

12.23 hrs.

### QUESTION OF PRIVILEGE

**Shri Vidya Charan Shukla** (Mahasamund): As you might recall, Sir, I gave notice of this privilege motion on 10th May, 1965, but this privilege motion was kept pending because this matter was under the consideration of one court or the other until recently and only day before yesterday the Supreme Court has dismissed the petition or the application for special leave moved by the hon. Member, Shri Madhu Limaye as untenable. So, I would like to raise this question again before the House.

Sir, as the House might remember, Shri Madhu Limaye was suspended from the service of the House for two weeks on 8th April, 1965, by the motion made by Shri Satya Narayan Sinha for unruly behaviour, indecent expression and for flouting the authority of the Chair and of the House. In the writ petition filed by the hon. Member he affirmed by a court affidavit on oath of personal knowledge that the disciplinary action taken against him by the Speaker was really out of malice and, therefore, *mala fide*, and he was actually punished for raising this question of discussion of the Lok Sabha Secretariat Demands and for having moved cut motions in that connection. This is what Shri Madhu Limaye said in paragraph 10 of his petition to the Punjab High Court:

"The day the petitioner received the above reply, there was an uproarious scene in the Lok Sabha and the petitioner was suspended from the service of Lok Sabha for two weeks on the motion moved by the Minister of Parliamentary Affairs, Shri Satya Narayan Sinha and supported by the Leader of the House, Shri Lal Bahadur

Shastri. The action of the Speaker in naming the petitioner and of Shri Satya Narain Sinha in moving the aforesaid notice for his suspension was not only against the rules but *mala fide*, as he was punished for raising the question of discussing the Secretariat Demands and for having moved cut motions in that connection."

The gravity of this allegation becomes all the more greater because these allegations against the Chair have been made deliberately. The Attorney-General, while arguing this matter in the Punjab High Court, said that this was wilful suppression and misrepresentation of facts by the hon. Member, who was the petitioner before the court, and the High Court in its judgment has repeated the arguments of the Attorney General without making any comments upon them.

Since the Presiding Officer represents the dignity authority of the House these serious allegations against him cause, in my opinion, a very severe breach of privilege of this House. It is likely that the hon. Member might have levelled these serious allegations against the Chair under some misapprehensions. If the hon. Member repents this mistake and wishes to tender an unconditional and unqualified apology to the House, then I submit that this matter may be closed here, Sir, with our indulgence and the indulgence of the House. But if, however, Shri Madhu Limaye is unwilling to tender an unconditional and unqualified apology, then I want to move that this matter may be referred by the House to its Privileges Committee for such judgment and action as it may deem fit.

अध्यक्ष महोदय : क्या श्री मधु निमये कुछ कहना चाहते हैं ?

**Shri Kapur Singh** (Ludhiana): Sir, may I raise a point of order concerning the way in which the motion of privilege has been raised. The point

of order I want to raise is this. The hon. Member has raised no specific motion of privilege he has only expressed two alternatives. Therefore, this motion of privilege is out of order.

**Mr. Speaker:** When *mala fide* are attributed to the Speaker....

**Shri Kapur Singh:** But he says that if the hon. Member expresses unconditional apology . . .

**Mr. Speaker:** That is about the action that should be taken.

**Shri Kapur Singh:** It is not for him to suggest that; it is not within his province.

**Mr. Speaker:** But the question of privilege does not disappear merely because of that.

**Shri Kapur Singh:** The correct position is that without moving a specific motion of privilege he has suggested two alternatives to the House.

**Mr. Speaker:** The breach of privilege is one part. That he has mentioned in the beginning of his speech. In the latter part he has suggested what action the House should take. I agree that it was not for him to say what action the House should take that will be decided by the House itself. But simply because he has suggested that, breach of privilege motion does not disappear or become irregular in that respect.

श्री मधु निमये ।

श्री बागड़ी (हिमाचल) : अध्यक्ष महोदय, मैं इस पर बोलना चाहता हूँ ।

अध्यक्ष महोदय : मैं ने श्री मधु निमये को बुलाया है कि वह इस बारे में क्या कहना चाहते हैं ।

श्री बागड़ी : प्राप श्री मधु निमये को तो अब सुनेंगे, जब विशेषाधिकार का प्रश्न

हो । मेरे खयाल में यह प्रश्न ही नहीं उठता है । तो फिर उन को बुलाने की जरूरत नहीं है ।

अध्यक्ष महोदय : पहले मुझे श्री मधु निमये को सुनने दें ।

श्री मधु निमये (मुंगेर) : अध्यक्ष महोदय, जब 18 अगस्त को माननीय सदस्य, श्री विद्याचरण शुक्ल ने यह विशेषाधिकार का प्रश्न सदन के सामने रखा, तो मैं ने प्राप से यह विनती की थी कि वह अपना प्रस्ताव पूरा पढ़ें । तब पूरा प्रस्ताव पढ़ा गया । इस वक्त उन्होंने अधूरा रखा है । उस प्रस्ताव के दो हिस्से थे । एक हिस्सा यह था कि मैं ने सदन के सामने जा कर और सदन ने नोटिस जारी कर के सदन की प्रक्रिया को खत्म करने का प्रयास किया और सदन का अपमान किया । उन के प्रस्ताव का दूसरा हिस्सा यह था कि मैं ने जो पहला पंटीशन किया था, उस में अध्यक्ष के निर्णय के बारे में, और श्री सत्य नारायण मिह्र के द्वारा जो प्रस्ताव रखा गया, उस के बारे में "मला फाटडी" शब्द का इस्तेमाल किया । ये दो इल्जामान थे ।

जहां तक पहले आरोप का सम्बन्ध है, माननीय सदस्य को वह प्रस्ताव पूरा पढ़ना चाहिए था, उस के बारे में कुछ कहना चाहिए था । प्राप को इस पर निर्णय देना है । प्राप कई बार यहां पर कह चुके हैं कि सर्वेधानिका का जब बयान था जाना है, तो हर एक सदस्य को सदन के सामने जाने का अधिकार है, उस का फलना भी यहा नहीं कर सकता । इसलिए उस बयान को ले कर मैं पंजाब उच्च न्यायालय के सामने गया । उस में मैंने विशेषाधिकार कोई भंग नहीं किया । पिछली बार मैंने खुदमा भी किया था ।

