

MR. SPEAKER: That has already been raised and talked about and there is no point in raising it again. Education Ministry's Demands are under discussion and you can speak on it.

श्री बिलायक प्रसाद यादव (सहरसा) : अध्यक्ष महोदय, मैंने तमिलनाडु के संबंध में एक कार्रवाई एक्शन की नोटिस दी थी। कल आपने कहा था कि आप प्राइम मिनिस्टर और होम मिनिस्टर से विचार विमर्श करना चाहते हैं। मैं जानना चाहता हूँ आपने क्या तय किया है क्योंकि वहाँ पर आन्दोलन बढ़ रहा है, फायरिंग हो रही है और किसानों को मारा जा रहा है। (व्यवधान)

MR. SPEAKER: I have understood your point. Papers to be laid—Hon. Prime Minister . . . (Interruptions) I am not going to reply to the question. I am not here for cross-examination.

12.37 hrs

PAPERS LAID ON THE TABLE

DETAILED DEMANDS FOR GRANTS OF DEPARTMENTS OF SPACE ELECTRONICS AND ATOMIC ENERGY FOR 1978-79

THE PRIME MINISTER (SHRI MORARJI DESAI): I beg to lay on the Table:—

- (1) A copy of the Detailed Demands for Grants (Hindi and English versions) of Department of Space for 1978-79. [Placed in Library. See No. LT-2070/78]
- (2) A copy of the Detailed Demands for Grants (Hindi and English versions) of Department of Electronics for 1978-79. [Placed in Library. See No. LT-2071/78]
- (3) A copy of the Detailed Demands for Grants (Hindi and English versions) of Department of Atomic Energy for

1978-79. [Placed in Library. See No. LT-2072/78].

REPORT OF BAWEJA COMMISSION OF INQUIRY RE. LATHI-CHARGE IN CENTRAL JAIL TIHAR AND STATEMENT RE. CORRECTION OF ANSWER

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): I beg to lay on the Table:—

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (4) of section 3 of the Commissions of Inquiry Act 1952:—
 - (i) Report of the Baweja Commission of Inquiry into the incident of lathi-charge in Central Jail, Tihar on the 2nd October, 1975.
 - (ii) Memorandum of Action taken on the Report. [Placed in Library. See No. LT-2073/78].
 - (2) A statement correcting the reply given on the 22nd March, 1978 to a supplementary on starred Question No. 410 by Shri Kanwar Lal Gupta regarding traffic bottlenecks in Delhi [Placed in Library. See No. LT-2074/78].
- SHRI KANWAR LAL GUPTA (Delhi Sadar): I want to make a submission.

The hon. Home Minister has placed the report of the Baweja Commission about the lathi-charge in the Tihar jail. This is a typical example of how the bureaucracy misguides our Government. I put a question here whether there was a lathi-charge in Tihar jail. The reply was that there was no lathi-charge though the Home Minister was himself in the Tihar Jail. This is a typical example of how wrote to you a letter saying, "Kindly ask the Minister to correct the answer." You sent it to the Home Minister and again the bureaucracy misguided him and the reply was that there was no lathi-charge. Then

I tabled a motion of privilege against the Lt. Governor and the IG, Prisons, and the Home Minister was kind enough to make an inquiry. I am thankful to you and in this report you will find that the whole jail staff has given wrong evidence and Mr. Baweja has given a finding that there was a lathi-charge in which many people were injured ..

MR. SPEAKER: What is your point?

SHRI KANWAR LAL GUPTA: My submission is: Let there be a discussion on it.

Secondly, the report of this Commission should be circulated to all Members so that people should know. The action taken must have been a part of it. This is such a serious matter where may I request the Home Minister through you to take action against all those who gave wrong evidence. This is a typical example.

PROF. P. G. MAVALANKAR (Ahmedabad) I am standing in support of what Mr. Kanwar Lal Gupta has said, but I want to add a few important points, and so I sought your permission to raise certain points when the Home Minister, Charan Singhji placed these reports. You will see two or three things.

