



THE MADRAS LEGISLATIVE ASSEMBLY

**THIRD ASSEMBLY-EIGHTH SESSION-SECOND MEETING
(26th February 1966 To 30th March 1966)**

RESUME

**GOVERNMENT OF MADRAS
1966**

APRIL 1966

**Legislative Assembly Department
Fort St. George, Madras-9**

THE MADRAS LEGISLATIVE ASSEMBLY

THIRD ASSEMBLY-EIGHTH SESSION-SECOND MEETING

[Resume of work transacted by the Madras Legislative Assembly from 26th February to 30th March 1966]

The second meeting of the Eighth Session of the Legislative Assembly which commenced on 26th February 1966 adjourned sine die on 30th March 1966.

SITTINGS OF THE ASSEMBLY

The Legislative Assembly met for twenty seven days during the period (26th February to 30th March 1966) and in terms of hours it sat for 138 hours and 51 minutes.

PROROGATION

The eighth session of the Madras Legislative Assembly was prorogued with effect from 11th April, 1966.

OBITUARY REFERENCE

On 28th February, 1966, the Hon. Speaker made references to the demise of Sri V. D. Savarkar, a great Indian patriot and to the demise on 14th February 1966 of Sri Abdul Hameed Khan, a former Member of the Madras Legislative Assembly.

On the 9th March, 1966, the Hon. Speaker made a reference to the demise on 7th February 1966 of Sri. AR. A. Rm. Chockalingam Chettiar, a former Member of the Madras Legislative Assembly.

The Members stood in silence for a minute as a mark of respect to the deceased.

QUESTIONS

During the period 427 Starred Questions and 9 Short Notice Questions were answered on the floor of the House. Answers to 5 Unstarred Questions were laid on the Table of the House.

STATEMENT BY A MINISTER

On 17th March, 1966, Hon. Minister for Home made a statement correcting the answer given on 2nd February 1966 to a supplementary question put by Sri Rama Arangannal to the Starred Question No. 54 of Pulavar K. Govindan.

ADJOURNMENT MOTIONS

During the period under review eleven notices of motions for adjournment of the business of the House were received, the details of which are given below:-

1. On 28th February, 1966, the Hon. Speaker read out to the House the notice of motion for adjournment of the business of the House given by Sri M. Kalyanasundaram to discuss the alleged situation arising out of the enforcement of betterment levy in Manimuthar area and the draught conditions prevailing there and withheld his consent to raise the same as an adjournment motion.

2. The Hon. Speaker read out another notice of motion for the adjournment of the business of the House given by Sri A. K. Subbaih to discuss about the draught conditions in Thanjavur district and withheld his consent to raise it.

3. The Hon. Speaker also withheld his consent to raise a motion for adjournment of the business of the House given by Sri Rama Arangannal to discuss the necessity to increase financial assistance to the repatriates from Burma as it was not a fit matter for an adjournment motion.

4. On 1st March, 1966 the Hon. Speaker read out to the House the motion for the adjournment of the business of the House given by Sri K. S. Mani to discuss the dispute between the tenants and mirasdar of A. K. R. Farm, Karuppur, Srirangarajapuram of Kumbakonam taluk and withheld his consent to raise the same as it could not be discussed in the form of an adjournment motion.

5. On 5th March 1966, the Hon. Speaker read out to the House the motion of Sri M. Kalyanasundaram for adjournment of the business of the House to discuss the alleged illegal lockout in the Somasundaram Mills at Coimbatore and withheld his consent to raise the same.

6. On 8th March 1966, the Hon. Speaker read out to the House the motion of Sri K. A. Mathialagan for adjournment of the business of the House to discuss the rise in the price of food articles in hotels and withheld his consent to raise the same as it was not a fit matter for an adjournment motion.

7. On 21st March, 1966, the Hon. Speaker read out to the House the motion of Sri S. Madhavan for adjournment of the business of the House to discuss the enforcement of the treaty between the Government of India and the Government of Ceylon regarding the Ceylon Nationals of Indian origin and withheld his consent to raise the same.

8. On 24th March, 1966, the Hon. Speaker read out to the House the notice of motion for adjournment of the business of the House given by Sri M. Kalyanasundaram to discuss the partial closure of Pandian Mills, Madurai. The member did not press his motion on hearing the Chief Minister.

9. On 28th March, 1966, the Hon. Speaker read out to the House the notice of motion for adjournment of the business of the House given by Sri M. Kalyanasundaram and Sri A. K. Subbiah to discuss the wrong classification of part inam estates in Pudukkottai and to the failure of the State Government to secure additional allotment during the Fourth Plan for the backward areas of the State such as East Ramanathapuram, Pudukkottai, Arantangi, etc., and withheld his consent to raise the same.

10. The Hon. Speaker read out another notice of motion for the adjournment of the business of the House given by Sri A. Thangavelu to discuss the alleged sudden stoppage of yarn to the weavers by the handloom Weavers' Co-operative Society, Tindivanam and withheld his consent to raise the same as it was not a suitable matter for an adjournment motion.

11. On 30th March, 1966, the Hon. Speaker read out to the House the notice of motion for adjournment of the business of the House given by Sri S. Madhavan to discuss the situation arising out of the judgement of the Madras High Court holding as void the Madras Urban Land Tax Act, 1963 and withheld his consent to raise the same.

Statement made under Rule 41 of the Assembly Rule by Ministers.