अब दूसरी बात । जहां तक मैंने जो कुछ धर्ती में कहा था उसका तान्त्रिक है

## [श्री मधु लिमये]

मैं बड़े घदब के साथ निवेदन करना चाहता हूँ कि घदालत के सामने जो बात घाती है उस पर यहां बहस करके विशेषाधिकार का सवाल उठाने की कोई प्रावश्यकता नहीं है। घाप स्वयं जख रह चुके हैं और "मैलाफाइवी" की बात हमेशा घाती है कानूनी मामलों में।

जहां तक घसलियत का सवाल है, उसके बारे में मैं घाप को याद दिलाना चाहता हूँ कि जिस दिन सर्वोच्च न्यायालय ने मेरी घपीस को खारिज किया उसी दिन मैंने बिना इंतजार किये हुए उसकी सम्पूर्ण रपट घापको भेज दी थी। घाप समझ सकते हैं कि मैंने घाघने की कोशिश कोई नहीं की है। घखबारों में घाघने के पहले ही मैंने घदालत के सामने जो बात रखी थी और घदालत ने जो फैसला दिया था उसकी सम्पूर्ण रपट घापके पास भिजवा दी थी।

जहां तक विशेषाधिकार का सवाल है घाप ने इसको मुलतवी रख कर बड़ी घच्छी बात की थी। घाप ने मुझे को मौका दिया था लेकिन भूँकि घब मेरी याचिका खारिज हो गई है इसलिए घगर घाप चाहते तो इस मामले को घब ले सकते हैं और विशेषाधिकार समिति के सामने इसको भेज सकते थे। लेकिन जहां तक मुझ को सदन की सेवा से निलम्बित करने का प्रश्न है, उसके बारे में मैं नघ्यतापूर्वक यह घबं करना चाहता हूँ कि कभी कभी ऐसा होता है कि गलतफहमी में घध्यक्ष घपना कोई निर्णय करता है। इंग्लैंड में भी हाउस घाफ कामंड में कई बार हुआ है। मैंने घभी एक किताब पढ़ी है। इसका नाम है "घ्राफिस घ्राफ स्पीकर"। उसमें उन्होंने कहा है कि ब्रिटेन में भी यह परम्परा है कि जब कभी घध्यक्ष गलतफहमी में कोई घपना निर्णय देता है तो उस दिन घगर कोई कहे कि उस पर पुनर्बिचार हो तो वह नहीं हो सकता है। उस दिन वह घपनी बात पर घड़ता है। लेकिन दूसरे दिन या

उसके बाद किसी भी दिन बहाने यह परम्परा है कि घध्यक्ष कह देता है कि मैंने गलतफहमी में यह किया है इसलिए उसको भूल जाना चाहिये। इस तरह की परम्परा बहाने है। घगर घाप इजाजत दें तो मैं इसको पढ़ सकता हूँ। लेकिन मैं समझता हूँ कि इसकी जरूरत नहीं है।

मेरी मुघतली के एक दो दिन बाद ही मैंने घापको एक पत्र लिखा और उसमें मैंने कहा कि जो घधिकृत रिपोर्ट न उसमें सारी बातें छपी हुई हैं। जिस चीख को लेकर यहां पर गड़बड़ी हुई है, नपूसकता ब्रह्म कहने पर जो एतराख किया गया था उसका प्रयोग न इस सदन के लिए, न इस सदन के किसी सदस्य के लिए, न घापके लिए और न किसी मंत्री के लिए कभी किया गया था। एक साल से मैं यहां पर हूँ। मैंने कभी भी घध्यक्ष का घपमान नहीं किया है, जिसको घपमान कहा जाता है। इसलिए मैं निवेदन करना चाहता था और मेरी यह इच्छा थी कि घाप दूसरे दिन ही इसका खुलासा कर देंगे।

मैंने कुछ पुरानी बातों को भी रखा था। एक कामत साहब का किस्सा मैंने घापको बताया था। घगर घाप उसमें जायेंगे तो घापको साफ साफ पता चलेगा कि कामत साहब ने साफ साफ उन दिन घध्यक्ष महोदय से कहा था कि मैं घापका कहा नहीं मानूंगा जब तक मैं घपनी बात को पूरा नहीं कर पाऊंगा तब तक मैं नहीं बैठूंगा। लेकिन मैंने इस तरह की कोई बात उस दिन नहीं कही। घाघने कहा, चले जाइये, मैं चला गया और जते समय मैंने जो कहा वह इसलिए कहा कि कांग्रेसी लोग हल्ला कर रहे थे। मैंने कहा कि घापका बहुमत है, घाप हम को निकाल सकते हैं। लेकिन यह घध्यक्ष महोदय घापके ऊपर या सदन के ऊपर कोई आड्डा नहीं था।

दूसरे दिन जब इसका खुलासा नहीं हुआ तो मेरी मुघतली की मुदत खत्म होने के बाद

मैंने ध्रापको एक चिट्ठी लिखी थी कि मुझे स्पष्टीकरण करने का मौका दीजिये ताकि सदन में जो गलतफहमी फैली है वह दूर हो जाए। ध्रापने बड़ी खुशी से मुझ को यह मौका दिया और मैंने स्पष्टीकरण किया। यह सब डिस्कशन रपट में मौजूद है। यह स्पष्टीकरण करने के बाद श्री किशन पटनायक और नाथ पाई जी ने सत्य नारायण सिंह जी से कहा कि अब जब कि स्पष्टीकरण हो चुका है और मधु लिमये ने किसी का भी अपमान नहीं किया है, न सदन का और न ही अध्यक्ष महोदय का, इस वास्ते अब उनको खेद प्रकट करना चाहिये। वैसे मुझे सत्य नारायण सिंह जी के बारे में व्यक्तिगत तौर पर कुछ नहीं कहना है। वे कभी कभी रामायण की चौपाईयां, कुछ विद्यापति की बातें सुनाने हैं जो मुझे बहुत पसन्द आती हैं। मेरी उन से बिल्कुल व्यक्तिगत दुश्मनी नहीं है।

