

Supply Notification No. 2521-EII/54, dated the 31st March, 1954, under sub section (2) of section 17 of the Requisitioning and Acquisition of Immovable Property Act, 1952. [Placed in Library. See No. S-165/54.]

GOVERNMENT OF PART C STATES
(AMENDMENT) BILL

Shri Dasaratha Deb (Tripura East): I beg to present fourteen petitions signed by fourteen petitioners in respect of my Bill further to amend the Government of Part C States Act, 1951.

POINT OF PRIVILEGE

Mr. Speaker: I received at about 5 P.M. last evening a letter from the Chairman of the Council of States which reads as under:—

“My dear Mr. Speaker,

At the sitting of the Council of States yesterday (11th May 1954) a Member sought my permission to raise a question of privilege in respect of certain statements reported to have been made by Shri N. C. Chatterjee, relating to the passing by the Council of States of the Special Marriage Bill, in the course of a speech made by him at Hyderabad on the 10th May, 1954, as President of the All-India Hindu Mahasabha, at the concluding session of the Mahasabha and published in the local newspapers. According to the newspaper reports, Shri Chatterjee is alleged to have said that it was a ‘wonderful Parliament’ which was considering the Bill, and that the Upper House ‘which is supposed to be a body of elders seems to be behaving irresponsibly like a pack of urchins.’ Under my directions, the Secretary of the Council has written to Shri Chatterjee enquiring whether the statements attributed to him have been correctly reported in the newspapers.

As Shri N. C. Chatterjee happens to be a Member of the House

of the People, I am writing this to you.”

I think this note very much narrows down the issue. I do not even now express an opinion as I am keen that the procedure should once for all be settled after due consideration. It is not a matter of the prestige or dignity of this House or that House, and not a matter to be considered on party lines, or with a kind of feeling or pride for one's own House. Both the Houses together form Parliament, and the prestige of one House should be equally zealously and jealously guarded by the other House. But we want to be clear as to what the procedure should be for initiating proceedings, if at all they are thought to be necessary, in case a Member of one House is to be—I would not say charged—even approached for a preliminary explanation in a matter where the House feels that its dignity has been offended. Whatever decision is taken will apply equally to instances in both Houses, If we decide on a particular way, then so far as any Member of the Council of States making any allegations or aspersions, as this House may consider them to be, is concerned the procedure will be the same as in the case of a Member of the House of the People—as in this case—who is alleged to have made them. It is from this point of view that we have to look at the question and come to a decision. I may repeat what I said yesterday that as this is the first occasion which has arisen and as we have to build up some kind of proper procedure and tradition, we may discuss this matter in a dispassionate way and come to an agreed conclusion in the interests of the rights and privileges and also dignity of both the Houses of Parliament. It is not a question of this House against the other House. Let there be no misimpression on that question. Therefore, I had said that I would have the discussion postponed.

Now, in the light of this letter which I have received from the

[Mr. Speaker]

Chairman of the Council of States, I should have personally thought, if the House agrees, that the matter may be thrashed out in the Privileges Committee of this House where there will be ample time to discuss these things. They may consult the Members of the Council of States formally or informally and it will be better if the Privileges Committees of both the Houses come to a common agreed decision about the procedure. I am not dealing with the merits, but I am only dealing with the procedure of initiation of any kind of enquiry, not even the proceedings. That is my suggestion, but it is for the House to decide.

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): As you said, Sir, it is obviously desirable that some procedure by consent of both the Houses or the consent of you and the Chairman of the other House should be arrived at in this matter. In the present case you were pleased to suggest that this matter may be considered by the Privileges Committee. Are you referring to the general question of procedure of this particular matter because it makes a great deal of difference? I would like to know which it is.

Mr. Speaker: I am suggesting to refer the general question of procedure when such questions arise. That will be the most important thing and whatever they decide on the general question will be followed in this particular case also.

Shri Jawaharlal Nehru: Perhaps you remember, Sir, that this is not the first time such a question has arisen. About a year and a half ago, or a little more, there was a case of a Member of the other House; it was a case exactly similar to this, only in the reverse, when a Member of the other House made a speech and he was summoned at the Bar of this House and the Privileges Committee demanded an explanation from him and

all that; so that we have had an example of this. At the present moment nobody has been summoned by anybody, only a courteous letter has been sent. Are we to hang up the answer to that, because that is also discourteous? When the Chairman of the other House has asked information about the correctness of the speech, is that letter to be hung up so that the Privileges Committee may consider about the procedure? That, I submit is a great discourtesy to the Chairman of the other House.

