

**Mr. Speaker:** As early as possible I have suggested; before the end of the week.

**Shri Muhammed Elias (Howrah):** May I make a submission, Sir? We tabled an adjournment motion with regard to the food situation in Bengal. Just now we have come to know it has been withheld. We have been experiencing for some time last that, whatever adjournment motion we move, it is withheld. This particular thing is absolutely different. After the 1943 famine in Bengal, this situation never happened. All the rice has vanished from the market.

**Mr. Speaker:** The hon. Member said that I have withheld the motion but he wants to make a speech.

**Shri Muhammed Elias:** This has to be discussed and the adjournment motion should be accepted. The Food Minister should make a statement over here.

**Mr. Speaker:** I have asked him to make a statement on the Calling Attention notice, today.

**Shri Muhammed Elias:** On the Calling Attention notice, we cannot say anything. Whatever statement is made by the Minister, we have to hear that. We cannot object.

**Mr. Speaker:** The hon. Member thinks that the adjournment motion is a normal procedure by which attention of this House can be invited and discussion raised. I want to inform him that an adjournment motion is not the normal procedure. Therefore I have disallowed the adjournment motion. I am going to disallow adjournment motions unless there are serious consequences involved in the matter raised, the Government is guilty of the error of omission or commission and the subject is a recent one, not a recurring one and so on. I apply myself to all these considerations and only then disallow them, I said yesterday with respect to similar adjournment motions that if any hon. Member wants to satisfy me, he may

come to me. All the hon. Members who tabled adjournment motions yesterday, twelve of them, came to me and they were all satisfied that my order was right.

**Some Hon. Members:** No.

**Mr. Speaker:** Let us see. If there is any discussion that is necessary, we are having discussions during the course of the session on food, food prices, scarcity. All these things will come up not by way of adjournment motions. There will be a regular discussion. I have disallowed it.

**Shri Muhammed Elias:** This is not a general crisis.

**Mr. Speaker:** I am not going to allow.

**Shri Muhammed Elias:** Big hoarders are there.

**Mr. Speaker:** I protest against this kind of interference and intervention. Hon. Members must take this and wait for an opportunity.

I have received notice of a motion of privilege.

**Shri Dasaratha Deb (Tripura):** I want to say something. I have. ....

**Mr. Speaker:** Not now. I have gone to another subject.

**Shri Dasaratha Deb:** I want to submit something.

**Mr. Speaker:** Not now, let him write to me.

**Shri Vajpayee**

12.18 hrs.

#### MOTION RE. BREACH OF PRIVILEGE

#### REMARKS OF SHRI M O MATRAI

**Shri Vajpayee (Balrampur):** Sir, I rise to seek your leave to raise a matter involving a breach of privilege.

[Shri Vajpayee]

of the House. Shri M. O. Mathai, former Special Assistant to the Prime Minister in the course of his letter to the Prime Minister has made certain remarks which constitute a serious breach of privilege of this august House. The remarks are as follows:

"But the ever-mounting tendency in our Parliament and our Press to attack public servants without caring to verify facts is having a devastatingly demoralising effect. Under such deplorable conditions very few self-respecting persons will care to enter Government service or public life"

May I submit in this connection that Shri Mathai has made a wild charge against this House. Let us consider the implications of what he has said. He has accused the House—(An Hon. Member. You also)—growing tendency to attack public servants without even caring for facts. I think this House is seized with a matter of another privilege motion when the Chief Minister of Kerala accused some Members of this House. But, now the whole House has been accused. And that letter has been circulated by the Press Information Bureau of the Government of India and with the permission of the Prime Minister who is the Leader of the House and is expected to safeguard the dignity and honour of this House. I appreciate the frankness with which the hon. Prime Minister during his Press Conference accepted that a mistake was committed and Shri Mathai caught him in a wrong mood, in an angry mood. I do not know on how many occasions the Prime Minister was caught by Shri Mathai in a wrong mood. He is also reported to have said that he has been committing foolish things. I think this is the most foolish thing that Shri Mathai has committed. Without going into the merits of the case.

Mr. Speaker: Order, order. The hon. Member will note that under rule 225 it is said:

"... before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege, make a short statement relevant thereto."

The general conduct of Shri Mathai is not in question here. If he had not made that statement, he would not be a subject before the House at all. It is only with respect to the statement, and he has said enough.

If he wants to say anything more with respect to the statement, how the statement in the press ought to be accepted as genuine or any further remarks that this amounts to a contempt of the House and so on, they are allowed. After that, I shall hear if there is any opposition to this and follow the rest of the procedure. Only one question can be raised at a time.

Shri Vajpayee: I think the statement is quite clear, self-evident, and it amounts to a breach of privilege of this House, and I request you and the House to take into consideration the breach that has been committed.

Shri H. N. Mukerjee (Calcutta—Central): Ma, I bring to your notice that I also gave notice of a motion.

Shrimati Parvathi Krishnan (Coimbatore): I have also given notice.

Shri H. N. Mukerjee: Would you allow me to make a statement under rule 223 as you pointed out? I feel that.

Mr. Speaker: Under rule 224, not more than one question shall be raised at the same sitting. Shri Vajpayee has raised this question. If all the others relate to the same matter, I am not going to allow each one of them to speak on this particular matter.

Shri Braj Raj Singh (Ferozabad): The same question has been raised by many Members.

**Shri Surendranath Dwivedy (Kendrapara):** A motion of privilege has been tabled by me

**Mr. Speaker:** Because the other questions are of the same nature and only one can be allowed, I have allowed Shri Vajpayee. If it goes through, the other questions will be barred, and all hon Members will not have an opportunity to speak at this stage, whatever may happen later on. If leave is granted, a motion has to be made later under rule 226, and on that hon Members will have the right to speak, not at this stage. Therefore, is there any opposition to this?

**Shrimati Renu Chakravartty (Basirhat):** May I make a submission? On a prior occasion, the House will remember, it is not one person who spoke on the subject.

**Shri Tangamani (Madurai):** So many Members were allowed.

**Shrimati Renu Chakravartty:** Various people were allowed to submit their positions on the question, and I am not quite clear as to what your ruling particularly means on this occasion.