जब उन्होंने गलतफहमी में धाकर कोई एक प्रस्ताव रखा जिस को लेकर मुझ को चौदह दिन के लिये निकाल दिया गया तो उनका यह कर्तव्य था कि वह इस बात को कहते कि मुझे खेद है अगर और वह ऐसा कहते तो मेरा ख्याल है कि ध्रागे जो बात हुई वह न होती। उनको प्रस्ताव रखने का मौका केवल इसलिए मिला कि ध्रापने गलतफहमी में मुझ को नेम किया और ध्राप गलतफहमी में नेम न करते तो गलतफहमी में उनको रखने और मुझ को निकालने का मौका ही नहीं मिलता। ध्राप अगर इसलिए चाहते हैं कि विशेषाधिकार समिति के सामने यह बात जाए और वह सारी रिपोर्ट्स को और रिकार्ड्स को देखें और कौन दोषी है यह वह बताये। फिर जैसा कि मैंने पिछली बार भी कहा था अगर मुझको यह लगता है, मुझको यह महसूस होता है कि मैंने गलती की है तो मैं किसी से भी माफी मांगने को तैयार हूँ। लेकिन इस बात में धन्याय मेरे साथ हुआ है, और अगर मुझ को दोषों ठहराया गया, मुजरिम मुझ को ठहराया गया तो बड़ा गजब होगा। इसलिए मेरा निवेदन है कि मेरे इस खुलासे को, मेरे

स्पष्टीकरण को मंत्रेनजर में रखते हुए या तो ध्राप इस विशेषाधिकार के प्रश्न को खारिज कर दीजिये और अगर ध्राप और सदन यह नहीं कर सकते हैं तो मुझे कोई ध्रापत्ति नहीं है कि विशेषाधिकार समिति के सामने यह बात जाए।

Some Hon. Members rose—

Shri Hari Vishnu Kamath (Hoshangabad): He mentioned my name in the course of the points that he made.

अध्यक्ष महोदय : कोई बाल नहीं है।

श्री हरि विष्णु कामत : व्हाई कोई बात नहीं है ?

अध्यक्ष महोदय : ध्राप साबित करेंगे, मैं कह रहा हूँ, तब भी ध्राप जरूर करेंगे ?

श्री बागड़ी : अध्यक्ष महोदय

अध्यक्ष महोदय : उन से मैं एक सवाल पूछना चाहता हूँ। इजाजत दीजिये, पूछ लूँ। लिमये साहब ने बहुत कुछ कहा है कि गलतफहमी में एक ऐसा अपराध कर दिया है . . . . .

श्री मधु लिमये : मैंने कहा गलत निर्णय कर दिया है। मैंने कहा है कि गलतफहमी में ध्रापने एक निर्णय लिया है। इसी तरह से तो धन्याय होता है।

अध्यक्ष महोदय : उमलिंग ध्रापके साथ धन्याय हो गया ?

श्री मधु लिमये : गलतफहमी की वजह से ध्रापने मुझ को नेम किया, उमलिंग धन्याय हुआ।

अध्यक्ष महोदय : सवाल जो है वह बिल्कुल प्रसहदा है। सवाल यह नहीं है कि ध्राप न्यायालय गए थे, वह दुस्ता था या नहीं। यह सवाल नहीं है।

श्री मधु लिमये : उमी से मिलता खुलता सवाल सत्य नारायण जी के बारे में ध्रापना, नहीं तो कैसे ध्रापेगा ;

**अध्यक्ष महोदय :** सुन तो ल । क्या मुझे दखाजत है ।

**श्री मधु लिमये :** मैं कौन होता हूँ दखाजत देने वाला ?

**अध्यक्ष महोदय :** सवाल यह नहीं है कि प्राया उस वक्त यह तहकीकात हो कि उस वक्त इन्होंने दोष किया था और सही तौर पर निकाले गये थे या किसी गलतफहमी की वजह से वह मोशन धाई और इसलिए निकाले गये ? सवाल यह है कि यह प्रदालत में गए वहाँ उन्होंने दलजाम यह लगाया कि स्पीकर ने मैलाफाईड इसलिए मुझे निकाला चूकि ये स्पीकर के और सभा के जो डिमांडज थे उनको डिसकग करना चाहते थे और इन्होंने कट मोशन मूव किए हुए थे और स्पीकर दखाजत नहीं देना चाहते थे इनलिये इन्हें निकाला गया । मैं प्राप से पूछना चाहता हूँ कि जब निकालने का सवाल प्राया उस वक्त ये कट मोशंस और स्पीकर की डिमांडज डिसकस हो रही थी या बिल्कुल और मज-मुन था, सब्रैक्ट था जिस पर बहम हो रही थी ? मशाल इतना ही है ? आपने प्रदालत में जा कर यह कहा कि मुझे को इसलिए निकाला गया चूकि मैंने ये कट मोशंस दी थी कि लोक सभा की जो डिमांडज हैं वे डिसकन की जाए और स्पीकर ने मैलाफाईड इसलिए, मुझको निकाला और मोशन जो सत्यनारायण जी ने की वह भी इसलिए की । इसका सवाल है जिसको कमेटी ने देखा है कि प्राया प्रापके पास कोई वजह इस बात की थी कि प्राप इस बात कह दें कि जब प्राप निकाले गये और मोशन हाउस के सामने धाई तो हाउस के सामने डिसकशन क्या था ?

**श्री मधु लिमये :** "मैलाफाईडी" का सवाल तभी उठता है जब जो "एपरेट रीजन" है और जो "रीयल रीजन" है उस में फर्क दिखाई देता है । मैं निवेदन करना हूँ कि दो धर्मल की कारंबाई प्राप देख लें । जिस दिन मैंने कट मोशन का सवाल उठाया था उस दिन

सत्य नारायण गिह जी ने प्राप से मांग की थी कि इनको नेम कर दीजिये प्राप । यह सारा रिकार्ड में है । जब नाथ पाई जी ने और किशन पटनायक जी ने कहा कि अब स्पष्टीकरण हो गया है अब सत्य नारायण जी कहें और जब उन्होंने नहीं किया, और उनको पता चला था कि असली स्थिति क्या थी, तो उससे मैं क्या निष्कर्ष निकालूँ, अध्यक्ष महोदय ?

