

rent Session and assented to by the President since a report was last made to the House on the 18th February, 1963:—

- (1) The Appropriation (Railways) Bill, 1963.
- (2) The Appropriation (Railways) No. 2 Bill, 1963.
- (3) The Appropriation Bill, 1963.
- (4) The Central Sales Tax (Amendment) Bill, 1963.
- (5) The Appropriation (Vote on Account) Bill, 1963.

RESIGNATION OF SHRI U. N. DHEBAR

Mr. Speaker: I have to inform the House that Shri U. N. Dhebar, an elected Member of Lok Sabha from Rajkot constituency of Gujarat State, has resigned his seat in Lok Sabha with effect from the 21st March, 1963.

12.37 hrs.

RE: REMARKS MADE BY SHRI BAGRI AGAINST THE MINISTER AND OFFICES OF THE MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): Mr. Speaker, Sir, on Saturday, 23rd March 1963, during the discussion of the Budget, Shri Mani Ram Bagri made certain insinuations against me which are completely unrelated to facts and defamatory in character. He made similar vague and sweeping attacks against senior officers of the Ministry and the Council. If such things had been said outside Parliament, there would have been legal remedy by suitable civil or criminal action. Since statements in Parliament are privileged, I seek your protection against such wild and unjustified charges both for

preserving the dignity of the House and the reputation of individuals who are thus attacked. I would therefore request you to enquire into the allegations and take such actions as you may consider necessary to redress the wrong that has been done and to prevent the repetition of such incidents in the future.

Mr. Speaker: I will ask the hon. Minister, because that statement is a recorded one in the debate, that he may send me a full statement about the facts that have been stated by Shri Bagri and the allegations made by him. I will simultaneously ask Shri Bagri to send his own explanations or any evidence that he has about the statements or allegations that he has made. Both I will just see and examine, and then I will see if something is needed.

Shri Tyagi (Dehra Dun): Sir, I rise to a point of order. May I submit that in such cases where speeches are objectionable and, particularly, when they are of a defamatory nature, such things are resolved, as a custom, in the House by raising a point of order and getting your ruling? Either you get that part of the speech expunged or you ask the Member concerned to withdraw it. This is the usual procedure. The procedure suggested by my hon. friend that some regular type of enquiry or other thing should be made with regard to speeches is a novel thing. I would suggest to you not to resort to this. The best thing would be, as you have ordered, let the objectionable passage be passed on to you and you may give your ruling. That is the usual cure.

Mr. Speaker: How has he presumed I will say that an enquiry be made? I have only asked for the statements of both the parties.

Shri Tyagi: I am objecting to the request that was made here.

Mr. Speaker: Any hon. Member can make a request. I am asking

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both the Minister and the hon. Member to send me their statements.

Shri Ranga (Chittoor): Mr. Speaker, Sir, I am sorry to have to observe that the advice that you have just now thought it fit to offer is not, first of all, in conformity with the procedure and practice that we have had all these years. Secondly, it will militate against the dignity and privilege of Members of this House. In the past, whenever such things happened, whenever anything untoward, undignified, wrong or palpably untrue was said by a Member, it was the privilege of the other Member, whether he be a Minister or a private Member, to contradict it and seek your permission, as soon after as possible,—if he was not able to do it then and there—to make his own statement, repudiate all those charges and say that they are all untrue, therefore, he should not be held responsible for anything said by the other person. If, at that stage, the Speaker considers it necessary to order the expunction of such of those objectionable statements, he might do so, and you, Sir, have done so on previous occasions. But I have never come across any case up till now where the Speaker has taken upon himself the responsibility of asking the Member to send an explanation and then consider his explanation along with the personal statement made by the other Member who is concerned, who is charged, whether he be a Minister or a private Member, and thereafter reserve to himself the right or privilege or duty of having to come to a decision as to what he should do. Sir, I would beg of you in all humility that, in the interests, as I consider them, of the dignity and privileges of the Members, the past procedure ought to be upheld and no new procedure need be initiated. My hon. friend has already exercised his privilege of contradicting what had been said by Shri Bagri by saying that if these things had been said outside the

House, he would have been liable to action under the relevant Act on defamation. That ought to be enough but, if, in addition to that you were to consider it necessary in your wisdom to expunge such of those portions, you might do so. In order to be able to do that, if you want to strengthen yourself or be helped by any explanation that the hon. Member wishes to send, then, it would be your privilege to ask for it. But I would beg of you to stop there only and not to think of going anywhere beyond the extreme possible step of expunging the remarks.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, may I invite your attention to the Rules of Procedure?

