

SHRI R. K. KHADILKAR: I am taking note of what he said. I am not able to give any reply to the vague charges that are levelled by the hon. Member.

SHRI M. C. DAGA: I am putting definite questions now.

MR. DEPUTY-SPEAKER: You are putting the questions based on certain information that you have. Is it not? The Minister says he is not in the know of those details. Therefore, he is not in a position to answer. He also said that the charges are vague. I shall come to them also. Since he is not in the know of those details, he is not in a position to answer. I have said on behalf of Shri Daga that since he has mentioned these things, they are all before the House. It is for the Minister to take careful note of these things and to make enquiries. The Minister said that what you said is vague. I think it is unwarranted. Mr. Gill.

श्री महेन्द्र सिंह गिल (फिरोजपुर) :
 मैं तो यह कहना चाहता हूँ कि इन्टरनेशनल
 पालम एयर-पोर्ट का जो एयर-कन्डीशन
 बन्द हुआ है

SHRI M. C. DAGA: This is a documentary evidence.

MR. DEPUTY-SPEAKER: You close that chapter. I have tried to put your case.

SHRI M. C. DAGA: Sir, I have referred to the document. It is not an oral evidence.

MR. DEPUTY-SPEAKER: It does not matter. He will look into all these things.

श्री महेन्द्र सिंह गिल : पालम एयर-
 पोर्ट का जो एयर कन्डीशन 12 तारीख को
 बन्द हुआ है, इस से हमारे नेशनल इमेज
 को नुकसान पहुँचा है और इससे भारतवर्ष
 358 LS.—7

की बदनामी होती है क्योंकि जो लोग भारत
 आते हैं और यहां से फिर वापस जाते हैं,
 उन को असुविधा हुई है । इस से हमारे
 मुल्क को बहुत धक्का लगा है । मैं माननीय
 मंत्री जी से यह कहूँगा कि वह इस मामले की
 सीरियस इन्क्वायरी करवाएँ कि इस में किस
 किस अधिकारी या फर्म का हाथ है और जो
 मुजरिम है और जिस ने हमारे नेशनल इमेज
 को नुकसान पहुँचाया है, उसको सजा दें ।

SHRI R. K. KHADILKAR: I do share the anxiety of the hon. Member that no inconvenience is caused to the domestic or international passengers. As I said, every effort is being made to see that the minimum inconvenience is caused. Regarding the question of the enquiry if certain facts are placed before us certainly we will look into them.

श्री महेन्द्र सिंह गिल : डिप्टी स्पीकर
 साहब, इतनी देर के लिए गवर्नमेंट टेक-
 ओवर कर ले इस एयर-कन्डीशन प्लांट को ।

SHRI R. K. KHADILKAR: I cannot understand. The question before us is whether we again give the same contract of maintenance or cancel the contract completely?

12.45 hrs.

QUESTION OF PRIVILEGE

(ALLEGED MISLEADING INFORMATION GIVEN BY THE MINISTER)

MR. DEPUTY-SPEAKER: Regarding the question of privilege raised by Shri Jyotirmoy Bosu yesterday, the Minister has to make a statement.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, has this statement been circulated? I have not got a copy. We have to study it. This is the practice.

MR. DEPUTY-SPEAKER: It is not that every statement should be circulated before-hand. We are in a state of considering this question. You raised the question yesterday. He will make a statement. Then I shall consider after hearing a few others on the other side whether there is an issue of privilege or not.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): Sir, I seek your permission to make the following statement about the Privilege Motion tabled by Shri Jyotirmoy Bosu regarding the reply given by me in the House on 6th March, 1974 to the Unstarred Question No. 2093:—

In the Unstarred Question No. 2093 Sarvashri Prasannbhai Mehta and Biswanath Jhunjhunwala sought information whether the Union Government had examined the judgment of Gujarat High Court declaring as illegal the order that persons violating curfew were liable to be shot and, if so, what was Government's reaction thereto? In reply I had stated:—

"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."

