

decision and ask for our views on such thing?

SHRI JAWAHARLAL NEHRU: As a matter of fact, this fact came to our notice rather accidentally, that is to say, the Japanese Government had asked us for our opinion. The Japanese Government wanted clemency for their men and we replied to them favouring clemency. Then the Japanese Government some months afterwards told us that they had been told that Indian opinion does not count because we have not signed the San Francisco treaty. It was thus indirectly that we came to know of this. Then we addressed the other Governments concerned and we got their reply. We have addressed them again and I see from this morning's papers that they propose to reply again.

SHRI H. C. DASAPPA: May I know what has happened to the criminals?

SHRI JAWAHARLAL NEHRU: I suppose they are in detention or in prison.

SHRI H. P. SAKSENA: What has eventually happened to those war criminals?

MR. CHAIRMAN: He has just answered it.

SHRI B. K. P. SINHA: Have the Government any information that U.S.S.R. and China are going to have any say in this matter of clemency?

SHRI JAWAHARLAL NEHRU: None. But my information is that U.S.S.R. in this matter of clemency, though not in others, has the same view as the U.S.A.

SHRI B. K. P. SINHA: I want to know, Sir, whether they will have any say in this matter.

SHRI JAWAHARLAL NEHRU: I do not know.

BEGAM AIZAZ RASUL: May I ask one question? The reason given is that

because India did not sign the San Francisco treaty, therefore she is excluded. May I know whether there was any other country represented on the Tribunal which had not signed this San Francisco treaty but which is now included amongst the members, or is India the only country of this category?

SHRI JAWAHARLAL NEHRU: For one, U.S.S.R. did not sign it.

MR. CHAIRMAN: And there is no tribunal. We are now concerned with certain consequential matters as a result of the actions of the Tribunal taken long ago.

The questions are over.

QUESTION OF PRIVILEGE

SHRI P. SUNDARAYYA (Andhra): Sir, I would like to make a statement, because my name has been brought in in the other House on the question of the privilege motion, that I have submitted voluntarily, and as such I would like to make my position very clear. Sir, at that time I had not made any aspersions or any remarks on any Member of the other House or on the House as such. All that I had done in that connection was only to refer to Dr. Sinha's case that was before the Privileges Committee and the only remark that was attributed to me was that Dr. Sinha was finding it difficult to get out of the situation. Even then the other House and the Speaker, Sir, thought that it was a breach of privilege and referred the case to a Committee of Privileges. I thought that if either House, and specially the Speaker or the Chairman, feels that any speech made by any Member of Parliament outside the House is a breach of privilege, then, certainly, taking into consideration the sovereign role of Parliament, it is the job of every Member of Parliament to go and defend his action and if he is found to have said really something derogatory to Parliament, make appropriate amends—apologise or some

such thing—and as such I thought that when that House thought like that and when I felt that I had not made any remark derogatory either to any Member or to the House, certainly I could give an explanation. That was what I thought. At that time on an intervention of Shri S. S. More, "Is not Mr. Sundarayya outside the purview of this House?" the Speaker remarked in the House: "No one in the Indian Union is outside the jurisdiction of this House", though the Speaker is well aware that I am a Member of the Council of States. As per his own ruling, this matter has been referred to the Committees of Privileges of both Houses for laying down what should be the procedure in such cases to get any information or to get any answer. That procedure will be decided but he should also have written in this connection to you, Sir, as the Chairman and Custodian of the rights and dignity of this House if he had felt that that House would take cognisance of the actions of any Member of Parliament. In any case, since the question has been referred to the Committees of Privileges of both Houses the procedure would now be settled, but at the same time I would like to draw your attention and the attention of the House to the Speaker's remarks in that case itself which apply to us also just *now*. This is what he said: "As far as the privileges are concerned it is not competent for any person, high or low, inside or outside the House, to act or speak in a manner which offends the dignity or interferes with the privileges of this House or any Member of this House. Let there be no misunderstanding or misapprehension that anybody, on the ground that he is not a Member of this House, is entitled to say anything about this House." Sir, these are exactly the very words. And when Shri Rajagopal Naidu and I moved this motion of privilege in this House about an alleged speech, as reported in the Press, of Shri N. C. Chatterjee wherein he called this House a 'pack of urchins', though the question with regard to procedure for getting an answer or verifying the facts has still to