**अध्यक्ष महोदय :** कि मैलाफाईडी स्प्रीकर ने किया ।

**श्री मधु लिमये :** जब प्रपेरेट रीजन और रिप्रल रीजन अलग हो जाते हैं तो 2 तारोख को जो कारंबाई है उस से मैं क्या मतलब निकालूँ । प्राप के बापे में इस लिये कहना पड़ा कि प्राप नेम न करने वां उन्हें मौका नहीं मिलना ।

**अध्यक्ष महोदय :** फिर प्राप को एंतगज नहीं है अगर इसे समिति को भेज दिया जाये । (व्यवधान)

**श्री बागड़ी अध्यक्ष महोदय,** यह विगेराधिकार के सवाल पाने भी कई बार इस सदन में उठे हैं । विगेराधिकार के सवाल के उठाने के कारणों की लह में यह बात होती है कि सदन की मर्यादा का किर्मा तरह से कायम रखा जाये । इन का मतलब यह नहीं होता कि किर्मा का रूड दिया जाये । अगर कहीं इस की जरूरत पड़ती है तो इस नाने से कि उन मर्यादा का कायम रखने के लिये क्या तरीके प्रापनाये जायें । पहले भी बहुत से विगेराधिकार यहाँ पर प्राये हैं । कायदे कानून के साथ वह विगेराधिकार चल सकते हैं या नहीं, यह वां प्रागे की बात है, लेकिन सदन की और प्राप की यही नीति रही है कि चर्चा यह बात खत्म हो गई, अब जाने दो, इस से कुछ निकलने वाला नहीं है ।

मैं एक बात और निवेदन करूंगा कि फरियादी प्रदालन के अन्दर जाता है ।

प्रदासत में उस के मन के न्यायिक मूलत या मही कुछ लक्षण लगते हैं और प्रदासत उस का निर्णय दे देती है, तब फिर उस के बाद निर्णय सच या झूठ के निर्णय की जरूरत नहीं रह जाती। अगर मन्त्रालय में जाने का अधिकार प्राप्त किसी को देते हैं तो उसे प्रदासत में जा कर जो उस के मन का प्रत्याय जचता है उसे कहने का अधिकार अर्क होता है। चाहे वह मन्त्र हो या सदी, उसका फैसला प्रदासत करती है। जब श्री मधु निमये जी ने अपनी दस्तावेज दी थीं तो वह इस नाते से नहीं दी थी कि सदन में किसी से उन का इशारा। यहां पर उन के साथ जो प्रत्याय दृष्टा और उन के मन पर उस का जो प्रसर दृष्टा उन के न्यायिक उन्होंने जा कर प्रदासत में दस्तावेज दी। उन्होंने किसी पब्लिक प्लेटफार्म से या किसी प्रकाश में बयान नहीं दिया जिस से सदन की या प्राप्त की ईश्वरता का कोई खयाल हो। प्रदासत ने कहा नहीं, यह ठीक है। बस हो गया फैसला। इसलिये बात को लम्बी बढ़ने का कोई मतलब नहीं रह जाता। अगर इस तरह से विशेष अधिकार का सवाल उठता है तो कर्मी ईश्वर तो सब के अन्दर होती है। मैं प्रबन्धन शिक्का होता हूँ इस का और निश्चाला जाता हूँ। इस का मतलब यह नहीं होता कि इन बात को बढ़ा जा जाये। मैं नम्र निवेदन करूंगा कि कम से कम दो विशेष अधिकारों का सवाल मैं ने प्राप्त के कहने से टाल दिया है क्योंकि उन के बढ़ाने में कोई फायदा नहीं था। इस बारे में भी कोई लम्बी चौड़ी बात तो मेरी नजर में घानी नहीं। बात साफ है। मधु निमये जी की नियत नहीं है, उन्होंने साफ कह दिया है कि उन का प्राप्त का मान और सदन का मान प्यारा है। उन का प्रपमान करने का कोई मकसद नहीं था। इस में ज्यादा धोर क्या हो सकता है।

**Shri S. M. Banerjee (Kanpur):** I invite your kind attention to Rule 223 which says:

"A member wishing to raise a question of privilege shall give

notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document."

Naturally what we do here is that, if it is based on a newspaper report, the newspaper is shown to you or sent to you or any other document on which it is based. For instance, Shri Homi Daji had a document when he got some paper from Indore that a Sub-Inspector or an Inspector of police had behaved in a very shabby manner; he did not allow the particular petition to be sent to the Lok Sabha. Here I believe my hon. friend, Shri V. C. Shukla, must have given notice of this and he must have supplied some document on which he based his privilege motion. If the document is his appeal to the Supreme Court or his petition to the High Court, i.e. if a petition moved in a High Court, whether a writ petition or a petition on appeal, also becomes a subject matter of privilege, then I am afraid it will be very difficult for any one—not only for a member but even for a citizen—to carry on. Here I want to refresh my memory to this; when strictures were passed by the High Court and many courts about the late Pratap Singh Kairon, we wanted to raise the question in this House on the basis of the strictures and I believe you had the wisdom not to allow it. The functions of the judiciary and those of Parliament are different.

**Mr. Speaker:** There is no conflict between the functions of the judiciary and those of the legislature.

**Shri S. M. Banerjee:** I am raising this question because it will be very difficult for any member of the House to function; if he does not get justice, he will not be able to go to the court. Even our privileges have not been properly codified....

**Mr. Speaker:** The hon. member ought to distinguish an affidavit that

[Mr. Speaker.]

has been filed. He goes on talking about going to courts; that is not the question. (Interruptions.)

**Shri S. M. Banerjee:** The only question before the House is whether, in the petition or in the appeal, Mr. Limaye has used some expression on the conduct of the Speaker by saying that he has *mala fide* intentions or something like that. He has used the word '*mala fide*' and that is the only word to which my friend, Shri Shukla has taken objection. In a court of law, either it is *bona fide* or *mala fide*. I am not a lawyer. After all, what is the meaning of *mala fide*? I say that this will be a bad precedent. I have all respect for you and for this House, but I say that this will be a bad precedent. This is being done by the ruling party member with a vengeance, with the idea that, in future, if I am punished by the Chair, I may not defy the Chair. We have no idea to defy you, Sir, but sometimes it so happens.

**Mr. Speaker:** I do not know whether he has supported Mr. Limaye.

**Shri S. M. Banerjee:** I am not supporting Mr. Limaye, but I am supporting only the idea that a question in the court of law should not be discussed here.

**श्री राकेशचरानन्द (करनाल) :** अध्यक्ष महोदय

**अध्यक्ष महोदय :** प्राप को इस तरह से नहीं बोलना चाहिये। पिछली दफे श्री प्राप बोले प्रौर जो प्रत्फाज प्राप ने कहे बहु ठीक नहीं थे। मैं कहता हूँ कि मैं बड़ी सब फरता हूँ प्रौर बहुत बरंशत करता हूँ। अगर प्राप की बातों से अब न. १० अंगी प्रा जाये तो कोई प्रजत्र बात नहीं है। प्राप को इस तरह से नहीं करना चाहिये।

**Shri Kapur Singh:** I most respectfully submit that this matter should be further processed a little before it is handed over to the Committee of Privileges. As it seems to me, there are three questions to be answered before a final decision can be given by this House or by you as to whether

the matter is fit for going to the Committee of Privileges. These three questions are as follows:—

The first is, whether the hon. member, Shri Limaye, was entitled to go to a court of law on the matter under reference. To this already a reply has been given by the hon. member himself that you yourself ruled and answered to this question in the affirmative.