My Hon'ble friend Shri Jyotirmoy Bosu has alleged that I deliberately gave a false information to the House and thereby committed a breach of privilege. In his Privilege Notice, he has underlined the words "No order was issued by the State Government or the Police Commissioner to shoot at persons violating the curfew" and I presume that he has taken objection to this portion of the answer, especially since he has sought to compare this portion of the answer with an extract of the judgment of

the High Court duly underlined by him. In this connection, I would like to submit that the reply furnished by me to this Question was based on the report received from the Government of Gujarat stating categorically that no orders to shoot at sight for violation of curfew were issued.

I have had an opportunity to furnish an answer to another unstarred question on the same subject a week later. To my reply to question No. 2834 on the 13th March, I had *inter alia* stated as follows:

"The Gujarat High Court declared unlawful the executive directions contained in the announcement that persons violating the curfew were liable to be shot. No order was however issued by the Police Commissioner, as such to the Police for shooting the persons violating the curfew."

Sir, the relevant facts are that the Police Commissioner, Ahmedabad imposed curfew order in Ahmedabad city limits on 27th January, 1974 under Section 144 Cr. P.C. The Order as such did not authorise the Police to shoot at sight persons violating curfew as any such authorisation would have been against the law. The violation of the order issued under Section 144 Cr. P.C. is punishable under Section 188 I.P.C. After the imposition of curfew, the Department of Information, Government of Gujarat, made an announcement, styled "Important Announcement". This announcement, *inter alia*, stated that any one moving out of his house during curfew hours was likely to be shot. The Gujarat High Court were of the opinion that 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 more breach of the curfew order was liable to be shot at was *ultra vires*.

Sir, I would submit that the information I had furnished to the unstarred question No. 2093 on the 6th is factually correct, inasmuch as there was no order issued by the State Government or the Police Commissioner to shoot at a person violating the curfew. This position was further amplified in the subsequent reply I had furnished on the same subject on 13th March. There can thus be no question of my trying to mislead the House. I may assure you, Sir, that I had no such intention either.

MR. DEPUTY-SPEAKER: I can hear a few Members from the Opposition, but again I shall have to consider all this after hearing a few submissions.

SHRI JYOTIRMOY BOSU: My motion was very specific that in his reply under reference, he had categorically stated before the House:

"No order was issued by the State Government or the Police Commissioner to shoot at persons violating the curfew."

From the copy of the judgment that I have, I find that the judges of the Gujarat High Court have really done a good job. They say:

"The petitioner has alleged that 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, they have gone further and dealt with the matter more elaborately. They have said:

"What, in our opinion, the State has done by issuing the executive directions to its law and order forces to act upon is what it has not done by enacting a legislation. In our opinion...."

This means that they have accepted what the complainant or the petitioner has said. They say further:

"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 188 of the Indian Penal Code and articles 20 and 21 of the Constitution and it therefore, void and of no effect whatsoever."

They have stated this as their reaction on the plaint filed by the complaint. Then, there is another very interesting thing in the *Times of India* issue dated the 16th April, 1974. They had contradicted also that in Bihar any such order had been issued. Here is the report from the *Times of India* which says:

"The district magistrate confirmed at Gaya that he had issued a shoot-at-sight order on April 13 against curfew-violators indulging in violent activities like looting and arson."

MR. DEPUTY-SPEAKER: The point here is whether the Minister had misled the House by his statement and, therefore, had committed a breach of privilege. Confine yourself to that.

SHRI JYOTIRMOY BOSU: I have done that. In order to strengthen my argument that the executive and their police officers are frequently issuing such orders, I had quoted an extract from the newspaper which is very reliable and dependable.

I have no other submission to make. I feel I have made out a clear case that the Minister has committed a breach of privilege and the matter should go to the Committee of Privi-

[Shri Jyotirmoy Bosu]

leges for them to sit in judgment on it.