During the period, ten statements were made by Ministers on their attention being called by the Members to matters of urgent public importance under rule 41 of the Assembly Rules, the details of which are given below:-

<i>Sl.No.</i>	<i>Date on which the statement was made.</i>	<i>Name of the member who called the attention.</i>	<i>Minister who made the statement.</i>	<i>Subject matter.</i>
(1)	(2)	(3)	(4)	(5)
1.	9th March 1966	Sri Saw. Ganesan.	Chief Minister	The matter raised in the Lok Sabha namely that the Madras Government had imposed a condition preventing the detenu Sri Umanath, a Communist member of Parliament from going to New Delhi, while on parole and thus had prevented the said member from attending the Lok Sabha.
2.	11th March 1966	Pulavar K. Govindan.	Minister for Public Health.	Deaths caused by cholera in North Arcot district especially in Anakkavur Panchayat Union in Cheyyar taluk.
3.	14th March 1966	Sri K. S. Mani Sri S. Ramasamy Pulavar K. Govindan Sri A. Perumal Sri L. Anandan Sri G. Narayanaswami Naidu Sri.P.Jayarai Sri.K.Cheemaichamy , Sri.C.Chiranjeevlulu Naidu, Sri P. K. Mookiah Thevar Sri K. R. Munirathnam	Minister for Food.	Adverse seasonal conditions prevailing in their districts and the relief measures like remission of tax, etc., to be taken by the Government to alleviate the distress of the ryots caused by draught conditions.

<i>Sl.No.</i>	<i>Date on which the statement was made.</i>	<i>Name of the member who called the attention.</i>	<i>Minister who made the statement.</i>	<i>Subject matter.</i>
(1)	(2)	(3)	(4)	(5)
4.	15th March 1966	Sri T. P. Alagamuthu	Minister for Public Health.	Critical situation caused due to non-availability of essential drugs like anesthetic materials X-Ray films, etc.
5.	16th March 1966.	Sri T. Karcha Gowder.	Chief Minister	Situation caused in Neyveli because of promulgation of order under section 144, Cr. P. C. prohibiting meetings and processions of workers of the I.N.T.U.C. Union in the Neyveli Lignite Co-operation.
6.	21st March 1966.	Sri M. S. Selvarajan	Minister for Food.	The steps taken by the Revenue Officials for levy and collection of Manimuthar Betterment Tax in Tirunelveli district during the present draught conditions and the consequent distress on the part of the ryots of the district.
7.	25th March 1966.	Sri Rama. Arangannal.	Do.	Decision taken by the Government to stop supply of cow's milk from Madhavaram colony.
8.	26th March 1966.	Sri.C.Chiranjeevulu Naidu	Do	The grave situation and the distress of the ryots in Tiruttani taluk, Chingleput district because of the penal steps taken to recover the loans advanced under the Loan-cum subsidy well Scheme in the year 1948-51.
9.	28th March 1966.	Sri M. Kalyanasundaram.	Minister for Industries.	The closure of several cigar factories in Tiruchirappali district leading to unemployment of hundreds of workers because of the excise duty levied on the cigars.
10.	30th March 1966.	Do.	Do.	Partial closure of the Industries and dislocation thereof in the State due to shortage of electricity.

Statements under rule 82 of the Assembly Rules by Ministers

During the period two statements were made by the Hon. Ministers under rule 82 of the Assembly Rules, the details of which are given below:-

<i>Serial No. and date on which the Statement was made</i>	<i>Minister who made the Statement</i>	<i>Subject matter of the Statement</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
1. 7th March 1966	Minister of Industries	Impression of his visit to Japan.
2. 11th March 1966	Chief Minister	Clarifying and correcting his statement made earlier regarding the language used in issuing commands in the N.C.C. Training

FINANCIAL BUSINESS

The Budget for the Financial Year 1966-67 was presented to the Legislative Assembly by Hon.Sri.M.Bhaktavatsalam, Chief Minister on the 26th February 1966. The general discussion on the Budget took place for six days from 28th February to 5th March, 1966. The Hon. Chief Minister replied to the debate on 5th March, 1966.

Voting on demands for grants lasted for 17 days, viz., 7th to 12th, 14th to 19th, 21st, 22nd, 24th to 26th March 1966.

Out of the total of 938 cut motions, 62 cut motions were moved and they were either put and lost or by leave of the House withdrawn.

The Appropriation Bill relating to the Budget for 1966-67 was introduced in the Assembly on 26th March, 1966 and considered and passed on 29th March 1966.

The final Supplementary Statement of expenditure for the year 1965-66 was presented to the Legislative Assembly by Hon.Sri.M.Bhaktavatsalam Chief Minister on 25th March, 1966 and it was discussed and voted on 28th March, 1966.

The Appropriation Bill relating to the Final Supplementary Statement of expenditure for the year 1965-66 was introduced in the Legislative Assembly on the 28th March 1966 and was considered and passed on the 29th March 1966.

LEGISLATIVE BUSINESS

During the period the following Bills were introduced, considered and passed on the dates noted against each:-

<i>Serial Number.</i>	<i>Name of Bill.</i>	<i>Date of Introduction.</i>	<i>Date of Consideration and passing of.</i>
(1)	(2)	(3)	(4)
1.	The Madras Appropriation Bill, 1966	26th March 1966	29th March 1966
2.	The Madras Appropriation (No. 2) Bill, 1966.	28th March 1966	Do.
3.	The Madras Electricity Duty (Amendment) Bill, 1966.	Do.	30th March 1966.
4.	The Madras Agricultural Income tax (Amendment) Bill, 1966.	29th March 1966	Do.
5.	The Madras Co-operative Societies (Amendment) Bill, 1966 (L. A. Bill No. 2 of 1966)	----	Do.

