

Title: Regarding transfer of three I.P.S. Officers on Deputation from Tamil Nadu to the Central Government.

SHRI P.H. PANDIYAN : Sir, Sardar Vallabhbhai Patel has said that if the security and independence of IAS and IPS officers is threatened then it will not be in the interest of the unity of India...*(Interruptions)* Sir, they do not know the law, they do not know the procedure, they do not know the rules...*(Interruptions)*

MR. SPEAKER: Shri Pandiyan, how can you discuss transfer matters in the House?

...*(Interruptions)*

SHRI P.H. PANDIYAN : Sir, I will not be cowed down like this...*(Interruptions)* Sir, what is this?...*(Interruptions)* Am I not entitled to speak?...*(Interruptions)* Sir, these three officers were doing their duty in maintaining law and order there...*(Interruptions)* Sir, two Central Ministers were arrested for violation and for offending the law and for preventing these officials from discharging their public duty...*(Interruptions)*

MR. SPEAKER: Shri Pandiyan, you have raised the matter now.

...*(Interruptions)*

SHRI P.H. PANDIYAN : Sir, I would like to bring to your notice the background of this case. These three officers, a Commissioner of Police, a Joint Commissioner of Police and another Joint Commissioner of Police, were discharging their duty...*(Interruptions)* Sir, in the case of these two Central Ministers, they violated the law and they were arrested on charges of preventing these officers from discharging their duty...*(Interruptions)* Sir, can the Central Ministers prevent any officer from discharging his official duty?...*(Interruptions)* There is no law in India, there is no provision in any law that the Central Ministers can go to a State and prevent officers from discharging their duty...*(Interruptions)* Sir, the Central Ministers are not above the law...*(Interruptions)*

MR. SPEAKER: Hon. Members, please. I have allowed Shri Chandra Shekhar.

...*(Interruptions)*

SHRI S.S. PALANIMANICKAM (THANJAVUR): Sir, we have great respect for you and for the House but we may also be allowed to speak...*(Interruptions)* Sir, he cannot raise this matter in the House like this...*(Interruptions)* Sir, they have also dismissed two officers. I would like to know under what capacity...*(Interruptions)*

MR. SPEAKER: Shri Palanimanickam please take your seat.

...*(Interruptions)*

MR. SPEAKER: Hon. Members, the children are watching the proceedings, please understand.

...(Interruptions)

SHRI CHANDRA SHEKHAR (BALLIA, U.P.): Why are the hon. Members agitating like this?...(Interruptions) Mr. Speaker Sir, Shri Raghunath Jha has read out a quotation. I fully agree with him that the Central Government has every right to punish an IAS or IPS officer. That is true. But the Central Government has not got the authority to transfer any officer without giving the reason. This has been the tradition all through 50 years that if any officer is called for deputation, the consent or concurrence of the State Government is taken and without that it has not happened for the last 50 years in this country.

If you want to establish a new rule, nobody can stop you.â€¦ (Interruptions)

SHRI P.H. PANDIYAN : I want the Central Government to withdraw the order. ...(Interruptions)

MR. SPEAKER: Now, Shri Vijay Kumar Malhotra will speak.

...(Interruptions)

SHRI S.S. PALANIMANICKAM : I want to remind Shri Chandra Shekharji that he had also created a precedent to dismiss the DMK Government without the recommendations of the Governor. ...(Interruptions)

MR. SPEAKER: Shri Palanimanickam, no cross-talk please.

...(Interruptions)

MR. SPEAKER: Please take your seat.

...(Interruptions)

डॉ. विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : अध्यक्ष जी, एक कांस्टीट्यूशनल सवाल उठाया गया है। मुझे याद है जब करुणानिधि जी के घर पर रात के ढाई बजे जाकर पुलिस अधिकारियों ने उनके साथ दुर्व्यवहार किया, उनको चोटें पहुंचाई, उनको खींचते हुए ले गए। (व्यवधान)

SHRI P.H. PANDIYAN (TIRUNELVELI): What is this?...(Interruptions)

MR. SPEAKER: No, no; nothing will go on record.