**Mr. Speaker:** What I said was this. Even now I shall hear the objection under rule 225. Thereafter, if leave is granted, hon Members will have an opportunity, as many of them as I consider necessary and who want to speak on this question and throw light upon this matter. I will certainly do so.

**Shri V. P. Nayar (Quilon):** The objection can be raised after hearing our case.

**Mr. Speaker:** Let us go strictly by the rules.

**Shri H. N. Mukerjee:** May I ask one thing? Would you please let us have our say because we gave notice of the motion also, after the Prime Minister has spoken in this matter, because before the 25 Members are asked to rise in their seats the House has got to make up its mind to a certain extent.

in regard to the relevancy of the matter at all? After the Prime Minister has spoken, would you please let us have our say if we wish to make our submissions?

**Mr. Speaker:** It is only one person that can be called upon to speak on this occasion.

**Shrimati Parvathi Krishnan:** There are other aspects of the matter.

**Mr. Speaker:** I am concerned now with Shri Vajpayee's privilege motion. There may be a number of privilege motions. I am not ruling them out now. Let us see what happens to this motion and if a similar matter is sought to be raised in the same session, this having been disposed of, the other matters cannot come up, but so far as hon Members who are interested in this subject are concerned, they might have tabled similar motions. I shall give them an opportunity if this matter is taken up. That is all that can be done at this stage. Let me ascertain if this is opposed.

**Shri H. N. Mukerjee:** Even before the Prime Minister speaks, there might be certain points which he ought to bear in mind before he tells the House his reaction in the matter. He has already spoken to a press conference. I do not know how far that was proper when the Parliament was to meet but now when he is going to address the House, is it not better that he listens to some of us because we have also taken the responsibility of sending notice of this motion?

**Shri Jaipal Singh (Ranchi West-Reserved—Sch Tribes):** I humbly submit that if you were to interpret the rule as you are trying to do now, you are making a preemptive bid as they call it in Bridge. Various hon Members have tabled this motion. The motions seem to be similar but their approach may be dissimilar in each case. So, the hon Prime Minister will not have an opportunity to reply to what the other people have in mind. The motions may be similar, but the

[Shri Jaipal Singh]

approach of each motion might be different. So, in fairness to the Prime Minister, it is only necessary that the various approaches be heard first.

Take my own case. I feel it is not a slander against Members of the House. I say it is a direct charge against you in the Chair, that you have not been conducting the business of the House in the manner you should have, that you have permitted Members of Parliament to say things without verification. That is why.

Mr. Speaker: I am really sorry while we are very anxious to guard our rights and protect them against any attacks or on slaughts, let us also be very strict and proceed according to the rules.

There may be a number of motions, but it does not mean that merely because I allow this motion or refuse to allow this motion, other motions will not be taken up one after the other, unless they are barred. Rule 224 says:

"The right to raise a question of privilege shall be governed by the following conditions, namely:—

(1) not more than one question shall be raised at the same sitting."

We are going to have a number of sittings during this session. If this is disposed of today, and if the other motions are barred, I will declare them barred; if they are not barred, if they are dissimilar and are matters which have to be decided by the House, I will call them tomorrow, the day after, one at a time. There may be ten, we will take them one after the other. Let us dispose of only one this day. It does not mean that I am coming to any conclusion regarding the others.

Shri V. P. Nayar: Sir, may I say that the prohibition in the rule is against only raising more than one question; there is no prohibition

against more than one Member raising the same question.

Mr. Speaker: There is only one question that is raised. Hon. Members will see rule 225:

"The Speaker, if he gives consent... and before the list of business is entered upon, call the Member concerned, who shall rise in his place and, while asking...."

I have asked Shri Vajpayee to state it, he has done so.

Shri H. N. Mukerjee: I have also tabled a motion.

Mr. Speaker: If he has also done so, it is not at this stage that I will call upon him. If leave is granted under rule 225, I will give him an opportunity because he has tabled a similar motion.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, the hon. Member has raised, as he has put it, a question of privilege involving a contempt of the House. Now, I should like to distinguish, if I may, between an impropriety and a question of privilege.

Speaking for myself, I think that the wording referred to is regrettable and not proper. That is a different matter. And, as a matter of fact, I am given to understand that Shri Mathai some time ago addressed you on this question expressing his deep regret that in a moment of whatever it was he wrote something without ever intending anything against the dignity of this House.

What I am suggesting is that we must not get mixed up between two things—the impropriety of a thing or the undesirability of something written, and the question of privilege. Of course, they are two separate things. Personally I regret that this was written and Shri Mathai as I said, I understand, also expressed his deep

regret for it I do not myself see, apart from the question of impropriety, where the question of privilege comes in into this matter—on that point only—and because there was some

Shri V. P. Nayar. He also said he had no intention

Shri Jawaharlal Nehru: I am merely expressing, because, naturally, when this matter was referred to rather casually, I did not even know it was coming up now, otherwise, I would have perhaps brought up some papers in this connection, because, when I heard that this was going to come up, I was interested to find out some precedents previously as to how such a thing is dealt with, and so I had the matter enquired into from a parliamentary, constitutional and legal point of view to satisfy myself, and that satisfied me at any rate that anything like this could not be considered a breach of privilege or contempt of the House. I am merely stating this fact for the knowledge of the House. I do not venture to give any opinion myself except to say that apart from the impropriety of it I do not myself see where any breach of privilege comes in in the remarks made. It certainly does not apply to the House or as one hon Member has said to you Sir. It says—I have not got even the words before me at the present moment, I have no papers but I remember the words

Shri Goray (Poona) Shall I quote?

Shri Jawaharlal Nehru. But I remember the words namely that there is a growing tendency in Parliament for remarks or statements to be made without due inquiry. I do not think that

Shri Jaipal Singh: And the Chair permits the remark, by implication (Interruptions)

Mr. Speaker: He said.

"But the ever-mounting tendency in our Parliament and our Press to attack public servants without caring to verify facts is having a devastatingly demoralising effect."

Shri Jawaharlal Nehru: If I may say so, the answer to the hon Member is this. I do not wish to enter into any argument in this matter. I would only make my submission, the submission I had made to you, that while these remarks are unfortunate and regrettable, and for my part, I regret them, and Mr Mathai also is deeply sorry, as he has expressed it to you, Sir, yet, so far as the question of privilege is concerned, I do not think that is raised, and as far as I know, whenever something even much stronger than this has been said on these lines, it has been held elsewhere that no question of privilege is raised. I merely make this submission to you. It is for you to decide.