श्री अटल बिहारी वाजपेयी : स्वातियर उपाध्यक्ष महोदय, मंत्री महोदय ने दावा किया है कि उन्होंने किसी विशेषाधिकार उल्लंघन नहीं किया है...

MR. DEPUTY-SPEAKER: He said he had not misled the House.

श्री अटल बिहारी वाजपेयी : ...लेकिन इस दावे की पुष्टि में उन्होंने जो तथ्य रखे हैं, उन से एक बात स्पष्ट है कि जिस दिन उन से पहला सवाल पूछा गया, उस दिन उन्होंने सारे तथ्यों को सदन के सामने नहीं रखा। इसी लिए उस दिन के जवाब के समर्थन में उन्होंने सात दिन बाद दिये गये अपने जवाब का हवाला दिया है। फिर उन्होंने इस में फर्क करने की कोशिश की है कि पुलिस कमिशनर ने कोई आदेश नहीं निकाला, लेकिन आल-इंडिया रेडियो से यह घोषणा कर दी गई कि जो भी व्यक्ति कर्फ्यू का उल्लंघन कर के सड़क पर घूमता हुआ पाया जायेगा, उसे गोली से उड़ाया जा सकता है।

मंत्री महोदय ने जिस दिन पहला जवाब दिया, उस दिन वह कह सकते थे कि इस तरह की घोषणा आल-इंडिया रेडियो से की गई, वह घोषणा गलत थी, पुलिस कमिशनर ने कोई आदेश नहीं दिया है और हम सब राज्य सरकारों को सूचित कर रहे हैं कि गुजरात हाईकोर्ट के फैसले के प्रकाश में इस तरह के कोई एक्सीक्यूटिव आर्डर न तो पुलिस कमिशनर द्वारा दिये जायेंगे और न किसी सरकारी एजेंसी द्वारा प्रसारित किये जायेंगे। लेकिन उपाध्यक्ष महोदय, आप इस बात पर ध्यान दीजिए कि जब पहला जवाब दिया गया, तो उसमें ये बातें नहीं बही गई। जब सात दिन बाद दूसरा प्रश्न पूछा गया तो उस में कुछ और जोड़ दिया गया, और जब प्रिविलेज मोशन उठाया गया, तो उस में कुछ

और जोड़ दिया गया। क्या सच्चाई को टुकड़ों में पेश करना सच्चाई के कुछ हिस्सों को छिपाना नहीं है?

मंत्री महोदय इस सदन में आ कर कह सकते थे कि हम ने जो पहला जवाब दिया था, उस में कुछ कमी रह गई थी; चूंकि गुजरात सरकार से पूरी जानकारी हमारे पास नहीं आई थी, इस लिए हम सब तथ्य सदन के सामने नहीं रख सके; इस के लिए हमें खेद है, अब हम पूरी जानकारी सदन के सामने रख रहे हैं। आज वह दावा कर रहे हैं कि उन्होंने सदन को गुमराह नहीं किया है। पहले दिन उन्होंने पूरे तथ्यों को सदन के सामने नहीं रखा, दूसरा बार भी उन्होंने पूरी तस्वीर को सामने नहीं रखा और आज भी वह दावा कर रहे हैं कि उन्होंने सदन से कोई तथ्य छिपाया नहीं है। यह मामला इतना सरल नहीं है। उन को खेद प्रकट करना चाहिए। फिर सदन विचार कर सकता है कि क्या कार्यवाही की जाये।

SHRI DINESH CHANDRA GOSWAMI (Gauhati): The issue of privilege raised by Shri Jyotirmoy Bosu was that the Minister made a wrong statement in the House when he said that no order was given to shoot at sight. He has relied upon the judgment of the Gujarat High Court in which reference has been made to the 'important announcement'. But there is an essential distinction between the two. From the Gujarat High Court judgment and the 'important announcement', it cannot be said that there was an executive order given to the Police Commissioner that 'if anybody violates the curfew, you should shoot-at-sight'. Any announcement may be made in order to give an impression to the people that you should not come out in the street. At the same time, for this House to really hold the Minister guilty of privilege of the House...