First of all, how much effort does it require on the part of an individual Member of Parliament to go into this question by pursuing it at depth and only at the end of it the correct facts come to the House? I am making one submission that something more than the mere discussion is required in this matter, because if every time officials and the bureaucratic machinery are going to do something, I do not want to say misguide, and so put before the Ministers concerned the partial or inadequate things, only a persistent and knowledgeable and vigilant Member can then continue to bring out the matters in the House, otherwise nothing will come to the House! There-

fore, it is not a question of this Report alone and it is not merely a question of discussion on lathi charge. The discussion will have to be there, and you, Mr. Speaker will also have to come in the picture to ensure as to how the right of the Member of Parliament individually and collectively can be exercised effectively to see that the administration and the officials do not misguide and mislead the Minister. That is point No. 1.

Point No 2 is this, I do not find fault with the Home Minister hon. Shri Charan Singh by saying that he is inordinately late in laying the Report. To look at the facts, however, the lathi charge took place on a very sacred day in our history—2nd October, 1975 Mahatma Gandhi's birthday. The atrocious thing is that this lathi charge has happened in jail on political detainees.

MR. SPEAKER: We are not debating on that Report.

PROF. P. G. MAVALANKAR: I am not debating on the merits. I am only trying to make this point by illustration of this incident. Here is a case where political detainees under the blanket black powers of emergency were lathi charged when they were confined to jail and they were treated as criminals.

MR. SPEAKER: You are discussing the matter.

PROF. P. G. MAVALANKAR: I am not discussing.

MR. SPEAKER: You are saying that and you are doing it.

PROF. P. G. MAVALANKAR: I am giving an illustration. I am not discussing the report.

Now my point is if such a thing happened on 2nd October, 1975, it was only when the Janata Government came to power that this thing could be brought to light, otherwise Delhi Administration went on saying....

MR. SPEAKER Again you are going on debating on

PROF P G MAVALANKAR What authority and powers are you going to invest in the Members of Parliament and Parliament as a whole to see that such dangerous and atrocious lies are not allowed to be continuing? Suppose Mr Gupta had not raised the question, suppose Baweja Committee had not taken up this matter this thing would never have come to light. My point is it is of no use merely to have a discussion you must see to it that a kind of procedure is evolved so that this kind of bureaucratic *(Interruptions)*

Finally I am not interested in just getting the officials of the Tihar Jail and other bureaucratic officials punished if they are found guilty. On that, of course law will take its own course. My point is taking clue from this example let us not be only at the mercy of raising a submission on such matters and leaving the matters there. I would like you to go into this either through the Rules Committee or through other Committees or *suo motu* to see that the officials do no mislead.

I am concluding I have been watching that in the question Hour, in Short Notice Questions and in other discussions in answer to various demands of Ministries a number of times Ministers are given wrong information by the officials. Notes are given. Supplementary points are given either through official box or later on subsequently and we are made to look fools and stupid. We are here to serve the public. We are serving the public and nothing should happen which will come in our way of the performance of our duties as Members of Parliament.

श्री विनायक प्रसाद यादव (महाराष्ट्र):
अध्यक्ष महोदय, द्राइडटम नं० ४ पर मैंने श्री
नोटिस दिया था।

MR. SPEAKER: I cannot allow. Has anybody else given notice?

Under the rules you have to give me notice

(Interruptions)

MR. SPEAKER No, I am not allowing. Nobody has given notice

(Interruptions)

MR. SPEAKER Is there any notice on Item No 4? At what time did you give notice?

SHRI VINAYAK PRASAD YADAV At 10 50 I had given

MR. SPEAKER It is not a notice at all

No no I will not because if I allow him

REVIEW ON THE WORKING AND ANNUAL REPORT OF BHARAT HEAVY ELECTRICALS LTD, FOR 1976-77

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES) I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act 1956 -

(1) Review by the Government on the working of the Bharat Heavy Electricals Limited New Delhi for the year 1976-77

(2) Annual Report of the Bharat Heavy Electricals Limited, New Delhi, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon

[Placed in Library. See No LT-2075/76]

DOCK WORKERS (REGULATION OF EMPLOYMENT) 2ND AMDT RULES, 1978, MERCHANT SHIPPING (SAFETY CONVENTION CERTIFICATES) AMDT RULES, 1978 AND MOTOR VEHICLES (DRIVING LICENCE FEE) RULES, 1978

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI