

12:12 hrs

COMMITTEE ON THE ABSENCE OF
MEMBERS FROM THE Sittings OF
THE HOUSE

TWENTY-FOURTH REPORT

Shri Ram Krishan Gupta (Mahendragarh): I beg to present the Twenty-fourth Report of the Committee on Absence of Members from the Sittings of the House.

I also lay on the Table a copy of the statement showing the names of Members who have been continuously absent from the sittings of the House for 15 days or more from the 14th February to 31st March, 1961 during the thirteenth session.

of influenza. He enclosed a medical certificate also from a doctor. It says:

"Certified that Mr. R. K. Karanjia is under my treatment re: an acute influenzial bronch attack with very marked constitutional symptoms. Is a little better but has been advised to take rest and not to expose to physical strain for at least a fortnight."

Shri Karanjia wanted that he might be given six weeks' time to give his explanation. From the long letter that he has sent, it seems that probably he wants to study the authorities and fight out his case. He has, of course, quoted one hon. Member here, Shri Nath Pai, that he had made certain observations that the freedom of the Press is as essential as the prestige of this Parliament and he has just argued on that, saying that unless enough opportunity is given to him in which he could prepare his case, it is not possible to avail of this opportunity that has been given to him. Therefore, he wanted six weeks' time. The committee considered all that and as they wanted that adequate opportunity should be given to him, so that he could say whatever he wanted to, they have agreed and made the recommendation that the House be requested to give that time of six weeks. The committee have asked that they might be allowed to submit their report by the last day of the first week of the next session. This is so far as the case of the editor was concerned.

The local correspondent here, who is assigned to the lobby of Parliament, Shri Raghavan, pleaded that because the editor had taken upon himself the whole responsibility and said that he had edited the despatch that was sent from here, perhaps no responsibility was attached to him and he might be absolved of it, but if the committee thought that still he was responsible, he also might be given six weeks' time. The committee did not agree with that. The committee thought that this time could not be given to Shri Raghavan, who was here every day. He ought to have appeared before the committee

12:12½ hrs.

PRIVILEGES COMMITTEE

TWELFTH REPORT

Sardar Hukam Singh (Bhatinda): I beg to move:

"That this House agrees with the Twelfth Report of the Committee of Privileges presented to the House on the 28th April, 1961."

There was a resolution adopted in this House on the 20th April that the question of breach of privilege be made over to the Committee of Privileges. The committee met the very same day—on the 20th—and they issued a notice to the editor and to the correspondent that they should appear on the 26th before the committee and they might submit any explanation that they might have to make to the committee. It was also conveyed to them that if they wanted to appear and give some oral explanations, they could do that by appearing at 4 o'clock before the committee on that very date, *viz.*, 26th.

We got an intimation from Shri Karanjia—it was a long letter that has been printed in the report—that he was suffering from a malignant attack

and given the explanation that he wanted to give. The committee have asked him to appear before them on the 5th of May to give any explanation that he desires.

Under these circumstances, the committee have made a recommendation and asked for time, so that the final report may be submitted to the House.

Shri Narayanankutty Menon (Mukundapuram): I want to make a submission regarding the two recommendations on page 2 of this report. Regarding the procedure, I wish to point out that the House has referred the matter regarding the editor and also regarding the correspondent to the committee. Both the committee and the House in deciding this question act as a tribunal, and are bound to take evidence and decide matters judicially. The editor has said that he owns the entire responsibility in the matter and the committee has been pleased to grant six weeks' time to the editor.

At the same time, as far as the correspondent is concerned, the committee has asked him to appear before it on the 5th May. My submission is, in a matter like this in which both the correspondent and the editor have to appear before the committee for joint defence and the subject-matter to be decided is a singular one, it is an accepted principle of jurisprudence, where a tribunal is bound to take evidence and decide matters judicially, the cases of both, the subject-matter being common, have to be decided in a single trial or in a single proceeding.