MR. DEPUTY-SPEAKER: Not the House. This is still to be considered by me.

SHRI DINESH CHANDRA GOSWAMI: Before a *prima facie* case is made out for breach of privilege, a further finding must be there that not only the announcement was there but a positive direction was issued by the authorities concerned that 'if anybody violates the curfew, you must shoot at sight'. Nothing has so far come from Shri Jyotirmoy Bosu nor is there any indication in the judgment of the Gujarat High Court, that there was such a direction. In fact, when the Minister has taken the responsibility of coming before the House and saying that there was no such direction, in my respectful submission, the House has not been misled and there is no question of breach of privilege involved.

SOME HON. MEMBERS: rose—

MR. DEPUTY-SPEAKER: If more and more members want to speak, when do we end this?

SEVERAL HON. MEMBERS: rose—

13.00 hrs.

MR. DEPUTY-SPEAKER: Not everybody. There should be a limit. Kindly be brief.

SHRI SHYAMNANDAN MISHRA (Begusarai): To my mind any amount of confusion, that the hon. Member would like to introduce into it would not cover his intent of misleading the House. It is quite clear that there was an important announcement. Announcement of whom? Announcement of the Government; "Government" meaning the executive Government. An announcement through what? Through the All India Radio. the announcement is made by the beat of drum and that announcement

is accepted by the people. If the Government takes the view that the announcement made by the certain media should not be accepted as an order, then the Government is laying down a very dangerous rule. The Government should not be a party to such a rule that even the beat of drum may not be accepted by the people. (Interruptions) Why don't you accept it? Accept it, that it had been done in a wanton spirit of barbarism—shooting at sight. That is wantonness. That is barbarism. You do not want to accept it, because it was such a wanton order. (Interruptions).

Then the hon. High Court had said that there had been an executive direction contained in the important announcement. The hon. Minister would like us to believe that an executive direction cannot be equated with an order. Then, what are the ingredients of an order? What are the ingredients of an executive direction? In nobody's mind would an executive direction be not equated with an order. Executive direction is an order. The hon. High Court had already confirmed that there was an executive direction of this kind.

The hon. Minister says that he acted on the information supplied by the Government of Gujarat. Then, at that time, did he not have the judgment of the high court in his hand? The question related to the judgment of the high court and the hon. Minister should have taken care to go into the judgment of the high court and then answered this question. The judgment of the high court must override any information, telephonic or otherwise, that might have been given by the State Government. So, it is quite clear that the hon. Minister, in two replies to two questions, was trying to mislead the House and he was trying to mislead the House with the clear intent to hide the wantonness of the order that had

[Shri Shyamnandan Mishra]

been passed by the Government of the State of Gujarat.

SIRI VIKRAM MAHAJAN (Kan-
gra). I have listened very carefully to the great orations, but I find that they are making a very bad case and presenting a very bad case to the House. The basic point is—which they have not been able to make out—that there should be an order dated such and such made by an executive officer like the Commissioner of Police or the Home Secretary. That order must be in existence. That is the first point.

Secondly, in spite of it being not in existence, the question is whether the Home Minister or the Deputy Home Minister gave a wrong information to the House that it did not exist. The position made out by them is that the AIR announced that such and such an order had been issued, and therefore, it is presumed that the order must have been issued.

There can be a discrepancy between what the AIR had given out and what actually did exist. What the Home Minister has given out is that actually no order existed. Therefore, the best case that has been made out is that AIR gave out a wrong information.

