

[Mr. Chairman.]

5. Shri B. K. P. Sinha
6. Syed Nausher Ali
7. Begam Aizaz Rasul
8. Shri K. S. Hegde
9. Shri Amolakh Chand
10. Shri P. Sundarayya
11. Shri H. N. Kunzru
12. Shri B. C. Ghose
13. Shri H. C. Mathur
14. Prof. G. Ranga

NOMINATIONS TO THE HOUSE COMMITTEE

MR. CHAIRMAN: I nominate the following Members to be members of the House Committee for the period 22nd May 1954 to 21st May 1955.

1. Shri R. P. N. Sinha
2. Shri Jagannath Das
3. Shrimati Sharda Bhargava
4. Shrimati Pushpalata Das
5. Shri S. D. Misra
6. Shri H. D. Rajah
7. Kunwarani Vijaya Raje

I appoint Shri R. P. N. Sinha as the Chairman of the Committee.

QUESTION OF PRIVILEGE

MR. CHAIRMAN: I have received a letter from the Speaker enclosing a statement by Mr. Chatterjee. I will ask the Secretary to read the statement.

SECRETARY: The statement of Mr. Chatterjee:

"I delivered a speech for about an hour on the concluding day of the All-India Hindu Mahasabha Session at Hyderabad on the 9th May, 1954. My speech lasted from 10-30 P.M. to about 11-30 P.M. A substantial portion of my speech was devoted to the consideration of the Special Marriage Bill and its effect on Hindu social system. The Press reports

contain certain bare summaries of what I said.

"In the course of my speech I criticised the introduction of a revolutionary change in the said Bill without any mandate from the nation. I am as jealous as anybody else of the dignity of the Parliament of which I am a Member.

"I could not possibly have any intention to defame the Parliament or to lower the dignity of either House. But I wanted to emphasise the desirability and necessity of taking the mandate of the Electorate for a radical change, namely, divorce by consent, in such legislative measure. I was criticising the social reformers who sponsored such radical change in the Bill.

"The sentence attributed to me has been taken out of its context and published with material omission. I commented that the Council of States was the Upper House and, therefore, as the House of Elder Statesmen they were expected to act as a revising Chamber.

"What I said was that some of the over-zealous radicals of the Upper House, which is supposed to be a body of Elders, seemed to be behaving irresponsibly like a pack of school boys or pack of urchins.

"I conveyed that some Members seemed to forget the revising role of the Upper House. My reference was only to such Members who were responsible for introducing such radical change in the Bill as 'Divorce by mutual consent', which was also opposed by the Government and by a substantial section of that House.

"From what I have said it will be clear that it is not correct to allege that I said anything contemptuous of the Council of States or offered any indignity to that House. I criticised not the Council as such but only some Members of the Council of States.

(Sd.) N. C. Chatterjee."

SHRI ABDUL RAZAK (Travancore-Cochin): The covering note of the Speaker may also be read.

MR. CHAIRMAN: Why do you want that? There is nothing in the covering note.

"I send to you herewith the following:

(i) a copy of letter dated the 13th May 1954 from Shri N. C. Chatterjee, Member, House of the People.

(ii) a copy of the statement received by me from Shri N. C. Chatterjee covering the point on which you wished to have information from him as mentioned in your letter to me dated the 11th inst.

Both these were received by me at 10-45 P.M. last night and I am sending them to you at the earliest possible opportunity.

I also send herewith a copy of the proceedings of the House of the People yesterday (13th inst.) in connection with Shri Chatterjee's motion. This will give you a full picture of what happened in the House of the People.

I might here invite your special attention to my suggestion made in the House that the question of procedure should be settled by the Privileges Committees of both Houses by agreement as far as possible. I may state also by way of extra caution that the copy of the proceedings that I am sending to you is an uncorrected copy and it is just possible that some verbal corrections here and there may be made by Members to whom the proceedings are sent for correction."

SHRI K. S. HEGDE (Madras): Now that we have got the letter before us, two questions arise: One is, compared to the report published in the paper, which should be treated as the correct one. That may require to be investigated. The second aspect is, even if the letter as it stands is found to be

true, whether it does not constitute contempt of the House. You need not give a judgment at this stage.

MR. CHAIRMAN: We will not discuss the matter now.

SHRI K. S. HEGDE: But the question may require reference to the Privileges Committee for further investigation and to consider what further steps should be taken.