be decided, as long as that position is not contradicted, that question must be referred to the Committee of Privileges as it has cast aspersion on the House itself. While saying this I want to acquaint the House and you, Sir, that when I submitted my explanation, I thought in due regard to both Houses of Parliament that it was my duty to do so and especially as a Member of this House when I was charged with those things I thought it was my duty to explain it. This should not be construed—and I have never considered it to be so—that I have let down the dignity or the rights of this House or of the Members of this House or especially the authority and dignity of the Chair of this House. I want to make that position absolutely clear. Because I have voluntarily submitted my explanation, there should be no such inference drawn.

SHRI B. C. GHOSE (West Bengal): May I just add a few words to what *my* friend Mr. Sundarayya has said. He stated that he felt it was his duty to offer explanation particularly as he was not guilty, and to satisfy the other House. Apart from that, I feel that it was the correct procedure which he had adopted. Since we have no procedure laid down in this matter, it is quite good that the Speaker of the other House has stated that this matter should be gone into by the Privileges Committees of both Houses. What I am suggesting is when no procedure is laid down, we follow the conventions and procedure of the House of Commons and there, as *May* states it, the position is clearly laid down. It says: "If any complaint is made against any individual Member or against any of the officers of the other House, the usual mode of proceeding is to examine into the fact and then lay a statement of that evidence before the House of which the person complained of is Member or officer." What we were doing was merely to enquire into the facts of the case and then if the facts were proved to be true and if we wanted any action to be taken against the Member concerned, the correct procedure would be for you, Sir, to

[Shri B. C. Ghose.] forward our recommendation to the Speaker of the other House and it would have been for him to take any action or not to take any action against the other Member.

Therefore, Sir, I think that the procedure which we had followed in this matter, namely, that of asking for information from the Member concerned, was quite correct, particularly in view of the observations which the Speaker himself had made in Shri Sundarayya's case. I do not think it was quite proper for the Speaker

MR. CHAIRMAN: I do not want you to make any reflection on the Speaker.

SHRI B. C. GHOSE: I am sorry, Sir, I withdraw. I meant to say, I do not agree with the Speaker when he stated that what the Secretary had asked for from the Member was in the nature of a writ.

MR. CHAIRMAN: He has also said: "I may be wrong".

SHRI B. C. GHOSE: Sir, let me make it clear that the Secretary was directed to request the hon. Member concerned to furnish certain information, namely, whether the allegations were correct or not.

All that I wanted to tell you, Sir, was that we were following the correct procedure which is laid down under the Constitution. Therefore, I should like you also—when we decide this question raised by my hon. friend Shri Raja-gopal Naidu and if you refer the matter to the Privileges Committee—to ask the Privileges Committee to enquire whether the procedure that we followed was right or not under the existing circumstances. I would like you therefore to refer three general points for consideration—firstly, the general matter of procedure; secondly, the particular case referred to by Shri Rajagopal Naidu; and thirdly, the procedure followed by us in this particular case. I would request that these matters may

also be referred to the Committee of Privileges.

SHRI RAJAGOPAL NAIDU (Madras) : Mr. Chairman, it is three days since I moved the motion, requesting the Chairman to investigate into the matter; and, if what is reported in the newspapers is correct, to take such proper action that is necessary on the Member concerned. We find that no reply has been submitted so far by the Member concerned. The procedure that has been adopted by you, Sir, is perfectly constitutional and is perfectly in accordance with the Rules of Procedure framed by this House.

Sir, when a similar situation arose when a Member of this House was called upon to answer a similar allegation, by the Speaker of the other House, the procedure that was followed was that a direct letter was addressed by the Secretary of the other House to the Member of this House calling upon him to explain the allegation that was made against him. My hon. friend, Shri Sundarayya, has read out the reply of the Speaker to a question put by a particular Member of that House. I wish he had read another paragraph in the very same reply of the Speaker which clinches the matter and I very much wish that the same procedure had been followed by the other House also. The procedure in such cases is what is laid down in May's 'Parliamentary Practice'; and, in the absence of rules under article 105 of the Constitution, we have to follow the procedure of the British House of Commons. We have adopted that procedure, and rightly also. The Speaker of the other House has followed the same procedure in the case of my hon. friend Shri Sundarayya. When a similar situation arises subsequently, no exception should be made.