Mr. Speaker: Shri Mukerjee.

Shri H. N. Mukerjee (Calcutta Central): I submit with great respect that I was a little surprised when my hon. friend, the Minister, made a statement which, I am sure, he did with your prior permission.

Mr. Speaker: Yes.

Shri H. N. Mukerjee: I quite appreciate what you said, later on, because the judicial temper of your mind came up when you made that statement after my friend, the Minister, has read out what he had written. I have some little experience in this matter. In 1954, I had made certain allegations against a Minister, or a Deputy Minister—I would not name him now—and then I was challenged later on, and the Speaker asked me in private to furnish him with particulars on the basis of which I had made those allegations. I remember I had certain photostat copies and things like that. I submitted them to the Speaker, along with a statement, and the Minister concerned also submitted a counter-statement, and those two statements were put together on the Table of the House, at least were made part of the proceedings, and

when further question were sought to be asked by myself, by the Minister and by other people the Speaker said that the matter is there in the proceedings and the Members would draw their own conclusions.

In this case, what has happened is, I was present on Saturday in the House when the speeches were made, and Shri Bagri had made certain unfortunate allegations, which were rather in bad taste, I think, but that is neither here nor there, and my friend, the Minister, strongly, sternly and emphatically repudiated the charges. That is a matter of record already. Now, today he makes a full statement which by implication casts serious aspersions on the *bona fides* of the Member concerned. Probably, I do not think he got any prior intimation in regard to the fact that the Minister is likely to make a statement. He did not even know what he was going to say, he was not even present in his seat . . .

Mr. Speaker: He is present.

Shri H. N. Mukerjee: He might say whatever he likes, but the point is, already a statement is made, a statement written out and read before the House and made part of the proceedings, which is likely to be reported by the press, and a certain kind of impression is very likely to be created by the entire proceedings, but the Member concerned will have to wait, God knows till when, when there would be other statements forthcoming from himself as well as from the Minister and you would examine the whole position.

My submission is that you are, perhaps, a little ill-advised, if I may say so with the greatest possible respect, in permitting the Minister here and now today in this House to make a statement which he has done, and if there is any way of getting the statement withdrawn from the proceedings of today, and if the procedure which you have so rightly suggested is fol-

lowed, that is, that Shri Bagri and the Minister would make their statements and counter-statements and the House would take its own understanding of the matter, then possibly the whole thing could have been settled.

Shri Hari Vishnu Kamath: Sir, may I invite your attention on rules 342 and 353 of the Rules of Procedure? I submit that there is ample provision in our Rules of Procedure to protect any Member or any Minister under your august supervision against incriminating, false or defamatory allegations. Please cast a glance on rule 352. Rule 352 says so many things. So many things are taboo under that rule; I would not read them all and take the time of the House. There are so many 'don't's. For instance, it says that a Member shall not utter treasonable, seditious or defamatory words while speaking. But what is the remedy for it? The remedy is provided in rule 353. I do not know whether the Minister raised objection when the Member was speaking. He should have raised the objection when the Member was speaking in the House. He did not.

Mr. Speaker: I was not present.

Shri Hari Vishnu Kamath: But the Deputy-Speaker or somebody else was in the Chair. He should have raised the objection under the proviso to rule 353. Then the Deputy-Speaker would have called the Member to order and, if he persisted in those defamatory words and utterances, he would have been asked to discontinue his speech also. But, nothing of the kind was done. I would request you to ask the Minister under what rule of our Rules of Procedure he is now requesting you to initiate a novel procedure.

