

sation with whom we are dealing for the last so many years. If I can risk my own assessment of the problem, I think at the present moment the civil administration is on top of the situation as has been demonstrated by the recent general election held in Nagaland.

**SHRIMATI SHARDA MUKERJEE :** We understand that there is a dual command in this area—the military command and the border security force. In view of the deteriorating conditions, has he given authority to the commanding officer there to take such action as is necessary when something like this happens within this area? Or does it mean that we have military in certain area but they are debarred from taking action. That is why I want to know whether the Government have come to any decision regarding giving authority to the military personnel also.

**SHRI Y. B. CHAVAN :** The hon. Member should know one thing: that there is something like a civil administration there. The Nagaland Government is there. Naturally, in that area, the authority of the civil administration must have supremacy. I have no doubt about it. But as far as the operations of the security force are concerned, there are no two commands; there is only one command, and that command is the command of the army.

**SHRIMATI SHARDA MUKERJEE :** In view of the deteriorating conditions, it happens that there is sometimes dual authority.

**SHRI Y. B. CHAVAN :** I would like the hon. Member to take certain facts from me. There may be the border security force but they are under the army there. *(Interruption).*

**MR. SPEAKER :** It is one command.

**SHRI HEM BARUA :** Is it not a fact that recently about 250 Chinese-trained Naga hostiles entered this country via the Mao division of Manipur and your security force could not take any action against them? (b) : Is it not also a fact that at present the theatre of operation by the Naga hostiles has been shifted to the Mao

division of Manipur which is under your direct control and, if so, what steps have you taken to see that it does not extend to the Mao sub-division of Manipur?

**SHRI Y. B. CHAVAN :** As far as part (a) of the question is concerned I have certainly given some information that a group of Chinese-trained Naga people have entered Nagaland and it is that particular group which clashed with the Assam Rifles. About the other point, I think I will require separate notice.

**MR. SPEAKER :** Shri Vasudevan Nair raised a point that the first name of the questioner in Question No. 483 could not be Mr. Janardhanan. I have got it verified; it was not; Mr. Janardhanan; it was Shri Muthuswami. It is a mistake. It was Mr. Muthuswami who was the questioner. I am very sorry. I have got it verified.

Now, let us proceed to the Short Notice Question.

## SHORT NOTICE QUESTION

### Beri Commission Report

+

S.N.Q. 6. **SHRI N. K. SOMANI :**  
**SHRI MEETHA LAL**  
**MEENA :**  
**SHRI D. N. PATODIA :**  
**SHRI A. SREEDHARAN :**  
**SHRI S. K. TAPURIAH :**

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Beri Commission Report on the Jaipur Police Firing has been submitted to the Government of Rajasthan;

(b) whether the main recommendations of this report have come to the notice of the Government of India;

(c) whether the Beri Commission has strongly criticised the unjustified firing in Jobri Bazar, Jaipur; and

(d) the steps to be taken by the Government of India to prevent further recurrence of such Police excesses?

**THE MINISTER OF HOME AFFAIRS**  
**(SHRI Y. B. CHAVAN) :** (a) to (c). Yes, Sir.

(d) State Government is examining the report. It is for the State Government to take appropriate action in this behalf.

**SHRIN K. SOMANI :** In view of the fact that this is a wholly unjustified firing which had taken place when Rajasthan was under President's rule two years ago by design and the connivance of the Central Government, a fact which you have very meaningfully and significantly commented upon yesterday at the Rotary Club, *(Interruption)*, and in view of the fact that the report of the Beri Commission which has brought to book the guilty officers and policemen has been referred to the Government of Uttar Pradesh by the Rajasthan Government so that more than one State Government is involved, may I know what particular steps the Government of India are going to take to bring to book these people who are guilty and who have been found guilty by the Beri Commission and in view of the complexity, may I know whether the report of the Beri Commission would be placed on the Table of the House ?

**SHRI Y. B. CHAVAN :** The hon. Member can certainly have a copy of the report which has been placed on the Table of the Rajasthan Assembly. It is a public document. If he wants to have a copy of it, he can certainly have it. A public document need not be placed on the Table of this House. Now, in this matter, the State Government is examining the report. The Legislative Assembly of Rajasthan has discussed this report.

**SHRI N. K. SOMANI :** Two months.

**SHRI Y. B. CHAVAN :** I am not responsible for it. Let us hope that they will take some action about it as quickly as possible.

**SHRI HEM BARUA :** How can one State Government take action against the police of another State Government unless the Centre co-ordinates it ?

**SHRI N. K. SOMANI :** I have raised the point but it has not been answered by the Home Minister. More than one State Government is involved. The firing and the appointment of the Beri Commis-

sion were during the President's rule, and therefore, now the Central Government cannot step aside and abdicate its responsibility and authority and say nothing can be done.