Mr. Speaker: I should not like to carry on this discussion any further, but I am afraid, so far as the statement of facts is concerned I am not able to agree with the hon. Leader of the House. I have seen the proceedings, which he referred to, on the question of a Member of that House—Mr. Sundarayya—being called upon to give an explanation. On a preliminary examination I can say that, even assuming everything else to be on all fours, that was a case of voluntary submission to the jurisdiction of this House. It was perfectly competent for any Member of that House on being summoned to come and say just as what Mr. Chatterjee has said. That disposes of the example on that ground. Then again, this case is quite different. I can quite appreciate what the hon. Chairman has asked for in his letter to me; but the letter to Mr. Chatterjee, which he read out yesterday, was more in the nature of a writ than in the nature of a request. That letter is already before the House. The letter says—I will just repeat again:

“...and to state that according to the said report you appear to have said in the course of that speech, while referring to the Special Marriage Bill recently passed by the Council of States, that it was a “wonderful Parliament” which was considering the Bill and that the Upper House “which is supposed to be a body

of elders seems to be behaving irresponsibly like a pack of urchins." The words quoted have been made the subject-matter of a question of privilege raised by a Member of the Council of States at the sitting of the Council today on the ground that they constitute a reflection on the proceedings of the House and a violation of the rights and privileges of the House."

It is contended that this is something in the nature of a charge-sheet. The letter continues:—

"It has been further contended that these words amount to an indignity offered to the Council....." (*Interruption.*)

Shri Syed Ahmed (Hoshangabad): It is not a charge; it is only a statement of facts.

Mr. Speaker: I am not interested in this or that side; I am not interested in this or that House, and this Member or that Member. Therefore, I said advisedly, let us approach this question dispassionately. The letter further says:—

"It has been further contended that these words amount to an indignity offered to the Council of States. Before the Chairman takes further action in the matter. I am directed to request that you . . . etc . . . etc . . ."

The ultimate object is of course to ascertain the truth of it. The whole tenor appears to me to be that of a writ. I may be wrong on that point and people may differ in their interpretations. That is why I think the question is important, so far as the procedure is concerned and if the House agrees I will refer it to the Privileges Committee here and now. If the matter were one of simply asking for the correctness of the statement it stands entirely different. To my mind, it is not in the nature of a request. What the Chairman has written is unexceptionable. I should suggest, even without going

into what the hon. Leader of the House has said as to whether the question should stand over, and without prejudice to what the Privileges Committee may ultimately decide over the question of procedure, I should suggest to Mr. Chatterjee that he may make a statement, give it to me and I can pass it over to the Chairman of the Council of States. That will satisfy the Chairman's desire to have facts and that will also not prejudice the decision on the procedural question. But, these are all suggestions which I am making.

Shri N. C. Chatterjee (Hooghly): Sir, I will certainly comply with whatever is your wish. I only want to make it clear that it was not my intention to create a breach or cleavage between the two Houses. I think it was my duty as a Member of this House to bring it to the notice of you as Speaker and my hon. friends here at the earliest possible opportunity after I had been served with a writ or notice of that character. Now, the only thing I am asking with your permission—I hope you will agree and the House will agree—is that I do not want to submit to the jurisdiction of that House in any manner whatsoever and I am contending that under the Constitution the privilege of this House has been equated to the privilege of the British House of Commons. So far as I have been able to understand the constitutional position, no Member of one House can be made to submit to the jurisdiction of the other House.

Mr. Speaker: What I am suggesting is, as I said, without prejudice to the rights of the hon. Member and subject, of course, to the ultimate decision by consent—I hope there will be consent and agreement on this subject—of both the Houses or Privileges Committees of both the Houses; the hon. Member may make a statement in the form of a reply so that that will solve the difficulty of keeping the matter pending over. I do not want the matter to be kept over and the explanation withheld

[Mr. Speaker]

for an unduly long time from the hon. Chairman. If the hon. Member has said it, he has said it. I may also say that *prima facie* I would have wished him not to have said these words.

Shri N. C. Chatterjee: I can assure you, Sir, that I have been misreported, but I can communicate to you exactly what I have said and it will be for you to pass on the same to the Chairman.

Mr. Speaker: Will that be sufficient?

Shri Jawaharlal Nehru: I have nothing to say about this discussion if you are pleased to decide that it may be referred to the Privileges Committee. A little before that you have been pleased to decide that it will be a matter of consent of both the Houses. Will it not be better if the two Privileges Committees meet together to consider—not this question I mean—but the wide issue?

Mr. Speaker: That is what I said. I said that the two Committees may meet together, discuss the matter and come to some common agreed procedure.

The Minister of Law and Minority Affairs (Shri Biswas): May I say...

