. Mukerjee: Motions saying that we agree with the report, we disagree with the report and all that.

Some hon. Members rose—

Mr. Speaker: Order, order. A point of order was raised by Shri Tangamani yesterday. The point of order was that immediately after the motion for consideration was passed. I must invoke the provisions of sub-clause (3) of rule 315 and act accordingly. That means the House must discuss the question as to whether the report ought to be agreed to or not agreed to and so on. In between, this motion was made by the hon. Deputy Speaker from what he considered to be a convention that was established in the House of Commons. He referred to 1956-57, where Mr. Butler, the Leader of the House of Commons intervened. There also they had tabled the same

[Mr. Speaker]

motion saying that immediately after the motion for consideration was passed the motion for agreement with the report or disagreement with the report be taken up. But the other motion was not on the Order Paper. Without having given previous notice of his motion he intervened and said, natural justice required that the person concerned must be given an opportunity to come to the House, after the decision of the Committee had been communicated to him, and say what he had to say. In pursuance of that only the hon. Deputy-Speaker has moved his motion here. But he says that if his motion is objected to he does not want to press that motion.

An Hon. Member: Nobody has objected.

Mr. Speaker: So far as this matter is concerned, it is not definitely provided for in the rules. It is only a convention which is followed. Now, there is one or two things. If he wants to withdraw, I will allow him to withdraw and there seems to be unanimity on that.

Shrimati Renu Chakravartty (Basirhat): Our viewpoint has been clearly stated. When that particular point was raised and you gave your ruling we never objected. I cannot understand why the hon. Deputy-Speaker should suddenly take it that we have objected to Shri Karanjia coming here and putting his viewpoint. It is a democratic process which one need not oppose.

Shri Asoka Mehta: Frankly, I find it a bit difficult to follow the proceedings. The Deputy-Speaker yesterday moved this motion because he felt that, in accordance with certain conventions that are being followed in the House of Commons, we should also try to give this gentleman an opportunity to come here and explain himself. Now the question before the House, I think, is whether such a convention should be adopted by us

and whether such a convention is relevant to this case, and not merely whether we say "Yes" or "No" to his motion; I do not know. If he is withdrawing it because he thinks this motion should not be brought forward, well, I have no objection. But if he is withdrawing it because some people might oppose this motion, I think it might put this House in a somewhat bad position outside. We are not denying anyone any right that should be given to him. Let us try and see whether such a right exists in this case or should exist, because we shall be setting up a precedent and, therefore, I do not think we should rush into this whether this motion should be here and now accepted or here and now rejected, because vital issues are involved in this. Therefore, I am saying: let not the Deputy-Speaker ask from the very beginning "Are you with me or are you against me?" That is not the way in which a matter of this kind can be considered.

Raja Mahendra Pratap (Mathura): I believe that this is all due because Shri Karanjia said something against our very well-known leader, Acharya Kripalani. I wish that Acharya Kripalani with his magnanimous heart pardons him and finishes the matter here.

Mr. Speaker: We are going away from one to another matter.

There is no formal motion for withdrawal. The hon. Deputy Speaker only stated when he made the motion that he wanted to conform to the convention that is established by the House of Commons, though it is not provided by the rules. I also ruled that it is not out of order, but in order. But he thought that in view of some expressions used by, I think, Shri Masani, he should withdraw his motion. I think Shri Masani said that we want to apply the rules. In support of that, some cases were quoted and a distinction was made between a person who was given an opportunity but who did not avail of it and a person who was given an opportunity and who availed of it.

Shri S. M. Banerjee (Kanpur): Who referred to that yesterday?

Mr. Speaker: I think Shri Masani.

Shri M. R. Masani (Ranchi-East): I did not speak at all yesterday.

Mr. Speaker: I am sorry; then it must be somebody else. Anyhow, this is the impression that was created yesterday and, therefore, the hon. Deputy-Speaker thought that unless it is unanimous there is no good pursuing it and trying to establish a convention which is not provided for in the rules. Of course, conventions would not be provided in the rules. Anyhow, I will allow hon. Members and leaders of various groups opportunity to place before the House what they think on this motion.

Shri Naushir Bharucha rose—

Mr. Speaker: No, I will give him an opportunity at the appropriate time.

Shri Jaipal Singh (Ranchi-West-Reserved—Sch. Tribes): Before we proceed, may we know the time allotted for this motion?

Shri Naushir Bharucha (East Khandesh): No time-limit.

Mr. Speaker: It is 12.30 now. We will conclude the discussion of this motion by 1.30 p.m.

Shri Braj Raj Singh: It is not clear as to what we are discussing.

Mr. Speaker: The discussion is on the motion made by the Deputy-Speaker.

Shri Nath Pai (Rajapur): He has withdrawn it.

Mr. Speaker: He has not withdrawn it. He has expressed a desire to withdraw it. He has not moved a motion for its withdrawal.

Shri Braj Raj Singh: He has made a motion to withdraw it.

Shri Nath Pai: May I ask you for a clarification, Sir? Whenever a Bill is introduced, and this is in the nature of a Bill, if at the end of the debate the mover of the Bill asks for permission to withdraw the Bill, you immediately ask if there is any opposition, and if there is no opposition which is audible, you will always be pleased to give the mover permission to withdraw the Bill. The same procedure should apply here. This is a matter of concern to all of us. The Deputy-Speaker got up by saying that in the light of some remarks by some hon. Members, he wants to withdraw his motion. Has there been any opposition to it? If not, why should we proceed with it? May I seek a clarification from you on this? My leader has clarified that he need not be misunderstood. The point which he made was by way of clarification. But what I am saying is a different thing. When the Deputy-Speaker sought that he be allowed to withdraw his motion, has there been any opposition?

Shri Prabhat Kar (Hooghly): Shri Asoka Mehta was saying that the Deputy-Speaker wants to withdraw the motion under the impression that there may be opposition to it. He also said that it should not be asked immediately whether we agree with the Deputy-Speaker or not, let that motion be discussed and, thereafter, we may come to a unanimous understanding about the motion itself. That is the point that has been raised. It is not a question of withdrawal. He has not given any other reason for his withdrawal.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I am not quite sure if what I am going to say is relevant or not. I will abide by your decision.

Mr. Speaker: Whatever he says is relevant.

Shri Jawaharlal Nehru: For the moment, I am not addressing myself to the particular question about the

[Shri Jawaharlal Nehru]

hon. Deputy-Speaker's withdrawal or non-withdrawal of his motion, because I am a little confused about this matter. But another aspect strikes me. When this matter arose, it was referred to the Privileges Committee, and the Privileges Committee gave their report in which they held that this was a breach of privilege etc. Then we are trying to see what should be done now. Naturally, so far as I am concerned, when the Privileges Committee have said so, I accept that without even, if I may say so, exercising mind very much about it; they have considered it fully and I accept their report. But, it seems to me, without impugning their decision on this, there is another aspect that whether it was a matter of privilege or not, it was, if I may put it differently, an exceedingly vulgar and improper thing to do. Although it may not be a matter of privilege, yet it was an exhibition of vulgarity which, unfortunately, often occurs nowadays.

Shri Braj Raj Singh: In this paper?

Shri Jawaharlal Nehru: May be. Now, proceeding on the basis that the Privileges Committee has held that it is a breach of privilege, we accept that and whatever consequences flow from it. But, in the meanwhile, something else has happened that this gentleman, Shri Karanjia, Editor of *Blitz*, has further written about this subject. What he writes now has little to do with Acharya Kripalani, an individual member. It is really the House that he is addressing or you, Mr. Speaker, or the Privileges Committee. It raises an entirely different matter and, I think, a much more important matter than the original thing. Because, what was originally stated might have been said in a moment of excitement and because of the sheer habit of writing such things. May be it is a different matter; when this House is seized of a proposition and refer it him, then his response is presumed to be a well-thought out response. Well, to some

extent, that response has been before us and it appears, I believe, in the last issue of *Blitz*. Now, could we isolate the consideration of this question from this subsequent development? May be, I do not know if it is possible or feasible, in view of all this you may be pleased to revive this and ask the Privileges Committee to consider this subsequent development also and then make some recommendation to this House on that as well. Otherwise, our consideration is limited to the original thing, while the other thing appears to be more important than the original thing. If we are to proceed on that separately, that will be confusing the issues

Sardar Hukam Singh: Shri Asoka Mehta wanted that he should be told of what was passing in my mind. Really now I am going to tell that. It is really the publication of all that is carried in the latest issue of the *Blitz* which has influenced me in deciding that if he is called to the Bar and asked to give an explanation, he will create scenes here. He is out to become a hero and wants that he might get that opportunity.

Shrimati Renu Chakravartty: He has already become one.

Sardar Hukam Singh: I had intended that we should certainly give him an opportunity to appear here and the House should hear him, because at least in deciding what action we should take the House must hear him. Perhaps, after the Report was submitted he might have changed his mind and might just show his regret or tender an apology to the House. But from the latest publication, after he has seen the Report, it seems that he is carrying on a regular crusade, as he has said in his own statement, and is out to go to any limit that may be possible for him to go. All of us agreed in the Committee itself—I do not know whether I am exceeding the limits—

but we agreed, including Shri Mukerjee, that he is trying to become a hero and would create scenes if he is called here.

So far as the second point regarding publication is concerned, because the Report has been placed on the Table of the House, it is a public document. So far as publication is concerned, perhaps there would not be any further question of a fresh breach of privilege. We may not be able to take any action on that. But this deliberate and intentional publication shows how his mind is working and it is doubtful whether we will be able to get anything out of him here and whether that might be of any use or not. Therefore now I positively . . . (*Interruption by several hon. Members*).

An Hon. Member: What kind of behaviour is this?

Shrimati Renu Chakravarty: I think, Shri Karanjia is not worse than this.

Shri S. M. Banerjee: I think, Shri Karanjia will not create better scenes than this.

Sardar Hukam Singh: Now I beg to seek the permission of the House to withdraw my motion.

Dr. Ram Subhag Singh (Sasaram): We give him that permission.

Shri Braj Raj Singh: We permit him to do that.

Shri Surendranath Dwivedy (Kendrapara): Only after the motion is made.

Shri Braj Raj Singh: Are we now discussing the motion?

Shri Frank Anthony (Nominated—Anglo-Indian): May I just make one submission to you?

Mr. Speaker: He will first hear me. I shall allow him an opportunity.

When permission for the withdrawal of a motion is sought no argument or debate is allowed on that. He has made up his mind that he ought to withdraw his earlier motion and has, therefore, said that he may be permitted to withdraw his motion. I do not know if his motion had been placed before the House at all. In case it has not been placed before the House, there is not even this necessity for withdrawal.