The second question is: is a right to allege *mala fide* implicated by the right to go to court. If my knowledge of jurisprudence is to be relied upon, then I think that a right to go to court always implicates a right to allege *mala fide* and it is a matter between the individual concerned and the court to see as to whether the allegation was well made or wrongly made and with what consequences.

The third question is: does a member commit a breach of privilege by exercising his right, his lawful rights. On this also I think I have your authority to say that you have ruled to me in a case which I recently raised as a question of privilege that, whenever any citizen is acting in exercise of his lawful rights, no question of breach of privilege can arise.

I submit that it is in the light of answers to these three questions that your final ruling should be given.

**Mr. Speaker:** I am rather surprised that the issue should be confused. Who says that a member does not have the right to go to the court? This is not that case that he could not go to the court nor is this that seeking redress there gives him the right to allege *mala fide*, i.e., because he can go to the court, he can also file an affidavit that the Speaker had acted *mala fide*.....

**Shri Surendranath Dwivedy (Kendrapara):** True to his knowledge.

**Mr. Speaker:** Yes, true to his knowledge.

So the only question—I am limiting it—that can be referred to the Committee is whether there was any

justification to allege *mala fide* in the affidavit under the circumstances that existed at that moment.

**श्री मधु लिमये :** उसके पहले या बाद ?

**अध्यक्ष महोदय :** पहले और बाद, सब कुछ कमेटी देख लेगी ।

**Shri Hari Vishnu Kamath:** May I draw your attention to rule 226?....

**Mr. Speaker:** It should not take long now.

**Shri Daji (Indore):** May I make one submission? If you are going to allow other Members, I hope you will permit me also to make some submissions . . .

**Mr. Speaker:** All members cannot get an opportunity.

**Shri Hari Vishnu Kamath:** Under rule 226, the House should consider this matter before it is referred to the Committee. That has been done before in this House. Before the matter is referred to the Privileges Committee the House should discuss this matter. Therefore, we want to discuss it now.

**Mr. Speaker:** Therefore, I have allowed this discussion. But that does not mean that all members would get the opportunity. The hon. Member might say a few words.

**Shri Hari Vishnu Kamath:** May I make a brief submission?

At the outset, may I, by your leave, try to clear an obscurity into which my hon. friend Shri Madhu Limaye has let the issue fall by stating that his case at a certain stage was on a par with mine.

You will be pleased to recollect the incident that took place in August or September, 1955. I think it was in August, 1955 that the then Deputy-Speaker, Shri Ananthasayanam Ayyangar who was in the Chair refused permission to me to raise a point of order. Then again, I requested him to give me permission. But

he persistently refused, and then I said that I was sorry I could not agree and I must be permitted to raise the point of order. He then asked me to withdraw from the House. That was all. Then what happened was that when I was about to withdraw, some of my Congress friends at that time—not the Members who are sitting here today on those Benches, but the Congress Members at that time—started a cacophonous cachinnation, where upon I said 'fantastic nonsense'. The Deputy-Speaker who was in the Chair wrongly thought that I had addressed those words to him. The House was good enough to agree to name me! Later it was found by the then Speaker Shri Mavalankar that the action taken was not quite correct, and he permitted me to make a statement on the matter. The earlier resolution or motion was also rescinded later. Acharya Kripalani moved in the House the next day that that motion be rescinded, and it was so rescinded. When I came back after a week to the House, Shri Mavalankar gave me permission to make a statement on the subject, and he absolved me of any blame.

Be that as it may now I come to the point at issue today. The right of a Member, as you have rightly said, to go to a court of law is not disputed, on any issue that pertains to the Constitution. Rules 225 and 226 make it clear as to what matter of privilege can be raised here, and that should be discussed here before it is referred to the Privileges Committee. Rule 226 says that the House may consider the matter before it is referred to the Committee.

Now, may I submit that it is article 113 under which apparently my hon. friend Shri Madhu Limaye went to the High Court and then the Supreme Court? He thinks that perhaps that article invests him with the right to go to court in case he thinks rightly or wrongly that so far as the House is concerned, that article has fallen into desuetude or has tended to fall into desuetude.

[Shri Hari Vishnu Kamath]

The point that now arises is, as has been said by my hon. friend Shri Vidya Charan Shukla, that in the affidavit *mala fides*, and if I have heard him aright, malice . . .

**Shri Surendramath Dwivedy:** Out of malice.

**Shri Hari Vishnu Kamath:** . . . . .  
*Mala fides*, that is, bad faith, has been attributed to you. Therefore, the House must consider how far it be wrong for any Member to attribute *mala fides* to the Speaker inside the House or outside the House, whether it is in the House when we refer to your rulings or outside the House in a court of law.

I believe that it is wrong to impute *mala fides* or bad faith to you. We may not agree with your ruling, as we have said often that we do not agree with your ruling, but willy-nilly we bow to the ruling, and we do not attribute any malice or any *mala fides* to your judgements or to your rulings. Therefore, I would however submit that the offence or the mistake or the blunder which has been apparently committed, in my humble judgment, by my hon. friend Shri Madhu Limaye would be (may I use the word 'purged') purged, if—I am not competent to advise him, but if I may make a humble suggestion—today in the House he expresses his regret for what he has said, for having attributed *mala fides* to you, that he did not mean what he said. If he does express regret to you for having attributed *mala fides* to you, I submit that the matter may not be referred to the Committee of Privileges of the House.

**Shri Daji:** Since the right of going to the court has been accepted, I would say that I disagree with my hon. friend Shri S. M. Banerjee and my very able friend Shri Kapur Singh when they say that the right to go to court includes the right to allege *mala fides*.

**An hon. Member:** Otherwise, why should a person go to court?

**Shri Daji:** That would be an extremely dangerous precedent. It may be that this time it is a Member of the Opposition who is involved. But if this precedent were to be established then it would mean that in future any Member may allege anything against any other Member in an affidavit and then go to court against that other Member, and there would be no remedy then. Such a position is not possible.

The legal test would be this, a citizen is free to allege anything before a court but if the thing is not proved before the court, the aggrieved party has the right to go in for defamation proceedings; so, if an action for defamation would lie, it would amount to, and include also an action for breach of privilege. That would be the legal position.