Mr. Speaker: I do not understand what objection is being taken to my simply asking the Minister as well as

[Mr. Speaker]

the Member to give me the facts and the statements that they have in their possession. So far as I know, because I have the debates, a definite allegation has been made that the Minister has asked for some battery plate from a laboratory that is under his charge, that was given to him, there was an audit objection and that the Member has got a photostat copy of that or something like that. That is what he has stated. I am asking the Minister and the Member to give me a statement about facts so that I can decide whether there is really any necessity for placing those statements before the House, whether there is really anything that is objectionable in that and whether the Member has some evidence on which he could say all those things that he has stated. Otherwise, I will decide what is to be done. What have I prejudged or presaged as to the course that I will adopt? I have only asked for information about the facts. Shri Mukerjee has supported me rather when he said that on a previous occasion in a similar case the Members were asked to send in their statement and then both were placed on the Table of the House, and the matter was left there. That is what he has just now stated. I am only asking for facts, as to what has really happened. The Member has said that he has got all the evidence in his possession. Am I not entitled to ask him to let me know, to let me see, the evidence that is in his possession? I have not taken any action against anybody. Then the Member was saying that I am taking it upon myself to do one thing or the other. I really do not understand it.

Shri Hari Vishnu Kamath: Sir, on a point of clarification.

Shri H. N. Mukerjee: Pending what the minister is going to do and the Member is going to do, pending that, what the Minister has said today in this House goes to the country, and that is a serious aspersion on the bona fides of the Member concerned, whom I need not champion; he can defend

himself. There are serious aspersions on his character being circulated to the country because of the Minister having had the opportunity of making a one-sided statement, rightly or wrongly. After all, he has made the right statement.

Mr. Speaker: What the Minister had stated was that Shri Bagri was not justified or was wrong as his charge had no relation to facts. That is the utmost that he has stated.

Shri H. N. Mukerjee: It is a unilateral statement which has been permitted to be made part of the proceedings of the House and, therefore, liable to be circulated all over the world.

Mr. Speaker: But that statement of Shri Bagri has already been circulated.

Shri H. N. Mukerjee: This statement of the hon. Minister is a part of the proceedings.

Mr. Speaker: I fail to understand what objection can be taken. Do I not have the right just to ask for facts and see whether really there is something?

Shri Hari Vishnu Kamath: On a point of clarification, Sir.

Shri H. N. Mukerjee: If you permit the hon. Minister . . . (Interruption).

Shri Hari Vishnu Kamath: Far be it from me or my hon. colleague to question your right to initiate a procedure, if you think it necessary, for getting the doubts cleared; but what I want to know is whether at any time during the speech of Shri Mani Ram Bagri the hon. Minister or someone on his behalf raised any objection before the Presiding Officer that such a statement was false, incriminatory or defamatory. If not, why did he not take objection then? That is all.

Mr. Speaker: I might just tell him that I consulted the hon. Deputy-Speaker also and he said that he could not appreciate the niceties of the language.

श्री राम सेवक यादव : अध्यक्ष महोदय....

अध्यक्ष महोदय : अब अगर इस मोके पर बागड़ी साहब उस स्टेटमेंट के बारे में जो कि उन्होंने ने किया था कुछ कहना चाहते हैं तो मैं उन को भी इजाजत दे देता हूं ।

श्री राम सेवक यादव : अध्यक्ष महोदय, जैसा कि मैं ने सुना कि जिस दिन जब बहस चल रही थी माननीय सदस्य श्री बागड़ी ने कुछ बातें कहीं और मंत्री महोदय ने जवाब देते हुए यह भी कहा कि मैं बागड़ी साहब से निवेदन करूंगा कि वह बैठे रहें और मैं जो उत्तर दूं उस को सुनें । मंत्री महोदय के उत्तर को उन्होंने सुना । लेकिन मंत्री महोदय आज जो यह बयान दे रहे हैं इस का मतलब है कि इस बीच उन्होंने कोई इनवचारी की होगी तो मैं जानना चाहता हूं कि क्या मंत्री महोदय ने बागड़ी जी से भी यह जानने की तकलीफ की कि तुम्हारे पास कौन से सबूत हैं ? लेकिन उन्होंने ऐसा नहीं किया और कह रहे हैं कि सारी बातें गलत हैं । अब यह तो बिल्कुल एकतरफा बात हो जायेगी

अध्यक्ष महोदय : मैं बागड़ी जी को अगर वह इस पर कहना चाहें तो इजाजत देता हूं ।

श्री राम सेवक यादव : अब मंत्री महोदय तो तैयार हो कर आये हैं लेकिन बागड़ी साहब अभी कैसे बयान दे देंगे ?

