

Sabha to be duly elected to the said Committee:—

- (1) Shrimati K. Bharathi;
- (2) Shri Nawab Singh Chauhan;
- (3) Shrimati Maya Devi Chetry;
- (4) Shri B. D. Khobaragade;
- (5) Shri Danyabhai V. Patel;
- (6) Shri B. D. Patil; and
- (7) Shri Sadiq Ali.

COMMITTEE ON GOVERNMENT ASSURANCES

FIRST REPORT

Shri Balakrishnan (Koilkatti): I beg to present the First Report of the Committee on Government Assurances.

12.08 hrs.

TERMINATION OF SUSPENSION OF MEMBER—Contd.

Mr. Speaker: Further consideration of the following motion moved by Shri Ramchandra Vithal Bade on the 1st May, 1963, namely:—

“That the order of suspension made against Shri Hukam Chand Kachwai by resolution of this House adopted on the 13th April, 1963, be terminated.”

Shri Kapur Singh (Ludhiana): May I rise to support this motion?

I support this motion on three grounds. The first ground is that the Mover of the Motion has formally expressed the regret of the whole party, the group to which the suspended Member belongs, over what happened that day.

The second ground is that the Member concerned himself, immediately after the unfortunate incident, came to you in the Chamber and not

only expressed his regret, but also admitted that he felt that what he had done was wrong, and that he did it under excitement of the moment and not in any premeditated manner.

The third ground on which I support this motion is that in his letter to you, which he has written after a lapse of some time and after calm consideration of the whole affair, he has reiterated his previous position that he acted in unpremeditated excitement and that on a reconsideration of the matter he is genuinely sorry about it.

Now, the question will arise whether either these grounds together or the letter of the Member which is now before the House, constitute sufficient amends for revoking the displeasure which the House has inflicted upon him.

In the letter which the hon. Member has written to you, the crucial phrase is *mujhe khed hai*. We have to see whether this phrase makes sufficient amends or not for accepting the motion which is before the House. This phrase *mujhe khed hai*, if it is properly and logically analysed, means three things. It may mean that after dispassionately and carefully examining the whole matter I have come to the conclusion that I acted wrongly, and further, I publicly admit the error of action. It is a form of apology. Another interpretation is: after a great deal of dispassionate reconsideration of my conduct I have come to the conclusion that I acted wrongly but I do not owe any apology to anyone. That position also might be taken. There is a third interpretation: I have now gone over what I did that day; I admit that what I did was wrong and I also concede that an apology is due but I am reluctant to make an apology not because an apology is not due but because the demand for apology seems to stem out of extraneous considerations to which I am not prepared to submit. As far as I can see these are the three interpretations of this phrase.

Mr. Speaker: It is very uncertain whether he had all these things in his mind.

Shri Kapur Singh: We have no other alternative but to examine and to scrutinise as to what it logically means. If it is the third position it means that he admits what he has done is wrong and he also admits that an apology is due but that he is not prepared to offer this apology. Then, it may implicate two further propositions: one is: I am too proud to offer an apology: there are psychological and personal reasons for it.

Shri Bade: Sir, my submission is that if the House is to divide on this issue, I am even prepared to withdraw my motion: I want a unanimous resolution.

Shri Kapur Singh: Let me finish.

Mr. Speaker: No long speeches are needed now.

Shri Kapur Singh: Without this analysis the House will not be able to arrive at a proper decision.

Mr. Speaker: But the analysis should not take such a long time.

Shri Kapur Singh: Or, he might mean I will not offer an apology not on account of any psychological reasons but because I believe that this demand springs out of some extraneous considerations which have implications that have nothing to do directly with this occurrence. This is a complete and logical analysis of the position.

Now the question is whether in this case an expressed apology apart from what he has already said is needed and required, whether the demand for expressed apology amounts to an extension and refinement of the statement which he has already made, namely, *mujhe khed hai*, or does it amount to a material difference? My submission before the House is that what he has already stated, namely, *mujhe khed hai*, expresses implicitly an apology an explicit expression of which would merely constitute an

extension of it and not a different addition to it and therefore I say that the insistence on expression of apology neither adds to the grace nor to the dignity of the House, for, it would detract from the spontaneity of the offending Member's regrets and would assume the form of a tribute levied under coercion. I recommend that the motion be adopted.

Shri Khadilkar (Khed): Mr. Speaker, I do not want to go into the analysis based on psychology or pathology of the man concerned because on that day his behaviour, as this House would realise, was most reprehensible. He spoke in a frantic and hysterical manner, and shouted certain things in a most filthy language. (*Interruption*). I have heard him.

Shri Surendranath Dwivedy (Kendrapara): There is nothing in the record to that effect. We were all present here. (*Interruption*).