GOVERNMENT MOTIONS

(i) ELECTION OF ELEVEN MEMBERS TO THE HOUSE COMMITTEE FOR THE FINANCIAL YEAR 1966-67.

Hon. Sri. M. Bhaktavatsalam, Chief Minister moved the following motion on 1st March 1966:-

" That, with reference to rule 221 (1) of the Madras Legislative Assembly Rules, this Assembly do proceed, on a date to be fixed by the Hon. the Speaker to elect eleven members to be members of the House Committee for the financial year 1966-67".

The motion was put and carried.

(ii) ELECTION OF FIFTEEN MEMBERS TO THE COMMITTEE OF PRIVILEGES FOR THE FINANCIAL YEAR 1966-67

Hon. Sri M. Bhaktavatsalam, Chief Minister, moved the following Motion on 1st March, 1966.

"That, with reference to Rule 183 of the Madras Legislative Assembly Rules, this Assembly do proceed, on a date to be fixed by the Hon. the Speaker to elect fifteen Members to be Members of the Committee of Privileges for the financial year 1966-67".

The motion was put and carried.

(iii) ASSOCIATION OF COUNCIL MEMBERS WITH THE COMMITTEES ON SUBORDINATE LEGISLATION.

Hon. Sri M. Bhaktavatsalam, Chief Minister, moved the following motion on 21st March 1966:-

" That this House recommends to the Legislative Council that they do nominate three members from the Council to associate with the Committee on Subordinate Legislation of this House for the financial year 1966-67 and communicate to this House the names of the members so nominated.

The motion was put and carried.

(iv) Hon. Sri S. M. A. Majid, Minister for Local Administration, moved the following motion on 30th March 1966:-

" That the following draft of an amendment to sub-rule (1) of rule 3 of Schedule III to the Madras District Municipalities Act, 1920 (Madras Act V of 1920)" proposed to be made by the Governor of Madras under sub-section (1) of section 305 of the said Act be approved.

DRAFT AMENDMENT

In sub-rule (1) of rule 3 of Schedule III to the Madras District Municipalities Act, 1920 (Madras Act V of 1920), after the first sentence, the following shall be inserted, namely:-

" Only urgent matters of local importance relating to municipal administration which cannot wait till the next ordinary or urgent meeting shall be considered at special meetings and not more than one subject shall be considered at such meeting."

The motion was put and carried.

(v) Hon. Sri R. Venkataraman, Minister for Industries, moved the following motion on 30th March 1966:-

"That the following draft of a rule proposed to be made by the State Government under section 17 (1) of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), amending Schedule III to the said Act, be approved.

DRAFT RULE

In the said Schedule III, after item 4, the following item shall be inserted, namely:-

Class of Vehicles	Maximum tax for vehicles fitted with Pneumatic tyres		Maximum tax for other vehicles	
	For a period not exceeding seven days	For a period exceeding seven days, but not exceeding thirty days.	For a period not exceeding seven days.	For a period exceeding seven days but not exceeding thirty days.
(1)	(2) Rs. P	(3) Rs.P	(4) Rs. P.	(5) Rs.P.
" 4-A Motor Vehicles not themselves constructed to carry any load, but used for haulage only-				
(a) Weighing not more than 2,500 Kgs. unladen.	12 00	35 00	18 00	53 00
(b) Weighing more than 2,500 Kgs. unladen.	17 00	50 00	26 00	75 00

The motion was put and carried.

(vi) Hon. Sri R. Venkataraman, Minister for Industries, moved the following motion on 30th March 1966:

"That the following draft of a rule proposed to be made by the Government of Madras under section 4 (2) of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952), amending the schedule to the act, be approved.

DRAFT RULE

In sub-rule (1) of rule 1-A of the said schedule, Explanations I and II shall be renumbered as Explanations II and III, respectively; and before the Explanation II as so renumbered, the following Explanation shall be inserted, namely:-

" Explanation I-The composition fee paid at the alternative rate of twenty-five rupees per seat per quarter in respect of a stage carriage shall be valid only where the actual permitted daily distance of the vehicles does not exceed the ordinarily permissible maximum daily distance fixed by the Government from time to time, for the respective classes of services, and where the actual permitted distance of the stage carriages exceeds such ordinarily permissible maximum limit, an additional fee at the rate of 48 paise per seat per year per kilometre shall be paid for the distance permitted in excess of such ordinarily permissible maximum limit."

The motion was put and carried.

(vii) Hon. Sri. R. Venkataraman, Minister for Industries, moved the following motion on 30th March 1966:-

" That the following draft of a rule proposed to be made by the Government under sub-section I of section 17 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), amending Schedule II to the said Act, be approved.

DRAFT RULE

In the said Schedule, in item I, for the figures and letters '408 Kgs' the figures and letters ' 600 kgs' shall be substituted.

The motion was put and carried.

(viii) Hon. Sri V. Ramaiah, Minister for Food, moved the following Motion on 30th March 1966:-

"That the following draft amendment to the rules published with Revenue Department Notification, dated the 21st December 1949, at pages 397-398 of the Rule Supplement to Part I of the Fort St. George Gazette, dated the 27th December 1949, as subsequently amended, which it is proposed to make in exercise of the powers conferred by section 40 (1) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), be approved.