MR. CHAIRMAN: In the meantime, as I have just read to you, the Speaker has suggested that the Privileges Committees of both the Houses should evolve an agreed common procedure for such matters. I want the House to be co-operative and friendly to this suggestion. I, therefore, request the Privileges Committee of the Council to evolve, in consultation with the Privileges Committee of the Lok Sabha an agreed procedure by mutual consent to be followed in matters when any complaint regarding breach of privilege is made against a Member of either House of Parliament. I am anxious that this Committee should come to a decision by agreement and consent at a very early date.

SHRI RAJAGOPAL NAIDU (Madras): What happens to my motion? Is my motion to be referred to the Privileges Committee? May I suggest that my motion be referred to the Privileges Committee and that the Privileges Committee may go into the whole matter after evolving a formula with regard to the procedure? This motion may be referred to the Committee and this may be taken up after the procedure is settled in the joint sitting of the Privileges Committees of both the Houses.

DR. P. SUBBARAYAN (Madras): Sir, I suggest that the matter may be left in your hands to do the best that could be done in the circumstances.

SHRI P. SUNDARAYYA (Andhra): In this connection, I only want to say one word. It looks from the letter of

[Shri P. Sundarayya.]

Shri Chatterjee that he is labouring under the British Constitution of a revising Chamber and all that. Our House is not a revising Chamber as per our own Constitution. If some common procedure is not evolved before we adjourn, we request that this question be taken up again on Tuesday or Wednesday to be referred to the Privileges Committee.

MR. CHAIRMAN: All that I say is, at the moment I am anxious that the two Committees should meet and evolve a formula by agreement and consent to apply in such cases.

So far as the other matter is concerned, that will be kept pending.

DEFECT IN THE SOUND SYSTEM

SHRI R. P. N. SINHA (Bihar): May I draw your attention to the fact that the sound system operating in this House has been working very badly and that we cannot hear even a single word at all?

MR. CHAIRMAN: I am very sorry for the inconvenience caused but we are in touch with the All India Radio and the Telephone Directorate to set this matter right and we shall still pursue this matter.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 1954— *continued*

SHRI D. NARAYAN (Bombay):

श्री डी० नारायण (बम्बई) आदरणीय सभापति जी, मैं कल यह कह रहा था कि हमारी आजकल जो न्याय देने की पद्धति है वह बहुत खर्ब की है। थोड़े में यह कहा जा सकता है कि हालत यह है कि “जो बचिंगा दाम सिंग जी उसकी जीत रहेगी।”

आज हमारी अदालतों की हालत यह है कि अदालतों के झगड़ों में जो खर्चा होता है वह ज्यादातर वकीलों के ही ऊपर होता है। इसके लिये मेरा सुझाव यह है कि अच्छा तो यह है थर्ड क्लास मैजिस्ट्रेट कोर्ट्स (3rd Class Magistrate Courts), सेकेंड क्लास मैजिस्ट्रेट कोर्ट्स (2nd Class Magistrate Courts) और फर्स्ट क्लास मैजिस्ट्रेट कोर्ट्स (1st Class Magistrate Courts) के मुकदमों में वकीलों को दाखिल होने की मुमानियत कर दी जाय और कोर्ट आफ सेशन (Court of Session) के आगे ही वकील दाखिल हों। या यह कर दिया जाय कि कुछ मुकदमों इस तरह के समझे जाय जिनमें कि वकीलों को पेश होने से मुमानियत कर दी जाय और न्यायधीश खुद ही यह देख लें कि सच्चाई क्या है और क्या नहीं है और जो फंसला देना हो वह दें। क्योंकि बहुत से ऐसे सेक्शंस (sections) हैं जहां पर कि वकीलों की विद्वता की या कानून की खास अक्ल की कोई खास जरूरत नहीं होती है। मैंने सुना है कि कुछ प्रगतिशील देश ऐसे हैं जहां पर कि वकील सिर्फ आर्ग्यूमेंट्स (arguments) के लिये ही खड़े होते हैं। और शुरु से नहीं खड़े होते। कुछ ऐसी भी जगहें हैं जहां पर कि वकील रिटिन स्टेटमेंट (written statement) दाखिल करते हैं और ऐसा नहीं होता कि शुरू से ही एक्जामिनेशन (examination) क्रॉस एक्जामिनेशन (cross examination) और रिएक्जामिनेशन (re-examination) सब के लिये ही वकीलों से काम लिया जाता हो। मैंने सुना है कि ऐसे भी देश हैं जहां दोनों तरफ के वकीलों को सरकार ही तनख्वाह देती है या मुआविजा देती है। परन्तु, हमारे यहां तो नीचे से ऊपर तक जिस तरह से वकीलों का एक झमेला होता