Shri Renu Chakravarty: It cannot be withdrawn without putting it to the House.

Shri Tangamani: The motion had been placed before the House.

Mr. Speaker: Does the hon. Deputy-Speaker have the leave of the House to withdraw his motion?

Some Hon. Members: Yes.

Some Hon. Members: No.

Shri Sadhan Gupta (Calcutta—East) and Shrimati Renu Chakravarty rose—

Mr. Speaker: The rule is that if there is any objection to the withdrawal of a motion, the motion must be put to the vote of the House straightaway. The question is:

“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.”

The motion was negatived.

Mr. Speaker: Now let us proceed to the next motion.

Shri Jawaharlal Nehru: May I make a respectful submission for your consideration? It is not a formal proposal, but I should like your views about it or the views of the House about it. If I may repeat it, my suggestion was that in view of the fur-

[Shri Jawaharlal Nehru]

ther developments in this matter which deserve consideration, the Committee of Privileges may be received or may be requested to consider these further developments also and then make recommendations to the House.

Raja Mahendra Pratap: May I submit.....

Mr. Speaker: I am afraid, the hon. Member does not observe decorum in the House. He cannot go on speaking like this.

The hon. Prime Minister thinks that there are two courses open. There is already the original article. That was referred to the Privileges Committee. The Privileges Committee found that it was a breach of privilege and recommended the punishment. Since then with respect to the same thing and, of course, arising out of that, another article has been published by the same Shri Karanjia. This may be taken into consideration for the purpose of enhancing the punishment by the House. The House need not be satisfied only with the punishment that has been recommended. After all, it is a Committee's report and the House is not bound by the Report of the Committee; otherwise, hon. Members would not be able to say, "We differ from the Committee".

Shri Tangamani rose—

Mr. Speaker: When I am speaking, he ought not to get up.

It is open to any hon. Member to move an amendment saying that the Report is agreed to, or is not agreed to, or is agreed to with some amendments. The punishment of reprimand may not be enough. This House is a sovereign body to which the Committee only makes a recommendation. It is open to this House to increase the punishment in view of what has appeared later on. That matter may also come up here instead of it being

sent back to the Committee. Therefore that matter may be considered with this amendment.

Now let us proceed with the next motion.

Shri Braj Raj Singh: May I make a submission? What I understood the hon. Prime Minister to say was that since another article has been published by Shri Karanjia the matter has become much more serious; so, it will be better if the matter is again sent to the Privileges Committees for being thoroughly examined by them afresh and for submitting a report to us.

Shri Surendranath Dwivedy: Further breach of privileges may be referred to the Committee, but this matter must be disposed of in the House.

Shri Tangamani: Are we to take it that in the place of the motion for agreeing or disagreeing there is a separate motion for referring it back to the Privileges Committee?

Some Hon. Members: No.

Shri Naushir Bharucha: There is no such motion.

Shri Tangamani: There must be some motion and we must be given an opportunity to express ourselves. If there is such a motion, I will have to say several things, particularly, certain Constitutional questions and other things.

Mr. Speaker: That is all right.

Shri Tangamani: What is the motion before us?

Mr. Speaker: The House will now proceed under sub-rule (3) of rule 315. Some motions for agreement or disagreement with the Report have been tabled. Those motions will be taken up by the House. I shall allow the motion by Dr. Ram Subhag

Singh which is a positive motion to be moved first as it says that the Report be accepted by the House. Then I will allow Shri Tangamani to come forward with his motion.

Shri H. N. Mukerjee: You will also allow me, I hope, to explain my differences.

Mr. Speaker: I shall give Shri Mukerjee an opportunity to speak.

Dr. Ram Subhag Singh: Sir, I beg to move:

"That this House agrees with the Thirteenth Report of the Committee of Privileges presented to the House on the 11th August, 1961. (2)

While moving this motion I do not in the least wish that there should be any curb on the freedom of the press, rather I would like, and would like it very much, that it should be expanded as fully as possible. It is enshrined in our Constitution that every Indian must have freedom of thought, expression and speech and from these rights flows the right of the freedom of the press. A free press is a potent weapon against all tyranny, be it governmental or otherwise, and the duty of a free press is to publish all the news with absolute impartiality and truthfulness and to give free, fair, frank and fearless comments. By publishing such news and by giving that type of comment, the press is supposed to influence public opinion. Thereby it can promote attainment of the ends of the literate public. But freedom of the press does not mean that there should be any licentiousness, distortion, suppression, sensationalism or yellowism. And no free press is supposed to indulge in name-calling or label-pinning.

Considered from this point of view, I consider that the news story published in the *Blitz* of 15th April 1961, under the headline "*The Kripaloony Impachment: BAD, BLACK, BALD*

LIES", is not in consonance with the ideals of a free press in this country. The *Blitz* writer or Editor-in-chief has himself said that this word "Kripaloony" might be interpreted very liberally, as 'political insanity'. And this article has also used some epithet like "senile" and "bazar-buffoon" for Acharya Kripalani.

An Hon. Member: Shame.

Dr. Ram Subhag Singh: And it has said that the speech delivered by Acharya Kripalani was an "impotent appeal" and that it was delivered in a "hysterical manner of a violent epileptic".

I think that such presentation of news and expression of views are not the ways of a free and responsible press, and this, I think, is a scandalous, scurrilous and wilful misrepresentation of the speech delivered by a Member in this House.

Apart from that, the Editor-in-Chief of *Blitz* who submitted a statement to the Privileges Committee has said in that statement (Pages 43-44) as follows:

"Suppose a member of the State Assembly reads over the *Blitz* dispatch concerning which your committee is deliberating or goes a step further and makes a speech calling Mr. Kripalani a traitor, what are its consequences?"

This, I think, is a further breach, but I do not say that anybody should be penalised for that. He has argued his point with a view to asserting that he has not committed any breach of privilege.

An Hon. Member: In the most foul manner.

Dr. Ram Subhag Singh: Yes, I admit, in the most foul manner.

Proceeding further, he makes a comparison on page 48 and says: "If the said Mr. Nafzul Hasan..." He

[Dr. Ram Subhag Singh]

makes a comparison about the right of the Lok Sabha, because in that statement he has thoroughly disputed the sovereign character of this Lok Sabha and has argued that this Lok Sabha or the two Houses combined, the Parliament of India, is not a sovereign body; and he has by inference claimed sovereignty for himself and his correspondents—I do not know all the correspondents, but he claims sovereignty for a correspondent who writes such articles. And in that paragraph he has said, on page 48:

“If the said Mr. Nafisul Hasan could not be permitted to violate the Fundamental Rights of the then acting editor of BLITZ, Mr. Mistry, Mr. Ananthasayanam Ayyangar and your Committee”—that means, the Privileges Committee—“which functions under his directions cannot be said to have any rights infringing on my Fundamental Rights”.

By fundamental rights he has referred to article 19(1)(a) of our Constitution and he has argued that article 105 of our Constitution should not have been provided in the Constitution.

Besides, the statement has not only ridiculed the sovereign character of the Lok Sabha by saying that “our Parliament is not supreme”, but it casts aspersions not only on the Members of Parliament but also on the framers of our Constitution. On page 44 he has said that “the framers of the Indian Constitution could not have intended the creation of any political caste”. By “political caste”, he has said that the Members of the Lok Sabha, or the Rajya Sabha and of the State Legislatures are a caste by themselves. But by claiming a sovereign right of that type for himself he has forgotten that he is also creating a caste by his own statement.

Then, on the basis of such arguments, this Editor has further tried to supersede the Constitutional provision of article 105(3), to which I made a reference earlier, and which says that “the powers, privileges and immunities of each House of Parliament and of the Members and Committees of each House, shall be those of the House of Commons of the Parliament of the United Kingdom and of its Members and Committees” by article 19(1)(a) of the Constitution which guarantees fundamental right to “freedom of speech and expression” which includes in its scope the freedom of the press. About this article 105(3) he says on page 50:

“It is my submission that the transplantation of these privileges in our Constitution baffles the common man and, if I may be permitted to add, commonsense, too.”

This, I think, is a very queer argument. Where the Constitution suits the Blitz Editor he hails it, because he hails the fundamental rights, but where it does not he hammers our Constitution, and he opposes article 105 of the Constitution.

Throughout, the statement has been uniform, and it has been uniform only in one respect, and that is of ridiculing the Lok Sabha, its Members and, if I may be pardoned, the Privileges Committee and the Speaker also. In that offensive language he has argued throughout in his statement.

Something was said about the New Delhi Correspondent of the Blitz who in reality is not the Correspondent of the Blitz; he is perhaps accredited to the Lok Sabha as a correspondent of some foreign press—I am not sure which press, you may tell us the name of that press.

An Hon. Member: *The Daily Worker* of London.

Dr. Ram Subhag Singh: And I quite support his argument when this correspondent says:

"I am confident that your Committee will appreciate the fact that it is against the code of ethics of the profession of journalism to disclose the correspondent's despatches to his editor".

There, he is hundred per cent correct, because the code of ethics of journalism does not provide for any disclosure. But that code nowhere has provided that any scandalous, scurrilous and vile type of despatch should be sent to any press. If there is any, I would like to be enlightened in that regard.

Besides, the Editor of the *Blitz* has quoted Mahatmaji and Lokamanya Tilak. I think he has not done any justice to those revered souls. He has said regarding Lokamanya Tilak:

"I am trained in the Indian school of journalism founded by Lokamanya Tilak which risks personal discomfort in the interest of telling the truth".

I am not a regular reader of *Blitz*, I fairly well read some of the nationalist papers, but in no issue of the *Blitz* anywhere have I found any full report, and therefore this is insulting the soul of our great leader Lokamanya Tilak when this Editor says that he is "trained in the school of journalism founded by Lokamanya Tilak which risks personal discomfort in the interest of telling the truth". I say from my knowledge—and I do not think anybody can challenge me in that regard—that this paper has never adopted any truthful line.

13 hrs.