The position will have to be further studied by the Committee. But what I want to point out to you and to the House is this. My hon. friend Shri Madhu Limaye has not done justice to his own case. If only his letter to you had been read out, it would have been found that his letter was much more courteous and much more cogent, than the speech of my hon. friend Shri Madhu Limaye.

I would like to submit to the House through you, Sir, two or three points. Firstly, if *mala fides* were alleged, they were not pressed at the time of argument. The arguments on *mala fide* were totally dropped when he went to the Supreme Court for leave to appeal against the order of the High Court. Even in the High Court, this argument about *mala fides* was not pressed. When he went to the Supreme Court also, he very properly and very rightly dropped the question of *mala fide*.

श्री मधु लिमये: उस पर कोई प्रश्न ही नहीं है।

**Shri Daji:** Even in the petition to the High Court, no specific prayer was based on the allegation of *mala fide*. I am very clear about it that the allegation of *mala fide* was a very unfortunate allegation, and I resent it. That allegation was only made in passing in the petition drafted in a hurry and huff, and, therefore, in his letter he almost implies that since the matter was not pressed by him further, we should not catch hold of just one sentence in the affidavit, which was not followed up in the High Court and the Supreme Court and we should not beat about a dead horse.

It is only from that angle that I would submit this, since the matter has been brought up by the Member himself. After having alleged a thing in the affidavit, if it is not pursued in the High Court and the Supreme Court, then it means that the thing is dropped as it were. If you allege a thing in a petition but do not press it at the time of argument, then legally you almost concede the point and you almost leave it out. Since that point was not pressed further, I do not think that much purpose would be served by further beating a dead horse.

**श्री रामेश्वरानन्द :** अध्यक्ष महोदय, मझे निवेदन करना है इस सम्बन्ध में कि हम में से किसी को भी नहीं कहना चाहिए कि हम गलती नहीं करते, हम सभी भूल कर सकते हैं और उस में धाप भी सम्मिलित है। यह शब्द मैं धाप के प्रपमान के लिए नहीं कह रहा हूँ। इसलिए कह रहा हूँ कि मानवता के नाते धाप भी वैसे ही मनुष्य हैं और हम भी वैसे ही मनुष्य हैं। चुनाव की दृष्टि से भी समता है। केवल सम्मान के लिए हम ने धाप को इस पीठ पर रखा है सर्वसम्मति से। धाप हम को ठीक ठीक मही रूप से समझें जो कि अध्यक्ष का प्रर्थ है। मेरा धपना भ्रम समझ में, ऐसी बात हो सकती है, हो सकता है कि मेरा भ्रम हो परन्तु यह प्रत्यक्ष रूप से ऐसा होता है कि कुछ व्यक्तियों को अध्यक्ष महोदय, धाप ने यह

समझ लिया है कि या तो ये व्यर्थ हैं, वह व्यक्ति जो हिन्दी में बोलने है या यों समझ लें धाप कि ये प्रयोग्य है या यों समझ लें कि शायद हमारी कोई सत्ता नहीं है, इसलिए धाप की धोर से, यह मैं धपना विचार कह रहा हूँ, प्रबहेलना होती है। धाप के ही व्यवहार को ले लिया जाय। एक घंटा समाप्त होने को था, पांच मिनट थे, प्रत्येक प्रश्न पर कम से कम दस दस घोर बार बार बार बार में खड़ा होता रहा किन्तु धापका दृष्टिपात नहीं हो सका। मैंने सामान्यतया यह बात कह दी। शायद है पूर दृष्टि का नेत्र न हो या धाप ने ऐसा समझ ही लिया हो कि हम कोई जानबूझ कर कर रहे हैं, एक सामान्य बात थी। धाप उसको कह सकते थे कोई बात नहीं है। लेकिन अध्यक्ष महोदय, जो धाप ने धाप शब्द प्रकट किये हैं जिनके लिए धाप मुझे दंडनीय समझते हैं, मैं कहता हूँ उन पर धाप को पुनर्विचार करना चाहिए मैं दंडनीय नहीं कहता। लेकिन मेरे शब्दों का यह उत्तर देना कि दोनों मही नहीं है जो धाप कहते हैं धोर इतने प्रावेश में धाकर कहना, अध्यक्ष महोदय, मैं तो स्वयं पिछकर दे चुका हूँ, मैं कभी भी धाप को, धोर धाप तो हमारे माननीय अध्यक्ष है, मैं तो गधे, घोड़े, कुत्ते तक का प्रपमान नहीं करना चाहता। (शरणावाह) मेरी बात सुन लीजिये। धाप समझ नहीं पाये। मेरे शब्दों को सुन लीजिये।

13 hrs.

**अध्यक्ष महोदय :** अगर हमारी इतनी दृष्टि नहीं है कि धाप को समझ पावें तो धाप ही बस लीजिये। अगर हम नहीं समझ सकते तो धाप ही रहने दीजिये।

**श्री रामेश्वरानन्द :** मैं ने ये शब्द कहे ही नहीं हैं, धाप नहीं समझ . . .

**अध्यक्ष महोदय :** हम नहीं समझ पाते तो धाप क्यों ज्यादा जोर देने है।

**श्री रामेश्वरानन्द :** मेरा निवेदन तो सुन लीजिये।

अध्यक्ष महोदय : निवेदन सुन लिया ।

श्री रामेश्वरानन्द : मेरा निवेदन सुन लें ।

अध्यक्ष महोदय : आप बैठ जायें ।

श्री रामेश्वरानन्द : आप ने सब की बात सुनी है, मेरी बात भी सुन लें, मुझे भी कहने का अधिकार है । मैं अधिक नहीं कहूंगा, मेरा निवेदन सुन लें ।

मैं आप को अपनी तरफ से विश्वास दिलाना चाहता हूँ कि हम में से कोई भी सदस्य जिन से मेरा सम्पर्क है नहीं चाहता कि किसी भी प्रकार से आप का अपमान किया जाय । (हस्यवाचक) ये कुछ सज्जन बीच में बोलते हैं और मुझ से बैठने को कहते हैं । मैं आप की आज्ञा को सदा शिरोधार्य करता हूँ लेकिन ये जो बीच में बोलने लगते हैं ये सारा काम खराब करते हैं, आप इन पर नियंत्रण नहीं करते ।

