I. K. Gujral]

TV documentaries. This is not correct. The amount we pay for a TV documentary varies from Rs. 1,000 to Rs. 3,000. So it is not as if the comparison is that remote, that persons working here get far lesser amounts. Not that I am pleading that what they are getting is all right. I am particularly keen that my hon. colleague, the hon. Finance Minister should help us in this matter (*Interruptions*).

SHRI VASANT SATHE: Do you not think that there should be some parallel between an IAS officer's salary and that of an officer of the same rank here?

SHRI I. K. GUJRAL: This is a discussion which has to be held with somebody else. I am not the deciding authority as to what should be the salary.

SHRI VASANT SATHE: Can you get more funds so that you can do justice to your staff?

SHRI N. K. P. SALVE (Betul). Is there resentment against the IAS officers in your Ministry?

SHRI I. K. GUJRAL: We have got only two IAS officers in the whole AIR set-up, the Director General and the Deputy Director-General (Administration). So far as TV is concerned, the Deputy Director General in charge of it is a professional person All the professional jobs are being held by Deputy Director-General who are professionals Only the Deputy-Director General. (Administration) is an IAS officer He was inducted in very sad circumstances, some years ago. You know the AIR has different disciplines, engineers, staff artists programme executives and so on. Each one of them felt that if a Deputy-Director General in charge of Administration was appointed from one of these disciplines, he would not do justice to the other disciplines. It was because of this mutual sort of suspicion that way back in the 60's Government decided to have the Deputy Director General (Administration) from service outside. That was why he was induced. But if mutual friendliness increases—it seems to be increasing—I will be very glad to readjust on that account.

So far as professionalism is concerned, I am all for it because I do feel that professional services like AIR must be definitely and totally professionalised. This was the line I took when I attended their conference. In the presidential address when they put across the idea that we should have only professional people and also the idea that we should have a more autonomous set-up, I said they were having plagiarist thoughts because I was thinking on the same lines. I am going to enforce this and push it through. I will consider myself lucky if within my tenure in this Ministry we are in a position to reorganise the Radio and TV both on more autnomous lines, which I am taking steps to do.

SHRI VASANT SATHE: What about equipment?

SHRI I. K. GUJRAL: When Shri Indrajit Gupta was asking about it, I had said and I repeat, that I do not have reason to feel that the equipment we have is in any way substandard. Recently we have imported some equipment. Our difficulty is not in regard to equipment but in regard to studios because we are working in improvised studios. Fortunately, in this Plan we have been sanctioned a new studio in Mandi House, the design for which has already been approved, and steps are being taken thereon.

12.59 hrs.

QUESTION OF PRIVILEGE

Alleged Misleading Information Given By The Minister

SHRI JYOTIRMOY BOSU (Diamond Harbour): I thank you for giving your consent to raise a question involving a serious breach of privilege

of the House. The facts of the case are as follows:

Unstarred question No. 2093 reads as follows:

"Will the Minister of Home Affairs be pleased to state:

(a) Whether the Union Government have examined the judgment of the Gujarat High Court declaring as illegal the order that persons violating curfew are liable to be shot;

(b) If so, the reaction of the Government thereto; and

(c) whether the Union Government have issued orders to the State Governments not to resort to firing during the curfew?"

13.00 hrs.

In reply, Shri F. H. Mohsin, Deputy Minister on behalf of his Minister, stated:

"(a) and (b). The Gujarat High Court have declared as illegal any notification passed under section 144 Cr. P.C., announcing that a person committing breach of such order shall be liable to be shot. No order was issued by the State Government or the Police Commissioner to shoot at persons violating the curfew.

(c) No, Sir."

Now, I have been able to get a true copy of the judgment of the Gujarat High Court. At page 7 of the judgment, it reads:

"The petitioner has alleged.—The press and the radio had in the wake of the Curfew Order and the 'Important announcement' announced in their turn to the people that anyone who commits breach of the curfew order would be liable to be shot at."

Then, the other relevant portion is:

"What, in our opinion, the State has done by issuing the executive directions to its law and order forces to act upon is.." "In our opinion, therefore,...."