Now, the hon. the Deputy Speaker has withdrawn that motion, because nowhere in his statement has he shown any feeling that any wrong has been done by him to anybody. I hold no brief for Acharaya Kripa-

lani. He can well defend himself. Even in this written statement he has said, that I have not done anything in the way of injuring Acharaya Kripalni's stature. Therefore, I think that the decision taken by the Privileges Committee is right, because there was no other course but to take this decision, and the Members of the Privileges Committee have rendered a signal service to the nation and particularly to this profession of journalism by taking this decision. They analysed the entire news story. They also analysed the written statement of the editor of the *Blitz*. Having analysed these two things, they arrived at that conclusion. This is a very good conclusion and the recommendations contained in the report of the Privileges Committee are good. If anybody is interested in upholding the cause of liberty and honour of the profession of journalism, he should unhesitatingly accept the recommendations of the Privileges Committee, because this will meet the ends of justice. As I said in the beginning, I am not at all interested in harming anybody. This profession is an honourable profession. This is a profession which gives education to the people. Therefore, I am interested in it. Therefore, I support the recommendations of the Privileges Committee and I support the two parts, not one part, because some doubts have been created here. Apart from meeting the ends of justice, these recommendations, I believe, will put an end—not entirely—they will put an end to the journalistic jingoism of the yellow press in India which thrives on sensational, scandalous and scurrilous writing. Besides, they will help to develop some moral standard for them to follow and in a way, compel them to observe the true ethics of journalism about which the editor and correspondent have both pleaded.

With these words, I commend my motion for the acceptance of the House.

Mr. Speaker: I will put the motion before the House before I call the other motions. Motion moved:

"That this House agrees with the Thirteenth Report of the Committee of Privileges presented to the House on the 11th August, 1961."

Shri Tangamani or Shri H. N. Mukerjee, whoever wants to move, I will allow one of them to move. (Shri Tangamani and Shri H. N. Mukerjee rose). They may choose between themselves. Both mean the same thing.

Shri Tangamani: I will speak on the motion. As a Member of the Privileges Committee, he will explain certain positions which he took.

Mr. Speaker: He is not therefore pressing his motion? Both motions are the same.

Shri Tangamani: I will speak on my motion.

Mr. Speaker: I will allow him an opportunity. Hon. Members will have 15 minutes each. I have allowed 15 minutes to Dr. Ram Subhag Singh, not even that.

Shri Tangamani: I beg to move the following motion:

"That this House disagree with the recommendations contained in the Thirteenth Report of the Committee of Privileges (taken into consideration by this House) namely, that Shri R. K. Karanjia, Editor, Blitz (a weekly news-magazine of Bombay): be summoned to the Bar of the House and reprimanded, and that in the case of Shri A. Raghavan, New Delhi Correspondent of the Blitz, the 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."

Because of the short time at my disposal, I will only refer to certain points without developing those points. Yesterday itself, I mentioned that one of the recommendations, namely the recommendation concerning the New Delhi correspondent, is out of order inasmuch as it is not at all contemplated in May or any of the standard text-books which have fixed or which have mentioned various punishments given to those who come under this mischief. I had occasion to refer to the three or four type of punishment which are given to those persons: fine, which has been given up, admonition, reprimand or committal. Nowhere is it contemplated that a correspondent will be deprived of his pass. That power is vested exclusively in your hands. I had occasion to mention that.

I have to say this with some hesitancy that there has been a certain—because of the way in which the entire matter was referred to the Privileges Committee, the Privileges Committee also was in a hurry to get at certain things—there has been a certain colourable view of certain things. Otherwise, they would not have rushed to this type of imposing punishment.

My second point, which will strengthen that case, is the question of reference to Shri Bhupesh Gupta. On page 94, Appendix IV, there is a reference to Shri Bhupesh Gupta and the privilege question which he has raised in the Rajya Sabha about a certain article which has appeared in the *Thought!* I find it has appeared in the papers that Shri Gupta has raised objection to the way this particular matter has been quoted. According to him, as a member of the Privileges Committee, he says that several documents which were passed inside the Privileges Committee have not been made available to the Rajya Sabha. That is a matter which has to be gone into.

An Hon. Member: Lok Sabha or Rajya Sabha?

Shri Tangamani: Rajaya Sabha. This is what I find in the papers. He was a member of the Privilege Committee of the Rajya Sabha.

Sardar Hukum Singh: Just a minute. This is the report of the Committee which was placed on the Table of the Rajya Sabha and every word that is quoted there is from this which is a public document. I will ask Shri Tangamani just to point out if even a letter is there which is not contained in the public document.

Shri Tangamani: The main aspect of the proceedings was that there has been a misquotation of a Congress member's reference to the Communist member or the Communist party which created the impression that the Communist party was behind certain trouble which happened in Nagaland. That was the essential point. There is reference to the behaviour of Shri Bhupesh Gupta. I have no time to go through this. That, according to the instructions which I have received, is a very very minor point.

The main point was, there has been a mis-quotation of the reference of a certain remark of a Congress member Shri H. K. Saksena and subsequently Shri Saksena himself made amends by saying that he did not make such a reference. These two instances I am saying not to cast aspersion, but to show in what way this particular matter has been viewed by the Privileges Committee.

The second point will be a constitutional point which has been raised. With respect, I submit, I do not think Shri Karanjia or whoever it is, has prepared it of his own. He must have certainly consulted legal opinion. An opinion which has been given and which has been expressed by Judges of the Supreme Court like Justice Subha Row cannot be asily brushed aside.

An Hon. Member: It is a minority judgment.

Shri Tangamani: Even the majority judgment said—if I quote, it will take time—how is it that after so many years of Independence, we did not come forward with an attempt to define precisely what these privileges are, how are we still governed by the privileges of the House of Commons? If I am given time, I will explain. These privileges of the House of Commons arise not only as a supreme body which is the House of Commons, but also as the highest court in the realm. As you yourself know, Sir, there is a High Court, Court of Appeal and the highest court of appeal is the House of Lords. Parliament or the Rajya Sabha is not the highest court of appeal here. Any legislation which we pass can be questioned and set aside by the Supreme Court, even by a High Court.

Mr. Speaker: Let the hon. Member hear me. The point before the House is simple. The Committee went into the question and found there is breach of privilege of the House. Is it breach of privilege or not? Or, even assuming it is breach of privilege, it is possible for the person who is accused to say, I did not know the question of privilege, I committed a mistake. That is another matter. It is one thing to say that it is breach of privilege. Of course, this House may not have passed legislation. On that account, it cannot cease to be a breach of privilege. If it is not breach of privilege under the existing law, article 105 is there. Therefore, it is one thing to say whether it is a breach of privilege or not. It is another thing to say that 'Assuming it is a breach of privilege, I am sorry I did not know that that was the privilege of the House'. And it is quite another thing to go further and say that for a long time no legislation has been passed, unless it be that Shri Tangamani wants to support him and say that the gentleman honestly did not know that this was a breach of privilege, and, therefore, he could go to any extent. I suppose that that is not his point. Therefore, all the other things are irrelevant. The issue that we are concerned with is only this. If the hon. Member wants

[Mr. Speaker]

to raise a constitutional issue that article 105 is subordinate to article 19, that is another matter. It might be said that article 105 is subordinate to article 19, and, therefore, the gentleman is absolutely entitled to say whatever he likes and article 10 does not stand in the way. That is one point which can be urged. If Shri Tangamani wants to support it, that is a different matter. Otherwise, whatever is said in the House must be relevant to the issue before the House.

The committee has said that it is a breach of privilege, and the hon. Member can say that it is not a breach of privilege because article 105 is subordinate to article 19, but he cannot go further and say that we have not yet framed a code of privileges, and so on.

Shri Tangamani: Probably, I had put it in a much wider sense. But my point is this, and here, I would like to refer to the judgment given in *Kielly vs. Carson, 1842, Privy Council Appeals, IV Morris, p. 63*, which reads thus:

"This power is inherent in the two Houses of Parliament not as a body with legislative functions but as a descendant of the High Court of Parliament and by virtue of *lex et consuetude Parliamenti*."

There, they say how this privilege has been inherited by the Houses of Parliament. I was only trying to think aloud and I was trying to find out whether after going through the elaborate statement of Mr. Karanjia, we could proceed in this manner; also, I had occasion to go through the judgment of Mr. Subba Rao and the majority judgment also in the *Searchlight* case. Also, there are certain observations by very independent bodies like the Press Commission. Actually, in paragraphs 1093 to 1095, they mention all these things and then say that a distinction may be drawn between our Parliament and the British Parliament; and they also say that

it would be difficult to define exactly what privilege is.

Now, here, a question has arisen as to what the privilege is which can be invoked when it concerns the press. This is the specific question. I can well imagine what would happen if this is applied to many of the vernacular newspapers in Tamil Nad like the *Ananda Vikatan* or the *Kumudam* which publishes a lot of caricatures which sometimes are not at all palatable. I can also well imagine how a journal like the *Shankar's Weekly* also may get into this. So, I want to know how far this can be extended.

Shri Asoka Mehta: May I seek some clarification?

Mr. Speaker: I am not here competent to give him advice. He must come and tell the House that it is a breach of privilege, or if he does not agree that it is a breach of privilege, let him say definitely that "This is the authority on which I am relying to say that it is not a breach of privilege".

Shri Asoka Mehta: I would like to know one thing from my hon. friend, because he himself has raised the question of Shri Bhupesh Gupta. Shri Bhupesh Gupta had also felt that it was a breach of privilege. That was also a newspaper which had made certain comments. Why is it that now in this case a different line is taken? Is it that only in the case of the *Blitz* this particular line has to be taken? That is what I would like to know from my hon. friend.

Shri Tangamani: There is rather a distinction. The point that is made out is also in regard to the behaviour of Shri Bhupesh Gupta in the Rajya Sabha, that he had a shrill voice, that he shouted, and all that kind of thing. The point which Shri Bhupesh Gupta raised was this that what had been stated had been misrepresented. He had stated something on which a Congress Member had made certain observations. The observations of the Congress Member had been so edited as

to cast a reflection on the Communist Party, saying that they were supporting the Naga rebels. It was only the political aspect of it which he raised. If I am given the time, I shall try to go into this entire case, but since there is no time, it will be difficult for me to do so.

Mr. Speaker: All that Shri Asoka Mehta wanted to say was that it did apply. If in one case it was applied to newspapers, then it must be applied in other cases also. The question that Shri Tangamani wants to raise is whether newspapers ought not to be exempted in respect of caricatures and so on.

Shri Tangamani: No, I am not saying that. My only point is how far we can go and catch hold of a newspaper under the law of privilege, and how far what is probably not allowed to an ordinary individual may be extended to it, because many authorities have raised this question. For instance, the Press Commission have raised this question in paragraphs 1090, 1093 and 1094 of their report, Part I. They say that let us now at least know that the law of privilege will be such and such.