DRAFT AMENDMENT

In the said Rules, for Sub-rule (1) of Rule 6, the following Sub-rule shall be substituted, namely:-

" (1) Any sum payable to a religious, educational or charitable institution under sub-section (1) of section 38 as tasdik allowance, or under sub-section (2) of that section to make good the deficiency referred to in the sub-section in respect of any fasli year commencing from the fasli year in which the basic annual sum referred to in the said sub-section (1) is finally determined, shall be made in cash direct from the sub-treasury of the taluk in which the village is situated, disbursement from the beriz being permitted only in cases where the disbursing officer deems it expedient to direct the disbursement from the beriz of the village in consideration of the smallness of the amount involved, or for any other adequate reason".

The motion was put and carried.

(ix) CHANGE IN THE ORDER OF THE BUSINESS OF THE HOUSE

The following Motions which were moved by the Hon. Chief Minister were put and carried.

(i) On 8th March, 1966, Hon. Chief Minister moved-

"That the Demands, viz.,

II. Motor Vehicles Acts-Administration

XXX. Road Transport Schemes

XLIV. Capital Outlay on Road Transport Schemes scheduled to be taken up on Monday, the 14th March 1966, and the Demands, viz.,

XX. Industries

XLI. Capital Outlay on Industrial Development scheduled to be taken up on Tuesday, the 15th March 1966, be taken up on Friday, the 18th March 1966 and on Thursday, the 17th March 1966 respectively;

That the Demands, viz.

I. Land Revenue Department

IV. Stamps-Administration

XXXI. Famine Relief

XXXVII. Compensation to Zamindars

XXVII. Public Works-Works

XXVIII. Public Works-Establishment and Tools and Plant

XLIII. Capital Outlay on Public Works
scheduled to be taken up on Thursday, the 17th March 1966 and the Demands, viz.,

XXVI. Irrigation

XLII. Capital Outlay on Irrigation
scheduled to be taken up on Friday, the 18th March 1966, be taken up on Monday, the 14th March 1966 and Tuesday, the 15th March 1966, respectively. "

The motion was put and carried.

(ii) On 10th March, 1966, Hon. Chief Minister moved-

"That the Demands, viz.

XVI. Agriculture

XVIII. Animal Husbandry

XXXIX. Capital Outlay on Agriculture

XLVII. Capital Outlay on Schemes of Government Trading
scheduled to be taken up on Wednesday, the 16th March 1966 and the Demands, viz.,

I. Land Revenue Department

IV. Stamps-Administration

XXXI. Famine Relief

XXXVII. Compensation to Zamindars

XXVII. Public Works-Works

XXVIII. Public Works-Establishment and Tools and Plant

XLIII. Capital Outlay on Public Works
scheduled to be taken up on Monday, the 14th March 1966 and the Demands, viz.,

XXVI. Irrigation

XLII. Capital Outlay on Irrigation
scheduled to be taken up on Tuesday, the 15th March 1966, be taken up on Monday, the 14th,
Tuesday, the 15th and Wednesday, the 16th March 1966, respectively."

The motion was put and carried.

DISCUSSION FOR SHORT DURATION ON AN URGENT MATTER OF ADMINISTRATION UNDER RULE 57

On 19th March 1966 Sri M. Karunanidhi and Sri Rama Arangannal raised a discussion on the property or impropriety of the order served on Sri Umanath, M. P., on parole.

PRIVILEGE MATTER

On 7th March 1966, Sri T. P. Alagamuthu raised a matter of privilege in regard to the publication of expunged portion of the proceedings of the Assembly on 4th March 1966 in the Navasakthi, dated the 5th March 1966. Hon. Speaker administered a warning to the journal that expunged portion should not be published and held that no further action was necessary.

On 10th March 1966, Sri S. Madhavan raised a matter of privilege in regard to the prosecution of Sri V. Krishnamoorthi, M.L.A., on his forwarding to the Chief Minister a petition containing allegedly false accusations against police officials. On 21st March 1966, Hon. Speaker gave the following ruling:-

The notice of privilege given by Sri S. Madhavan, M.L.A., is against the Deputy Superintendent of Police, Cuddalore. The gist of the notice is that Sri V. Krishnamoorthi, M.L.A., received a petition from his constituency alleging corruption against some police officials, and that with his endorsement on the petition to make an enquiry in the matter, he presented the petition to the Chief Minister when he was in this House. Later on after enquiry, on the ground that there are false and malicious allegations against police officials in the petition, Member Sri Krishnamurthi has been prosecuted by the Deputy Superintendent of Police before the Chief Presidency Magistrate, Madras, and I believe the matter is pending in the Court.

The point raised by Sri. Madhavan is whether a Member, who writes a letter or forwards a letter or petition to the Minister, containing accusations against Officers or others, is protected under the privilege of the House or its Members.

The attempt of Sri Madhavan is to make this presentation of a petition in the House to the Minister a part of the proceedings of this House in order to bring it under the cover of privilege of a Member. His further point is, in this case, Sri Krishnamurthi has not written the letter, but has only forwarded with an endorsement, and he has done only his duty as a Legislator, and as such he must be protected from legal action.

The Chief Minister contended that under the existing rules of the Constitution this matter will not come under privilege and no new privilege can be created by referring the matter to the Committee of Privileges.

Members are aware that Article 194 of the Constitution deals with the papers, privileges and immunities of the House and its Members.

Clause (1) -- This deals with the freedom of speech in the Legislature.

Clause (2) -- This deals with the privilege or immunity from any legal action in a Court of Law for anything said or any vote given or for anything published under the authority of the Legislature.

Clause (3).-We have to follow the rules and decisions of the House of Commons in the United Kingdom in all the matters which are not covered by Clauses (1) and (2) till we make law in this country for privileges.