Shri Surendranath Dwivedy: Does it mean that the Press Information Bureau is also absolved of its responsibility? They have also committed a breach of privilege (Interruptions)

Mr Speaker: Order, order. There is nothing more. Let us now proceed with this.

Shri H. N. Mukerjee: I would beg of you to let me have my say in regard to this matter.

Mr Speaker: No hon Member will be prevented from having his say legitimately. The hon Member will kindly resume his seat. Under the rules, I have to ask if leave is objected to. That is what the Prime Minister says. Is it not so?

Shri Jawaharlal Nehru. I do not know about objection. I am merely placing certain things before you. It is not for me to object, and I would not like to object or to agree. I am merely placing certain considerations before you for you to decide.

**Mr. Speaker:** It is for the House to object, under the rules. It is true that Mr Mathai has sent me a letter stating that:

"I enclose a copy of a letter from our Law Minister "

**Shri V. P. Nayar:** Law Minister'

**Mr. Speaker:** If you consider it appropriate, please place these papers before

"If the Lok Sabha in its wisdom decides that I have been responsible for casting aspersions on Parliament, I should like to state that it was never my intention, and I willingly express my deep regret (Interruptions)

I am not disposing of anything hurriedly

"As a citizen I am interested, in upholding the supremacy of Parliament in India, particularly at a time when the "

**Some Hon Members:** Oh' oh' (Interruptions)

**Mr Speaker:** There is just one more sentence

" parliamentary system has broken down in some of our neighbouring countries "

That is all

Now, 25 hon Members must rise in their seats to say that they are in favour of leave being granted. How many hon Members are in favour?

(More than 25 Members rose in their seats)

**Mr. Speaker:** Now, any objection? (Interruptions)

**Some Hon. Members:** There is no objection to this

**Mr. Speaker:** I take it as an objection, the hon Prime Minister says that this does not amount to a breach

of privilege. Therefore, I have asked hon Members. Now, leave is granted

The further step is under rule 226 which reads

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the Member who has raised the question of privilege or by any other Member "

It is open now to the Member raised it or to any other Member to ask this House to dispose of it itself or send it to the Committee of Privileges. In either case, I would only ask the House to consider this letter that I have read (Interruptions). It is not as if everybody should go on talking

**Shri V P Nayar:** How does it absolve him?

**Mr Speaker:** I am not saying anything now. What is the next motion now?

**Shri Naushir Bharucha (East Khandesh):** I am moving that the matter be referred to the Privileges Committee for a report

**Shri Braj Raj Singh:** I move that the House itself do decide and call Mr Mathai to the Bar of the House

**Shri Nath Pal (Rajapur):** We would be grateful if you would be kind enough to read the text of the letter again. We did not get it since there was an uproar going on, it seemed to be an apology letter

**Mr Speaker:** I have read the letter. He says

"If the Lok Sabha in its wisdom decides that I have been responsible for casting aspersions on Parliament, I should like to state that it was never my intention, and I willingly express my deep regret. As a citizen, I am interested in upholding the supremacy of Parliament in India, particular-

ly at a time when the parliamentary system has broken down in some of our neighbouring countries "

The next step is motion under rule 226 Shri H N Mukerjee may make his motion

**Shri H. N. Mukerjee.** Mr Speaker, Sir, it is with a considerable and a very serious sense of responsibility that I am moving my motion which I shall presently read, suggesting that the Committee of Privileges be asked to report on the question of privilege which has been raised over the press statement of Mr M O Mathai, who was lately employed in the Prime Minister's Secretariat

I do not believe in kicking a man when he is down Quite obviously, Mr Mathai is in a bad way He has lost his patrons But some matters of principle are involved in this proposition that we are making

You were pleased to inform us of a certain letter rather dubiously phrased which has been written to you by Mr Mathai, expressing in his own particular way regret for certain implications of his statement I consider that that kind of letter is completely inadequate, as far as punging the contempt which he has already perpetrated in regard to the privileges of this House is concerned There are many statements in the press communication which, with the permission of the Prime Minister, he got published in our national newspapers, but in at least one of those passages, there is a reflection indirect, but considerably effective, on the conduct of our Speaker in the Chair, and a very direct reflection on the conduct of Members of Parliament I refer to the passage where he says

"But the ever-mounting tendency in our Parliament and our press to attack public servants without caring to verify facts is having a devastatingly demoralizing effect "

And he goes on to add

"Under such deplorable conditions, very few self-respecting persons will care to enter Government service "

I say that this a very serious reflection, indirect but extremely positive and categorical, in regard to the conduct of proceedings in this House by yourself It is very clear that Mr Mathai implies that the proceedings of this House are not regulated as they ought to be, that public servants are criticised, without their having an opportunity to refute the allegations made here, that Members of Parliament who are under the discipline which the Speaker imposes, attack public servants with impunity, without caring to verify facts This, I submit, is a very clear reflection on the conduct of the Chair, and the Chair being the repository of the privileges of this House, it is a very serious matter of which cognizance should be taken

Some of my hon friends have begun to suggest—I know it very well because amendments, I am told, are going to be moved—calling on Mr Mathai to be brought to the Bar of this House and to answer for his dereliction Personally, I am not going to suggest that proceeding here and now On the contrary, I feel that since he has raised a matter of considerable public importance, this whole subject should be discussed in the Committee of Privileges, and the Committee should give us a report, on the basis of which the House will make up its mind as to what it ought to do in regard to the matter

Apart from this reflection on your conduct in regulating the proceedings of this House, there is a very serious imputation that Members of Parliament are habituated to attacking public servants without caring to verify facts

It is also added as a sort of moral blackmail, so to speak, on Govern-

[Shri H. N. Mukerjee]

ment that 'if such deplorable conditions created by the conduct of Members of Parliament continue, then self-respecting persons will not care to enter government service.' Perhaps he means by 'self-respecting persons', persons of his ilk, because in the letter which he published he gave a great deal of information in regard to how he got into touch with the Prime Minister and how he condescended to offer his services to the Government of our country.