Mr. Speaker: The committee's report is not an authority for us. If there is an authority, it is under the Constitution. Article 105 says that in all cases, until Parliament lays down what the privileges of this House are, this House shall be governed by the privileges that the House of Commons exercised up to the day when the Constitution came into existence.

Shri Tyagi (Dehra Dun): In this connection, may I know whether the privileges of the House of Commons, their conventions etc. are also not governed by article 13, because if article 105 is governed by article 13, then those conventions also are governed by that article.

Mr. Speaker: This is what he says, and this is the point that he has been urging.

907(Ai)LSD—6.

Shri Tyagi: So, wherever the conventions contravene the citizens' rights, to that extent, those conventions cannot be applied. That is the meaning of article 13.

The Minister of Law (Shri A. K. Sen): May I only say this? I was in the Privileges Committee myself, and since this point was raised there also, and Shri Tangamani has also touched on it here, I would like to say this. When this point was raised in the Privileges Committee, I said by way of advice, when the Deputy-Speaker asked me—he would bear me out, and Shri H. N. Mukerjee will also bear me out—that it was not necessary to go into the question whether the majority judgment in the *Searchlight* case was the correct exposition of the law or the minority judgment. I said that though constitutionally it may be feasible for this Parliament to ignore the Fundamental Rights as guaranteed in Part III, as a matter of prudence, this House which was the guardian of the Fundamental Rights would not do so, and I advised the Privileges Committee to proceed on the assumption that article 19 governed us as a matter of practical content. As the Deputy-Speaker will bear me out, I said that this House was the guardian of the Fundamental Rights, and it could not go under the law or transcend those limits.

Therefore, the report will show that we have proceeded on the basis that the freedom of expression of opinion and of views is the same as in article 19, as of an individual so of the press equated. Therefore, the whole question was whether that freedom, the legitimate freedom which every man including the pressman enjoyed had been exceeded or not. On that question, the answer of the Privileges Committee has been that it has been exceeded. That is all. That is why I have said that a discussion as to whether article 19 holds the field or not is irrelevant, because the Privileges Committee, in fact, proceeded on the basis that it did.

Shri Tangamani: May I develop my point?

Mr. Speaker: The only point, therefore, is that the press has no more rights than an individual. If an individual is liable for contempt or for defamation or libel or scandal, then the press also is. The point is whether it has exceeded the limits or not. That is the only point.

Shri Tangamani: The Indian Federation of Working Journalists at their Trivandrum session in 1961, have passed this following resolution, namely that:

"This conference of the Indian Federation of Working Journalists has noted that there have been recently a number of controversies relating to the privileges of the legislature and the press, and urges upon the Parliament to clarify its privileges and of the legislatures *vis-a-vis* the press, keeping in view the freedom of expression guaranteed under the Fundamental Rights of the Constitution and the functions of a free press."

I am only quoting these things to show that those who are now concerned with the press, whether it be the press association or any committee which has been set up which is the nature of a quasi-governmental committee or commission, have expressed the view that the time has come when this has got to be clarified. Even the majority judgment also has referred to this. It is a long quotation, and, therefore, I do not want to refer to it. In the majority judgment in the *Searchlight* case, they make an oblique reference to this and say that the time has come when it should be clarified, but such a thing has not happened. And they say that it is probably because of the difficulty involved that the Parliament and the Legislatures are now postponing that issue. But Mr. Subba Rao is very candid; he says that here and now something has got to be done.

The point that I would like to mention, and which has to be taken note of by the House and also by you is this. Since we have referred many issues to the Supreme Court for opinion, and since there is a provision enabling us to refer these issues to the Attorney-General, I would like to know whether it is not proper now to refer some of the constitutional questions which have been raised which may be *res judicata* in the Supreme Court; I would like to know whether our House should not formulate and refer these matters to the Supreme Court, as we have done in many cases. Whether it was with regard to the transfer of Berubari or it was in connection with some of the Bills passed by the Communist Government in Kerala, such a procedure has been adopted. A citizen has, rightly or wrongly, raised certain issues, and before we take away his rights from the individual—and from the editor of a paper about which we are now concerned—the issues raised will have to be faced and tackled. This has been expressed not only by the organisation of working journalists, not only by those interested in the Press, but also by the highest court in this country. That is the point I would like to emphasise.

Then the question comes about fair comment. On that question, whether certain statements made here and certain observations made here taken cumulatively constitute fair comment or not is a very important point on which courts have expressed different opinions, because it is a very important thing. That is where I feel that even in this particular case, with due respect to the Committee of Privileges, it is necessary to examine it in great detail as to whether there has been fair comment or not. That will be my second submission.

Let me not be understood to say that I am challenging the findings of the Privileges Committee. But we have to take into account the surrounding circumstances. You will observe that the House was probably

agitated rightly, because certain things appeared about one of our important Members. From all quarters, there has been agitation here. Immediately we felt that this matter must be referred to the Privileges Committee, and the direction we gave was, I believe, that it must submit its report within one week. That shows the mood of the House. In such a haste and in that mood, generally justice is given the go-by. That is the position. I am only telling the House about what the mood of the House was, and the attempt that was made. I am not going into the question of political motive. Probably every person, whether he belongs to a group or not, will know what political motive impels a person to take a particular stand or not. I do not think there is any one who does not have a political motive in these matters.

I am only saying that when this matter was referred to the Privileges Committee, there had been agitation in the minds of certain Members of the House, and there had been agitation to such an extent that it was felt that we must have some kind of remedy here and now before the Session ended. That shows a certain colourable approach to the question, and probably that has vitiated the thing.

I also find that some Members went and gave evidence before the Privileges Committee. I do not know how they are experts in the law of privilege. I can understand if a Judge of the Supreme Court was summoned; I can understand a man who has had experience in the matter of privileges in U.K. or a person who has studied the whole question of privilege and ultimately came forward with a piece of legislation, was called.

Dr. Ram Subhag Singh: He has no right to say so.

Shri Tangamani: So I am beginning to have my own suspicions. They may be right or wrong. Certain persons gave evidence before the Committee. Probably it would be right

if some Member of the Committee explained to us whether that particular Member offered to give evidence or he was summoned because of his experience, because he is an expert.

The Privileges Committee will have to be helped. If there is an expert in the law of privilege in U.K., certainly he has got to be called; if there is a particular Judge in the Supreme Court who has expressed his view, he has to be called.

That is why I feel that there has been a certain colourable approach to the whole question. Otherwise, normally when a Report of the Privileges Committee is before the House, I would not have come forward with a Motion completely disapproving or disagreeing with the findings of the Committee.

These are my three points. These are the reasons why I cannot agree with the two operative portions of the recommendations of the Committee, namely, to reprimand the Editor of the magazine, and to take away the Pass of the correspondent, and I urge the House that my Motion may be considered favourably by the House.

Mr. Speaker: Motion moved:

"That this House disagrees with the recommendations contained in the Thirteenth Report of the Committee of Privileges (taken into consideration by this House), namely, that Shri R. K. Karanjia, Editor, *Blitz* (a weekly news-magazine of Bombay) be summoned to the Bar of the House and reprimanded, and that in the case of Shri A. Raghavan, New Delhi Correspondent of the *Blitz*, the 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".

श्री राजराज सिंह : मैं अपने मोशन को हाउस के सामने पेश करता हूँ जोकि इस प्रकार है :—

“That this House disagrees with the recommendation contained in the Thirteenth Report of the Committee of Privileges presented to the House on the 11th August, 1961, in regard to the New Delhi Correspondent of the *Blitz*”.

यह मेरा मोशन है। वह रूल ३१५ के सब रूल ३ के मातहत है और जब मैं उसको पेश कर रहा हूँ तो उसके संबंध में कुछ दलील पेश करना चाहता हूँ।

जहाँ तक १५ अप्रैल के बिल्टज में जो कुछ छपा, उसका प्रश्न है और विशेषाधिकार समिति की रिपोर्ट का जहाँ तक संबंध है, मैं समझता हूँ कि जो कुछ हमारा कानून इस वक्त है उसके होते हुये इसके अतिरिक्त और किसी निश्चय पर वह नहीं पहुँच सकती थी। यह दूसरी बात है कि हमारा जो विशेषाधिकार का संबंध में कानून है उसमें परिवर्तन करने का प्रयत्न किया जाय। आर्टिकल १०५ में कहा गया है कि यह संसद् अपने विशेषाधिकारों के संबंध में एक कानून बनायेगी। यह दुर्भाग्य की बात है कि अभी तक संसद् ने ऐसा कोई कानून नहीं बनाया और हम ब्रिटिश हाउस आफ कामन्स में जो विशेषाधिकार के कानून हैं, उन्हीं परम्पराओं की नकल करते हैं। अच्छा होता कि इस बीच में संसद् ने इस तरह का कोई कानून बनाया होता। अब भी अच्छा होगा कि सरकार इस पर विचार करे और निकट भविष्य में कोई इस तरह का कानून लाये जोकि सदन के और मेम्बरों के विशेषाधिकार के संबंध में हो और वह कानून देश की जनता की राय जानने के बाद यहाँ पास किया जाये। लेकिन इस बारे में मेरे दिमाग में कोई शक नहीं है कि जैसे वर्तमान कानून हमारा है उसके रहते हुये बिल्टज में आचार्य कृपालानी के भाषण के संबंध

में जो कुछ छपा वह अपमानजनक था और वह नहीं छपना चाहिये था और उसके रहते हुये जो प्रिविलेज कमेटी की सिफारिश है वह वही होनी चाहिये जोकि उसने की है और इसके अलावा दूसरी और कोई हो नहीं सकती थी।

लेकिन मैं एक दूसरी बात कहना चाहता हूँ। हम दो आदमियों को एक अपराध के लिये सजा देने जा रहे हैं। आखिर एक तो एडिटर है जो उसके लिये पूरी जिम्मेदारी लेता है और जब मैं उसके संबंध में कहता हूँ तो मैं उन व्यक्तियों में से हूँ कि जब अभी हमारे उपाध्यक्ष महोदय ने अपने कल के प्रस्ताव को वापिस लेने की इजाजत चाही, तो मैं सबसे पहला आदमी था जोकि चाहता था कि वह वापिस लिया जाय। मैं नहीं चाहता कि गैर बराबरी के आधार पर सदन में कोई बर्ताव हो। आखिर करंजिया साहब हों या किसी अन्य पत्र के एडिटर साहब हों, सदन के सम्मुख आकर कोई नाटक रचना चाहें तो मैं इसे पसन्द नहीं करता हूँ। यह साफ होना चाहिये कि हम जिसे सजा देने जा रहे हैं उसकी अपनी हैसियत क्या है? अब यह कह कर कि उसकी अपनी हैसियत क्या है, किसी की हैसियत को मैं कम नहीं करना चाहता लेकिन मैं एक बात जरूर कहना चाहता हूँ कि संसद् का अपना एक महत्व है और संसद् का वह महत्व संसद् की अपनी कार्यवाहियों से प्रकट होना चाहिये। अब हमारे द्वारा कोई इस तरह की परम्परा कायम करना कि हम सदन के समक्ष किसी एडिटर को अथवा किसी पत्र के संवाददाता को बुला कर उसे यह अधिकार दें कि वह हमारे सामने अपनी बात रखें, ऐसा करके हम भविष्य के लिये एक बुरी परम्परा रखेंगे। अनेक लोग हिन्दुस्तान में ऐसे हो सकते हैं जोकि कि चाहेंगे कि बिना सदन का मैम्बर हुये उन्हीं संसद् में उपस्थित होने और अपनी बात कहने का अधिकार मिल जाये। मैं कहना चाहता हूँ कि इस