Then, what is the finding of the High court? The High court's finding nowhere says that such and such an order issued on such and such a date is ultra vires of the Constitution. That has not been stated by the High court. I would like Mr Jyotirmoy Bosu to read the date of the order which has been held by the High court to be ultra vires. Therefore, I tell you that there is no discrepancy and this should be ruled out.

SHRI H. N. MUKHERJEE (Calcutta-North-East): I am provoked by the very insistent effort by some of my hon. friends defending something

which they should not try to defend; on the contrary they should make a clean breast of the whole position; the Minister is not very much to blame. Why do you stand on prestige and ceremony and whatever right you imagine you possess, to flout Parliament? The Gujarat High Court has given a judgement; it is very serious. It has taken note of certain things which obviously have happened; otherwise they would not have made those observations. It may be that the Government did not issue an executive order, number so and so and dated so and so but the Government gave the impression to the world outside that it was going to be done and the AIR surely does not act independently, on its own authority. The announcement over the AIR network is surely tantamount to the communication of an order of the Government. One might not call it an executive order under certain sections of some legislation, I do not know. I could understand if the Minister had said: I answered only on the basis on information furnished to me by the Gujarat Government; on later investigation I discovered that there had been some confusion somewhere and instead of any order having been properly issued, only an announcement had been made and the whole matter had caused perturbation of all sorts and also incidents, which led to the whole thing being taken up to the Gujarat High Court which was constrained to make some observations which are very much in consonance with all our ideals of civic freedom. They could have said so and they could have apologised. They talk of Gandhian non-violence and humility. They are wedded to it, but like many married couples they live apart, they live far away from non-violence and humility and every good quality of which they brag. If Mr Uma Shankar Dikshit who is our Home Minister does not remember the Gandhian days, if he flouts Parliament and does not remember some of the shining characteristics of our freedom struggle and the

character of our people, the sooner they all get out of the scene of public life, the better for everybody.

SHRI SEZHIYAN (Kumbakonam): I want to pin point the basis of the motion raised by Mr. Bosu. The hon. Minister in his reply referred to the statement he received from the Gujarat Government. He also referred to the reply to unstarred question No. 2834 on 30-3-1974. We are not concerned here with what the Gujarat Government told them, or with the reply to another question. This question was specific. I am referring to question 2093 which asks whether the Union Government has examined the judgement of the Gujarat High Court declaring as illegal an order that persons violating the curfew will be shot at and if so, the reaction of the Government. Usually they say: yes, or no. Here instead of saying 'yes' or 'no', they say something else. They say that no order was issued by the State Government or the Police Commissioner. That was not what was asked for. First of all the question related to the judgement of the Gujarat High Court. We wanted simple information whether they had seen this one, whether they have commented on this one. The High Court have commented on page 19: they say that along with the issuance of the curfew order, an important announcement was issued:

"Clauses 4 and 6 of the announcement make express reference to the likelihood or possibility of a curfew breaker may be shot at".

This is the order that the Government has passed. Later on, they have made a reference to this order and said that along with the Government order, an announcement has been made. Then, again, on Page 27 they say:

"We have, therefore, no doubt in our mind that the executive directions hold to the public mind a threat that even for a mere breach

of the curfew order, the curfew broker may be shot at".

This is on Page 27.

MR. DEPUTY-SPEAKER: Do not go into all these.

SHRI SEZHIYAN: Then, on Page 38, they say:

"What, in our opinion, the State has done by issuing the executive direction to its law and order forces, to act upon it, is what it has not done by enacting a legislation."

Therefore, it is very clear that along with the curfew order, an announcement has been issued. It has been argued before the Court by the Advocate General and the Court has come to the conclusion, after hearing the side of the Government, that such an announcement has been made. It has created in the public mind a scare and also a threat which goes against the constitutional right. Therefore, the Minister cannot come and refer to other matters. We are not bothered from where you got the information. It is clear, on the basis of the judgement, that he has mislead the House. It is a clear case of misleading of the House and this should be referred to the Privileges Committee.