Arising out of what I have stated, it is not only a question of breach of privilege, but it is an encroachment on human rights, if we claim ourselves to be civilised and democratic, passing orders to shoot at sight, as they have been doing in Bihar, and as they have done in Gujarat, which the judges had the courage to turn down altogether,—

MR. DEPUTY-SPEAKER: You are going out of the written text.

SHRI JYOTIRMOY BOSU: I am coming to it, Sir. The judgment says:

"In our opinion therefore, the executive directions contained in the 'Important announcement' in so far as they hold out to the members of the public the threat that a curfew breaker for a mere breach of the curfew order is liable to be shot at is *ultra vires* their powers and also *ultra vires* section 144 of the Code of Criminal Procedure, Section 20 and 21 of the Constitution and is, therefore, void and of no effect whatsoever."

You will see from the judgment that the Minister and his deputy have deliberately misled the House. This is a clear case of breach of privilege and I trust that you will appreciate the seriousness of the matter and send this issue to the Privileges Committee.

AN HON. MEMBER: It is a clear case of breach of privilege.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): Sir, I have just received the notice.

SHRI JYOTIRMOY BOSU: Sir, the question was meant for Shri Uma Shankar Dikshit, the Home Minister, and Shri Mohsin had replied only on his behalf. Therefore, it is essential that on a serious matter like this, the Minister of Home Affairs himself remains present in the House. This

[Shri Jyotirmoy Bosu]

is showing disregard to the House day in and day out. Thhe Minister himself should have been present in the House to reply to this.

MR. DEPUTY-SPEAKER: Your notice itself mentions the name of Shri F. H. Mohsin.

SHRI SHYAMNANDAN MISHRA (Begusarai): It must oe just a departmental reply. It is deemed to be given by the Home Minister himself, and so the Minister must be present. (*Interruptions*):

MR. DEPUTY-SPEAKER: Kindly listen to me. The notice of Shri Jyotirmoy Bosu does mention the name of Shri F. H. Mohsin.

SHRI JYOTIRMOY BOSU: I had stated—

MR. DEPUTY-SPEAKER: I have got your notice here.

SHRI JYOTIRMOY BOSU: On behalf of the Minister, he had replied the other day. I am afraid you have not understood my point.

MR. DEPUTY-SPEAKER: I know that.

SHRI JYOTIRMOY BOSU: You have said something which is incorrect. I have said in my letter, "In reply, Shri F. H. Mohsin, Deputy Minister on behalf of his Minister, stated."

MR. DEPUTY-SPEAKER: You have said that the Minister has deliberately misled the House. Mr. Mohsin who replied is alleged to have misled the House.... (*Interruptions*). This is tweedledum and tweedledee.

SHRI F. H. MOHSIN: I have just now received a copy of the privilege motion and I shall look into the papers and I shall be making a statement tomorrow.

MR. DEPUTY-SPEAKER: Tomorrow he will be coming with a statement.

SHRI S. M. BANERJEE (Kanpur): There was some contradiction and inaccuracy in the answers of Mr. Mirdha about the Lt. Governor and the land deals. We have got all the facts here.

MR. DEPUTY-SPEAKER: I shall give you information about that. Yesterday this question was raised. Shri Jyotirmoy Bosu has given notice of a privilege motion. Shri Vajpayee has given notice under direction 115. I have admitted this under 115 and the Minister will be making a statement on the 19th. Kindly wait.

SHRI S. M. BANERJEE: We can wait till 19th May even. But the whole question is this. We have got these documents here. It is said that the Lt. Governor is trying to destroy certain documents. The Home Minister should ask the Lt. Governor not to remain in his office. Let him resign.

MR. DEPUTY-SPEAKER: It is a serious allegation that you are making and I shall ask the Minister to look into it.

SHRI S. M. BANERJEE: The Lt. Governor must go.

MR. DEPUTY-SPEAKER: Why do you not allow me to speak? There is a very serious allegation made by Mr. Banerjee that the Lt. Governor is trying to destroy documents. I think he has made it with all responsibility.

SHRI VIKRAM MAHAJAN (Kangra): What is the penalty if it is wrong?

MR. DEPUTY-SPEAKER: I do not know. We have freedom of speech. The only thing is that the Home Minister should look into this because of the seriousness of the allegation. Papers tb be laid.