संबंध में हमारा एक दृष्टिकोण निश्चित होना चाहिये कि हम किसी को अतिरिक्त महत्व देने के लिये तैयार नहीं हैं।

मैं जानता हूँ और खास कर ब्लिट्स जैसे अखबार के बारे में तो मेरे दिमाग में कोई शक नहीं है कि वह इस तरह की बातें छापता है। दुर्भाग्य की बात यह है कि इस ब्लिट्ज अखबार को केन्द्रीय और प्रांतीय सरकारों से सहयोग मिलता है। आखिर इस बात का क्या कारण है कि वह पत्र प्रधान मंत्री महोदय की, चीफ मिनिस्टर, श्री चव्हाण की, चीफ मिनिस्टर, श्री सुखाड़िया की प्रशंसा करता रहता है? उसके आधार पर उस को बड़े बड़े विज्ञापन और एडवर्टाइजमेंट दिये जाते हैं, जिस का अर्थ यह है कि सरकारी खर्च पर वह अखबार चलाया जा रहा है। मैं कहना चाहता हूँ कि उस अखबार को चलाने में और उसको मजबूत बनाने में हिन्दुस्तान की सरकार जिम्मेदार है। सरकार की सहायता और प्रोत्साहन पाकर फिर वह पत्र यह दावा करता है कि वह इस देश के नागरिकों के विशेषाधिकारों की रक्षा कर रहा है। मैं उन आदमियों में से हूँ, जो कि यह समझते हैं कि नागरिकों के विशेषाधिकारों की रक्षा जाननी चाहिये।

जहां तक इस केस का संबंध है, मैं कहना चाहता हूँ कि हमें एक अपराध के लिये दो व्यक्तियों को सजा नहीं देनी चाहिये, जबकि एक व्यक्ति सिर्फ सन्देश वाहक है, जो अपनी बात को अपने मालिक एडीटर, तक पहुंचाना चाहता है। इस केस में क्या हुआ? ब्लिट्ज के संवाददाता ने यहां पर जो कुछ देखा, या जो कुछ उसकी राय रही, उसको उसने अपने पत्र के पास भेज दिया। मैं मानता हूँ कि प्रिविलेजिज कमेटी ने चाहा कि वह ब्लिट्ज के सम्पादक को भेजे गये अपने डिस्पैच को कमेटी के सामने रखे और संवाददाता ने यह दलील दी कि यह उसका

विशेषाधिकार है कि उसने सम्पादक को जो कुछ भेजा है, उसके बारे में उससे कुछ पूछना नहीं चाहिये और उस पर इस बात का जोर नहीं डालना चाहिये कि वह उसको कमेटी या दुनिया के किसी दूसरे आदमी के सामने पेश करे। अध्यक्ष महोदय, आप एक वकील होने के नाते जानते हैं कि जब कभी कोई अपराधी अपराध करता है, तो वह लाइवर के सामने, वकील के सामने अपराध के संबंध में पूरी बात कह देता है, लेकिन किसी जज या किसी अदालत के द्वारा कभी भी उस पर यह दबाव नहीं डाला जाता कि जो बातचीत उन दोनों के बीच में हुई, वह अदालत के सामने रखी जाये, क्योंकि वह वकील का विशेषाधिकार है। इसी प्रकार संवाददाता का भी विशेषाधिकार होना चाहिये कि वह एडीटर को क्या कहता है, क्या भेजता है, उसको वह दुनिया के किसी भी आदमी, प्रिविलेजिज कमेटी या इस सदन को न बताये, जब कि एडीटर इस बारे में पूरी जिम्मेदारी लेने के लिये तैयार हो कि उसको सजा दी जाये और चूक संवाददाता मेरा एम्पलाई है, मेरे लिये संवाद एकत्रित करता है, इसलिये उसको सजा न दी जाये।

Mr. Speaker: Is it not a fact that in this case the correspondent's name is given? There are cases where the correspondent's name is not given.

Pandit K. C. Sharma (Hapur): That is a different thing.

Mr. Speaker: The editor takes the full responsibility so far as the world is concerned. Generally we do not go into the further question wherefrom the correspondent got the information or what information he gave to the editor. It is open to the editor to accept or not to accept that, and publish whatever he likes, or not to publish that at all. I can understand that. But if a correspondent signs his name or sends it under his name, is there not a difference?

Shri Indrajit Gupta (Calcutta—South-west): But, Sir, it has been stated before the Privileges Committee that the editor does take the full responsibility for what has appeared.

श्री ब्रजराज सिंह : आपने बहुत ही मुन्दर बात उठाई है। मैं जानता हूँ कि ब्लिट्ज में जो कुछ छपता है, वह विशेष संवाददाता की ओर से और उसमें लिखा होता है, "ए० राघवन"।

Mr. Speaker: There is one thing more. He is not the accredited correspondent of the *Blitz* here. Therefore, for all purposes he must be treated as any other person who writes to a newspaper, and when he signs his name, or it appears under his name, both the person who sends it and the person who publishes it are involved. Why should there be a difference? He is not a correspondent of the *Blitz* accredited to this House.

श्री ब्रजराज सिंह : जहाँ तक दूसरे प्रश्न का संबंध है, उससे मेरा कोई संबंध नहीं है। वह आप के और संवाददाता के बीच की चीज है। आपने किस संवाददाता को किस अखबार का विशेष प्रतिनिधि माना हुआ है, यह मैं नहीं जानता। जैसा कि मैंने अभी आप से कहा है, वह तो आप के और संवाददाता के बीच का मामला है। लेकिन यहाँ पर मैं आपकी पहली बात का जवाब देना चाहता हूँ कि चूँकि इस विशेष संवाददाता का नाम छपता है, इसलिये उसकी जिम्मेदारी हो जाती है। मैं बहुत विनम्र शब्दों में कहना चाहता हूँ कि किसी संवाददाता का नाम छपता है, या नहीं, इससे कोई संबंध नहीं है। वह तो अखबार की तफसील की बात है कि वह यह दिखाये कि उसका विशेष प्रतिनिधि है या नहीं है। जनता का उससे कोई संबंध नहीं है, दूसरे लोगों का इससे संबंध नहीं है। अखबार में जो छपता है, वह अखबार के सम्पादक और संवाददाता का आपस का

मामला है। यह तो उनके आपसी संबंध की बात है।

Mr. Speaker: The hon. Member referred to me as a "vakil". So, I only want to tell him that if the correspondent takes the editor into confidence, does not want to disclose his name or take responsibility for it so far as its publication is concerned, that is another matter. We do not go into it. But he wants to take the credit for every word that appears, and so his name appears. The editor only relies upon this agent and publishes it. The editor is independently guilty, but this gentleman also cannot escape. There is no question of secrecy. I am not deciding it. This House may or may not go to the extent of accepting Shri Braj Raj Singh's contention. If the correspondent wants to hide himself, keep himself behind the screen, possibly the House will not try to look behind it and find him out. But his name appears, and he does not appear before the Committee. If he appears before the Committee and says he never wanted it, it was the editor who did it, that is another matter. Therefore, we are not asking him to disclose contrary to conventions. He himself has disclosed. Shall we take it into consideration or ignore it? That is the only point here.

Very well. He has said enough. There is very little time.

श्री ब्रजराज सिंह : यह तो आप ने बीच में कुछ कहा है। मैंने अभी कहाँ कहा है?

मैं निवेदन करना चाहता हूँ कि अभी आप ने जो दृष्टिकोण पेश किया है, मैं उससे विभिन्न दृष्टिकोण रखता हूँ, और वह यह है कि किसी कारेसपांडेंट का, किसी संवाददाता का, नाम छपता है, या नहीं, इससे उस की जिम्मेदारी पर कतई कोई फर्क नहीं पड़ता है। उसका नाम छपे या नहीं, उसका उत्तरदायित्व संवाद के इकट्ठा करने में जरूर रहेगा।

इस संबंध में मैं एक दूसरी बात की तरफ आप का ध्यान आकृष्ट करना चाहता हूँ। यह अखबार जो कुछ छाप रहा है, वह सिर्फ संवाद मात्र नहीं है, वे उसके अपने विचार भी हैं। संवाददाता तो संवाद इकट्ठा करके भेजता है और सम्पादक उस पर राज-नैतिक, पोलिटिकल कमेंट्री लगा देता है। १५ अप्रैल के इस पटिकुलर इश्यू में तो आचार्य कृपालानी के बारे में जो कुछ छपा है, वह संवाद न होकर ज्यादातर राजनैतिक कमेंट्री ही है। इसलिये कमेंट्री संपादक की जिम्मेदारी हो सकती है या कारेसपांडेंट की, इस बारे में साफ तौर से एक निश्चय करने की जरूरत है।

अन्त में मैं यह कहना चाहता हूँ कि आखिर हम यह देखेंगे या नहीं कि अपने कानून के मुताबिक हम किस को सजा दे रहे हैं और किसी को सजा देते समय हम अपनी हैसियत को देखेंगे या नहीं। मैं निवेदन करना चाहता हूँ कि संसद् का अपना एक महत्व है। किसी छोटे संवाददाता को सजा देकर या किसी और आदमी को सजा देकर उसका महत्व कम हो जाये, ऐसा काम उसको नहीं करना चाहिये। एक कहावत है कि राजा के प्रति गली में कौन क्या कहता रहता है, कुत्ते भौंकते रहते हैं, वह इसकी फिक्र नहीं करता है। वह तो अपने दृष्टिकोण और नीति को साफ रखता है। कुत्ते क्या भौंकते रहते हैं, उस ओर वह ध्यान नहीं देता है और उसके अनुसार वह अपना दृष्टिकोण नहीं बनाता है। इसलिये उचित यह है कि छोटी छोटी बातों पर हम छईमुई न बनें।

Mr. Speaker: I am afraid, in defending him, he has caused more damage than what the Committee has done.