In reply to hon. Mr. More, the Speaker is reported to have said:

"As far as the privileges are concerned, it is not competent for any person high or low, inside or outside the House, to act or speak in a

manner which offends the dignity or interferes with the privileges of this House or any Member of this House. Let there be *no* misunderstanding or misapprehension that anybody, on the ground that he is not a Member of this House, is entitled to say anything about this House."

MR. CHAIRMAN: That has been read already; I don't think you need bother.

SHRI RAJAGOPAL NAIDU: After all, we want to investigate into the matter, and if on such investigation he admits that what he has said is true, and if the Privileges Committee finds that it amounts to defamation or that it amounts to a breach of privilege or that it amounts to an indignity offered to the House, the procedure should be that the matter should be referred to the Speaker of the other House for such action as he thinks necessary. It is too early, Sir, for the other House to take cognizance of this matter and I submit that anything that should be done should be done only through the Secretariat of the other House. Now, I would request you, Mr. Chairman, kindly to refer the matter to the Privileges Committee since for more than three days no reply has been received from the hon. Member.

SHRI H. N. KUNZRU (Uttar Pradesh) : Mr. Chairman, I take no objection to the discussion that took place in the other House on the question of privilege relating to one of its own Members, but it is a matter of concern to us that the Speaker should have taken the letter written by the Secretary of this House to Mr. Chatterjee not as a request for information but as a writ. And I should therefore like to request you to ask the Secretary to read out that letter so that we may see for ourselves whether it was open to any objection of the kind made by the Speaker to it.

SHRI H. P. SAKSENA (Uttar Pradesh): It has been published in the Press.

SHRI H. N. KUNZRU: We are not concerned with what has appeared in the Press.

SECRETARY: Here is the letter:

"Sir, I am directed to refer to the speech delivered by you at the concluding session of the All-India Hindu Mahasabha held at Hyderabad on the 10th May, 1954, as reported in the *Statesman* and certain other English newspapers of Delhi on the 11th May, 1954, 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 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 will kindly intimate to this Secretariat whether the statements attributed to you have been correctly reported in the newspapers, particularly the *Statesman*.

I am further to request that an immediate reply to this communication may kindly be sent."

SHRI H. N. KUNZRU: It is obvious from this letter that it was only a request for information. Mr. N. C. Chatterjee had not been asked to appear before this House or before any committee of this House. I do not therefore understand how the Speaker came to regard the-

[Shri H. N. Kunzru.] letter sent to Mr. Chatterjee as a writ rather than as a request for information. It is very painful that on matters on which the British parliamentary practice is settled, there should be unnecessary misunderstandings between the two Houses of Parliament. This thing has happened more than once. May I therefore request you to ask the Speaker what was there in Mr. S. N. Mukerjee's letter which made him think that it was in the nature of a writ? You and the Speaker can settle this matter between yourselves, and I do hope that you will both between yourselves be able to do something which will prevent the occurrence of so painful and so undignified an incident again.

Sir, it appears from the proceedings of the other House that the Speaker asked Mr. Chatterjee to write a letter to him giving exact information about what he said in the speech referred to in Mr. S. N. Mukerjee's letter. The question will certainly be considered. Sir, by the Committee of Privileges. If the matter is to be settled amicably in this way, I have no objection to it. But I think that if the matter is regarded as one of privileges, we shall certainly have to see whether we are not entitled to receive a reply direct from a Member of the other House when he *prima facie* appears to have done something that is contrary to the privileges of this House. Now, Sir, what I should like to know apart from this is whether the Speaker has forwarded any explanation given by Mr. Chatterjee to him to our Chairman. So far as I remember, I believe he asked Mr. Chatterjee to write a letter to him explaining what he said and undertook to forward that letter to you. Sir.

SHRI V. K. DHAGE (Hyderabad): Not yet received.

SHRI H. N. KUNZRU: I should like to know whether you have received that letter, and if it has been received, may I request you to read it out to us?

SHRI B. C. GHOSE: Sir, may I say one thing.....