But, Sir, he suggests very clearly that certain deplorable conditions are created by Members of Parliament which make it impossible for self-respecting persons to care to enter government service. This communication was made by a government servant while he was in government service.

Shri Tyagi (Dehra Dun): After resigning.

Shri H. N. Mukerjee: I could understand if after having resigned, after having his resignation accepted by the Prime Minister he had gone to the Press and had taken the consequences. What happened was that he continued to be in government service; he continued to have the natural protection which is the privilege and the possession of every government servant. He secured the permission of his superiors in getting this Communication to the Press published all over the country, and we have seen how comments have been made editorially in different newspapers in regard to the complete impropriety of the proceedings.

The Prime Minister has tried in his preliminary observations—I do hope he has not made up his mind; he is a little too soft in regard to those people who have served him, but I do hope he has not made up his mind—but in his preliminary observations, he has tried to differentiate between a kind of deviation from propriety and

perpetration of contempt, perpetration of something which goes against the privileges of Parliament. I say that what Shri Mathai has done is certainly improper, and at the same time, it does amount to contempt of Parliament, it does amount to his having come within the mischief of the law in regard to parliamentary privilege. He has made reflections and imputations which are definitely positive and categorical; he has reflected upon the conduct of Members of Parliament; he has made serious reflections on the conduct of the Chair in being unable to regulate the proceedings, as they ought to be regulated, in the interests of the country.

Therefore, I feel that on the face of it it is very clear that Shri Mathai's Press statement published all over the country brings him within the ambit of the law of parliamentary privilege and that proceedings ought to be taken against him, and I propose that the matter be referred to the Committee of Privileges

I move:

"That the attention of the House having been drawn by some honourable Members on February 10, 1959, to a letter written to the Prime Minister by his Special Assistant Shri M. O. Mathai and made public on January 17, 1959 through press release by the Prime Minister's Secretariat and the Press Information Bureau of the Government of India in which the said Shri M. O. Mathai, *inter alia*, remarks:

'But the ever-mounting tendency in our Parliament and our Press to attack public servants without caring to verify facts is having a devastatingly demoralising effect. Under such deplorable conditions very few self-respecting persons will care to enter Government service or public life.'



The House resolves that the matter be referred to the Committee of Privileges for investigation and report whether the above mentioned remarks of Shri M O Mathai made public through the Prime Minister's Secretariat and the Press Information Bureau of the Government of India constitute an adverse reflection on the dignity of the Members of Parliament and the Speaker of the Lok Sabha and whether they constitute a contempt of Parliament and also to recommend what further steps the House may take in the matter "

As I said earlier, I do not believe in kicking a man who is down. That is why I do not make further observations which I could easily have pitched in a very much stronger key. I am only suggesting that my recommendation that the matter be referred to the Committee of Privileges be accepted by the House.

Mr Speaker Motion moved

That the attention of the House having been drawn by some honourable Members on February 10 1959 to a letter written to the Prime Minister by his Special Assistant Shri M O Mathai and made public on January 17 1959 through press release by the Prime Minister's Secretariat and the Press Information Bureau of the Government of India in which the said Shri M O Mathai, inter alia remarks

"But the ever-mounting tendency in our Parliament and our Press to attack public servants without caring to verify facts is having a devastatingly demoralising effect. Under such deplorable conditions very few self-respecting persons will care to enter Government service or public life."

The House resolves that the matter be referred to the Committee of Privileges for investigation and report whether the above mentioned remarks of Shri M O Mathai made public through the Prime Minister's Secretariat and the Press Information Bureau of the Government of India constitute an adverse reflection on the dignity of the Members of Parliament and the Speaker of the Lok Sabha and whether they constitute a contempt of Parliament and also to recommend what further steps the House may take in the matter "

Shri Jawaharlal Nehru: I only wish to say that I do not oppose this Motion, that is, the Motion to refer this matter to the Committee of Privileges.

I ventured to express my opinion that so far as I could understand it there was no breach of privilege. But since this Motion has been admitted by you, I think the right course would be to send it to the Committee of Privileges for them to consider it fully.

Mr Speaker I will put it to the vote of the House.

Shrimati Parvathi Krishnan: I have to say a few words.

Shri Braj Raj Singh I have a substitute motion to the effect that the matter be dealt with here and Shri Mathai be called to the Bar of the House.

I beg to move.

"This House decides that Shri M O Mathai be called to the Bar of the House to answer the charge of breach of privilege brought against him and be punished."

Mr Speaker Amendment moved

"This House decides that Shri M O Mathai be called to the Bar of the House to answer the

[Mr. Speaker]

charge of breach of privilege brought against him and be punished."

Both the original Motion and the substitute Motion are before the House.

**Shri Braj Raj Singh:** I wish to speak on my substitute motion

**Mr Speaker:** There is nothing to speak on it

**Shri Braj Raj Singh:** I want to explain my motion

**Mr. Speaker:** If it goes to the Committee of Privileges, it will come back to us. If it is to be disposed of here, I will give opportunity to hon Members

**Shrimati Parvathi Krishnan:** In supporting the Motion that has been moved by my hon. friend, Shri H N Mukerjee, there are one or two other points to which I would like to draw the attention of the House and of the hon the Prime Minister

I remember the Prime Minister himself, when speaking in this House on the 27th November 1958, said the following.

"I think all of us will agree that where any kind of—may I use the word without any impropriety—slander is done to any Member of the House, in whatever way it may be, or, in fact, anything is done which attracts the privileges of this House, this House, every party and every group in this House, should defend the House and should take steps to prevent that kind of thing happening. We are all, I hope, jealous of the reputation that this House should have and should build up for itself. So there can be no doubt, no argument—even though we may in our heart of hearts differ—about that basic issue".