काजी मतीन (गिरिडोह) : कुत्ता जब पागल हो जाता है, तो उसका कुछ इलाज करना जरूरी हो जाता है।

قاضي مامون (گودھيہ) کتا جب
پائل ہو جاتا ہے - تو اس کا کچھ علاج
کرنا ضروری ہو جاتا ہے

श्री बजरराज सिंह : जब वह पागल हो जाता है, तो वह स्वयं ही खत्म हो जाता है मर जाता है।

मैं निवेदन करना चाहता हूँ कि मैं एक अलग तरह का सवाल उठा रहा हूँ। हमारा जो महत्व है, उसको हमें कम नहीं करना चाहिये।

फिर एक बात और है। जो सजा संवाददाता को दी गई है, उसको आप देखें। उसको यह सजा दी जा रही है कि उस का गैलरी का पास खत्म कर दिया जायगा और उसका सेंट्रल हाल का पास भी खत्म कर दिया जायगा। मैं नहीं जानता कि क्या यह विशेषाधिकार संसद् का है। मैं चाहूंगा कि इस पर संसद् का अधिकार रहे, लेकिन अभी तक जो व्यवस्था है, वह यह है कि वह सब काम सिर्फ आप करते हैं और संसद् का उस से कोई संबंध नहीं है। मैं उन व्यक्तियों में से हूँ, जो यह विचार रखते हैं कि इस काम के लिये संसद् की एक कमेटी हो, जो यह देखे कि किस संवाददाता को पास देना चाहिये और वह इस बारे में नियम बनाये। दुर्भाग्य से अभी तक इस बारे में कोई नियम नहीं है। इसलिये यह संसद् के विशेषाधिकार की बात न होतें हुये आप के विशेषाधिकार की बात है और संवाददाता को सजा संसद् से नहीं, आप से दी जा रही है।

इसलिये मैं आप से निवेदन करूंगा कि इस संबंध में हमें ज्यादा छईमुई न होना चाहिये। यह मानते हुये कि जो शब्द लिखे गये हैं, वे अपमानजनक हैं, बहुत बुरे शब्द हैं और इस तरह के शब्द नहीं लिखने चाहिये थे, हम इस तरह की सजा देने के बजाये दूसरा तरीका अपना सकते हैं। वह तरीका यह है

[श्री ब्रजराज सिंह]

कि हम देश में जनमत को संगठित करें, जो यह देखे कि इस तरह के अखबारों का सर्कुलेशन कम हो, उनको लोग कम पढ़ें, वे इन को देखें और समझें कि उनका महत्व क्या है और उनकी अपनी हैसियत कुछ नहीं है। जब तक ऐसा नहीं किया जायेगा, कानूनी दृष्टि से किसी को सजा देने मात्र से काम नहीं चलने वाला है। इस मसले पर हम गम्भीरतापूर्वक विचार कर और जहाँ तक सजा देने का सवाल है, एक व्यक्ति को सजा दें और निश्चित रूप से हम कभी भी एडीटर को मौका न दें कि वह आकर हमारे सामने कुछ बातें कहें। प्रिविलेजिज कमेटी ने मौका दिया था, लेकिन वह उसके सामने नहीं आये। अब सदन को यह नहीं कहना चाहिये कि वह आकर इसके सामने अपनी व्याख्या करें, भाषण दें, यह एक अनुचित बात होगा अब के लिये भी और भविष्य के लिये भी।

मैं एक बात और कह कर समाप्त कर दूंगा। जब कभी भी सदन के विशेषाधिकार-भंग का सवाल उठे, उसको मैं चाहता हूँ कि बार बार यहाँ नहीं लाया जाना चाहिये, मੈम्बरों के विशेषाधिकारों के संबंध में भी बारबार यहाँ चर्चा नहीं होनी चाहिये। दस पांच साल में कहीं एक आध बार उठता है तब तो कोई बात नहीं, लेकिन बार बार नहीं उठना चाहिये। मैं समझता हूँ कि यदि ऐसा हो तो यह उचित होगा और तभी हमारे विशेषाधिकारों की रक्षा हो सकेगी। वैसे मैं उन व्यक्तियों में से हूँ जो यह समझते हैं कि एक नई बिरादरी सदन के मੈम्बरों की न हो इन विशेषाधिकारों के बारे में। साधारण नागरिकों की तरह हम रहें और हमारा कोई भी ऐसा काम नहीं है जोकि साधारण नागरिक न कर सकते हों।

Shri Jawaharlal Nehru: Mr. Speaker, I did not wish to intervene in this discussion but the last two speeches have been heard by me with

mounting astonishment and although the two hon. Members who spoke addressed themselves to different points of view, somehow they managed to arrive at the same conclusion. I wish them joy of that company—they and the parties they represent. I hope they will pull together—and pull each other down in that process... (Interruptions.)

Shri Braj Raj Singh: They are pulling with you, and not with me—the communists.

Shri Jawaharlal Nehru: I am no legal expert nor do I look upon this matter as a matter of legal analysis. When this report came, I accepted the report as some people have gone through it—people of various Parties in this House and the Privileges Committee under the chairmanship of a very distinguished person, our Deputy Speaker. Naturally, I accepted it and I felt that, if I may say so, having accepted the fact that a breach of privilege had been committed, the recommendation they made was about the least that could be done; that is the very least and I had also no desire that nothing else should be done. Then at a later stage, I happened to see the long statement in defence that the Editor of *Blitz* put in. That is one of the most curious documents that I have read in defence because the impression created upon me was that it was one of further attack and offence and not of defence. What pained me particularly—and if may say so, not only pained me but slightly angered me—was the way our Deputy-Speaker was dealt with in that report, a person we know, whom we honour and who occupies a high position in this House and we all respect him. That he should be referred to in the manner he has been referred to in that pained and surprised me. After all this, should anyone get up in this House and say: let bygones be bygones; why should we pursue this? What are we pursuing? Are we not even prepared to express our dis-

approval of what has been done? I really cannot understand it. In the name of the liberty of the Press, I am afraid this idea of liberty of the Press—with which all of us agree has been extended in a somewhat peculiar way. All liberties in India today come from the essential sovereignty and liberty of Parliament of course, under the Constitution—I would add. Naturally, Parliament functions under the Constitution. If Parliament's sovereignty is affected, that affects all other liberties, ultimately not immediately; it is bound to. Therefore, it has been laid down, both as law and convention, that Parliament is supreme and certain privileges are attached to Parliament and to hon. Members here. They can say many things here which may create difficulties for them if they said them outside, so that there is complete freedom here. In the country we should develop a sense of dignity of Parliament just as, for instance, we want the dignity of the High Courts and Supreme Court to be maintained. We may not always agree, even when a distinguished Supreme Court Judge decides something. But that is not the point. We do want the dignity of the Supreme Court and the High Courts and our judiciary to be maintained, and more so, of Parliament which in its own sense—we do not use that phrase here and I do not know whether it is incorrect to use it but in England it is common thing—the High Court of Parliament.

Mr. Speaker: That is how it has to develop.

Shrimati Renu Chakravartty: There is no higher court.

Shri Jawaharlal Nehru: Therefore, it becomes of the highest importance that this dignity should be observed and maintained. I would not like this House or Parliament to be very thin skinned and to go about pursuing people for minor offences or for something which might have been said in a hurry; that is not becoming of this House. If I may be completely frank

with the House, I was not quite clear in my mind when this particular matter was first taken up whether it was worth taking up or not. But the developments that I have seen since then have convinced me that it was not only worth taking up but taking up strongly. Because the original thing may be just and something done in the excitement of the moment, which may be overlooked and may not be considered very important. We cannot go about picking up every phrase and every word. But it struck me that it has all the time been quite exceedingly vulgar and if I may say so with all respect, vulgarity itself, though not cognisable under the law, is a very serious offence, especially vulgarity connected with Parliament or Supreme Court. Nevertheless, my own inclination at that time was: why should Parliament waste its time over such stuff; unfortunately there is plenty of this vulgar stuff appearing in some of our periodicals—not all, of course, but some—and I do not quite know how one should deal with them, because it is a serious matter and this kind of degrading the sense of our people and making them accustomed to vulgar approaches and vulgar slogans and vulgar all that. It is not a good thing. Even though they may sometimes be useful for right causes, even then it is not a good thing. That is how I thought to begin with.

When I saw the defence, etc. which as I said, was not a defence but it was an offence, that seemed to me much more important for our consideration than the original offence. The Privileges Committee came to a certain conclusion. It is said that they came to it unanimously, but possibly it will be explained later on that perhaps it was not quite so unanimous as some part was not agreed to. Whatever it may be, the Privileges Committee came to a certain conclusion. Now, for us, at this stage to come in the way of that conclusion and that recommendation taking effect would indeed be a very serious matter. It is not a casual matter. We might not

[Shri Jawaharlal Nehru]

have taken up that at all; that matter would have ended. But having taken up all that has occurred, then, for any hon. Member to advocate the argument that we should ignore all this, seems to be really not justified. As I said, I have heard this with mounting astonishment; I just cannot see any by-way even to justify that kind of argument on the grounds that it is not important enough, because, at this stage, it means, I say not only our inability to defend the dignity of this House—not only that—but it almost means direct encouragement of vulgarity and offensiveness shown to this House. I find it difficult really to express myself with more clarity and more force on this issue. But it seems to me to be so absolutely clear. Situated as we are, the least we can do—we might have done more—is to accept the recommendations of the Privileges Committee.

I would add again that one thing that has really pained me, as I have said just now, is the casual and very improper way in which this gentleman, Mr. Karanjia, has treated or sought to treat our Deputy-Speaker whom we respect so much.