**SHRI Y. B. CHAVAN :** The hon. Member has completely misunderstood the facts. When the police force of Uttar Pradesh was involved in it, the Rajasthan Government in this matter will consult the Uttar Pradesh Government and not the Central Government. *(Interruption)*

**SHRI N. K. SOMANI :** It was under President's rule.

**SHRI Y. B. CHAVAN :** It is not a fact. The hon. Member has again misunderstood it. When the firing took place it was an elected Government that was functioning in the State. There was no President's rule at that time.

**SHRI RANGA :** What about the point raised by the hon. member from Assam about those people who were brought from other States and with whom the Beri Commission had found fault ?

**MR. SPEAKER :** He has answered that the Rajasthan Government will negotiate with the UP Government and it will not go through the Central Government.

**SHRI RANGA :** It is because of the good offices lent by the Government of India through the Governor at that time that police from some other State was deputed. It is the responsibility of the Government of India.

**SHRI Y. B. CHAVAN :** If the Acharya is a little patient with me, I will convince him. When the firing took place, there was no President's rule.

**SHRI S. K. TAPURIAH :** Mr. Somani said, when the Commission was appointed, there was President's rule. *(Interruption)*

**SHRI N. K. SOMANI :** The main brunt of my question is this. When the Beri Commission was appointed, the State was under President rule.

**MR. SPEAKER :** He says, no.

**SHRI Y. B. CHAVAN :** I have not said that. I said, when the incident took place, about which an enquiry had to be made, there was no President's rule. After that, the President's rule came. But it was the State Administration which appointed the Commission. It is not a Central Government decision. Now when the report has been received, there is a proper Government functioning there. When certain police forces were deputed to UP, they were not deputed by President's rule. They were deputed by the UP Government. Now the Rajasthan Government will certainly consult the UP Government in this matter.

**SHRI N. K. SOMANI :** The enquiry began with an Additional District Magistrate. Under instructions from the Government of India, this was referred to a judge of the High Court. The Chief Justice of the Rajasthan High Court took a definite undertaking from the then Government which was ruling the State in the name of the President that whatever findings and recommendations of the Beri Commission would be released, they would be accepted *in toto*. Otherwise, no High Court Judge is going to sit upon it if his findings are going to be scrutinised by any Deputy Secretary or any executive authority. Now, two months after the report has finally come out and has been submitted to the Government of Rajasthan, the present Government is trying to get out of that responsibility and says, it is none of our business. May I know whether, in the interest of future enquiries in this country into public affairs, he would advise the Rajasthan Government to accept *in toto* the recommendations, as per the firm commitment made?

**SHRI Y. B. CHAVAN :** It is none of my business to advise the State Governments.

**SHRI D. N. PATODIA :** I do not think the Home Minister will be able to get away from it as easily as he wants to; Either he is ignorant or he is deliberately trying to mislead the House. The facts of the case are very clear. This Commission was appointed when the State was under the President's rule and the Governor was acting under the advice of the Central

Government. In that situation, a specific undertaking was given to the Chief Justice of Rajasthan High Court that whatever be the findings of the commission, they will be accepted *in toto*. Now the Home Minister has just now said, it is for the State Government to take action. It is very funny. I would refer to the debate in the Rajasthan Assembly recently where the Home Minister of Rajasthan said that because the commission was appointed at a time when Rajasthan was under President's rule, it is none of their business. It is on record. Shri Damodar Lal Vyas, Home Minister, has said clearly on the floor of Rajasthan Assembly that because the Rajasthan Government at that time was under President's Rule it is not their business. The Centre says that the State will do and the State says the Centre will do. The only thing that the Beri Commission has done is to completely expose them. Firing was resorted to and everything was done with the connivance between the State Congress Party, the Governor and the Central Government. I want to ask a very plain question. In view of the circumstances, will the Central Government ask the Rajasthan Government, firstly, to explain to them why under these circumstances the Rajasthan Government is not prepared to accept the findings *in toto* and secondly, are they prepared to ask the Rajasthan Government that all the findings have got to be implemented? A directive must go from the Centre. Unless a directive goes from the Centre they are not going to abide by the recommendations of the Commission.

**SHRI Y. B. CHAVAN :** The hon. Member has expressed an opinion in this matter. What can I do? I do not understand...

**SHRI RANGA :** It is a question of honour of the Union Government. You have given your word.

**SHRI Y. B. CHAVAN :** I have not given any word anywhere.

**SHRI RANGA :** The Union Government has done.

**SHRI KANWAR LAL GUPTA :** Sir, he is not answering properly. He is evading the issue.

श्री मधु लिमये : अध्यक्ष महोदय, गृह मंत्री महोदय से माप जवाब दिलवाइये ।

SHRI Y. B. CHAVAN : I am not evading the issue.

SHRI KANWAR LAL GUPTA : You murder democracy and you do not want to reply.

MR. SPEAKER : Order, order.