तो मेरा निवेदन है कि इस श्री मधु लिमये के मामले को ज्यादा ध्यान न ले जायें । जब आपका अपमान करने की भावना ही नहीं है तो उसको धनायास लेना कि नहीं भावना तो है ही, यह उचित नहीं है । अगर ऐसा बार बार बाहा जाता है तो फिर वह भी व्यक्ति है, सदस्य है, वह भी कह सकता है कि हे तो हे ही । इसलिए मेरा पुनः निवेदन है कि आप हमारे बड़े हैं, अब इस मामले को यही रहने दें ।

अध्यक्ष महोदय : स्वामी जी, मैं आप का धन्यवाद करता हूँ । मुझे आप से अपने अपमान का डर नहीं है । मुझे आज से कोई फिक्र नहीं है कि आप मेरा अपमान करेंगे, क्योंकि आप गधे और कुत्ते का भी अपमान नहीं करते ।

Shri N. Dandekar (Gonda): This matter has troubled me a great deal right from the time when Shri Shukla

first brought this motion. I think sometime in May. I believe—I have not before me the text of the motion,—he raises the question of breach of privilege on two grounds. The first is that Shri Limaye dared to go to the High Court and take legal action in the matter itself, and secondly, that in referring to the Speaker he used the expression 'mala fide' which is undoubtedly there, in his affidavit.

On the first point, it is quite clear that there is no question of any privilege involved. As regards the second, I think it is definitely regrettable that Shri Limaye whatever the background of the occasion, whatever the heat generated, however excited he might have been, should have used the expression 'mala fide' in relation to the Speaker.

But I would like to add also, in extenuation of the situation, that it would appear that he did not use the expression 'mala fide' with intent. This is clear from the fact that he did not press it before the High Court and did not even mention it in his appeal to the Supreme Court. I believe in his letter to you it has been made quite clear that he felt he was obviously in the wrong. I feel therefore that if Shri Limaye would express his regret for having used an expression of that kind, obviously without intent, the matter ought to come to an end.

Shri Bada (Khargone): While referring the matter to the Privileges Committee, my submission is that first you have to decide whether there is a breach of privilege if a man says something in the court and if a man says something outside the court. Suppose Shri Limaye said it outside the court, what would be the result? Suppose he says it before the court, what would be the consequence?

Besides, while pressing his petition, he never used the word 'mala fide'. If he says something 'mala fide' against the Speaker in the court, the court will surely punish him. But whether we can also punish him is the question.

Therefore, if the intent was not there, he should at least express his regret. I sincerely and honestly believe that when a certain person uses the expression 'mala fide' about a respectable person, certainly it is rather defamatory. So I would request Shri Limaye to express his regret, to say that it was a misapprehension and he regrets it.

**Shri Shinkre (Marmagao):** May I say a word?

**Mr. Speaker:** We should not go on endlessly.

I have to repeat, again and again, that the issue should be clearly appreciated. It is not a matter only of the petition—probably the petition would not have mattered as much in view of the subsequent circumstance that he did not press the point. It is the affidavit where one has to say that 'it is to my personal knowledge and belief'. 'Personal knowledge'—that is what is objectionable, nothing else.

Then too, I have no rancour in my mind, nor do I want to punish Shri Limaye. I have no bias against him. But I would like to ask whether from all that has been said in his speech, any Member understood that he was expressing any kind of regret.

**Shri Shinkre:** May I submit ....

**Mr. Speaker:** Even now, I am prepared to recommend to the House that if he expresses his regret, it should be accepted.

**Shri Shinkre:** May I submit one word?

श्री मधु लिमये ने कि प्रश्न के यह निवेदन करना चाहता है कि मदनरायण सिन्हा जी ने मुझ को बिना वजह 15 दिन के लिए निकाल दिया। यह वेद प्रकट नहीं करने। (अध्यक्ष) इसी में तो, नहीं तो मुझ को कहने की क्या जरूरत थी।

मुझ को बिना वजह लोग निकाल दे 15 दिन के लिए, फिर क्यों मुझ को गुस्सा नहीं आये? क्या मैं इन्सान नहीं हूँ, प्रायमी नहीं हूँ? और उसका खुलासा श्री सत्य नारायण जी के द्वारा यहाँ नहीं होता जब माधुपायी जी ने कहा और किशन पटनायक जी ने कहा है तो प्राय क्या चाहते हैं, अध्यक्ष महोदय? अध्यक्ष महोदय : मैं प्राय से कुछ और नहीं चाहता।

श्री बागड़ी : अध्यक्ष महोदय, ऐसा विशेषाधिकार का मामला पहले भी आ चुका है।

अध्यक्ष महोदय : मैंने सुन लिया। मैं किसी को दोबारा उसी बात पर चांस नहीं दे सकता।

**The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):** The question we have to consider now is a very simple and straight one. The allegation made by Shri Madhu Limaye in his writ petition 231/65 to the Punjab High Court would really amount to a breach of privilege. I do not for a moment contend that his conduct in going to the court would per se amount to a breach of privilege. Reference may be made to para 10 of the petition where he says:

"That the day the petitioner received the above reply, there was an uproarious scene in the Lok Sabha and the petitioner was suspended from the service of Lok Sabha for two weeks on the motion moved by the Minister of Parliamentary Affairs, Mr. Satya Narain Sinha, supported by the Leader of the House, Mr. Lal Bahadur Shastri. The action of the Speaker in naming the petitioner and of Mr. Satya Narain Sinha in moving the aforesaid notice for his suspension was not only against the Rules but mala fide, as he was punished for raising the question of discussing the

[Shri Jaganatha Rao]

Secretariat Demands and for his having moved cut motions in that connection".

This is manifestly not true. If you would kindly refer to the proceedings of the House of the 8th April 1965, you would find that there was a brief interlude after the question hour which followed a statement made by the Minister of External Affairs about the proposed visit of Mr. Phizo to China. You will find there that the hon. Member questioned the policy of Government and characterised it as *napumsak*, impotent. This was followed by interruptions and noisy scenes and the Member was named. Shri Satya Narayan Sinha, Minister of Parliamentary Affairs, then moved the following motion:

"That Shri Madhu Limaye, a Member of this House, and named by the Speaker, be suspended from the service of the House for a fortnight".

There were further interruptions. Later the Prime Minister also intervened and said:

"I feel that it would have some effect. We are entirely—of course, on behalf of the Government, I need not say that—behind you and you have our fullest support. In regard to this particular day, to this situation, I think what the hon. Minister of Parliamentary Affairs has proposed is perfectly correct and it should be placed before the House".

The hon. Member's writ petition is not only against the Speaker, but against two Members of the House, namely, the Leader of the House and the Minister of Parliamentary Affairs, and also against an officer of the House, the Secretary, Lok Sabha; each by itself casts a reflection on the duties of all or any one of these persons amounts to a breach of privilege. Attributing *mala fides* to the Speaker in para 10 tantamounts to casting reflections on the Speaker.