अध्यक्ष महोदय : कल तक दे देंगे ।

श्री राम सेवक यादव : यह तो बड़ा अन्याय होगा

अध्यक्ष महोदय : परसों दे देंगे ।

श्री त्यागी (बेहराबून) : मैं अर्ज करूंगा कि यह एक नया रिवाज पड़ रहा है कि पुरानी कही हुई बातों पर इस हाउस में दुबारा मुकद्मा खोला जा रहा है । मेरा कहना है कि यह दुबारा मुकद्मा खोलने

का रिवाज नया है । इस लिए मैं यह अर्ज करूंगा कि इस पर आप गौर कर लीजिये अभी तक का रिवाज तो यह रहा है कि जब कभी ऐतराज के काबिल कोई तकरीर करत है तो जिस के खिलाफ ऐतराज होता है वह उसी वक्त उसके खिलाफ प्रोटैस्ट करता है और वही मामला आप की रूलिंग से तय हो जाता है । लेकिन अगर पिछले मामलों पर आप रास्ता खोल देंगे तो सालसाख भर की तकरीर को उठाने का रास्ता भी खुल जाता है । इस लिए मैं यह अर्ज करूंगा कि इस तरह का एक नया रिवाज न शुरू किया जाये ।

अध्यक्ष महोदय : मुझे त्यागी जी की बात कुछ समझ में नहीं आई क्योंकि न अभी कोई रास्ता खोला गया है और न ही कोई चीज की गई है ।

श्री राम सेवक यादव : मंत्री महोदय के इस बयान के बाद कि बागड़ी साहब ने जो सारी बातें कहीं वे सब सत्य हैं और माननीय सदस्य ऐसे गौर जिम्मेदार आदमी हैं कि मन्त्रियों पर ऐसे असत्य भाषण करके आरोप लगाया करते हैं, यह एक बहुत बड़ी चीज हो गयी . . .

अध्यक्ष महोदय : अब मैं यादव जी से कहूंगा कि बागड़ी जी ने इल्जाम लगाये और जैसे कहा कि मेरे पास सबूत है, मेरे पास फोटोस्टेट कौपीज है, उन सबूतों को अगर वह दे देते हैं और वह सच हैं तो भी मामला रुक जाता है लेकिन चूंकि वह दिये नहीं गये हैं इसलिये वह एक्सप्लेन करेंगे कि उन्होंने जो स्टेटमेंट दिया वह किस बिना पर था ? अब जो कायदा होगा उसके मुताबिक चला जायगा ।

Shri Harish Chandra Mathur (Jalore): I am not at all aware as to what allegations were made by Shri Bagri and what is their merit. I am not, in the least, concerned about it. My most respectful submission is that, I am afraid, the implications of

[Shri Harish Chandra Mathur]

the procedure which you are going to adopt are not fully realised. The implications of it may be very serious. We are evolving a procedure whereby instead of discussions being held in this House certain inquiries will be started regarding allegations made or not made. I would, as a matter of fact, very much welcome such a procedure if all the allegations which I make on the floor of this House are going to be investigated and then we have to come to certain conclusions. But then this House becomes an investigating body. It is to be considered whether this House is going to turn itself into an investigating body or not, because it has very serious implications. It does not very much fall in line with the Rules of Procedure which have been pointed out by my hon. friend Shri Kamath. I would most respectfully submit to you that the implications of this new procedure may be examined and before any further action is taken in this matter certain hon. Members of Parliament or the Rules Committee might meet and go into this matter to see as to what procedure should be followed in such cases.

Mr. Speaker: But unless we see those statements how can I ask somebody to do that or simply ignore the whole thing and let it lie where it is? Unless some facts are known, how can I do that?

Shri Thirumala Rao (Kakinada): We are passing through extraordinary times. Parliamentary procedures are being challenged in State Legislatures and the privilege conferred.....

Mr. Speaker: He might confine himself to this issue.