श्री हुकम चन्द कछवाय : ऐसी धीस नहीं चलेगी । मंत्री महोदय सीधे यहां पर जवाब दें ।

MR. SPEAKER : Order, order. I am on my legs now. I am repeating what I said earlier. If the Minister's answer is not satisfactory the hon. Member who put the question will have to get up and point out that the answer is not satisfactory.

श्री मधु लिमये : अध्यक्ष महोदय, मेरा एक ब्यवस्था का सवाल है...

MR. SPEAKER : Order, order. I am not allowing anybody to speak when I am on my legs. Even Shri Madhu Limaye has to sit down and follow some rule.

श्री हुकम चन्द कछवाय : चोरी की चोरी ऊपर से सीनाजोरी । मंत्री महोदय से जवाब दिलवाइये ।

MR. SPEAKER : Order, order. I cannot answer you. I can answer Shri Kanwar Lal Gupta or Shri Madhu Limaye but not Shri Kachwai. I was saying that if the Minister's answer is not satisfactory the hon. Member who has put the question must get up and say that. Then there will be some order in the House and the Minister can answer. Instead of that if a dozen hon. Members get up and shout who can understand them ? Neither the Minister nor the Speaker can understand their grievance. Here, Shri Patodia put a supplementary and the Minister answered. Immediately Shri Kachwai, Shri Berwa, Shri Kanwar Lal Gupta and a dozen others got up and started shouting. Hon. Member who shouts cannot have the monopoly. It must be broken same day. In this House

every Member has equal right. If the Member who has put the question gets up after the answer has been given and says that the answer is not satisfactory I can understand that. I can also understand the leader of his party getting up and supporting the Member's grievance. If the whole House, if all hon. Members like Shri Kachwai Shri Berwa and others want to help the Member the Member himself goes in the background.

SHRI D. N. PATODIA : I stated that the Beri Commission finding has only confirmed the situation that prevail at that time,—that there was connivance between the Central Government, State Congress Party and the Governor—and it has stated that the police firing was completely unjustified. In view of that, may I know whether the Central Government is prepared to give a directive to the State Government to accept these recommendations *in toto* and, secondly, whether the Central Government is prepared to ask for an explanation from the State Government why they are not prepared to accept these recommendations *in toto* ?

SHRI Y. B. CHAVAN : I can tell the hon. House what, really speaking, hurt me. I was charged of evading an answer. I may tell this hon. House that this is, as a matter of fact, a short notice question. If I wanted to evade an answer, I could very well have refused to answer the question. But my attitude was not to evade an answer ; my attitude was to give information to the House. You can certainly disagree with me, you can criticise me—I have nothing to complain about that—but you cannot charge me with an attitude of evading information, when I am giving information.

Coming to the question, as I said, the State Government is examining the report and it is expected that the State Government will take a decision. I will be glad if they accept the recommendations of the Commission. But when the State Government is examining the report, where is the question of giving a directive ? That is the only small point I am making. About the other State Governments, even if information is asked, the question of State autonomy is brought in. But if it is a Congress Government then there is no question of State autonomy ?

**SHRI D. N. PATODIA :** The question of directive arises because it was the action of the Governor who is a representative of the Centre. Secondly, Shri Damodar Lal Vyas very clearly stated on the floor of the State Assembly two or three days ago that they are not prepared to accept what was committed by the previous government. It is on record for all to see.

**SHRI Y. B. CHAVAN :** I have not seen the report. Without seeing that report I cannot make any comment. But I hope that no responsible person would make such a statement.

**SHRI D. N. PATODIA :** He has made that statement.

**MR. SPEAKER :** Shri Tapuriah.

**SHRI NAMBIAR :** Sir, you should look to this side also.

**MR. SPEAKER :** I have to go by the list of printed names here ; your name is not there.

**SHRI NAMBIAR :** The printed names are giving the trouble.

**MR. SPEAKER :** I am following the established practice. The names are called according to that order. Even before that list is exhausted, an hon. Member whose name is not at all there, gets up and says that he should be given an opportunity. I cannot do that because that would be going away from the principle which we have followed so long. Today it so happened that all the questions have been put only by the opposition ; I could not turn the other side at all. Does it mean that I do not want to give opportunity to them ? No, not at all. It only means that questions were given notice by this side, so far as today is concerned.

**SHRI S. K. TAPURIAH :** During the last two months two very significant things have happened in the country which have a direct bearing on the sordid case of collusion between the Central Government and the various State Governors—one is the result of the elections in West Bengal and the other is the Beri Commission Report, which has again condemned that collusion. Those who have seen this

inquiry commission report and those who have watched the Rajasthan affair during February-March 1967 have no doubts in their minds about the present government of Rajasthan. They have no doubts at all that the present government which is functioning in Rajasthan, about which the Home Minister said that they are competent to take action, this is not a legitimate government sired by the people of Rajasthan. I do not know how to describe an indecent act in decent words ; so, I do not know what language to use about this government, but it is definitely not a legitimate government. Only ten days back the Prime Minister had said on the floor of the House—let the opposition co-operate with us in setting things right. We are prepared to co-operate, but only on a clean slate.