Admittedly the matter raised by Sri Madhavan does not come under Clauses (1) or (2) of Article 194. Now let us examine whether such a privilege as the one claimed in the notice of Sri Madhavan exists in England in the House of Commons and its members so that we can bring it under clause (3) of Article 194 of the Constitution.

There is a similar case which arose in the House of Commons in 1958, in what is known as " Straus " case. It was referred to by Sri Madhavan and also relied on by the Chief Minister in the discussion of this notice. In that case one Mr. Straus a Member of the

Parliament, submitted a letter complaining about the administration of the London Electricity Board to the Minister concerned for enquiry. Later on the Electricity Board issued a notice to the Member as to why he should not be prosecuted for libel as the allegations in the letter were groundless. Mr. Straus sought the protection of the House of Commons under the cover of privilege or immunity from legal action, and also for consequent proceedings against the Electricity Board for breach of privilege for issuing the notice of prosecution. The Committee of Privileges in the House of Commons reported its conclusions that the letter written by Mr. Straus comes under the proceedings of the Parliament and hence the member is entitled for protection. But, after a long discussion on 8th July, 1958, the House of Commons did not accept the verdict of the Committee and resolved that the member is not entitled to any immunity from legal action by the Electricity Board as his letter is not part of the proceedings in Parliament.

As a consequence of the ruling given by the House of Commons on 8th July 1958, there was a discussion on 30th July 1958 in the House there in which Mr. Hugh Gaitskell raised the question "whether a member who forwards his constituents' letters in good faith is adequately protected? Whether he is protected by the doctrine of qualified privilege in the Courts or whether he would not taken to court at all?" The reply of Mr. R. A. Butler, Secretary of State for Home Department and Lord Privy Seal, was "If a member forwards a letter in good faith he would be covered by qualified privilege in the Courts." He also said "That is the position of law which has prevailed over a number of years in relation to members' letters and their correspondences." Asked whether there is a danger of Hon'ble members appearing in Court, Mr. Butler said "That is a matter which I cannot control and upon which I cannot comment." He gave an advise to the Members of the individuals responsibility that they have to exercise the greatest care in writing to the Ministers or forwarding letters. He gave a useful warning to the Hon'ble Members of the House of Commons that there is a danger in members forwarding letters which are in themselves malicious. That is the position in the House of Commons in England and that is what we are bound to follow under Article 194 of the Constitution.

In the course of the discussion Sri Madhavan, Sri Saw Ganesan and the Deputy Leader of the opposition, Sri M. Karunanidhi, made a suggestion that the matter may go to the Privilege Committee since it is an important matter affecting the day-to-day duties of the Members in disposing of the letters and petitions which they receive from their constituency.

We have to consider the request in two aspects. (1) Whether the Privilege Committee can make out a new privilege not existing now under the rules. (2) Whether that is reasonable or desirable in practice.

Regarding the constitutional provision about creating new privileges, I like to mention the following matters of importance:-

Parliamentary privilege is the sum of peculiar and special rights which are exemptions from the ordinary law of the land. We see from the history of the House of Commons in England that there were extensive privileges for the Members of Parliament at the beginning. It will be surprising to note that in 1753 some unfortunate person was committed for fishing in the fishing pond of a Member of Parliament. In 1757, the plaintiff his attorney and another were committed to the custody of the Sergeant-at-Arms for servicing a writ for trespass of a Member of the Parliament. But gradually, it seems, on account of the growth of Parliamentary democracy and realisation of the rights of the citizens and also the maturity of political wisdom several of the privileges had been curbed or given up. Even in 1704, both

Houses of Parliament in England, have resolved not to create any new privilege. Even to-day they cannot, by vote or declaration, create a new privilege not warranted by known laws or customs of Parliament. But they can only expound the law of privileges and vindicate their rights.

Immediately after the ruling in Straus case, it seems in 1958 a Member of the House of Commons brought in a bill to create privilege and immunity in the matter of correspondence, as the one before us now. But that was rejected. In the same way a similar bill called "The Parliamentary Privilege Bill " was introduced in our Parliament by a Member in 1959 to define a privilege of this sort by legislation. His aim was to get over the rulings in the "Straus" case. In the discussion he said "the issue is whether we are going to keep the position as it is in the House of Commons or are we going to depart from the practice of the House of Commons and confer upon our Members a larger measure of immunity".

Sri A. K. Sen. Minister for Law, opposed the Bill. He has stated " It is not by trying to extend our privilege or by making them arbitrary or by trying to curb the rights of ordinary citizens to seek remedy in a Court of law that we sustain the foundations for the privileges which we enjoy, but by imposing on ourselves restraint, caution and prudence that we sustain the great body of privileges-What would be the consequences of this Bill? It says ' the citizen will have no remedy whatsoever in a Court of law against any malicious and pre-meditated attack which may be canalised through a member, though such communication may not be part of the proceedings of the House'." He has also stated that " any Member writing a letter or forwarding a letter in good faith will be protected by the qualified privilege in the Court of law. If absolute privilege is granted, even letters and petitions found to be wrong or forwarded not in good faith will be protected. That would be robbing the citizens of their very valuable right to seek redress in a court of law." He states " After all there is a country outside this House and the citizens' rights are as important as ours and their rights may be very severely prejudiced if bad faith on the part of the members of the House is sought to be covered by the law passed in this House. I doubt, subject to correction, whether a court would sustain a law of this nature. I am opposing it on a far wider ground, on the ground of the more valuable rights which we as members of Parliament must reserve for the citizens outside the House, and on the ground that this House should not be instrumental in protecting acts of bad faith even if they of Member themselves." Finally the Bill was rejected by the Lok Sabha.