It is with this in mind that we have brought forward this Motion, because we want to safeguard the privileges of the Members of the House, we want to safeguard most jealously—zealously—the reputation and the standing of the Speaker of this House and the Chairman of the Rajya Sabha (*Interruption*) An allegation of this type has been made, which has been made quite a long time ago and which has received the widest publicity in the Press of our country and in the Press abroad. It is very necessary that the House should take cognisance of it and that we should take steps to remedy the matter and take steps to prevent repetition of this type of slander against Parliament

It is not only the Members of Parliament who are being attacked by that statement, but, Sir, you yourself also come under attack because Rule 353 of the Rules of Procedure and Conduct of Business in the Lok Sabha says

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply"

We, all Members of Parliament, particularly Members of the Opposition, are fully aware of the fact how you do see to it that this rule is observed by every single one of us. Sometimes we may even be impatient because you are rather strict; at the same time, in the final analysis, we have always bowed to your ruling, and we have realised that if we go beyond that rule, it is not only one Member who goes beyond it but the dignity of the House as a whole can be lowered

Therefore, we, who have been so careful about observing the propriety of this House, who have always accepted your rulings in the matter, are today particularly anxious to see that this type of breach of privilege, this type of contempt expressed of Members of Parliament by Shri M O Mathai should not go unchallenged, should not just be thrown into the waste-paper basket by quibbling and hair-splitting as to whether it is a breach of privilege or whether it is a word that has been used in the heat of the moment when a person is in a particular state of emotion, whether it is a word of impropriety and so on

Further, Sir, I would like also to draw your attention to what we find in *May's Parliamentary Practice*, because there we find the various conventions and rules laid down. On page 125 he says.

"Both Houses will punish not only contempts arising out of facts of which the ordinary courts will take cognizance, but those of which they cannot, such as contemptuous insults, gross calumny or foul epithets by word of mouth not within the category of actionable slander or threat of bodily injury"

Mr Speaker, Sir, I would submit that the remarks that have been made by Shri Mathai in his letter of resignation, which was released to the Press on 17th January, 1959, amount exactly to contemptuous insults, gross calumny and foul epithets, because he says that due to the "ever-mounting tendency in our Parliament" to make charges against officers "without verifying facts" no honest person, no "self-respecting person" in this country will come forward to take service under Government

We, here, Members of Parliament, are entrusted with the task of supervising the work of the Government by the electorate of our country. Serious matters concerning the destiny of our country are discussed here. But we find Shri Mathai most blindly

penning these few words and saying that no self-respecting person will come forward to serve Government and to carry out those decisions that are taken in Parliament by which the Cabinet is entrusted to see to the day-to-day functioning of Government. This is what that letter amounts to

I hope, Sir, that all those who were champions of privilege on an earlier occasion, who rushed into the fray when the question of a telegraph from the Chief Minister of Kerala to a Union Minister was coming under discussion on just an ordinary rumour that came in the Press—it was not that the fact was released to the Press by the Information Department of that Government—

Mr. Speaker: Order, order. That matter has been referred to the Privileges Committee. It is being discussed and considered by that Committee, and we have extended the time for submission of the report. Therefore, no statements shall be made here regarding the correctness or otherwise of that decision, which will prejudice the dispassionate discussion of that matter by the Privileges Committee.

Some Hon. Members rose—

Mr. Speaker: Order, order. I think enough has been said on this matter. I shall now put it to the vote of the House.

Shri Braj Raj Singh: Sir I have to move

Mr. Speaker: If the House wants to dispose of it now I will give opportunity to hon. Members who want to speak. If the House agrees to refer it to the Privileges Committee, once again the House will have an opportunity to discuss it when the Committee submits its report with its recommendations.

Raja Mahendra Pratap (Mathura): Sir, I rise to a point of order. I beg to oppose this. We are supposed to oppose the Congress here, but on this

[Raja Mahendra Pratap]

motion I also oppose my hon. friends on the Opposition. What I want to say is, we should not be puffed up with pride and always speak of privilege. We have no privilege. We have only privilege to serve the people quite meekly and modestly. We should not have any pride. Religion says: "serve the people". Religion also says: "forgive the people". So, if anything is done by anybody, I forgive. Here, I am sorry to say, unfortunately, our hon Prime Minister has been pulled into this matter. I do not like that I think our Prime Minister should be considered above all these quarrels.

Therefore, I appeal that we should drop this matter altogether. It is not necessary to send it up to the Privileges Committee or any other committee. We should drop this matter, and we should also drop the question regarding the Chief Minister of Kerala. There should be no privilege question.

**Mr. Speaker:** Order, order. There is a third motion placed before the House that the whole matter may be dropped. Therefore, the first motion is that of Shri Mukerjee that the matter be referred to the Privileges Committee. Shri Braj Raj Singh's amendment is that the matter may be disposed of here. The third motion is that the whole matter may be dropped.

**Shri V P Nayar:** Who has moved that motion?

**Shri Jaipal Singh:** Sir, I rise to a point of order. What I have to point out is this. Shri Braj Raj Singh has given his substitute motion. He has a right to have his say, and he cannot be precluded from that. You were pleased to observe earlier that when the matter comes back from the Committee you will give him an opportunity.

**Mr. Speaker:** No, no; I am calling him also. Shri Braj Raj Singh.

**श्री अचरराज सिंह :** अध्यक्ष महोदय, मुझे इस समय कुछ अधिक नहीं कहना है। मुझे निरंक इतना निवेदन करना है कि वेरा यह संशोधन है कि इस मामले को विशेषाधिकार समिति को सौंपने की कोई आवश्यकता नहीं है। सदन के नेता ने अभी बता दिया है कि उन्हें भी इसमें कोई आपत्ति नहीं है कि इस मामले की जांच की जाये। प्रथम सिर्फ इतना है कि इसकी समिति जांच करे या सदन स्वयं इसकी जांच करे। जब इस सदन में किसी को भी इस पर ऐतराज नहीं है कि यह एक ऐसा मामला है जिस पर कि सदन को या समिति को जांच करनी चाहिये, इसकी छानबीन होनी चाहिये कि विशेषाधिकार का उल्लंघन हुआ है या नहीं तब मैं निवेदन करना चाहता हू कि इसको विशेषाधिकार समिति को सौंपने की कोई आवश्यकता नहीं है कारण विशेषाधिकार के उल्लंघन का यह स्पष्ट मामला है। अपने इस्तीफे के पत्र में उन माहब ने हमारे ऊपर, इन सदन के ऊपर और सदन के अध्यक्ष के ऊपर इन तरह का लाठान लगाने की कोशिश की है और जिन्हे इस बात की चिन्ता है कि देश की सीमा पर बूकि जनतंत्र विफल हो रहा है और तानाशाही कायम हो रही है इनलिये इन मुल्क में तानाशाही को रोकने के लिये और जनतंत्र को मजबूत बनाने के लिये वह इन तरीके का आक्षेप लगाना चाहते हैं।