To create that clean slate and to clean the dirt that is existing there, will this Government, in an effort to cleanse the State and to take our co-operation, ask the Chief Minister, Shri Sukhadia, to resign and ask for the dismissal of the Government and for a mid-term poll ? We are not asking for the creation of *status quo ante* or for putting up the Opposition there ; we are brave enough to go to the polls. Will they ask for their dismissal and for a mid-term poll ?

**SHRI Y. B. CHAVAN :** The hon. Member certainly is entitled to his own opinion ; I have no quarrel about it. Only the other day we were discussing and discussing rightly the right of the State Legislature to decide the fate of the Government there.

**SHRI S. K. TAPURIAH :** That was denied by you at that time,

**SHRI Y. B. CHAVAN :** Only because there is the Congress government in Rajasthan and not the Swatantra government, are we going to change the principles of democracy now ?

**SHRI S. K. TAPURIAH :** We are not changing it.

श्री श्रीकार लाल बोहरा : अध्यक्ष महोदय,  
मैं आप का ध्यान दिलाना चाहता हूँ कि माननीय  
सदस्य श्री तापुरिया ने कहा है कि वह एक

वैधानिक सरकार नहीं है। मैं जानना चाहता हूँ कि वैधानिक से उनका तात्पर्य क्या था। अगर वहाँ स्वतन्त्र पार्टी की गवर्नमेंट होती तो क्या होता? यहाँ सारे मामले को राजनीतिक पहलू से रखा जा रहा है। मैं समझता हूँ कि वह इस बात को नजरअन्दाज कर रहे हैं कि कम से कम तीन या चार उप-चुनावों में यह अच्छी तरह सिद्ध हो गया है कि किस तरह से राजस्थान में सामन्तवाद और स्वतन्त्र पार्टी को गहरा धक्का लगा है। वीसा और कई दूसरे उप-चुनावों में यह स्पष्ट हो गया है कि जो स्वतन्त्र पार्टी और जनसंघ के मेम्बर गये थे वह एक एक करके कांग्रेस के साथ आ गये हैं।

मैं बतलाना चाहता हूँ कि किस तरह से प्रजातन्त्र को समाप्त करने के लिए वहाँ सामन्त-वादियों और सेठों की साठ-गाठ से षडयन्त्र किया गया था और किले में बन्द करके विधायकों को रखा गया था। स्वयम् महारानी गायत्री देवी के राज प्रासाद में विधायकों को रखा गया था और ज्योंही उन्हें मौका मिला वह कांग्रेस के साथ हो गये। मैं निवेदन करना चाहता हूँ कि यह जो गोली काण्ड हुआ उसके लिए सबसे ज्यादा जिम्मेदार स्वतन्त्र पार्टी और राजा महाराजाओं का गठ-बन्धन है। अगर उनकी अवैधानिक हरकतें न होती तो राजस्थान में यह फायरिंग न होती। यह राज्य का अन्दरूनी मामला है, और वहाँ की जनमत से स्थापित सरकार इस मामले पर गौर कर रही है, इसलिए वहाँ इस पर विचार करने की आवश्यकता नहीं है।

MR. SPEAKER : There is nothing to answer. Shri Meena.

SHRI SURENDRANATH DWIVEDI : Have you allowed a discussion of this question.

MR. SPEAKER : No; that is why there is no answer.

श्री भीठा लाल शीना : देश भर में अधिकांश राज्यपालों की इस प्रकार की कार्यविधि चल रही है। जो जनतांत्रिक दृष्टि से जनतंत्र के लिए बहुत ही खतरनाक हैं। राजस्थान के अन्दर विरोधी सदस्यों की संख्या

92 होते हुए भी आप को मालूम है कि किस तरह से डा० सम्पूर्णानन्द की साजिश से कांग्रेस सरकार बनाकर निर्दोष जनता पर गोली चलाई गई। इस प्रमाण में मैं श्री हरिभाऊ उपाध्याय के शब्दों को पढ़ कर सुनाना चाहता हूँ :

“राजस्थान का राज्यपाल रहते हुए खास कर पिछले चुनाव के अन्त में नयी सरकार बनने के समय जो साहस कांग्रेस निष्ठा और दृढ़ता का परिचय उन्होंने दिया उसी के फल-स्वरूप आज राजस्थान में कांग्रेसी सरकार बन पाई है। भले ही उसका प्रत्यक्ष गठन हमारे वर्तमान राज्यपाल के समय में हुआ हो परन्तु इसकी नींव बाबूजी ही पहले डाले गये थे। उन्होंने उन्हीं दिनों मुझे इस का भीतरी रहस्य बता दिया था। और मैं अच्छी तरह जानता हूँ कि वे यदि इतनी दृढ़ता नहीं दिखाते तो कांग्रेसी शासन राजस्थान से समाप्त हो गया होता।”