Some Hon. Member rose—

Mr. Speaker: Order, order. Hon. Members will please resume their seats. All hon. Members were here. What they themselves heard, observed or concluded, they have a right to say.

Shri Nath Pai (Rajapur): But how could he say things which were never said?

Shri Surendranath Dwivedy: There was nothing in the record.

Mr. Speaker: That of course might be his conclusion and inference from the conduct of the hon. Member. Let him say what he has to say.

Shri Surendranath Dwivedy: Has he heard the words?

Shri Nath Pai: That the hon. Member was gesticulating in a manner which was not conducive to raising the standard of Parliamentary dignity is accepted by all, and it has been condemned, I think, by no less than the highest guardian of Parliamentary

decorum, that is, the Speaker of the House. If such words were used or not, the only authority to which we can refer should be obviously the proceedings of the House. I do not know how the hon. Member there says this. I am not defending the action of the Member the other day, because we take the strongest objection to the way he gesticulated. Those of us who are sitting in proximity to the Speaker did not hear those words, and so, I do not know how Shri Khadilkar, who is sitting at such a distance managed to hear them. I thought he had only glasses. I do not know if he has a special hearing aid also!

Shri Khadilkar: Let me finish.

Mr. Speaker: I am not going to express any opinion one way or the other, because I also cannot say exactly what words were actually uttered by him or what the actual words were. But I must say, at the same time, that the way that he behaved, the gesticulations that he made—(Interruptions),—order, order. If I am not allowed to proceed,—and when he uttered words in that tone, when there were 15 or 20 voices which were being uttered simultaneously, it was not possible for every Member or perhaps any Member just to follow what exactly was being said. But he was saying something. Can Shri Nath Pai tell me what he had said?

Shri Nath Pai: I think he said in his very raucous voice. समापति जी यह क्या हो रहा है, बाहर चलिये। I think he said the words: प्रधान मंत्री जी यह क्या हो रहा है। He said it with such a passion that it could hardly amount to any articulation. I heard that sentence. But I did not hear. (Interruption). I do not want to be treated as authority.

Shri Khadilkar: I would put it as violent gestures. I will modify it.

Mr. Speaker: Shri Bade says that if the opinion is divided, then he would like to withdraw his motion. Is the opinion divided?

Shri Nath Pai: No, no.

Some Hon. Members: Yes.

Shri Bade: I may be allowed to withdraw the motion.

Shri Nath Pai: In these matters, there is this accepted convention; as Shri H. N. Mukerjee yesterday pointed out; this is one of the occasions on which I found myself in complete agreement with him. That is, the Leader of the House gives a lead and if the Leader of the House also is of the opinion that in spite of the apology tendered by the Member immediately after the incident and the apology tendered on behalf of the party to which he belongs—by Shri Bade—it is not sufficient to mitigate the offence committed, then only we shall think about giving permission. We would like to hear the Leader of the House. There is a convention.

Shri C. K. Bhattacharyya (Raiganj): Has any apology been tendered?

अध्यक्ष महोदय : उन्होंने कहा है —
जो कुछ मैंने उतेजना में कहा उसके लिये मुझे खेद है।

Shri Bhagwat Jha Azad: The apology is not there. (Interruption).

Mr. Speaker: It is an apology according to the interpretation put by some hon. Members on this side, though Shri Kapur Singh has only analysed it logically and in some other manner; he has given us this analysis of the whole thing. But the real question before us is that after reiterating what he had said and describing that he had not abused anybody, behaving in that manner and accusing the correspondents of the newspapers, that the reports are false and unjustified, he has said ..(Interruptions).

Shri Surendranath Dwivedy: The words in his letter are: "I cannot use abusive language against anybody. I am sorry for what I did that day in excitement. . . ."

अध्यक्ष महोदय : मैंने भी तो यही कहा । जो माननीय सदस्य कह रहे हैं वही मैंने हिन्दी में कहा है, हो सकता है कि तरजुमा ठीक न हो । जो लफज उन्होंने लिखे वह यही हैं कि-उत्तेजना में मैंने जो कुछ कहा उसके लिये मुझे खेद है । ये लफज हाउस के सामने हैं, हाउस यह देखे कि यह सफीशेंट एपलाजी है या नहीं ।

मैंने कल भी कहा था । मैं सरदार क़ूर सिंह की इनकारमेशन के लिये फिर बतला देना चाहता हूँ कि जब उन के लीडर साहब यानी मि० त्रिवेदी मेरे पास आये थे उन से मैंने साफ तौर पर यह कहा था :—

The House would require that there should be an unconditional apology, because it has occurred once before also. But in spite of that request of mine, probably the Leader could not secure that or he had no time to get it; I do not know what happened afterwards.

Some Hon. Members: Shri Bade has said it.