मैं निवेदन करना चाहता हू कि जब देश की सीमा के आसपास इस तरह की बात हो तब तो यह और आवश्यक हो जाता है कि ऐसे व्यक्ति को सदन के बार के सामने बुलाया जाय, यहां पर जांच पड़ताल की जाय और यहां पर उनसे सवाल पूछे जायें और सदन अगर मुनासिब समझे तो सजा दी जाय।

जहां तक इस मामले को एक विशेषाधिकार समिति को सौंपने की बात है उसके

लिये देना कहना यह है कि अगर सदन में कहीं पर भी इस बात की इच्छा होती कि विशेषाधिकार समिति पहले इस पर खान-बीन करे और तब बाद में सदन में इसके ऊपर चर्चा हो तब तो इस मामले को विशेषाधिकार समिति के सुपुर्द किया जा सकता था लेकिन अब ऐसी बात नहीं है तब मैं चाहता हूँ कि मेरे संशोधन को स्वीकार कर लिया जाय और यह मामला सदन खुद अपने हाथ में लेकर इसकी खानबीन करे विशेषाधिकार समिति के सुपुर्द करके इसको ज्यादा टांगने की शक्यता नहीं है।

13 hrs.

मथार्ड साहब का कहना है कि very few self-respecting persons will care to enter Government service or public life सवाल यही नहीं है कि गवर्नमेंट सर्विस में वे लोग नहीं रह सकेंगे। मथार्ड साहब ने प्रधान मंत्री महोदय की १२ साल तक जब वे कि वे प्रधान मंत्री बने हैं, उनके स्पेशल असिस्टेंट की हैसियत से काम किया है और पब्लिक सर्विस की है। उसके पहले भी मथार्ड साहब का दावा ऐसा मालूम पड़ता है कि उन्होंने देश की सेवा की है और उन्होंने बेताबनी दी है कि अगर ऐसे ही चलता रहा तो न तो जनता की सेवा के लिये और न सरकारी नौकरियों के लिये ही ऐसे लोग मिल सकेंगे जो कि अपनी प्रतिष्ठा व सम्मान रखते होंगे। ऐसी सूरत में न सिर्फ जनतंत्र को मजबूत बनाने का सवाल उठता है, बल्कि हमारे मुल्क में जो ५५ लाख पब्लिक सर्वेन्ट्स हैं, उनके ऊपर इसका जो प्रभाव पड़ेगा, उनमें जो भावना फायम होगी, उसका निराकरण करने के लिये और साथ ही पब्लिक लाइफ में काम करने वाले नाकामों दूसरे लोगों की भावनाओं को ध्यान में रखते हुये यह अत्यन्त आवश्यक है कि इन प्रश्न पर इसी सदन में इसी समय तुरन्त चर्चा हो और इस प्रश्न को विशेषाधिकार समिति

को न भौंटा जाय। मिस्टर मथार्ड को इन सदन की बार में बुलाया जाय और उनका स्पष्टीकरण सुनने के बाद अगर यह सदन उचित समझे, तो उनको सजा दी जाय। मैं धावा करता हूँ कि सदन इन मामले को यही पर तय करेगा और विशेषाधिकार समिति को लौप कर इसमें देर करने की कोशिश नहीं करेगा। अगर मुझे इन सम्बन्ध में जरा भी शका रही होती कि जिन व्यक्तियों के खिलाफ हम अभियोग चमाने जा रहे हैं, उनको यहाँ किसी कारण न्याय नहीं मिलेगा, तो मैं इस प्रस्ताव का सब से पहला समर्थक होता कि यह मामला विशेषाधिकार समिति के सुपुर्द कर दिया जाना चाहिये। जैसा कि सब जानते हैं, कानून का यह एक मान्य सिद्धान्त है कि अभियुक्त को अपनी सफाई देने का पूरा अवसर दिया जाना चाहिये। मैं समझता हूँ कि यह सदन उनको अपनी सफाई का पूरा मौका देगा कि अगर विशेषाधिकार का उल्लंघन नहीं हुआ है, तो वह अपनी स्थिति स्पष्ट करे, लेकिन इस मामले को ज्यादा देर तक टालने में न हमारा कोई फायदा होगा और न ही देश का फायदा होगा। इसलिये मैं यह चाहता हूँ कि यह सदन स्वयं इस प्रश्न पर विचार कर के अपना निर्णय दे और इसलिये यह आवश्यक है कि मिस्टर मथार्ड को यहाँ बुलाया जाय और यदि उचित समझा जाय, तो उनको सजा दी जाये।

Shri Khadlikar (Ahmednagar) Sir, I want to move a sort of an amendment While this House should be very vigilant regarding its privileges, it should also take into consideration who has really perpetrated the contempt The person and the position he holds must also be taken into consideration After all, Shri Mathai happened to be an ad hoc Special Assistant to the Prime Minister, and he has used words which, no doubt, mean contempt of the House by a stranger in terms of May's Parliamentary Practice What I would like to submit is. Are we going to take into

[Shri Khadilkar]

very serious consideration a matter of this nature? A certain remark had been made by a person who was a Special Assistant or an Under Secretary while he was in government service. No doubt, they constitute essentially a contempt of the House. But the question is whether we, as Members of this House, should attach so great an importance to the remarks made by this person. That should also be taken into consideration.

I am inclined to support what the Raja Saheb said—that after a discussion the matter should be dropped. It need not be given that importance to be referred to the Committee. This is my submission and, if you permit me, I would like to give such an amendment.

**Mr. Speaker:** That only means that it must be disposed of here.

**Shri Jagdish Awasthi (Bilhour):** I support Shri Brij Raj Singh's amendment and I want to speak.

**Mr. Speaker:** I am not allowing a general discussion on this. I will call upon the representatives of parties and those persons who have tabled amendments.

**श्री कुशवन्त राय (खेरी):** अध्यक्ष महोदय, प्रजा सोशलिस्ट पार्टी का कोई रिप्रेजेन्टेटिव अभी तक नहीं बोला है।

**Shri Surendanath Dwivedy:** Shri Khushwaqt Rai has tabled a motion on our behalf, he has not spoken nor has anybody on our behalf.