इस तरह की बात उन्होंने की है फिर जनता पर गोली चलाई गई। अब मैं गृह-मंत्री महोदय राजस्थान का वक्तव्य पढ़ता हूँ। उन्होंने कहा है कि :

“इस आयोग की नियुक्ति राष्ट्रपति शासन काल में हुई थी...तत्कालीन सरकार ने कोई वादा किया था तो इस सरकार के लिये जरूरी नहीं है कि वह उसे माने।”

जब जनता के राज्य में भी कोई जज के फैसले को न माने, जजों के ऊपर विधान सभा में और बाहर कीचड़ उछाले, तब कौन जज इस तरह की एन्क्वायरी करने के लिये भविष्य में तैयार होगा? उत्तर प्रदेश में इसी तरह हुआ, राजस्थान में हुआ, दूसरी जगहों पर भी हो सकता है। मैं आप के जरिये से गृह-मंत्री जी से पूछना चाहता हूँ कि रिपोर्ट में जैसी सिफारिश की गई उस को मान कर कि उन अफसरों के खिलाफ कार्यवाही की जावे या नहीं। राजस्थान सरकार ने उनके खिलाफ कोई कार्यवाही नहीं की, अपितु उन की पदोन्नति की है, अगर इस तरह से रिपोर्ट की अवहेलना करना तथा राजस्थान सरकार को इस फैसले को नहीं मानना है तब 1100 रु० रोज का बचाव के लिये बकौल रख

कर क्यों इन्क्वायरी करवाई गई। अगर इस तरह से होता रहा और निर्दोष जनता पर गोलियां चलती रहें तो इस का परिणाम बहुत भयंकर होगा।

**SHRI Y. B. CHAVAN :** I have answered the issue. As I said, the State Government is examining and considering the report. I have nothing to say.

**श्री भीठा लाल भीना :** रिपोर्ट को मैं पढ़ कर सुनाता हूँ। मैं इस को सभा-पटल पर रख दूंगा।

**MR. SPEAKER :** It is a public document. Anybody can go and get it in the bazaar. If it is allowed to be placed on the Table of the House, the whole thing will have to be put in the proceedings. (*Interruptions*).

**श्री भीठा लाल भीना :** मैं इस की केवल दो लाइनें पढ़ना चाहता हूँ।

**MR. SPEAKER :** It is a public document which is available in the bazaar. It need not be placed on the Table of the House.

**SHRI NAMBIAR :** Sir; it is very seldom that the Central Government allows an inquiry by a judicial body whenever shootings take place. In Rajasthan, under very strange circumstances and situations, the Central Government agreed to refer the matter to a judicial inquiry. Now that the report has come, is it not the responsibility of the Central Government to persuade or request or do whatever is necessary to see that the promise or the understanding given earlier is put into practice and that the verdict of a judicial inquiry is implemented?

**SHRI Y. B. CHAVAN :** I do not propose to take a legalistic view. The law cannot be forgotten. When the Commission was appointed, though there was the President's Rule, naturally, the appointment of the Commission was done by the State administration. (*Interruption*) Even when there is the President's Rule, the State Government does not cease to exist. This is one thing we must understand.

Whether it is elected Government or whether the authorities there ultimately take the power, indirectly, from the Parliament is a different matter. But the State Government exists; the State Government functions. It is that State Government which has appointed the Commission. Now, where the State Government is functioning, is it possible for me to commit myself to anything? When the State Government is examining and considering the report, how can I make any commitment here. I will be glad if they implement the recommendations. This is all that I can say about it.

**श्री कंबर लाल गुप्त :** यह रिपोर्ट राजस्थान प्रसेम्बली में डिस्कस हुई थी। वहाँ पर राजस्थान सरकार ने दो बातें कहीं। एक तो यह कहा कि जब एन्क्वायरी बैठी तब वहाँ गवर्नर का रुल था। दूसरी बात यह कही गई कि जो रिकमेन्डेशन्स हैं उन में दो तीन बातें हैं अर्थात् मिलिटरी ने फायरिंग की या नहीं, और मिलिटरी सेंटर के नीचे है। तीसरी बात यह कही कि वहाँ यू० पी० और मध्य प्रदेश सरकारों की पुलिस गई थी और राजस्थान सरकार उन के खिलाफ कार्रवाई नहीं कर सकती। अगर मिलिटरी के खिलाफ कार्रवाई करनी है तो केन्द्र कर सकता है। जब एन्क्वायरी हुई तब वहाँ गवर्नर्स रुल था। हमारे गृह मंत्री के कहने से वहाँ एन्क्वायरी हुई और एक कमिटिमेंट किया गया। मैं आप की आज्ञा से पढ़ना चाहता हूँ कि गवर्नर का कमिटिमेंट क्या था। वह इस तरह से कहते हैं कि :

"The Governor of Rajasthan has conveyed to the Chief Justice of the State High Court an assurance that report of Justice Bhagwati Prasad Beri in regard to the police firing in Jaipur on March 7 would be accepted *in toto* by the Government. The assurance was demanded by Chief Justice C. S. Dave when the Government approached him for appointing a Judge of the High Court to conduct the inquiry into the firing. The Chief Justice has sought the assurance in according with the decision taken at the Conference of the Chief Justice of the Supreme Court and of the State High Courts in the country

with a view to maintaining honour and prestige of the judiciary”.