Shri H. N. Mukerjee: As I said earlier yesterday, I owe it to the House to explain why I objected to the recommendations made by the Committee of Privileges of which I have the honour also to be a Member. I do wish to say that whether I am believed or not, I always make an effort, when I am in the Committee of Privileges, to try and examine the matter before us dispassionately and without partisanship or prejudice. It is also there on the record, that for quite sometime, I agreed with the decisions ultimately arrived at but before the draft could be finalised, as a result of certain researches which I tried to conduct into the matter, I discovered some material which called me back, so to speak, and reminded me that it is the job of the Committee of Privileges and of

Parliament not merely to stand on the technicalities of a particular position but to make sure—I ask the Prime Minister as Leader of the House and not as leader of a particular party to bear this in mind—that it is necessary, it is our job to see that whatever decision we take subserves the dignity of House as well as public interest. And it is exactly from that point of view that I want to examine the recommendations which have been made by the Committee of Privileges in regard to the punishment which is sought to be meted out

Sir, I have to refer to a case which is already mentioned in the report of the Committee of Privileges at pages 93-94 and which is reported in Parliamentary Debate, Vol. 98, and which relates to the year 1901. I do wish the House to give some careful attention to this case which, as I told you yesterday, corresponds almost exactly to the present case before us. I wish the House also to remember that in 1901, when this case came up before the House of Commons, the Boer War was going on and it was during the pendency of the Boer War that the Secretary of State for War, a man called Mr. Brodrick, had his conduct impugned by the *Daily Mail*. Therefore, naturally, the House took a very serious view of the matter. The House took such a very serious view that apart from Sir Henry Campbell Bannerman, who was later Prime Minister of Great Britain, and was Leader of the Liberal Opposition at that time, another Member, Mr. Dillon, had said this.—I am quoting from column 598—about the reflection on Mr. Brodrick “when a Minister of the Crown was charged by great newspaper and there were cries of “Oh, oh”: —I will withdraw the word “great” and say “the most widely circulated paper in England,” and indeed Members have not much cause to be proud of it—but I say it is a grave national scandal when a Minister of the Crown is charged by the most widely circulated paper in England with making false statements in his

capacity as a Minister to the House of Commons, and with making those false statements from the basest conceivable of human motives.

Raja Mahendra Pratap: It is my privilege to raise a point of order. I beg to submit that all this discussion is out of order, because the point is, our Parliament is a legislative body; it is not an executive body. If there is some vulgarity, surely, our magistrates are there and our high courts are there. So, this question cannot be discussed here.

Mr. Speaker: There is no point of order. This House can dispose of matters affecting its own privilege. Otherwise we cannot exist even for a minute. As the courts are entitled to charge for contempt those persons who commit contempt, we have the right to charge people for contempt or for breach of privilege. It is the inherent right of Parliament and this Parliament would not part with it.

Shri H. N. Mukerjee: As I said, exactly as Members of this House took a serious view of the reflections made on the conduct of an hon. Member of this House, even more than that, in the House of Commons, it was said that during war-time, the conduct of the Minister for War was impugned by the *Daily Mail*, a great newspaper and the adjectives used by the *Daily Mail* were, "baseless and mean, untruthful" and certain insinuations regarding acceptance of bribes and all that. It was about a Minister. Therefore, it was a very serious matter, a reflection upon the conduct of a Minister, that formed the basis of the matter of privilege. That was brought before the House of Commons in 1901 by the Liberal Opposition.

On that occasion, the Leader of the House of Commons, the Rt. Hon. A. J. Balfour, who was the First Lord of the Treasury, took up an attitude which I find is an attitude which should be emulated by the Leader of

the House here. I am quoting what Mr. Balfour had said from columns 592 and 593 of the Parliamentary Debates. He said:

"My right hon. friend's personal honour is above the reach of newspaper attack, and he—

Nobody said so here. I do not know why. Acharya Kripalani at least deserves that kind of statement. After all, I hope his honour is above this kind of rather unpleasant and mean newspaper attack.

Anyhow, this is what Mr. Balfour said:

"My right hon. friend's personal honour is above the reach of newspaper attack, and he need not consider this question from a personal point of view at all. So I dismiss that, and now address myself to the course which, in my judgment, the House should take in regard to the motion which has been proposed and seconded. This is not the first time by many in the course of my experience in the House that newspaper attacks on Members have been brought forward as questions of privilege, and I have consistently, as far as it has been in my power, supported the view that the House should not enter into any contest with newspapers or the press on matters of this kind. Nothing is gained for the honour and credit of the House or for the credit of journalism by such contests as those to which I refer. Of the words read out on this occasion, I think there is no doubt whatever that they are a breach of privilege. The thing is absolutely undeniable. Charges such as that are uncontested and incontestably breaches of privilege, and if the House thinks it worth while to affirm that it is so, I do not know that there is any objection to that course; but personally, I do not think that very much will be

[Shri H. N. Mukerjee]

gained by it. We all know that it is a question of privilege. We all know also that we can summon the editor to the bar of this House, and we know the scene that may follow the censure, the apology, if such is offered, or we may send the offender to confinement in the Clock Tower. But if we adopt any of the resources at our command they really do very little to vindicate the honour of the House, and they serve no public advantage at all."

Having said so, he went on to explain why—he only conceded that privilege had been attracted—this kind of punishment proposed to be meted out should not be given, that is to say, calling to the bar and reprimanding. That was the suggestion made by the Leader of the Liberal Opposition in 1901. I do not stand here to hold any brief for the kind of writing which the Prime Minister has characterised as vulgar, which appeared in this newspaper. I do not hold any brief for that kind of thing at all. I wish to Heaven that that kind of journalism is not continued in our country. But it so happens that here is a paper which is highly popular, just as the *Daily Mail* had the largest circulation at that time. Possibly it has the second largest circulation at the present moment, but in 1901, it had the largest circulation in England at that time.

14 hrs.

During war time, the *Daily Mail* said that the Secretary of State for War had been mean, had been untruthful, had been malicious and it insinuated that he accepted bribes. On account of that, a privilege motion was brought before the House of Commons, and on that the Rt. Hon. A. J. Balfour, the Leader of the House of Commons, took up this attitude. I do not wish to divulge what happened inside the Privileges Committee, though some Members here have occasionally gone so far as to do that sort of thing, but I am very pained

that this matter, when I brought it up before the Privileges Committee, was brushed aside. My hon. friend, the Law Minister, came rather late on that occasion. I do not wish to refer to what happened inside, but I do feel that this was a matter which corresponded exactly to the case before us. Yet this matter was not given the slightest consideration and almost by main force, the position which I took was defeated. Earlier I had shown by my conduct, by my participation in the discussion in the Privileges Committee that I was taking an entirely non-partisan view of this thing.

Mr. Speaker: It does not appear to have been followed in the later cases of 1930, 1947 and so on. The hon. Member refers to case in 1901. There are cases here in 1930, 1947 and so on, which are similar cases, where accusations have been made of members about corruption and so on. They have all been brought before the House and reprimanded and suitable action was taken.

Shri H. N. Mukerjee: It may be; I do not know if you are the prosecuting counsel on the other side; you are the Judge . . .

Mr. Speaker: Order, order. Occasionally the hon. Member makes some observations like that. I am the custodian of the privileges of this House and I have to interpret whatever has been said properly to the House before I put it to the vote of the House. Under our rules, I have got the right to explain and make a statement regarding what has occurred in the House, so that hon. Members' attention may be particularly drawn to the point at issue, whatever has been said in favour or against it, so that they may come to a right conclusion. That is so even with respect to ordinary matters and it is more so with respect to privileges. I am the custodian and as such I am entitled to ask the hon. Member whether it has been followed or not. I am the public prosecutor so

far as this House is concerned. Let there be no such statement hereafter. I am entitled to ask questions. It is not as if I am merely sitting here. I am the guardian of the House.

Shri H. N. Mukerjee: Certainly. Far be it from me to suggest that it is not for you to refer to this matter. Naturally you bring it to my attention. But my point will still continue to be this. Here in 1901 right in the middle of war time, reflections are made on the conduct of such elevated members of the House of Commons as the Secretary of State for War. That is why I said there is qualitative difference in the position. I expect Acharya Kripalani is regarded by all of us as a very important Member of this House who, even though he is in the opposition, is certainly in no worse position compared to the Minister of Defence.

Therefore, here is a case which corresponds to what has happened here. During war time, if the House of Commons should take this kind of attitude and let a paper like the Daily Mail go scot-free, surely the idea was like this. If the proceedings are there—our proceedings are also public—the whole country would know what kind of thing has appeared in a certain paper, what kind of vulgarity has been practised by that particular paper and the dignified attitude of the House in regard to that paper would redound a great deal more to the credit of the House and to the public interest than any other proceeding. That is what I wish to submit in all humility.

I wish only to add that when the voting took place on this matter—the Liberal Opposition pushed it to vote—by 222 to 122 votes, Mr. Balfour's position was accepted by the House.

I only want to make another statement and I shall conclude, and that is in regard to the correspondent Shri Raghavan. It appears from the evidence given to us that in the beginning he had said that he had no inten-

tion at all of coming into any kind of collision with the House or the Privileges Committee, with which he had most cordial relations. Then, he is found to have indicated to the Committee of Privileges that his editor, his employer, had taken charge of the whole matter and was assuming all responsibility and he would not say anything more. It was more under duress, I should imagine, than anything else, that he did not make any further statement. But his first statement indicates that possibly he would have come out at least to express a sense of apology. He could not do that because the editor, the employer, sat on him and did not make it possible for him to make an apology.

Then again, the point has been raised that it is not for the Committee of Privileges to suggest that action should be taken against the correspondent. It is for you. Informally the Chairman of the Committee of Privileges might have conveyed to you an idea which was more or less shared by Members of the Committee of Privileges that this kind of person should not be admitted to the Press Gallery or that sort of thing. But it cannot come as a recommendation of this sort; it does not come within the ambit of the different kinds of punishment which are prescribed under the privileges of the House of Commons, and those are the privileges which, rightly or wrongly, we are pursuing.

In spite of the vulgar things which have been written about Acharya Kripalani in that particular paper, the editor of that paper has brought up certain matters. These matters may not be cogent, but he has brought up certain matters regarding the delay—he says it is unconscionable delay and possibly it is deliberate delay—on the part of our House to formulate law in regard to its privileges. Eleven years have passed since the formulation of the Constitution and it is more than time that we do so. This may not be right; this may not be

[Shri H. N. Mukerjee]

feasible. The House for many valid reasons may not be able to do so for the time being, but it brings out this point, viz., how will he appear before the people?

The whole proceedings go to the whole country and he would appear before the people as a man who championed the rights of the Press. He would appear before the people as a man who only pointed out that the Lok Sabha is arrogating to itself some very special powers in disregard of an injunction in the Constitution that as soon as possible we should have our own statute on our privileges. He points out those things and he sends a long document. In that long document, he makes many unpleasant and objectionable observations.

Mr. Speaker: Is it his contention that for want of adequate information regarding our privileges, he did this and therefore, he can be excused? If it is not under the privileges, he comes under the ordinary law of the land relating to libel and defamation. What about that? That is what the hon. Law Minister said.