Secondly, the committee is proposed to meet on the 5th, i.e., the last day of the sitting of the Lok Sabha, when the correspondent has been asked to appear before the committee. I submit that no useful purpose will be served by having a trial on that particular date against the correspondent alone, demarcated from the proceedings against the editor, because the report can be made only in the next session. Therefore, I submit that in fairness the proceedings against both the correspondent and the editor should be ini-

hiated and conducted in one single proceedings, especially when the committee considered it fit that time should be given to the editor and also in view of the preliminary defence by the editor owning the entire responsibility for the publication. I submit that no useful purpose would be served by the committee deciding the question against the correspondent alone, when the report against him can only be made along with the report on the editor in the next session.

Shri Naushir Bharucha (East Khandesh): I think the House would be setting up a bad precedent if it interferes with the procedure that the Privileges Committee propose to adopt in carrying on its proceedings from day to day. The Privileges Committee has decided on a particular procedure. I think the House should not interfere with it. On 5th May, the explanation of that particular correspondent will be taken. We do not know whether the committee will arrive at a conclusion. If it does let it arrive at a conclusion. Why should this House interfere with the day-to-day procedure of the committee in this matter?

Sardar Hukam Singh: I do not agree with Shri Narayanankutty Menon that both the cases are just the same, that both are being tried jointly and nothing could be done against the one separately from the other. Rather the two are quite distinct. What the committee would do ultimately is a different thing. It might come to a decision jointly afterwards. But the committee wants to see what was the despatch really that was sent by Shri Raghavan himself and what was the editing that was done. Before Shri Karanji comes here, we want to be ready with the facts as to what was the difference made by Shri Karanji in the despatch that was sent by Shri Raghavan from here. Shri Raghavan should appear—this is the opinion of the Committee—and tell us what is the real report that he made from here and what are the editing changes that have been brought about by Shri Karanji there.

[Sardar Hukam Singh]

We ought to be in possession of that real despatch that was sent from here and that is why we want him. Further, he is available in Delhi and so we see no justification why he should not be called. In the case of Shri Karanjia, as he says that he is ill, that must be a justification and we have agreed to give him time. But, so far as Shri Raghavan is concerned, there is no justification for his seeking six weeks' time when about the facts he can tell us in a day or two. Even then we have given him some time, up to the 5th, when he might appear and give us all the facts that we want to be in possession of. We propose that he should submit to us the real despatch that he sent from this place.

Shri Ansar Harvani (Fatehpur): Will it be possible for the Committee to reach any decision by calling the correspondent alone when both the Editor and the correspondent have to be examined simultaneously on the same subject? (Interruptions).

Mr. Speaker: I do not know whether Shri Narayananakutty Menon is a lawyer. It is well known that civil responsibility is not the same as criminal responsibility. In the civil side, if there is an agent, the principal is responsible for all the actions of the agent. But, in a criminal case, the agent is independently liable, apart from the principal. The agent cannot escape by saying that the principal, in this case the editor, has done so. Neither can the editor say in this case that all was done by Shri Raghavan, who wrote it and caricatured some hon. Member. Therefore, these two types of cases are distinct and separate.

There are four recommendations by the Committee. The first recommendation is to grant time to Shri Karanjia, as required by him. The second recommendation is that Shri Raghavan must appear on the 5th of May before the Committee and give whatever explanation he can and it is for the

Committee to decide what further steps ought to be taken. Thirdly, the Committee had been asked to report to this House by the end of April. It wants further time till the first week of the next session. Fourthly, before the next session the Committee may be reconstituted. So, the question is whether there should be a fresh reference to the Committee. It is open to this House to say that the new Committee, which would be constituted, might go on from the stage at which the previous Committee left. These are the four points that have been recommended by the Committee in its Report. The question is:

"That this House agrees with the Twelfth Report of the Committee of Privileges presented to the House on the 28th April, 1961."

The motion was adopted.

Shri Naushir Bharucha: I would suggest that it might be specifically mentioned that the new Committee might start from the stage where proceedings were left off by the present Committee.

Mr. Speaker: The last recommendation of the Committee in para 6 is as follows:

"The Committee also recommend that in the event of re-constitution of the Committee of Privileges before the presentation of their final report to the House on this question of privilege, the matter may be considered by the re-constituted Committee."

The House has accepted it. Further, I do not propose to reconstitute the Committee. I will allow the existing Committee to proceed and dispose of this matter.