Then, coming to the practical aspect of this matter of creating a new privilege, I like to make out certain points. It is true we have got absolute privilege such as freedom of speech in the Legislature, raising points of order raising motions and asking questions, etc. But we are not to exercise this unlimited rights in an unguided fashion, or in an uncontrolled manner. There are rules made under the provisions of the Constitution and decisions and conventions to regulate and control the procedure in the House and not to allow misuse of these privileges, not to speak unparliamentary words, not to interfere with the proceedings by raising unnecessary points of order, not to use indecent, treasonable or abusive words, not to ask objectionable questions, etc. In practice we see what is going on, and to what extent it is necessary that this absolute privilege must be regulated by the Chair and the House under the Rules. Let us, for a moment, assume that absolute privilege is created for letters and petitions written by or forwarded by the Members, containing allegations or accusations against others. These letters or petitions are written with unrestrained emotion or spirit of their own outside the Legislature. They may be genuine or not. Their authenticity may be questioned whether

they are forgery or they are pseudonymous. The contents of these documents may be true or false. They may be in good faith or may be motivated by bad faith. All these are questions of fact about which this Legislature has no control nor can it sit in judgment over these facts. Officials or non-officials outside this House may be seriously affected by such accusations if they are not true. Even Parliamentarians may be seriously affected if they are accused unnecessarily or maliciously in such petitions for their personal or private activities outside this House. We cannot deny that these correspondences assume importance when they are written by Members or forwarded by Members for purpose of enquiry into the matters. At the same time we do not guarantee any safeguard for those affected by such letters if they are false. In such circumstances if we deny the right of citizens to go before a court of law, if he is affected by these accusations, is it reasonable in a democracy? I think it is not fair to restrict their rights.

Of course, the point raised by Sri. Madhavan is a general one affecting the Parliamentarians as well as the public and as such it is of great importance. I gave careful consideration whether I can make out a case for referring in to the Committee of Privileges. But I have to accept my inability to do so. Under the circumstances I find that there is no prima facie case to be referred to the Committee of Privileges.

But, without a reference from a specific case like the one before me, I think there is nothing wrong for the Committee or Privileges to consider this question in a general manner, if it feels so inclined. Or, it may be discussed by a Committee of eminent politicians and statesmen or by a Committee under the Commonwealth Parliamentary Association or by the Presiding Officers as the Chief Minister suggested, so that they can solve this problem in a more satisfactory manner in the interest of setting up a healthy parliamentary tradition, by amending the laws, if necessary.

(2) On 15th March, 1966 Sri K. A. Mathialagan raised a matter of privilege in regard to the statement made by the Chief Minister on 9th March 1966 in answer to the notice under Rule 41 by Sri Saw Ganesan. Hon. Speaker reserved his ruling to a later date.

On 17th March 1966, Hon. Speaker gave the following ruling:

The facts are these. On 9th March 1966, Sri Saw Ganesan, raised a matter under Rule 41 of the Assembly Rules, on the reports in newspapers that day, regarding a motion of contempt against the Madras Government in the Lok Sabha. The Chief Minister said, in the course of his statement, that no fresh order was issued by the Government of Madras and that no such order was served by any Sub-Inspector on Sri Umanath. Now, it is ascertained that the Sub-Inspector of Police, Woriyur, had served an order on Sri Umanath, M. P. on 2nd March, informing him ' that he should not go to Delhi under the present conditions of parole', on the basis of a wireless message from the Deputy Secretary, Public Department, Madras.

Therefore, Sri.Mathialagan, on 12th March 1966 gave a notice of a privilege motion against the Chief Minister that " On 9th March 1956, the Chief Minister placed facts which were incorrect and not true; withheld facts which this House as a right to know and thereby deliberately mislead this House. Therefore, the Chief Minister is liable for breach of privilege and contempt of this house." He also presented to me a copy of the order served on Sri.Umanath, with a personal letter to him.

The Chief Minister in his reply to this notice on 15th March 1966 accepted that the Sub-Inspector of Police had served a communication on Sri Umanath on the 2nd March, on a message in wireless from the Deputy Secretary, Public Department. But he contended that this communication was not an order of this Government or by any competent authority, but only a clarification of the existing conditions of parole made with good intension. He also stated that at the time he replied to the notice of Sri Ganesan on the 9th, he was not aware of this clarification served by the Sub-Inspector or the message of the Deputy Secretary. So, he maintains that there is no ground for a motion for breach of privilege.

Sri Mathialagan also read from May's Parliamentary Practice several passages about the privilege of the House of the members. The ruling in the matter of Mr. Profuma in the House of Commons, England, is the only available ruling which is relevant to the matter in question. In India, Sri Mavlankar, Speaker of Lok Sabha in 1951, and Sri Ananthasayanam Ayangar in 1958, have held that misleading statements, even intentional will not constitute breach of privilege. But, in Profuma case the House of Commons stated the law " that the House may treat the making of a deliberately misleading statement as contempt. " I think that is the correct position which we have to follow now.

Coming to the matter now before me, the main question is whether the Chief Minister made a deliberately misleading statement in this House on the 9th March as alleged?