Shri H. N. Mukerjee: My submission, as I originally stated, is what we do should serve the public interest and also vindicate the dignity of the House. I feel from the point of view of the dignity of the House and from the point of view of public interest, we should not appear before the public as having done something in a hectoring and authoritarian manner. This has never happened that a member of the Press, however recalcitrant and intransigent he may be, is called to the Bar of the House. We are taking a step which is completely unprecedented. Before we do so, naturally we apply our minds a great deal more carefully, more especially in regard to this case of 1901. I say that qualitatively it is important. Qualitatively it is on a very much more important level than the cases to which you were pleased to refer. I

may be wrong. I have not looked up everything; but let us look at the whole matter from the approach I am pressing.

I make a very special point. This case was disregarded by the Committee of Privileges. If, in spite of what I have tried to read out from this report, the House decides and the Leader of the House says that we should take a step like this, that Shri Karanjia should be called to this House, a scene takes place, the whole thing is reported to the world..... (Interruptions), if that happens, then he has only himself and his party to blame.

Shri Asoka Mehta: I rise to support the motion that has been moved so ably and eloquently by my friend, Dr. Ram Subhag Singh. After what the Leader of the House has said—he has said it in such firm and decisive manner—there was nothing for me to add, except to say that I agree with all that he said.

I am constrained to take some time of the House for two reasons: firstly, because Shri Mukerjee has tried to cite a precedent here and I feel, Sir, that either knowingly or otherwise—most probably otherwise—has not cited all the relevant facts to the House and I think all the relevant facts should be brought before the House; secondly,—and I would like to dispose of my second point first—to me it is a matter of great satisfaction that in this matter of privilege it is not Acharya Kripalani who has raised the question—he is not concerned about it—but it is the House which is concerned.

Sir, if we look up other precedents in the House of Commons, over and over again, we find that it is not the so-called aggrieved Member who comes and says that he has been in any way libelled, it is the House and often Members belonging to the Opposition that brings up the matter. There is this classic instance which is

reported and over which a considerable amount of discussion took place, when Sir Charles Lewis brought up the question of libel or contempt. That was by some newspaper against Mr. Dhillon, and according to Mr. Dhillon, Sir Charles belonged to a party which was entirely hostile to him. That high tradition has been maintained here also.

It was Acharya Kripalani who had made serious charges or offered serious criticism of the Government as far as a certain Ministry was concerned. It was in that connection that certain attacks were made in the Press, and when the matter ultimately was activated here, it is something to be proud of and to be happy about that it is the Secretary or the Secretary-General, whatever he is, of the majority party that comes forward and says that certain action has to be taken. When Acharya Kripalani is attacked, it is the dignity of the House which is attacked. It is the responsibility not of the party to which a particular person belongs; I think it is very gracious that if somebody from the Congress benches is attacked we should try to protect him and if somebody from the Opposition is attacked the Congress Benches should protect him. That is the real spirit in which parliamentary democracy functions, and it is being exhibited here not because we have studied precedents but we seem to do it in a spontaneous manner.

It is a matter of deep regret to me that in this effort our Communist friends are not willing to come with us. Why is it? What is it that is involved? I was surprised when Shri Dange, even when this matter was first brought up, had said that the matter be disposed of. Well, probably he was entitled to think that way, as the Prime Minister himself at that time felt that the matter should be disposed of. But the attitude that is being taken up later on somehow makes one feel that there is something more behind this than meets the eye. I have no desire to pursue the matter further.

The point that today I would like to give some attention to is this: Shri Mukerjee cited the case of 1901—the *Daily Mail* case. What precisely happened then? I do not know if Shri Mukerjee has read the entire proceedings or not. If he had read the entire proceedings he would have seen that the Secretary of State for Defence had got up in the House of Commons and made serious charges against the *Daily Mail* on the floor of the House. The *Daily Mail*, therefore, came out and said:

“The *Daily Mail* will have no hesitation in proceeding against Mr. Brodrick for libel if he ventures to suggest outside the privileged circle of the House of Commons that this newspaper has stolen official documents, and its editor is quite willing to undergo an investigation under the Official Secrets Act.”

The Secretary of State for Defence, on the floor of the Parliament had said that the editor of a particular newspaper had been bribing persons of his Ministry, had been stealing official secrets or purchasing official secrets and putting them in the newspapers. Now, naturally, as the Prime Minister pointed out, the Members of the House have a certain privileged position when they speak in the House. The newspaper found itself in a very awkward position. It could not sue the Minister for libel because of his privileged position. Therefore, in order to get the whole thing in the open, it made an attack on the Minister direct. Whether that attack was justified or not is another matter. If Acharya Kripalani had attacked *Blitz* in a foul manner or in a manner where *Blitz* had no redress whatsoever, then *Blitz* could have attacked Acharya Kripalani in return, and I am sure the Prime Minister, the Leader of the House, would have taken the same stand that Mr. Balfour took in 1901. But the position is not on all fours. The situation is entirely different, and merely to quote certain parts of the discussion and not to

[Shri Asoka Mehta]

quote the entire report is not fair. Again, the Prime Minister has told us that everything has to be judged in a certain context. But here you are putting forward a certain precedent ignoring completely the context, not merely ignoring the context but also not bringing out the whole context here. Well, with all my respects for Shri Mukerjee, it seems to me that he is arguing for a case in which he has already made up his mind.

What are we asking from these gentlemen, whether it be Mr. Raghavan or Mr. Karanjia. We are not asking for their heads on the charger. All that the Parliament or the Privileges Committee expect is that, when it is pointed out to them by this august House that something wrong has been done, as gentlemen they say: "I am sorry or I regret that it has happened." Why are they not able to say that? Shri Raghavan is not to be thrown out of the Press gallery for good. All that is expected is that he should express regret.

On the matter of regret, Sir, there are two precedents. Those cases arose in 1947 and 1956—the Highway Case and the Junor's Case. In both these cases, when persons were called to the Bar of the House and were given an opportunity to explain themselves if they so desired, what were they told by the Speaker? In both the cases the words are almost the same. In 1947 the Speaker said:

"You made what the Committee were only able to regard as an entirely inadequate apology."

In 1956 he said:

"Although given every opportunity to express your regret, you made what the Committee were only able to regard as an entirely inadequate apology."

Such cases have been where people made inadequate apologies. Then the

House has to go into the matter. If you look into *May's Parliamentary Practice*, what does that say? There it is said:

"Sometimes the House on taking the report into the consideration orders the person incriminated to attend the House in order to hear anything he may have to offer in extenuation or palliation of his offence or in the mitigation of the punishment before it decides whether or not it will confirm the decision of the Committee."

The experience throughout in Great Britain has been, at least in the democratic times, that whenever somebody has been found guilty of this offence, either he has tendered an unqualified satisfactory apology, or if he has given an inadequate apology he is given another opportunity and he has always taken advantage of it.

This House has been anxious, over and over again, to see that these two gentlemen—Mr. Raghavan and Mr. Karanjia—tender an apology to the House. It is not a question of apologising to A, B or C. It is a question of apologising to the House which is the custodian of all the freedoms in the country. Even that they are not willing to do. Not only that; the report itself has said—the Prime Minister has underscored it saying that the whole matter is being aggravated and all kinds of statements are being made and all kinds of insinuations are being made against this august body and one of the presiding personalities of that body—on page 9 of the Privileges Committee's Report it is stated:—

"This offence has been further aggravated by the type of explanation he has chosen to submit to the Committee."

Now, as the Prime Minister pointed out, the matter has been still further

aggravated by whatever has been said against the House, the Privileges Committee and the Deputy-Speaker in a recent issue of the Blitz. Why is this being done? The whole point is that this House has not suggested that he may be punished or penalised. Even nobody's right to sit in the Parliament, to comment on whatever happens in the Parliament is going to be taken away. This House only feels that what he has done is something which he should not have done and he should express regret. Why is he unwilling to do it? That seems to be the whole problem. Therefore, to make this song—Sir, I may be permitted to use that expression—that Mr. Raghavan is being penalised or Mr. Karanjia is being penalised is not right. This House is not interested in penalising anybody. We are interested in maintaining a certain dignity, a certain decorum, certain good manners. Even between two friends, two individuals, when there is an exchange of hot words, surely one will try to make it up by saying straight-away that he is sorry for the words he used. Why is it that normal good manners are not followed here? That is either because, as the Prime Minister said, this gentleman seems to specialise in vulgarity—if that is so I have nothing to say—or there is something much more stubborn behind it. In either event, I feel that now that the matter has been activated to this extent, the House should unanimously pass the motion that has been moved by my hon. friend, Dr. Ram Subhag Singh. Earlier, I had assured the Deputy-Speaker that in arriving at any decision, as far as I am concerned, my effort would be to see that unanimity is maintained. May I beg of my Communist friends that, as vital issues are involved in this, let us not make this an issue on which we are going to disagree when the voting comes? When the voting comes, let us all support the motion of Dr. Ram Subhag Singh. Let it appear, as in fact it is, that when the Prime Minister spoke, he spoke not just as the Prime Minister but as the

907 (Ai) LSD—7.

Leader of the whole House, echoing the sentiments of every single member in this body.

Shri Naushir Bharucha rose—

Mr. Speaker: I think there has been sufficient discussion. So, I will now put the motion to the vote of the House. The question is:

“That this House agrees with the Thirteenth Report of the Committee of Privileges presented to the House on the 11th August, 1961.”

The motion was adopted.

Mr. Speaker: The other two motions are barred. I will not take the necessary steps to summon Shri R. K. Karanjia to the Bar of the House to carry out the sentence pronounced upon him by the House. I will also cancel the Lok Sabha Press Gallery Card and the Central Hall Pass issued to Shri A. Raghavan, and the same will not be issued to him again till he tenders to the House a full and adequate apology.

14.22 hrs.

INCOME TAX BILL, 1961—contd.

Mr. Speaker: The House will take up further consideration of the motion moved by Shri Morarji Desai that the Bill to consolidate and amend the law relating to income-tax and super-tax, as reported by the Select Committee, be taken into consideration. Out of 10 hours allotted for this Bill, 1 hour and 40 minutes have been taken. 8 hours and 20 minutes remain. Shri M. R. Masani will continue his speech.

Shri Naushir Bharucha (East Khadesh): How much time will be devoted to the first reading and how much for clause by clause consideration? I am of the view that 7 hours may be devoted to the first reading and 3 hours, if necessary, extended by another hour in your discretion, for clause by clause consideration.