जब स्टेट गवर्नमेंट का यह एतराज है कि गवर्नर का कमिटिमेंट हमारे लिये बाइंडिंग नहीं है, तब मैं कहना चाहता हूँ कि जब गवर्नर राज्य करता है तब उस का बजट पार्लियामेंट पास करती है, इस लिये जिम्मेदारी पार्लियामेंट की है, राष्ट्रपति की है। इन सर्कमस्टान्सेज में जब कि आपकी कमिटिमेंट थी, जब कि गवर्नर राज्य के समय में वह कमेटी सेट-अप हुई थी और जब मिलिट्री और दूसरे राज्यों की पुलिस के खिलाफ वहाँ की सरकार कोई कार्यवाही नहीं कर सकी—उस रिपोर्ट में यह कहा गया है इन्होंने नोकांफिडेंस के मोशन के समय यह कहा था कि हालत ऐसी थी कि असेम्बली चल नहीं सकती थी, गड़बड़ होने वाली थी—

“The story of concentrated service stone pelting towards the Gulab Band, the RAC verandah and towards the verandah near Partanion-ka-Rasta's mouth by a concentrated group of thousands of people is false. The police parties were not besieged, as alleged. There was no firing of any gunshot towards Bhanwer Singh and Umar Singh from the side of the public...”

ऐसी स्थिति में मैं माननीय मंत्री महोदय से कहना चाहता हूँ कि अब आपकी जिम्मेदारी है, जब आपने हाई कोर्ट जज को एशोरेंस दी थी, आपका कर्तव्य है कि आप राजस्थान सरकार को डाइरेक्टिव दें कि वह इस चीज को माने। अगर वह नहीं मानती है तो क्या सरकार सुल्हाडिया सरकार को डिस्मिस करेगी? अगर नहीं करेगी तो क्यों नहीं करेगी?

SHRI Y. B. CHAVAN : Government cannot give any direction in such matters.

श्री मधु लिमये : मैं एक प्रश्न से व्यवस्था का प्रश्न उठाना चाहता था, अब उस को इस प्रश्न से मिला देता हूँ, जिससे समय बचेगा।

SHRI KANWAR LAL GUPTA : He has not answered to my question.

MR. SPEAKER : He has answered. You have repeated the same question which was but by Mr. Somani.

SHRI KANWAR LAL GUPTA : I have read out certain things. What is his reaction to those?

MR. SPEAKER : No, please.

Mr. Limaye.

श्री मधु लिमये : अध्यक्ष महोदय, मैं अपने व्यवस्था के प्रश्न को इस प्रश्न से मिला देता हूँ.....

SHRI P. VENKTASUBBAIAH : No point of order during Question Hour.

श्री मधु लिमये : क्वेश्चन आवर नहीं है, काल-एटेंशन है।

MR. SPEAKER : This is Short Notice Question. No point of order please. Please ask a question.

श्री मधु लिमये : मैं दोनों को मिला देता हूँ, इस से समय बचेगा।

अध्यक्ष महोदय : दोनों मिलायेंगे तो I will have to rule it out. दोनों न मिलायें।

श्री मधु लिमये : अध्यक्ष महोदय, सही संवैधानिक स्थिति असल में यह है कि जब गोलीकांड की जांच के लिये यह जज-कमीशन नियुक्त किया गया, तब राज्य सरकार के सारे अधिकार, गवर्नर की सारी सत्ता धारा 356 के अंदर राष्ट्रपति ने अपने हाथ में ली थी। 356 (1) (ए) में यह बात बिल्कुल साफ है। कि राष्ट्रपति—

“may assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor...”

इस लिये ये इस जिम्मेदारी से भाग नहीं सकते हैं। मेरे प्रश्न के दो हिस्से हैं—पहला हिस्सा यह है—क्या मंत्री महोदय का ध्यान राजस्थान के एक बड़े कांग्रेसी नेता श्री हरि-



भाऊ उपाध्याय के इस लेख की ओर गया है—  
जिसके एक दो वाक्य पढ़कर मैं आपको  
सुनाऊंगा —

“राजस्थान का राज्यपाल रहते हुए, खास  
कर पिछले चुनाव के अन्त में, नई सरकार  
बनाने के समय जो साहस, कांग्रेस निष्ठा और  
दृढ़ता का परिचय बाबू सम्पूर्णानन्द ने दिया,  
उसी के फलस्वरूप आज राजस्थान में कांग्रेसी  
सरकार बन पाई है, भले ही उस का प्रत्यक्ष  
गठन हमारे वर्तमान राज्यपाल के समय में हुआ  
हो, परन्तु इस की नींव बाबू जी ही पहले डाल  
गये थे । राजस्थान में कांग्रेसी बाबू जी की इस  
अंतिम कांग्रेस सेवा को कदापि नहीं भूल सकते ।  
कहना होगा — वास्तव में उन्होंने प्राणपण से  
अपनी कांग्रेस निष्ठा सिद्ध कर दी है ।”

गवर्नरों का असली स्वरूप क्या है, अध्यक्ष  
महोदय, उस का इस से पता चलता है । मेरे  
प्रश्न का एक हिस्सा यह है कि इस लेख के  
बारे में और इस के तथ्यों के बारे में उन को  
क्या कहना है ?