(Interruptions) *

MR. SPEAKER: Shri Pandiyan, please take your seat.

...(Interruptions)

MR. SPEAKER: Nothing will go on record except what Shri Malhotra says.

(Interruptions) *

डॉ. विजय कुमार मल्होत्रा : अध्यक्ष महोदय, उस वक्त रेड्डी साहब ने भी, कांग्रेस पार्टी ने, चंद्रशेखर जी ने और सब लोगों ने इस बात पर एतराज किया, उस घटना को कंडेम किया कि किसी भी मुख्य मंत्री को, किसी एमपी को, किसी और ऐसे व्यक्ति को, किसी पूर्व प्रधान मंत्री को अगर कोई पुलिस अधिकारी इस तरह से जाकर दुर्व्यवहार करे, उसको चोटें पहुंचाएँ। (ब्यवधान)

अध्यक्ष महोदय : आप बैठ जाइए प्लीज़।

SHRI P.H. PANDIYAN : There was no misbehaviour.

डॉ.विजय कुमार मल्होत्रा : अध्यक्ष जी, जब टीवी पर लोगों ने वह घटना देखी तो सारे देश की आत्मा हिल गई थी, सारा देश दहल उठा था और उस समय वहां पर जरूरत इस बात की थी जिसकी मांग की जा रही थी कि वहां धारा 356 लगाई जाए, सरकार को भंग किया जाए, परंतु वह कदम नहीं उठाया गया। (ब्यवधान)

SHRI P.H. PANDIYAN : What is this? ...(Interruptions)

You cannot threaten us, that is, the State Government. (Interruptions) You do it....(Interruptions)

MR. SPEAKER: Nothing will go on record.

(Interruptions) *

* Not Recorded

डॉ.विजय कुमार मल्होत्रा : अध्यक्ष महोदय, इस समय केन्द्र की तरफ से एक डायरेक्टिव की बात आई और मुझे आश्चर्य हो रहा है कि उस पुलिस अधिकारी को बचाने की कोशिश की जा रही है बजाय उस पर कार्रवाई करने के। मेरा निश्चित मत है कि सेन्टर के उस डायरेक्टिव का पालन वहां की सरकार को करना चाहिए। अगर वह पालन नहीं करेगी तो जो भी तरीका होगा, उसके लिए तैयार रहना चाहिए।

MR. SPEAKER: Shri Jaipal Reddy, will you speak on the same matter?

SHRI S. JAIPAL REDDY (MIRYALGUDA): Yes. Mr. Speaker, Sir, we are, at the moment, not discussing the merits of the incidents of that particular day or night. We are discussing the specific steps taken by the Central Government. As Shri Chandra Shekhar has rightly pointed out, this has been done for the first time in the history of independent India. (Interruptions)

SHRI S.S. PALANIMANICKAM : Under what circumstances? (Interruptions)

SHRI S. JAIPAL REDDY : The Central Government has not behaved in a *bona fide* fashion.

It has apparently worked under the pressure of its NDA partner. ...(Interruptions) If this step is to be proceeded with,

Sir, the State Governments in future will refuse to take IAS and IPS Officers. It will endanger the Centre-State relations. It has serious complications for our federal polity. Therefore, the Government of India should review it. ...(*Interruptions*)

MR. SPEAKER: Now, Kunwar Akhilesh Singh.

...(*Interruptions*)

SHRI P.H. PANDIYAN : Sir, if they behave like this, we will not allow anybody to speak everyday. ...(*Interruptions*)

SHRI C.P. RADHAKRISHNAN : Sir, he is interfering in the rights of the Members of the House. ...(*Interruptions*)

MR. SPEAKER: Nothing will go on record except what Kunwar Akhilesh Singh says.

(*Interruptions*) â€*