SHRI H. M. PATEL (Dhandhuka): May I just clarify one point. Much is made about radio announcement; not being equivalent of Police Commissioner's orders. I may say that every announcement on the radio, during this period, began like this: 'Here is an important announcement made under the instructions of the Police Commissioner' and it was then thereafter they said that every one moving about during the period of curfew will be liable to be shot at. Therefore, there is no question of there not being a specific order. All India Radio made this announcement under the heading, prefacing it that this announcement is made as a police announcement.

[Shri F. H. Mohsin]
 It has been argued by the learned Advocate General that the directions contained in the 'Important Announcement' are not intended to hold out to the members of the public say threat but that they have been issued to them only for their safety.

The High Court have said:

"...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."

As I have already said, as per the report received from the Gujarat Government... (Interruptions) As I have said, no order was issued by the State Government... (Interruptions)

SHRI ATAL BIHARI VAJPAYEE: Gujarat is under President's rule.

SHRI F. H. MOHSIN: This was based on the report received from the State Government.

SHRI ATAL BIHARI VAJPAYEE: Where is the State Government?

MR. DEPUTY-SPEAKER: Let us hear him.

SHRI F. H. MOHSIN: On 6-3-1974, it is true, the whole judgment copy was not before us.

SHRI SEZHIYAN: Why did you give a reply then?

SHRI F. H. MOHSIN: Only the operative portion was before us, and whatever information was with us, we have conveyed to the House. Anyway, it seems that there has been some confusion as regards my replies on 6-3-1974 and subsequently, and

if such confusion has been created, I am sorry for the same.

SHRI ATAL BIHARI VAJPAYEE: We are not confused. It is the hon. Deputy Minister who is confused.

MR. DEPUTY-SPEAKER: Now the question has been raised and discussed. Various points have been made; various data and information, whatever the members had, have been given; the hon. members made their submissions; and at the end of all that, the Minister has said that, if any confusion has been created, he is sorry for it. Now the point is this. First of all, I have got to decide—it is my responsibility after hearing all these things—whether there is a *prima facie* case of breach of privilege. Now I cannot say that off-hand. So many things have been said. I cannot digest all the facts here. I have got to study those things and where necessary, I have to call for information. So, I cannot say anything off-hand. The matter is before the House. If the House is satisfied with the expression of the Minister that he is sorry if there has been confusion, then the matter may be dropped here. It is upto the House. But if the House is not satisfied...

SHRI JYOTIRMOY BOSU: On a point of order.

MR. DEPUTY-SPEAKER: I will hear your point of order later. Let me complete this. If the House is not satisfied, then I will have to study and come before the House again. That is the only thing.

SHRI BHAGWAT JHA AZAD (Bhagalpur): We are satisfied. It is enough now... (Interruptions)

MR. DEPUTY-SPEAKER: Order, please. Let me make it very clear. There is no motion before the House and, therefore, it is not a question to be decided by a majority. There is no motion before the House. I am to be satisfied whether there is...

SHRI VIKRAM MAHAJAN: You are satisfied.

MR. DEPUTY-SPEAKER: I am to be satisfied... (Interruptions) If you want to speak; let everyone speak. Members do not know where their own interests lie.

I have said that there is no motion before the House and, therefore, there is nothing to be put to the House. But the Chair can do anything with the consent of the House. If the House agrees to drop it here and that the matter is over... (Interruptions) Don't say 'No' or 'Yes'. I am just formulating. If you all decide that the matter should end here, I am in your hands and I will go by that. But, if you say 'No' and that this matter has to be gone into, then I will have to study it. That is the position.

SHRI D. N. TIWARY: There is no necessity.

श्री स. न. तिल कपूर (पटियाला) : क्या आप फैसला करें, या हाउस की राय लें। आप तो कनफ्यूजन त्रीएट कर रहे हैं।

SHRI JYOTIRMOY BOSU: Under Rule 225, let us understand it very clearly. The Rule says:

"The Speaker, if he gives consent under Rule 222 and holds that the matter proposed to be discussed is in order..

which you have done.