Some Hon. Members *rose*—

Mr. Speaker: Order, order. It seems, since yesterday morning when Shri N. C. Chatterjee made the motion or mentioned the point of privilege, the question at present, to my mind,—hon. Members will excuse me—is more dominated by feelings than any other thing.

Some Hon. Members: No, no.

Mr. Speaker: I am prepared to accept that no. I am merely stating my reactions. What I want is that all such questions of importance, which set a precedent for the future,

for all time to come, should be discussed dispassionately, in an atmosphere which is free from any kind of feeling or bias. That is why I am keen or rather particular that there should be no discussion merely by reference to precedents in other countries. There are precedents in other countries. But, we have to develop our own. We have to see what is best in the interests of our own country rather than take from outside. That is why I suggested joint consultations between the Privileges Committees of both Houses. I am sure they will come to agreed conclusions. In the meanwhile, the position will be clarified so far as this particular matter is concerned by Shri N. C. Chatterjee giving a statement of facts to me to be forwarded to the Chairman of the Council of States. I think that should be quite a satisfactory solution.

Some Hon. Members *rose*—

Mr. Speaker: Order, order. I shall first hear the hon. Law Minister.

Shri Biswas: What I wanted to say was this, just to dispel the misapprehension on a question of fact. The position is that the Chairman of the Council of States has not yet taken cognizance, nor did he take cognizance, of the complaint which was made to him. Before he took any steps, he wanted to be satisfied whether the newspaper report upon which he was called upon to take action was correct or not. That is about all. He has not yet taken any cognizance. The use of the words 'taking action' in the letter of the Secretary of the Council of States seems to have given rise to a misapprehension as if the Chairman was in seisin of the matter and was contemplating disciplinary action or action for breach of privilege against a Member of this House. Nothing of the kind. Let me assure you that that was not intended and that was not actually the case. He did not

take cognisance of this matter. He has to be satisfied as to the truth of the newspaper report. The question of taking any steps would come subsequently. That would depend on the reply which came from Shri N. C. Chatterjee. That was made quite clear in the letter of the Secretary.

Mr. Speaker: With agreement on the question that the matter be referred for consideration to the Privileges Committee of this House as also the Privileges Committee of the other House, and that they may jointly consult and come to agreed conclusions, I do not think we need raise any kind of controversy at this stage, which I am sure, will not be to the dignity of either House.

Shri S. S. More (Sholapur) rose —

Mr. Speaker: I do not want to hear anything more. Order, order. I am referring the question to the Privileges Committee of this House which will act in the light of what I have said above.

Shri S. S. More: I want to seek an assurance, with your permission.

Mr. Speaker: No, no. I do not want anything at present. He can give it to me in writing. I will see it and if it is permissible, I will permit him to take it up on some other day.

That automatically drops the next item of business on the agenda. Now, discussion on Delimitation of Constituencies.

DELIMITATION OF CONSTITUENCIES

Shri Vallatharas (Pudukkottai): I want to raise a point of order. Last night at about 10 o'clock, the Order Paper was handed over to us, about the business for today. The Delimitation question is a very important one. A number of resolutions were tabled. One came up; but it was not moved by the concerned Member. Afterwards an attempt was

made and it has come in the form of a two hour discussion. This is a very important matter. Coming at 10 o'clock last night, we had no time to prepare for the discussion. There must be sufficient time. There have been many grievances that the order of business in the House has not been conveyed to the Members in proper time to enable them to study. I submit that this matter should not be proceeded with today; it may be taken up tomorrow.

Mr. Speaker: I was informed, and I believe that I was informed correctly, that whatever had to be done had to be done before the 17th. Looking to the programme before the House, there was no other alternative for me but to put down this motion for discussion as early as possible and I got time only today. If the House is agreeable, all that is possible will be to proceed with the reply of the hon. Minister and after he has finished, we may take this up. That would give the hon. Members half an hour or so. Let me know from the hon. Law Minister what time he will take to reply to the debate on the Bill.

The Minister of Law and Minority Affairs (Shri Biswas): About half an hour or so.

Mr. Speaker: It cannot be helped.

Shri Punnoose (Alleppey): Let us stick to the schedule.

Mr. Speaker: Let us stick to the programme. Dr. Krishnaswami.

Dr. Krishnaswami (Kancheepuram): I am deeply indebted to the Leader of the House for having given us this opportunity of discussing the procedure and the manner of approach adopted by the Delimitation Commission in delimiting constituencies and re-adjusting representation. I intend placing before this House certain facts which it cannot afford to overlook.

This House, after all, is interested in its composition and constitution. The Delimitation Commission is after all a creature of a Parliamentary