**श्री कुशवन्त राय:** श्रीमन् सदन के सामने जो यह प्रस्ताव आया है कि इस मामले को विशेषाधिकार समिति के सुपुर्द कर दिया जाय, मैं उसका अनुमोदन करता हूँ। मुझे इस बात पर दुःख और आश्चर्य होता है कि हमारे प्रधान मंत्री के सविधान और कानून के विशेषज्ञों ने उन को यह राय कैसे दे दी कि यह प्रश्न विशेषाधिकार की अवहेलना नहीं है। भ्रम उन लोगों ने मेरी पार्लियामेन्टरी प्रैक्टिस के पृष्ठ ११८, १२४ और १२५ को पढ़ा

होता, तो उन्होंने कभी यह राय न दी होती कि यह विशेषाधिकार की अवहेलना नहीं है और केवल एक अनुचित वाक्य इस्तेमाल किया गया है। मुझे इस बात का दुःख है। फिर भी मैं प्रधान मंत्री महोदय की इच्छा करता हूँ। वह समझते हैं कि जो बात मचाई साहब ने कही, वह अनुचित है, लेकिन वह विशेषाधिकार की अवहेलना नहीं है। मैं समझता हूँ कि यही एक बड़ा भारी कारण है कि इस मामले को विशेषाधिकार समिति के सुपुर्द कर दिया जाय ताकि यह मालूम किया जा सके कि प्रधान मंत्री के विशेषज्ञों ने जो राय दी है वह कहा तक सही है।

साथ ही साथ मैं यह भी कहना चाहता हूँ कि विशेषाधिकार समिति को वह भी अधिकार दिया जाय कि इस विशेषाधिकार की अवहेलना में जिन लोगों ने मदद दी है, चूँकि उन्होंने भी विशेषाधिकार की अवहेलना की है, इसलिए उन के बारे में भी वह विचार करे। कल जब मैं ने इस प्रस्ताव के बारे में लिखा था, तो मेरे पास प्रैम इन्फर्मेशन ब्यूरो का कम्युनिक नहीं था। लेकिन आज वह मेरे पास है। मैं कहना चाहता हूँ कि प्रैम इन्फर्मेशन ब्यूरो का जो भी डायरेक्टर है या इन-चार्ज है, उसने भी विशेषाधिकार की अवहेलना की है। इस पर भी विचार किया जाय।

एक माननीय सदस्य इसमें प्राइम मिनिस्टर भी आ सकते हैं।

**श्री कुशवन्त राय:** जब कन्टेम्प्ट करने वाला माफी माग लेता है, तो कन्टेम्प्ट खत्म हो जाती है। माननीय सदस्य ने शायद प्रधान मंत्री की प्रैम कान्फरेस में दिये गये वक्तव्य को पढ़ा नहीं है। इसीलिये वह ऐसा कह रहे हैं। मैं निवेदन करना चाहता हूँ कि विशेषाधिकार समिति को यह भी अधिकार दिया जाय कि इस विशेषाधिकार की अवहेलना में जिन लोगों का कुछ भी हिस्सा है, उन के खिलाफ भी कार्यवाही की जाय।

इन कारणों से, जो प्रस्ताव माननीय सदस्य श्री मुकर्जी ने इस सदन के सम्मुख रखा है, जिस में कहा गया है कि यह मामला विशेषाधिकार समिति के सुपुर्व कर दिया जाय, मैं उस का समर्थन करता हूँ ।

श्री जगदीश लाल शर्मा श्रीमान जी, अभी श्री बजराम सिंह ने जो सशोधन प्रस्तुत किया है, उसके समर्थन में मैं दो शब्द कहना चाहता हूँ । मैं समझता हूँ कि मथाई साहब ने जिस प्रकार के शब्दों का प्रयोग किया है, उन में प्राइम फेसी इस सदन का अपमान प्रकट होता है । इसलिए इस बात की कोई भावश्यकता नहीं है कि इस प्रश्न को विशेषाधिकार समिति के पास भेज कर अनुवश्यक रूप से समय नष्ट किया जाय । यह मामला बड़ा स्पष्ट है और इस सदन को इस का फैसला करने का अधिकार प्राप्त है । जैसा कि श्री खुशबन्त राय ने कहा है जितने भी व्यक्तियों का इस में हाथ हो, उन के बारे में इसी सदन में विचार होना चाहिए और उम के बाद यह सदन जो कुछ भी दण्ड निर्धारित करे, वह दण्ड दिया जा सकता है । यह कोई इतना महल प्रश्न नहीं है । श्री मथाई ने हमारे प्रधान मंत्री महोदय के एक वैयक्तिक सचिव के रूप में कई वर्ष तक कार्य किया और वह एक जिम्मेदार पद पर रहे हैं । मैं समझता हूँ कि जिस हिम्मत के साथ उन्होंने इन शब्दों का प्रयोग किया है, उस का देखते हुए यह अनुभव किया जा सकता है कि उन में इतनी शक्ति होगी कि वह इस सदन के समक्ष आ कर अपनी मफाई दें ।

अगर सदन धीरे धीरे इस प्रकार की बातों को बर्दाश्त करता रहेगा, तो हम इस देश में एक गलत परम्परा कायम करेंगे । यह सदन इस देश में सर्वोपरि मस्था है । अगर हम किसी व्यक्ति को—चाहे वह इस सदन में हो या बाहर—इस तरह छूट देते जायेंगे, तो निश्चित रूप से इस सदन का अपमान होता रहेगा । इसलिए यह आवश्यक है कि

इस प्रश्न को यह सदन स्वयं हल करे और इस को विशेषाधिकार समिति के पास भेज कर हम समय नष्ट न करे, ताकि हम देश के सामने एक उदाहरण पेश कर सकें कि इस सदन में इतनी शक्ति है कि वह अपने विशेषाधिकार की अवहेलना नहीं होने देगा, फिर सम्बद्ध व्यक्ति चाहे प्रधान मंत्री का सचिव हो, चाहे किसी प्रदेश का मंत्री ।

इन शब्दों के साथ मैं श्री बजराम सिंह के सशोधन का समर्थन करता हूँ ।

श्री रघुनाथ सिंह (बागणमी) राज्य मन्त्रा में यह स्वीकार हो चुका है, इसलिए यहाँ भी स्वीकार होना चाहिए ।