"...shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place, and while asking for leave to raise the question of privilege, make a short statement relevant thereto....

That has been done.

Now the next rule is:

"If objection to leave being granted is taken, to Speaker shall

MR. DEPUTY-SPEAKER: I know the position.

SHRI JYOTIRMOY BOSU: I will read it.

"...request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the Speaker shall declare that leave is granted..."

Now it is incumbent on you to allow me to seek the leave of the House.

MR. DEPUTY-SPEAKER: Kindly sit down. You have raised the point of order. Let me give the ruling.

Let us understand the procedure. The matter has been raised. I have given permission to raise it. And the matter has been raised...

SHRI SHYAMNANDAN MISHRA: That is very fair.

MR. DEPUTY-SPEAKER: Also, the Minister has come forward with a statement and Members also have made their submission. Now the stage has come for me, if the House does not by consent agree otherwise, whether I should hold that this point raised is in order.

SHRI JYOTIRMOY BOSU: No, Sir.

MR. DEPUTY-SPEAKER: After I have held that this in order, then the Member can ask the leave of the House.

SHRI JYOTIRMOY BOSU: No, no.

MR. DEPUTY-SPEAKER: You do not understand. I cannot hold it in order now because I have to study it.

SHRI JYOTIRMOY BOSU: That stage is over.

MR. DEPUTY-SPEAKER: That stage has now arisen.

SHRI ATAL BIHARI VAJPAYEE: If there is a sincere apology...

SHRI SHYAMNANDAN MISHRA: ...and an expression of regret, I

[Shri F. H. Mohsin]

It has been argued by the learned Advocate General that the directions contained in the 'Important Announcement' are not intended to hold out to the members of the public say threat but that they have been issued to them only for their safety.

The High Court have said:

"...the executive directions framed 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."

As I have already said, as per the report received from the Gujarat Government..(Interruptions) As I have said, no order was issued by the State Government...(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: Gujarat is under President's rule.

SHRI F. H. MOHSIN: This was based on the report received from the State Government.

SHRI ATAL BIHARI VAJPAYEE: Where is the State Government?

MR. DEPUTY-SPEAKER: Let us hear him.

SHRI F. H. MOHSIN: On 6-3-1974, it is true, the whole judgment copy was not before us.

SHRI SEZHIYAN: Why did you give a reply then?

SHRI F. H. MOHSIN: Only the operative portion was before us, and whatever information was with us, we have conveyed to the House. Anyway, it seems that there has been some confusion as regards my replies on 6-3-1974 and subsequently, and

if such confusion has been created, I am sorry for the same.

SHRI ATAL BIHARI VAJPAYEE: We are not confused. It is the hon. Deputy Minister who is confused.

MR. DEPUTY-SPEAKER: Now the question has been raised and discussed. Various points have been made; various data and information, whatever the members had, have been given; the hon. members made their submissions; and at the end of all that, the Minister has said that, if any confusion has been created, he is sorry for it. Now the point is this: First of all, I have got to decide—it is my responsibility after hearing all these things—whether there is a *prima facie* case of breach of privilege. Now I cannot say that off-hand. So many things have been said. I cannot digest all the facts here. I have got to study those things and where necessary, I have to call for information. So, I cannot say anything off-hand. The matter is before the House. If the House is satisfied with the expression of the Minister that he is sorry if there has been confusion, then the matter may be dropped here. It is upto the House. But if the House is not satisfied...

SHRI JYOTIRMOY BOSU: On a point of order.

MR. DEPUTY-SPEAKER: I will hear your point of order later. Let me complete this. If the House is not satisfied, then I will have to study and come before the House again. That is the only thing.

