

DEFENCE OF INDIA (FIFTH AMENDMENT) RULES

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): Sir, on behalf of Shri Hathi I beg to lay on the Table a copy of the Defence of India (Fifth Amendment) Rules, 1965, published in Notification No. GSR 1584 in Gazette of India dated the 27th October, 1965, under section 41 of the Defence of India Act, 1962. [Placed in Library. See No. LT-5163/65].

NOTIFICATION UNDER ESSENTIAL COMMODITIES

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): I beg to lay on the Table a copy of Notification No. GSR 1635 published in Gazette of India dated the 5th November, 1965, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-5164/65].

12.11 hrs.

RULING ON ALLEGATIONS MADE AGAINST A MINISTER

Mr. Speaker: Hon. Members would recall that on the 2nd September 1965 Shri Prakash Vir Shastri, while speaking on the Aigarh Muslim University (Amendment) Bill 1965, made certain statements, which were denied and repudiated by Shri Humayun Kabir, Minister of Petroleum and Chemicals. The statements were presumably defamatory and cast reflections against the Minister. A demand was made in the House that:

"this should be made a test case. Shri Prakash Vir Shastri should prove his allegations and the Minister concerned should also place the facts before you

(the Speaker) and you should be pleased to take a decision."

Shri D. C. Sharma added that:

"I think the atmosphere of the Lok Sabha is spoiled by such bandying of words across the Table between an Opposition Member and a Minister. This should be put an end to for all time to come. This can be done only if you have this as a test case and come to an impartial and objective decision about it, so that nothing like this happens in future."

I had no inclination to pursue the matter any further or to enter into any investigation. I advised the House that:

"I feel that it would be going to the extreme if it is made a test case. We are sorry for this affair but perhaps it will not be desirable to inquire about it. The matter should be dropped here."

Unluckily, my advice was not accepted and both hon. Members insisted that I must go into the facts.

Shri Humayun Kabir went so far as to suggest that:

"whoever is proved to have made a false statement, he should lose his seat in this Parliament for the rest of the tenure."

I reacted that there could not be any pre-condition about the punishment, I will look into the facts and place my assessment before the House, which can then come to any conclusion that it deems fit and proper under the circumstances. I am sorry, there has been some delay. I was not keeping well and I could not attend to this question.

I asked the parties to send to me their statements and any proof that they might like to adduce. Shri Prakash Vir Shastri had alleged that

[Mr. Speaker]

Shri Humayun Kabir was a member of the Jamiat-ul-Ulema, the Jamiat members had been carrying on a campaign of vilification against Shri M. C. Chagla in connection with the Aligarh University Ordinance. Shri Humayun Kabir and one other Minister had, instead of defending their colleague, lent support to the detractors, that Shri Humayun Kabir was the Chairman of the All India Waqf Board and that its funds had been wrongly utilized for carrying on this campaign against Shri Chagla.

As soon as the allegations were made on 2nd September the Prime Minister intervened and observed that he had made inquiries from Shri Kabir and the latter had denied that he had been a member of this Jamiat. The next day Shri Humayun Kabir repudiated vehemently both these allegations. Instead accepting the denial by Shri Humayun Kabir, or agreeing to my suggestion to let the controversy end there, Shri Prakash Vir Shastri also pressed for an inquiry by me.

In support of his stand, Shri Prakash Vir Shastri has pleaded:—

"No Member of Parliament can inquire into any fact beyond rational *prima facie* material. Otherwise, it would be difficult for any member to make any statement. My speech was based on a news published on the front page of a leading newspaper of 'Jamiat' and on a memorandum given by a responsible organisation to the Prime Minister.

If any news about Jamiat is published in its chief organ, it is natural to take it as authentic. I hold myself responsible for the fact that the memorandum has been presented; how can I be held responsible for all the facts mentioned therein?"

Further he says that the news was reproduced in other papers and circulated by UNI agency as well.

I concede that the freedom of speech of a Member must be kept inviolate. His rights in this respect must remain undamaged. But this freedom, while absolute so far as any interference from outside is concerned, is to be restricted and controlled by the House itself. A distinction must be made between what is published in a newspaper or spoken or otherwise written and what is uttered inside the House. Any citizen offending the laws of defamation exposes himself to civil or criminal action in courts and the aggrieved person has a remedy. But inside the House the Member has complete protection under article 105 of the Constitution. Our Rules do make a provision that no defamatory words shall be uttered by a Member under rule 352(VII). According to Anson [Volume I (Parliament) page 170], "Speech and action in Parliament may thus be said to be unquestioned and free. But this freedom from external influence or interference does not involve any untrained license of speech within the walls of the House." Consequently many a time Members have been called to account and punished for offensive words spoken in the House of Commons.

Here, in our House too, it was ruled by the Speaker that "A member who makes an allegation against any person should ensure about the correctness of the facts beforehand and should realise his responsibility as a member." This was in Lok Sabha Debates of 1963.

Even in the present case I had observed that mere publication in a newspaper was not enough, and the Member should have made some further enquiry before making these defamatory allegations. Shri Prakash Vir Shastri has explained that he could not have recourse to any other sources; he thinks that he had enough justification for relying on the official organ of the 'Jamiat'. Further he relies on the actual manner in which he used the words. According to him he had asked for a clarification and

not levelled charges positively and definitely. But this plea cannot be sustained on the subsequent behaviour of Shri Prakash Vir Shastri. If it was only an inquiry made or explanation desired then the interruption by the Prime Minister should have satisfied him. But Shri Prakash Vir Shastri persisted even after that and stuck to his position.