The Chief Minister contends that what was served on Sri Umanath on 2nd March 1966 by the Sub-Inspector of Police is only a clarification and it is not an order; it was not issued or signed by a competent authority. Sri Mathialagan says it is an order, much more an illegal order. It may not be an order. But the pertinent question arises why that fact was not mentioned by the Chief Minister on the 9th when he made the statement in this House? For this the Chief Minister has stated that at that time he was not aware of the communication served by the Sub-Inspector of Police or the message from the Deputy Secretary. On the other hand, the sponsor of the motion asserted that the Chief Minister should have had the knowledge about this order earlier.

That is a question of fact which I have to decide. The House is aware of what happened on the 9th March. Some news appeared in the newspapers about the contempt proceedings in the Lok Sabha against the Madras Government. There was eagerness on the part of some members to know about it. As a special case the notice of Sri Saw Ganesan, under Rule 41, though oral and not a written one as usual, was admitted and the Chief Minister also made a statement in a hurry. If the Chief Minister had the information, in his possession, then, about the order or clarification served on Sri Umanath, my opinion is that he would not have withheld that or suppressed it, especially when it is an order served in writing on no less a person than a member of the Lok Sabha.

Considering the facts and circumstances of this matter, I feel that there are no materials before me to indicate that the Chief Minister was in possession of the fact of the order or clarification on the 9th, served on Sri Umanath, and he wilfully suppressed it before this House. I do not think the omission is a deliberate one with the intention to mislead the House.

It may be asked and as a matter of fact, was asked by the Deputy Leader of the Opposition, during the discussion, whether it was not necessary on the part of the Chief Minister to gather all facts before making a statement. The Chief Minister could have taken

time, for which he was entitled under the rules, to answer the notice of Sri Saw Ganesan, after getting the particulars. But that is beside the point for deciding the issue before me.

In the result, I hold that there is no prima facie case of breach of privilege and I rule the notice out of order.

(3) On 18th March 1966, Sri M. Kalyanasundaram raised a matter of privilege against the newspaper 'The Hindu' on its alleged distorted reporting of the proceedings of the House on 17th March 1966. On 21st March 1966, Hon. Speaker ruled that though there had been omission in the reporting it was not a fit matter to be referred to the Committee of Privileges.

(4) On 24th March 1966, Sri M. Kalyanasundaram raised a matter of privilege in regard to the dismissal of a temple servant of Meenakshi Sundareswarar Devasthanam, Madurai. Hon. Speaker reserved his ruling to a later date. On 25th March 1966, Hon. speaker gave the following ruling:-

"Sri M. Kalyanasundaram, M.L.A., has given notice of a privilege against the Executive Officer of Sri Meenakshi Sundareswarar Devasthanam, Madurai. The facts are as follows:-

One Sri Muthuswami, a full time employee of Sri Meenakshi Sundareswarar Devasthanam has presented a petition containing some allegations against the administration of the temple to Sri M. Kalyanasundaram, who in turn presented the petition to the Chief Minister and made his representation also. Subsequently a charge was framed against the said employee and one of the items of charges is that he approached Sri Kalyanasundaram, who is a political leader for getting redress of his grievances against the order of the superiors in the department. Sri Kalyanasundaram has raised the point that the action of the Executive Officer amounts to a unwanted interference with the work and reflects on his action as a Member of this House. Therefore, he states, that there is a breach of privilege which has to be referred to the Committee of Privileges.

The Chief Minister contends that the Government servants and also those on a par with them, should conform to rules and regulations in their conduct and service. They should not think of bringing political influence in the affairs of the administration. In the present case the charge is only against the servant who violated the rules and that there is no breach of privilege in the matter.

In a more or less similar case in England in 1951, one Mr. Geoffrey Cooper, raised a point of privilege on the ground that certain employees were dismissed on the charge that they made contact with the Parliament Member and made some allegations against the management. The Speaker of the House of Commons held that privilege cannot extend to a case of that kind; no parliamentary privilege is actually involved when there are no parliamentary duties in any way. In another case in this House, in 1955, the same Member, Sri M. Kalyanasundaram, gave notice of privilege against the District Educational Officer, Salem, for framing charge against a teacher on the basis of his contact with the Member. The then Deputy Speaker has held that such facts do not constitute breach of privilege.

In the result I hold that there is no prima facie case to go before the Committee of Privileges.

The Speaker of the House of Commons has observed that the matter may be a very desirable one to be discussed in a debate either in demands or on a resolution in the Select Committee of the House or in the Committee of Privileges. I also think it necessary that the Members and the Government discuss this matter in order to avoid Members' contact or their correspondence with other being made basis of a charge like the present one.

CONSTITUTION OF COMMITTEES

The following Committees were constituted for the year 1966-67:-

- (1) Business Advisory Committee.
- (2) Rules Committee.
- (3) Committee of Privileges.
- (4) Committee on Subordinate Legislation.
- (5) House Committee.
- (6) Committee on Government Assurances.

The names of the Members of the Committees are shown in Appendix

Three members of the council were nominated by the Legislative council to serve on the Committee on subordinate legislation of the Legislative Assembly for the financial year 1966-67. The names of the members of the council nominated are shown in Appendix II.

PRESENTATION OF REPORT OF COMMITTEES.

The following Reports were presented to the House on the dates noted against each:-

<i>Serial Number.</i>	<i>Reports.</i>	<i>Date of presentation.</i>
(1)	(2)	(3)
(1)	Thirteenth Report (1965-66) of the Committee on Subordinate Legislation.	30th March 1966.
(2)	First Report (1965-66) of the Committee of Estimates on the action taken by the Government on the recommendation of the Committee contained in the Report of the Madras Dairy and Milk Project.	30th March 1966.
(3)	Eighth Report (1965-66) of the Committee on Government Assurances.	30th March 1966.