SHRI BHAGWAT JHA AZAD (Bhagalpur): We are satisfied. It is enough now...(Interruptions)

MR. DEPUTY-SPEAKER: Order, please. Let me make it very clear. There is no motion before the House and, therefore, it is not a question to be decided by a majority. There is no motion before the House. I am to be satisfied whether there is...

SHRI VIKRAM MAHAJAN: You are satisfied.

MR. DEPUTY-SPEAKER: I am to be satisfied...*(Interruptions)* If you want to speak; let everyone speak. Members do not know where their own interests lie.

I have said that there is no motion before the House and, therefore, there is nothing to be put to the House. But the Chair can do anything with the consent of the House. If the House agrees to drop it here and that the matter is over...*(Interruptions)* Don't say 'No' or 'Yes'. I am just formulating. If you all decide that the matter should end here, I am in your hands and I will go by that. But, if you say 'No' and that this matter has to be gone into, then I will have to study it. That is the position.

SHRI D. N. TIWARY: There is no necessity.

श्री स. नारायण कपूर (पटियाला) : क्या आप फैसला करें, या हाउस की राय लें ।
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SHRI JYOTIRMOY BOSU: That stage is over.

MR. DEPUTY-SPEAKER: That stage has now arisen.

SHRI ATAL BIHARI VAJPAYEE: If there is a sincere apology...

SHRI SHYAMNANDAN MISHRA: ..and an expression of regret, I

[Shri Shyamnandan Mishra]

would appeal to Mr. Jyotirmoy Bosu not to press this matter.

SHRI ATAL BIHARI VAJPAYEE. But the Minister should clearly say that he had no intention to mislead the House. No question of confusion. Let him say it.

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKAR DIKSHIT). I wish to submit with your permission

SHRI JYOTIRMOY BOSU: I want a categorical assurance from him that nowhere in the country shoot-at-sight order will be given under any circumstance.

SHR UMA SHANKAR DIKSHIT I want to assure the House that we had no intention of misleading the House and we are sorry for what has happened.

— — —

12 35 hrs.

PAPERS LAID ON THE TABLE

FURNACE OIL (FIXATION OF CEILING PRICES AND DISTRIBUTION) ORDER, 1974)

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHANAWAZ KHAN). I beg to lay on the Table a copy of the Furnace Oil (Fixation of Ceiling Prices and Distribution) Order, 1974 (Hindi and English versions) published in Notification No. G.S.R. 150(E) in Gazette of India dated the 29th March, 1974, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library See No. LT-6717/74]

IAS, IPS AND INDIAN FOREST SERVICE (PROBATIONERS' FINAL EXAMINATIONS) AMDT REGULATIONS 1974

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PER-

SONNEL (SHRI RAM NIWAS MIRDHA): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951:—

- (1) The Indian Administrative Service (probationers' Final Examination) Amendment Regulations, 1974 published in Notification No. G.S.R. 316 in Gazette of India dated the 30th March, 1974.
- (2) The Indian Police Service (Probationers' Final Examination) Amendment Regulations, 1974, published in Notification No. G.S.R. 310 in Gazette of India dated the 30th March, 1974.
- (3) The Indian Forest Service Probationers' Final Examination) Amendment Regulation, 1974, published in Notification No. G.S.R. 311 in Gazette of India dated the 30th March, 1974.

[Placed in Library. See No. LT-6718/74]

13.36 hrs

ARREST OF MEMBERS

MR. DEPUTY-SPEAKER: I have to make an announcement.

I have to inform the House that I have received the following telegram dated the 16th April, 1974, from the Superintendent of Police, Bhopal, addressed to the Speaker, Lok Sabha:—

"Sarvashri Atal Bihari Vajpayee and B. S. Chowhan, Members Lok Sabha, arrested at Bhopal on 16th April, 1974, at 145 hours under Sections 188 I.P.C. and 32 Police Act for demonstrating before Madhya Pradesh Vidhan Sabha in contravention of Regulatory Orders passed