मेरे प्रश्न का दूसरा हिस्सा है—क्या  
राजस्थान के एडवोकेट-जनरल ने राजस्थान के  
चीफ जस्टिस को एक पत्र के द्वारा यह आश्वा-  
सन दिया था कि जांच आयोग की जो रपट  
आई है, जिसके प्रमुख राजस्थान के एक जज  
थे, उस पर पूर्णतया अमल किया जायेगा ।

मेरे प्रश्न के ये दो हिस्से हैं—धारा 356  
को मद्देनजर रखते हुए जवाब दें ।

SHRI Y. B. CHAVAN : As regards  
the constitutional aspect of the president's  
rule in a State, it is a matter of interpreta-  
tion. Certainly, powers are assumed but  
that does not mean that the State Adminis-  
tration or the State Government as a  
constitutional entity ceases to exist. That  
is my only point. As far as this article or  
letter of Shri Haribhau Upadhyaya is  
concerned, I have not seen that ; I do not  
know whether it is Shri Haribhau  
Upadhyaya's statement or somebody else's  
statement which my hon. friend is  
reading...

श्री रवि राय : अध्यक्ष महोदय, ये क्या  
कह रहे हैं ?

श्री मधु लिमये : क्या ये हमारी नीयत  
पर सन्देह कर रहे हैं ?

SHRI BAL RAJ MADHOK : Can the  
hon. Minister doubt it when the hon.  
Member is saying that he is reading from  
Shri Haribhau Upadhyaya's statement ?

श्री मधु लिमये : अध्यक्ष महोदय, अगर  
मेरी बात गलत है तो मैं सदन से माफी मांग  
लूंगा । अगर ऐसा नहीं है तो इन को मेरी  
बात पर सन्देह नहीं करना चाहिये ।

SHRI Y. B. CHAVAN : I have not  
completed my answer. I said that I did  
not know whether it was a statement by  
Shri Haribhau Upadhyaya...

श्री रवि राय : क्या आपको कुछ मालूम  
नहीं है ?

SHRI Y. B. CHAVAN : Why should  
the hon. Member not allow me to complete  
my answer ? I do not know whether that  
was Shri Haribhau Upadhyaya's statement.  
But if at all it is his statement, then I  
think he should explain it. How am I  
supposed to explain it ?

श्री मधु लिमये : एडवोकेट जनरल के  
बारे में जवाब नहीं आया ।

SHRI Y. B. CHAVAN : About the  
Advocate-General, certainly I shall get the  
information. At the present moment, I  
have not got the information.

AN HON. MEMBER : Sir, you must  
direct him to lay it on the Table of the  
House.

श्री रवि राय : आपको कुछ मालूम नहीं  
है ।

श्री मधु लिमये : अध्यक्ष महोदय, इन्होंने  
कहा है कि वे जानकारी प्राप्त कर के देगे, वे  
चाहता हैं कि वह सदन की टेबल पर रखें और  
वह पत्र भी रखें ।

**SHRI S. M. BANERJEE :** It is quite evident from the various supplementary questions put by many hon. Members that this House is agitated over this, because assurances were given by the hon. Home Minister at that time...

**SOME HON. MEMBERS :** By the Governor.

**SHRI S. M. BANERJEE :** Assurances were given by the Governor at the instance of the Centre. This was referred to a High Court judge and a judicial inquiry was ordered. It is quite evident now that the Rajasthan Government are not going to implement the report because they cannot bring to book the culprits. If the Rajasthan Government do not implement the report, may I know whether the Union Home Minister will use his discretion and direct the State Government to implement the report ?

**SHRI Y. B. CHAVAN :** I have no right of using my discretion in the matter, but I have expressed my desire that I shall be glad if they implement it.

**SHRI S. M. BANERJEE :** If they do not do it ?

**SHRI SONAVANE :** It is a hypothetical question.

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**SHRI S. M. BANERJEE :** May I seek your prctection or rather guidance ? The Governo has constituted a particular committee ..

**MR. SPEAKER :** What does the hon. Minister want me to do ? Dismiss the Home Minister because he cannot dismiss the State Government ? How can that be done ?