Shri Thirumala Rao: The great privilege conferred on hon. Members of this House has to be exercised with great caution and circumspection. We cannot walk away with any rumour or anything that we hear against Government or other hon. Members. Here, fortunately or unfortunately, the two concerned people are an hon. Mem-

ber and an hon. Minister; but there are cases when one hon. Member attacks another hon. Member. Such situations arise very rarely. My hon. friend, Shri Mukerjee, has quoted one instance during the regime of Shri Ayyangar when he asked both the hon. Members to give the facts to him. He satisfied himself and placed all the facts before the House. So, also after a long time a similar occasion has come just now. When you are the only repository of the power as well as the protector of the rights of this House, whether it is an hon. Minister or an hon. Member, when he is unjustly attacked, it is for you constitutionally as well as legally to judge whether the speeches are in tune with the dignity and the tradition of this House. It is right that you just satisfy yourself as to how far the allegations and the replies are just and provable. Then, you take the House into your confidence and place them on the Table of the House or ask for the expunction of those speeches. But still this is the only protection which the House has got when there is some such intemperance or alleged intemperance in the exercise of this privilege.

Mr. Speaker: So far as I am concerned, I think, expunction is not a remedy. Expunctions ought not ordinarily to be made some time after the speeches have been made. If an expunction has to take place, it should be immediate, that is, at the time something is uttered. Only in that case it has some effect. Now, as the hon. Minister says, if any defamatory statements are made outside, the person against whom something is said, certainly has some remedy in the court. But here the House is the master to take any action and see whether anything is required to be done or not. All this procedure is to be guided or exercised by the House itself. Because a complaint has been brought to me and Shri Bagri definitely said that he has got evidence and photostat copies—they were not laid on the Table of the House at that

time—I am just asking both the hon. Minister and Shri Bagri to give me the facts that they have got. If they are only to be placed on the Table of the House, they will be placed on the Table of the House. If they contain something that should not go on the record or should not be placed on the Table of the House, that will be seen. Do I not have the right to decide and get that expunged from that statement, at least so that no further allegations might be made against each other? Who should decide that I am calling for those statements. Both hon. Members now have that notice and they might say what they have to about the facts that have been stated. Because very serious allegations have been made it is possible that I might just think it necessary to forward those, if really there is some truth in them, to the hon. Prime Minister. Why should action not be taken against those senior officials against whom very serious things have been said, namely that they are running factories in their houses and some other things that I could read—I say this from my memory? Does the House not agree that if there be some serious allegations they should be brought to the notice of the Government and they should proceed against those officers or officials if really Shri Bagri has something that is substantial and that can be borne out? Only the statements are to be furnished. After those statements are received by me, I can look them up and see if there is any other objectionable thing in them and whether both the versions should go on the record and remain on the Table. Then I will just consider that.

Shri Hari Vishnu Kamath: I must request for future guidance of hon. Ministers as well as hon. Members of this House that if in future such allegations or statements of a defamatory, incriminatory or of an offensive nature are made by an hon. Member or an hon. Minister on the floor of the House, an objection must be taken at once on the spot by the person affected. Then you might take a

decision in the matter at that moment or later on. If an objection is not lodged at once, it loses its force. It loses its point if it is brought up two or three days later.

Some Hon. Members rose—

Mr. Speaker: It is enough, I think.

Dr. M. S. Aney: The enquiry which you have set up or which will be set up.....

13 hrs.

Mr. Speaker: I have not set up any enquiry.

Dr. M. S. Aney: It is a kind of initiation of enquiry that is to come. There is only one point: whether that is likely to be in any way prejudicing the privilege or the right that a Member of this House has got of expressing his opinion freely. It will be a new kind of restraint put upon his rights. From that point of view, you must think over this matter before you come to any final decision.

Shri Tyagi: This cannot be permitted.

श्री विश्राम प्रसाद (लालगंज) अध्यक्ष महोदय, मेरी प्रार्थना है कि अगर आप इस तरह से किसी मिनिस्टर को मिनिस्टर होने की वजह से किसी बात पर प्रोटेस्ट लाज करने की इजाजत देंगे, तो दूसरे दिन एक मेम्बर दूसरे मेम्बर के खिलाफ और एक मिनिस्टर दूसरे के खिलाफ प्रोटेस्ट करने लग जायेंगे।

अध्यक्ष महोदय : अगर किसी मेम्बर साहब के बरखिलाफ कुछ कहा गया हो, तो वह भी अपना एक्स्प्लेनेशन दे सकता है। इसका भी प्राविज्ञान है।