PAPERS LAID ON THE TABLE OF THE HOUSE

During the period under review 150 papers were laid on the Table of the House details of which are given below:-

A. Statutory Rules and orders	...	80
B. Reports, Notifications and other papers	...	70

		150

Biennial Elections to the Council of States and Madras Legislative Council

(1) On 28th March 1966, the poll for the Biennial election to the Council of States to fill the vacancies of six members retiring on 2nd April, 1966, by the elected members of the Madras Legislative Assembly was conducted and the following have been duly declared elected:-

Sri K. Sundaram.
 Sri T. Chengalvarayan.
 Sri G. P. Somasundaram.
 Sri R. T. Parthasarathy.
 Sri N. R. Munisamy.
 Sri N. Ramakrishna Iyer.

(2) On 22nd March 1966, the following members have been declared duly elected to the Madras Legislative Council to fill the vacancies of seven members retiring on 20th April 1966 without contest:-

Sri T. S. Arunachalam.
 Sri Ponnappa Naidu.
 Sri S. Muthu.
 Sri K. Ramakrishna Achari.
 Sri Raman Nair.
 Sri C. V. Rajagopal.
 Sri S. V. Lakshmanan.

C. D. NATARAJAN
 Secretary

APPENDIX I

I. Business Advisory Committee-

- (1) Hon. Sri S. Chellapandian (Chairman).
- (2) Hon. Sri M. Bhaktavatsalam.
- (3) Sri T. P. Elumalai.
- (4) Hon. Sri P. Kakkan.
- (5) Sri M. Kalyanasundaram.
- (6) Sri K. R. Nallasivam.
- (7) Sri V. R. Nedunchezhiyan.
- (8) Sri K. Parthasarathy.
- (9) Sri P. Ramachandran.
- (10) Hon. Sri V. Ramaiah.
- (11) Sri Saw. Ganesan.

II. Rules Committee-

- (1) Hon. Sri S. Chellapandian (Chairman).
- (2) Hon. Sri M. Bhaktavatsalam.
- (3) Sri M. Kalyanasundaram.
- (4) Sri S. Madhavan.
- (5) Sri K. R. Nallasivam.
- (6) Sri K. Narayanaswami Pillai.
- (7) Sri V. R. Nedunchezhiyan.
- (8) Sri K. Parthasarathy.
- (9) Sri R. Ponnappa Nadar.
- (10) Sri G. Rajaram.
- (11) Sri P. Ramachandran.
- (12) Sri N. Ramachandra Reddi.
- (13) Hon. Sri V. Ramaiah.
- (14) Sri T. L. Sasivarna Thevar.
- (15) Sri Saw. Ganesan.

III. Committee of Privileges-

- (1) Sri K. Parthasarathy (Chairman).
- (2) Sri A. Arumugam.
- (3) Hon. Sri M. Bhaktavatsalam.
- (4) Sri A. Chidambaranatha Nadar.
- (5) Sri M. Kalyanasundaram.
- (6) Sri T. B. Kesava Reddy.
- (7) Sri S. Madhavan.
- (8) Sri K. Mathialagan.
- (9) Sri S. Murugaiyan.
- (10) Sri V. R. Nedunchezhiyan.
- (11) Sri P. Ramachandran.
- (12) Sri N. Ramachandra Reddy.
- (13) Sri S. Sadasivam.
- (14) Sri Saw. Ganesan.
- (15) Sri M. S. Selvarajan.
- (16) Sri N. Shanmugasundaram.

IV. Committee on Subordinate Legislation-

- (1) Sri K. Parthasarathy (Chairman).
- (2) Sri M. V. Karivengadam.
- (3) Sri V. Krishnamoorthy.
- (4) Sri K. Narayanaswami Pillai.
- (5) Sri R. Ponnappa Nadar.
- (6) Sri K. R. Sambandam.
- (7) Sri V. Sankaran.
- (8) Sri N. Shanmugasundaram.
- (9) Sri Saw. Ganesan.
- (10) Srimathi A. Suares.

V. House Committee-

- (1) Sri K. Parthasarathy (Chairman).
- (2) Sri L. Anandan.
- (3) Sri V. S. Arunachalam.
- (4) Sri K. Cheemaichamy.
- (5) Sri A. K. Kaliappa Gounder.
- (6) Sri M. R. Krishnamoorthy.
- (7) Sri S. Mani.
- (8) Sri G. Narayanaswamy Naidu.
- (9) Srimathi A. S. Ponnammal.
- (10) Sri A. Raghava Reddi.
- (11) Sri P. Rajagopal.
- (12) Sri S. J. Ramaswamy.
- (13) Sri R. Sengaliappan.
- (14) Sri N. P. Sengottuvelu
- (15) Sri D. N. Vadivel.
- (16) Sri M. P. Vadivelu.

VI. Committee on Government Assurances-

- (1) Sri Rama. Arangannal (Chairman).
- (2) Sri A. Arumugam.
- (3) Sri A. S. Dakshinamoorthy Gounder.
- (4) Sri S. Nanjunda Row.
- (5) A. Raghava Reddi.
- (6) Sri N. Soundarapandian.
- (7) Sri A. Swamidhas.

ANNEXURE II

Associate members of the Legislative Council to the Committee on Subordinate Legislation

- (1) Sri K. Balasubramania Ayyar.
- (2) Sri S. Jayaram Reddiar.
- (3) Sri M. Rajah Ayer.