MR. CHAIRMAN: I think we have had enough discussion.

SHRI B. C. GHOSE: to avoid future misunderstanding? A word which Dr. Kunzru used, I think he did not mean it to be used that way, or at least, we do not mean that it should be interpreted in any way other than in which he certainly meant it. He said "May I therefore request you to ask the Speaker". Now, that was not any direction from this House or from any Member of this House. That was simply by mutual consultation between yourselves to find out the facts. I raise this point because in the present circumstances anything might be taken objection to, because the House has become very touchy. So I want to make it clear that it is not our intention.....

SHRI H. N. KUNZRU: I have made that perfectly clear. I do not think I am open to any misunderstanding of this kind.

MR. CHAIRMAN: We must be very careful even about small words instead of "I would ask" say "I would humbly request".

SHRI K. S. HEGDE (Madras): We are not suffering from inferiority complex.

MR. CHAIRMAN: No, no. Order, order.

Now, so far as the procedure adopted by us in this matter is concerned I am satisfied that it is in conformity with the practice of the British Parliament and also the previous practice of our own Parliament. But since some misunderstanding has arisen—I have seen in the papers: I have had no official information—the two Committees of Privileges are requested to meet and chalk out a procedure to be adopted in the future so far as such incidents are concerned. I have not received any other communication or any official information on that matter. And as for the specific question put by Dr. Kunzru whether I have received a reply, I may say I have not received a reply, and there the matter may rest.

9 A.M.

SHRI P. SUNDARAYYA: Then, what becomes of the motion of privilege?

MR. CHAIRMAN: That matter will rest there, and we will proceed. We will await developments.

SHRI P. SUNDARAYYA: Shall we take it up tomorrow?

J.R. CHAIRMAN: As soon as the situation becomes ripe.

ELECTIONS TO COMMITTEES

THE INDIAN CENTRAL COCONUT COMMITTEE

MR. CHAIRMAN: Shri Surendra-nath Dwivedy being the only candidate for election to the Indian Central Coconut Committee, I hereby declare him to be duly elected to be a member of the said Committee.

THE ALL-INDIA COUNCIL FOR TECHNICAL EDUCATION

MR. CHAIRMAN: Dr. W. S. Barlin-gay being the only candidate nominated for election to the All-India Council for Technical Education, I declare him to be duly elected to be a member of the said Committee.

PAPERS LAID ON THE TABLE

STATEMENTS SHOWING THE ACTION TAKEN BY THE GOVERNMENT ON THE VARIOUS ASSURANCES, PROMISES AND UNDERTAKINGS GIVEN DURING THE FIRST TO THE SIXTH SESSIONS OF THE COUNCIL OF STATES.

THE LEADER OF THE COUNCIL (SHRI C. C. BISWAS): Sir, on behalf of Shri Satya Narayan Sinha, I beg to lay on the Table the following statements showing the action taken by the Government on the various assurances, promises and undertakings given

during the sessions shown against each:—

- (i) Statement No. II—Sixth Session, 1954.
- (ii) Statement No. V—Fifth Session, 1953.
- (iii) Supplementary Statement No. VI—Fourth Session, 1953.
- (iv) Supplementary Statement No. XI—Third Session, 1953.
- (v) Statement No. XI—Second Session, 1952. (vi) Supplementary Statement No. IX—First Session, 1952. [See Appendix VII, Annexure No. 316]

NOMINATION TO THE COMMITTEE TO REVIEW RATE OF DIVIDEND PAYABLE BY RAILWAYS TO GENERAL FINANCE.

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR): Sir, I beg to move:

"That this Council concurs in the recommendation of the House of the People that the Council of States do agree to the nomination by the Chairman of six members from the Council to the Committee to review the rate of dividend which is at present payable by the Railway Undertaking to the General Finance as well as other ancillary matters in connection with the separation of the Railway Finance from the General Finance."

MR. CHAIRMAN: The question is:

"That this Council concurs in the recommendation of the House of the People that the Council of States do agree to the nomination by the Chairman of six members from the Council to the Committee to review the rate of dividend which is at present payable by the Railway Undertaking to the General Finance as well as other ancillary matters in connection with the separation of the Railway Finance from the General Finance."

The motion was adopted.