Shri Jaipal Singh: We are not imitating them

Shri Jawaharlal Nehru: My Speaker, it is not quite clear to me whether there are two motions before the House or three Raja Mahendra Pratap's suggestion (Interruptions)

An Hon. Member: There is no motion

Mr. Speaker: He raised a point of order

Shri Jawaharlal Nehru: You were pleased to say, Sir, that there were three motions (Interruptions) May I be spared gestures from the other side, Sir? I was enquiring of the Speaker I can understand his language, he need not enforce it by gestures

Mr. Speaker: Though Raja Mahendra Pratap raised it as a point of order, in substance he wanted the proceedings to be dropped I wanted to treat it as a substantive motion (Interruptions) Order, order He has not subsequently followed it up He could have easily said that he wanted these proceedings should be dropped He did not follow it up and therefore, I am not placing it before the House (Interruptions)

Some Hon. Members rose—

Mr. Speaker: I have called the hon. Prime Minister. (*Interruptions.*)

Shri Jawaharlal Nehru: I am not going to give in to anybody. Since Raja Mahendra Pratap's suggestion has not taken the form of a definite proposal, I need not say anything about it. But, I would like to say this that in a matter of this kind, as has been rightly pointed out, it should not be treated as a party matter or group matter. I have ventured to say it on an earlier occasion. Some words of mine have been quoted. I would say that when a considerable section of the House has a feeling that something should be done, it is hardly a matter for a majority to override those wishes. I look upon it from this point of view. Therefore, when a number of Members of this House felt this way, I immediately agreed to a reference of this question to the Privileges Committee of the House and at that stage any suggestion to drop this matter would, I think, not be a right one because it would almost appear that an attempt was made somehow to hush matters or hide matters. It is not a good thing for such an impression to be created. Therefore, I would have opposed Raja Mahendra Pratap's proposal to drop this at this stage. (*Interruptions.*)

Mr. Speaker: Order, order, Hon. Members must follow the English. He says "I would have opposed"

Shri Jawaharlal Nehru: As things are, I think the proper course is to send it to the Committee of Privileges.

There is another proposal that has been made. I do not even understand it in the sense how things are to be done in the House. I think it would be otherwise too, not only unnecessary but not very desirable. After all the dignity of the House may suffer in various ways and it may suffer even by attaching too great an importance to trivial matters. It is not merely a

question of another person or other persons saying. What other persons say may affect the dignity of the House but how we treat it also affects the dignity of the House.

I beg your leave to read a few lines from the report of what I said on a previous occasion because a reference has been made to that. On that occasion when the telegram from the Chief Minister of Kerala became the subject of argument here, I said this and I hold by it today:

"I am a little anxious that we should not enter into a path of conflict in such matters, because this kind of thing might be overdone. There are things said, often enough, which are not desirable and things said in the heat of the moment which a person thinking more coolly would not have said. If we pursue every person who makes a statement like that, I do not know how many of us will be completely innocent of never making any remarks which might not be held up against us. We are all human beings, and I know that I err sometimes, Sir, though I hope not too often. So, from that point of view, if my mind was quite clear that if it was a deliberate flouting of the dignity of Parliament or of any individual Member of Parliament, then, of course, there can be no doubt that that challenge has to be met. But where in other contexts in the heat of the moment or in a controversy something is said, I would personally prefer this House not to take too much notice of it. But, as I said, this is my personal reaction which I place before this House."

I hope I have been consistent in this matter, not with any idea of avoiding this reference because I support this reference to the Privileges Committee; but, quite apart from this, for the future, I may submit that it is a matter of maintaining the dignity of the House by not attaching too much importance to every odd word that some outsider says.



**Raja Mahendra Pratap:** I believe the hon. Prime Minister is too liberal. We do not accept his views here. I ask for a division and I hope you will all agree that this should be dropped.

**Mr. Speaker:** Order order. I will put the amendment of Shri Braj Raj Singh to the vote of the House to the effect that this House may dispose of this matter here and now and call Shri Mathai to the bar of the House. If this House decides upon disposing it now, the further procedure as to what we ought to do may be thought of later on. The main point for decision is whether it ought to be sent to the Privileges Committee.

**Shri H N Mukerjee:** Even at this late stage, my submission is that Shri Raghunath Singh's amendment is in the nature

**Mr. Speaker:** He has not moved any amendment.

**An Hon. Member:** Shri Braj Raj Singh

**Shri H N Mukerjee:** that amendment that the matter be disposed of here and now is a motion which is tantamount to negation of the reference to the Privileges Committee.

**Mr. Speaker:** It is not a negation of the reference. (Interruptions) I am putting the other one—the amendment of Shri Braj Raj Singh—to the effect that this House do dispose of it here and now.

**Shri Braj Raj Singh:** Not now.

**Mr. Speaker:** That is, instead of referring it to the Committee.

The question is

“This House decides that Shri M O Mathai be called to the Bar of the House to answer the charge of breach of privilege brought against him and be punished.”

*The motion was negatived*

**Mr. Speaker:** I shall put the other motion.

**Raja Mahendra Pratap rose** (Interruptions)

**Mr. Speaker:** Order, order. The hon. Member is irrepressible. I am exceedingly sorry. The other motion is for reference to the Committee of Privileges. The question is

“That the attention of the House having been drawn by some honourable Members on February 10th, 1959 to a letter written to the Prime Minister by his Special Assistant Shri M O Mathai and made public on January 17, 1959 through Press release by the Prime Minister's Secretariat and the Press Information Bureau of the Government of India in which the said Shri M O Mathai inter alia, remarks

‘But the ever-mounting tendency in our Parliament and our Press to attack public servants without caring to verify facts is having a devastatingly demoralising effect. Under such deplorable conditions very few self-respecting persons will care to enter Government service or public life.

The House resolves that the matter be referred to the Committee of Privileges for investigation and report whether the above mentioned remarks of Shri M O Mathai made public through the Prime Minister's Secretariat and the Press Information Bureau of the Government of India constitute an adverse reflection on the dignity of the Members of Parliament and the Speaker of the Lok Sabha and whether they constitute a contempt of Parliament and also to recommend what further steps the House may take in the matter.”

*The motion was adopted*