Even making all allowance to Shri Prakash Vir Shastri and even conceding that he had had some reasonable grounds of placing reliance on the "Aljamiat", the official organ of the Jamiat and of giving credit to the memorandum submitted by Shri Asrar-ul-Haq to the Prime Minister, there remains yet another point in the conduct of Shri Prakash Vir Shastri that cannot be justified. When Shri Humayun Kabir had categorically denied both allegations on the floor of the House, Shri Prakash Vir Shastri ought to have accepted that statement within the personal knowledge of an honourable Member in preference to the news in the "Aljamiat" or to the memorandum of Shri Asrar-ul-Haq. I had desired that the matter should be closed. He would have enhanced his own respect and the dignity of this House if he had expressed regret when Shri Kabir made an unequivocal declaration. But on being asked by me Shri Prakash Vir Shastri insisted that I should make further enquiry, which implied that the news item in "Aljamiat" and the memorandum were considered by him more dependable than the solemn statement of another Member. Shri Prakash Vir Shastri knew, he had no other evidence and he has not been able to produce any. In this respect he has not exercised his discretion correctly.

Belated though it is, I have received a supplementary explanation from Shri Prakash Vir Shastri on November 15. He concludes therein:—

"I am sorry that I could not understand that implication at that time."

Mr. Humayun Kabir's position stands vindicated. But keeping in view all the circumstances, I think, no further action is called for in the present case. But I would advise all the Members to exercise greater caution when they have to make imputations.

Now, Shri Morarka to present the Report of the Public Accounts Committee.

श्री मधु लिमये (मुंगेर) : इस पर मेरा व्यवस्था का प्रश्न है ।

अध्यक्ष महोदय : इस पर व्यवस्था का प्रश्न नहीं हो सकता है ।

श्री मधु लिमये : जरा सुन तो लीजिये ।

अध्यक्ष महोदय : व्यवस्था का प्रश्न कैसे उठ सकता है ?

श्री मधु लिमये : इसलिए होता है कि . . .

अध्यक्ष महोदय : नहीं ।

श्री मधु लिमये : सुन तो लीजिये, उसके बाद थाप . . .

अध्यक्ष महोदय : वैसे ही सुनु ।

श्री मधु लिमये : मैं थापको नियम बतलाना चाहता हूँ ।

अध्यक्ष महोदय : इस पर व्यवस्था कुछ नहीं हो सकती है ।

श्री मधु लिमये : आपने रूल 353 उद्धृत किया है । यह तो सही है कि . . .

अध्यक्ष महोदय : मैं प्रश्न कर रहा हूँ कि मैं गलत भी हूँ तो भी व्यवस्था का प्रश्न नहीं उठा . . .

श्री मधु लिमये : जरा सुन तो लीजिये ।

अध्यक्ष महोदय : जी, नहीं ।

श्री मधु लिमये : जो नियम थापन पढ़ कर सुनाया है वह किसी बाहरी व्यक्ति के बारे में है, किसी सदस्य के बारे में नहीं है ।

अध्यक्ष महोदय : मैंने अग्रर गलत भी बात कही है तो वह ठीक मानी जाएगी।

श्री मधु लिमये : हम आपकी मदद करना चाहते हैं...

अध्यक्ष महोदय : आपकी बड़ी मेहरबानी। जरूरत होगी तो आपकी मदद ले ली जाएगी।

श्री मधु लिमये : आप अपने ऊपर ऐसी चीजों को न ले लिया करे।

अध्यक्ष महोदय : अडं किया है न कि आप बैठ जाये। अब हो गया।

12:21 hrs.

PUBLIC ACCOUNTS COMMITTEE

FORTY-FIRST REPORT

Shri Morarka (Jhunjhunu): I beg to present the Forty-first Report of the Public Accounts Committee on the Appropriation Accounts (Civil), 1963-64, Audit Report (Civil), 1965 and Audit Report (Commercial), 1965 relating to the Ministries of Civil Aviation, Commerce, Community Development and Cooperation, Education and Food and Agriculture (Departments of Agriculture and Food).

12:21½ hrs.

ELECTION TO COMMITTEE

INDIAN INSTITUTE OF SCIENCE,
BANGALORE

The Minister of Education (Shri M. C. Chagla): I beg to move:

"That in pursuance of clause 14(v) of the Scheme for the Administration and Management of the properties and funds of the Indian Institute of Science, Bangalore, read with regulation 2.1 of the Regulations of the Institute, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Council of the Institute for the next term."

Mr. Speaker: The question is:

"That in pursuance of clause 14(v) of the Scheme for the Administration and Management of the properties and funds of the Indian Institute of Science, Bangalore, read with regulation 2.1 of the Regulations of the Institute, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Council of the Institute for the next term."

The motion was adopted.

MOTION RE. INTERNATIONAL
SITUATION—contd.

Mr. Speaker: Dr. Aney had given me notice that he wanted to raise a point of order at this hour. I wanted to call the Minister but he wanted to raise a point of order because he had not got the turn to speak though he had moved a substitute motion.

Dr. M. S. Aney (Nagpur): Sir, those who have given their substitute motions have a right to be heard if they want to speak on the substitute motions which they have tabled to the main Motion before the House. What happened was that as the time allotted to the Motion...

Mr. Speaker: I would like the Member to quote only the rule under which a Member who gives notice of an amendment gets a right to speak on that. All along the Speakers have ruled that there is no inherent right.

An hon. Member: It is a normal justice.

Shri S. M. Banerjee (Kanpur): You may kindly give him a chance.

Mr. Speaker: Mr. Banerjee, my difficulty is that if I give him a chance, I have to accommodate half a dozen more Members. If he had been