Reflections on the character of the Speaker and accusation of partiality in the discharge of his duty constitute a breach of privilege and are punishable as such. As I said, there are also reflections on the Members, as also action against the Secretary of Lok Sabha.

All these matters relate to the internal proceedings of the House in which you are supreme within the four walls of the House. The decision may be right or wrong, but it is final, it is binding on the entire House. It is the duty of every Member of the House to respect you, and in doing so, we respect ourselves, we respect the dignity of the House.

Both the Circuit Bench of the Punjab High Court and the Supreme Court dismissed his petition, and thereby upheld the decision of the Chair.

It is a fit case where we should refer it to the Privileges Committee or leave it to the decision of the House itself.

**Shri Vidya Charan Shukla:** The real test whether the allegation of *mala fides* against the Chair was made by him unintentionally or intentionally is whether he is prepared to tender an unconditional apology to the House. If he made this allegation against the Chair unintentionally and in a huff as hon. Shri Daji said, then there should be no objection on his part to tender an apology . . .

**An hon. Member:** Unconditional apology.

**Shri Vidya Charan Shukla:** . . . unconditional apology for a thing that he committed unintentionally and in a huff, but if he is not prepared to tender an apology to the House for things which he did unintentionally or deliberately, the only course left to us is to send this matter to the Privileges Committee, where all those matters can be considered and a decision taken in a cool atmosphere.

**Mr. Speaker:** Now there is a motion that the matter be referred to the Privileges Committee.

Probably those Members who pleaded that if he expressed regret it might be dropped—and I was prepared for that—now have nothing to say about that.

I may also make it clear . . .

**श्री मधु लिमये :** अध्यक्ष महोदय, अगर आप एक मिनट दें, तो मैं एक बात कहना चाहता हूँ। श्री कानून मन्त्री ने मेरी याचिका में से—उस वक्त मेरे पास वह नहीं है—कुछ पढ़ कर सुनाया। उससे यह स्पष्ट हुआ होगा कि मैंने शैला झाड़वी का इल्जाम लगाया श्री सत्य नागायण मिहा के खिलाफ। यह तो बिल्कुल ग़ल्ट है। उन्होंने पढ़ा है। और जब उनके खिलाफ यह इल्जाम लगाया, तो यदि आप मुझे नेम न करते, तो वह प्रस्ताव ही न आता, इसलिए नेम करने की क्रिया के बारे में भी ऐसा करना पड़ा।

**Mr. Speaker:** I am only referring the limited question of his allegation that the Speaker, the Minister of Parliamentary Affairs as well as the Prime Minister acted *maia fide*, only this much whether this amounts to a breach of privilege or not. The Committee shall only confine their attention to this enquiry; other matters are not being referred to the Committee, they are not to go into them.

Those in favour may kindly say "Aye".

Some hon. Members: Aye.

**Mr. Speaker:** Those against may kindly say "No".

Some hon. Members: No.

**Mr. Speaker:** The Ayes have it.

कुछ माननीय सदस्य : नहीं।

**अध्यक्ष महोदय :** क्या माननीय सदस्य इस का वोट करते हैं ?

**श्री बागड़ी :** जी, हाँ।

**Mr. Speaker:** Let the lobbies be cleared.

**श्री बागड़ी :** डिवाइजन की जरूरत नहीं है।

**अध्यक्ष महोदय :** क्या डिवाइजन की जरूरत नहीं है ?

**श्री बागड़ी :** कोई जरूरत नहीं है।

**Mr. Speaker:** He does not press that a division should take place. The Ayes have it, the Ayes have it.

**Shri Nath Pai (Rajapur):** The only point to be referred is *mala fides* against the Speaker, and not the Prime Minister.

**Mr. Speaker:** Why not?

**Shri Nath Pai:** That came at a later stage. We can allege any time *mala fides* against the Government. You heard everybody very carefully. Those who disagree are of the view that it should be only in regard to the use of *mala fide* in the context of the Speaker. I have every right. I accuse them every day of *mala fides*. It should be limited only to the Speaker.

**Shri Hari Vishnu Kamath:** We do it inside as well as outside the House.

**Shri Vidya Charan Shukla:** Is there a division or not?

**Mr. Speaker:** He says he does not press.

**Shri Vidya Charan Shukla:** Once you have called for a division, it cannot be cancelled like this.

**Mr. Speaker:** Let the lobbies be cleared . . . The lobbies have been cleared.

**Shri Hari Vishnu Kamath:** What is the issue we are voting upon?

**Mr. Speaker:** I find from the application of Shri Vidya Charan Shukla that first he has said that Shri Madhu Limaye was wrong in going to the Court, or the Judges were wrong in issuing those notices. I am not referring that to the Committee.

The third paragraph was:

"The allegation of *mala fides* and malice made by Shri Madhu Limaye against the hon. Speaker of the Lok Sabha constitutes a very severe breach of privilege."

**श्री मधु लिमये :** "मैलिस" कहा है ? वह हटा दिया जाये ।

**अध्यक्ष महोदय :** "मैलिस" को भी छोड़ देते हैं । "मैला फाइडी" रहिगा ।

Then the only question before the House is this: whether Shri Madhu Limaye committed a contempt of the House or a breach of privilege by alleging *mala fides* against the Speaker of the Lok Sabha.

**Shri Hari Vishnu Kamath:** The allegation of breach of privilege should be referred, not that he has committed. That should be decided by the Committee.

**Mr. Speaker:** Yes, the allegation.

The question is:

"That this matter be referred to the Committee of Privileges".

**Some hon. Members:** Aye.

**Some hon. Members:** Aye.

**Mr. Speaker:** Those against will say "No".

The Ayes have it, the Ayes have it.

The motion was adopted.

13.18 hrs.

#### MESSAGES FROM RAJYA SABHA

**Secretary:** Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

(1) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 25th November, 1965, agreed without any amendment to the Cardamom Bill, 1965, which was passed by the Lok Sabha at its sitting held on the 17th September, 1965.

(2) In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 5) Bill, 1965, which was passed by the Lok Sabha at its sitting held on the 19th November, 1965, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

13.19 hrs.

#### REPORT OF RAILWAY CONVENTION COMMITTEE

**Shri S. V. Krishnamoorthy Rao** (Shimoga): I beg to present the Report of the Railway Convention Committee, 1965.