**SHRI KANWAR LAL GUPTA :** You can pull him up.

**MR. SPEAKER :** How can I pull up anybody ? He has already said that he will be very happy if it is implemented. If it is not implemented, what he will do is something which he cannot say now. He has categorically said that he will be very happy if it is implemented. That means that he agrees with what the hon. Members

say. If still, questttons are asked, what he will do if it is not implemented, then it is like asking something embarrassing, which I would not like to say here.

**SHRI K. NARAYANA RAO :** The Governor had appointed this commission as a delegate of the President.

**MR. SPEAKER :** The hon. Member is going into the legal points.

**SHRI K. NARAYANA RAO :** We should not forget that.

**MR. SPEAKER :** I am glad that at least one Congress Member has risen to put a supplementary question.

**SHRI K. NARAYANA RAO :** He did that as Governor and as the head of the State also. He might have committed himself for that particular position. Meanwhile, a popular elected Government has come into the picture. Only the other day we had a discussion about the discretion of the Governor. May I know whether it is open for the Governor to disregard the advice of the Cabinet and implement this particular report ?

**SHRI Y. B. CHAVAN :** These are all hypothetical situations. The State Government are still examining it. Therefore, there is no occasion for the Central Government to give any advice to the Governor at the present moment.

श्री ब० ना० भार्गव : क्या यह सत्य नहीं है कि बिपक्षी दल ने संवैधानिक तरीका अपनाने के बजाय आन्दोलनात्मक तरीका अपनाया, इसी कारण जनता गुमराह हुई और यह सब हुआ ?

**SHRI NATH PAI :** May I ask whether any authority or anybody is responsible for fulfilling the commitments or assurances given during President's rule ? Is there any authority and if so, which is that authority ?

**SHRI Y. B. CHAVAN :** Ultimately, it is certainly the authority of the State Administration on behalf of which the whole administration does something ;

the local elected body or the Legislative Assembly is ultimately the authority in this matter.

श्री श्रीकार लाल बेरवा : सुल्हाड़िया सर-कार ने जयपुर के जोहरी बाजार को जलियान-वाला बाग बना दिया था। जब गवर्नर ने जज को ब्राइवासन दिया तो क्या यह मंत्री जी से उन्होंने सलाह ली थी ?

तीन घण्टे तक वहां गोली चलती रही। जोहरी बाजार के सारे व्यापारी दुकानें छोड़ कर चले गये थे। उनका सारा सोना चाँदी तथा जेवर कांग्रेसी नेताओं ने लूट लिया। मैं जानना चाहता हूँ कि क्या सरकार इन मंत्रियों और वहां के कांग्रेसी नेताओं की इन कार्रवाइयों की पुलिस द्वारा जांच करायेगी और अगर उन्होंने ऐसा किया है तो उनकी सम्पत्ति को कुर्क करायेगी ?

SHRI Y. B. CHAVAN : I have no information about this matter.

SHRI S. KANDAPPAN : I am happy that the Home Minister concedes that the State should have every autonomy in their own sphere, and I am also glad that the Home Minister concedes the point that the commitment given to the Chief Justice of the High Court should be honoured. Here, the point is that the Centre on their part feel that the commitment has been made by the State, and the State Government on their part feel,—from what Shri D. N. Patodia has brought to light—that it is a commitment of the Centre and not their commitment. It seems to be a constitutional ambiguity with regard to this particular point, namely whether this commitment is that of the Centre or of the State Government. With regard to the honouring of this commitment, the Centre is also willing to do that, and the State is also willing to do it...

AN HON. MEMBER : The State is not willing.

SHRI D. N. PATODIA : None is willing to do it.

SHRI S. KANDAPPAN : The Home Minister has said that this was done by the Centre...

SHRI Y. B. CHAVAN : I had not said that...

SHRI S. KANDAPPAN : May I know whether any clarification of the Constitution was sought by the Centre in this regard? In regard to honouring this commitment, may I know whose responsibility it is constitutionally?

SHRI Y. B. CHAVAN : If I explain the constitutional position then it will be said that I am taking a legalistic view of it. But certainly I must do that now. In this matter, the commitment is the commitment of the State Government and the authority to enforce that commitment lies with the legislature and not with the Central Government. This is not a matter in which and direction can be given.

श्री रवि राय : इस पर बहस करने की इजाजत दीजिये।

श्री शशि नूषण : मैंने नियम 377 के मातहत मध्य प्रदेश में कांग्रेस दल के बहुमत को ले कर एक नोटिस दिया था। वहाँ पर जिस नए चीफ मिनिस्टर ने कसम ली है, वह असम्बन्धी नहीं बुला रहे हैं। मैंने प्रार्थना की थी कि इस प्रश्न को सदन में उठाने दिया जाए.....

MR. SPEAKER : I have not allowed any hon. Member now. Not a word will be taken down.

SOME HON. MEMBERS (\*\*)

SHRI KANWAR LAL GUPTA : We want a discussion on this.

MR. SPEAKER : That is a different matter. He may write to me. Why should he shout here?