Mr. Speaker: Should it come from Mr. Bade or from Mr. Trivedi or from Mr. Dwivedy, it is for the hon. Members to decide. . .

Shri Surendranath Dwivedy: The party has given it.

Mr. Speaker: It is not a question of the party. The behaviour that he displayed was such that probably it would be impossible for any party leader or anybody else to control him if he gets into that temper again. If the House decides that it is enough, I have no objection. What the hon. Prime Minister like to say anything?

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): The issue. . . .

Shri A. P. Jain (Tumkur): We may be allowed to express ourselves before the Prime Minister is called.

Shri Joachim Alva (Kanara): The hon. Leader of the House should not be embarrassed.

Shri Jawaharlal Nehru: The issue, which is a fairly simple one, although a very regrettable one, has been put on a somewhat metaphysical basis by one of the hon. Members opposite and he has tried to analyse what certain words mean. He might have gone on further and suggested a psycho-analytical treatment of the case; that would have been quite suitable, I think, because what was observed that day required some such treatment. But the issue is a simple one. The behaviour was, as admitted by everybody in the House, most regrettable and most objectionable. The normal rule of the House is that if an hon. Member against whom such action is taken by the House apologises, then the House may take a lenient view of it. But when it comes to this question as to whether the words used are adequate apology or not, I do not think this is a matter to be considered by the full House analysing each word. You are the guardian of the House, Sir, and I am quite content to abide by your decision, adding this that I feel very strongly about the hon. Member's behaviour that day, but I do not think that it would be right for us to appear to be vindictive. It is for you, therefore, to decide. I would suggest that the House may leave the matter in your hands; you can speak to the hon. Member and decide accordingly.

Some Hon. Members: Yes.

Shri Tyagi (Dehra Dun): I would submit. . . .

Mr. Speaker: Instead of further proceeding with this, it might be left to me and the hon. Member.

Some Hon. Members: Yes.

Shri Tyagi: I only wanted to say that the words—whatever is said in excitement.

“खेद” के माने हाउस में साफ तरीके से नहीं आये हैं। खेद के माने अफमोस के हैं, रिप्रेट के हैं और पश्चाताप के मिले हुये हैं। खेद के माने एक तरीके से एपॉलोजी के भी होते हैं।

Shri A. K. Gopalan (Kasergod): When the matter has been decided, what is the use of his speaking now?

अध्यक्ष महोदय : हाउस की मंशा यही है कि मैं उन से मिल कर अपने आप फंसजा कर लूं।

12.25 hrs.

CONSTITUTION (SIXTEENTH AMENDMENT) BILL, 1963

Mr. Speaker: We may now proceed with the next item on the Order Paper—Bills for consideration and passing. The hon. Law Minister may move his motion for consideration of the Constitution (Sixteenth Amendment) Bill, 1963. This has been allotted 3 hours. So far as general discussion is concerned, we will have a division on the motion for consideration at 3:00 P.M.

The Minister of Law (Shri A. K. Sen): Mr. Speaker, Sir, I beg to move:

“That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration.”

Sir, this Bill was introduced on the recommendation of the National Integration Committee which was set up with Shri C. P. Ramaswami Aiyar as the Chairman who in the report recommended that article 19 of the Constitution should be amended so as to make it possible for the State to impose restrictions for the purpose of

preventing all activities designed to have further disintegration of the country and to make it impossible for parties to make secession from India or disintegration of India election programmes or issues. For this purpose, Sir, the Bill seeks to give power to the Government to impose restrictions by amending suitably article 19.

Article 19(2) and 19(4) do not give power to the Parliament to impose restrictions for the purpose of securing the sovereignty and integrity of India, and we seek to add these words in article 19 clauses (2), (3) and (4) words in article 19 clauses (2), (3) and (4) of the Constitution. This is absolutely necessary because the existing words do not cover a power designed to curb activities which seek to challenge the sovereignty and integrity of India as some parties have recently sought to do—not only they sought to do but to make them election issues on which elections have been fought and the most narrow and parochial sentiments and emotions have been roused and people have been called upon to vote on these issues.

Hereafter, Sir, it is designed to bring into operation strict laws which will penalise all such activities. Further than that, in deference to the recommendations of the same committee, we are making it absolutely obligatory for all candidates who seek election either to the local legislatures or to Parliament to subscribe to oaths before elections pledging themselves to uphold the sovereignty and integrity of India. The form of the oath as amended after the Bill becomes law is shown in clause 5 of the Bill, and this will also have a salutary effect on a candidate who has pledged himself to uphold the sovereignty and integrity of India not to make disintegration and secession an election issue.

As I said, Sir, when it was referred to the Joint Committee, it should be passed without any division whatsoever because I cannot conceive of