

ternational clique operates. The MMTC officers are also there; it is pointed out that planning of import is not done by them. The hon. Minister says that the MMTC takes full responsibility but the officers say that a separate government agency for dealing with imports and exports has to be created.

MR. SPEAKER: You are going astray; come to the question.

SHRI K. LAKKAPPA: That point has not been explained. Has the MMTC any definite plan? The hon. Minister has stated that it was our commitment so far as international contracts were concerned. We have got a long term arrangement with them. In view of the serious situation, what steps are the Government going to take? In view of the failure of the MMTC, what steps are going to be taken by the Ministry. What steps are the Ministry going to take to handle imports and exports including MML of Karnataka and to export iron ore which is lying there? No efforts have been made by the MMTC.

PROF. D. P. CHATTOPADHYAYA: The problem of the Karnataka State public sector undertaking is somewhat like the problem of MMTC itself. The metal market all over the world is sluggish. Japan is not taking from India its contracted quantity; they are also staggering down. Therefore, the quantum of iron ore export to Japan from India had gone down. They have slashed down their imports from India. Therefore, not only Karnataka sources but non-Karnataka sources also could not be fully exploited. Foreign buyers are not taking the quantum that they themselves contracted. We are aware of this problem and we are looking into this. As I said before, it is a worldwide phenomenon and under the cons-

traints we are doing whatever is possible.

13.05 hrs.

# STATEMENT re. ARREST OF SHRI BISWA GOSWAMI AT BORJHAR AIRPORT IN ASSAM

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Sir, According to information received from the Government of Assam, Shri Biswa Goswami was arrested on 5th March, 1975 at about 2 P.M. at the Borjhar Airport, on suspicion of having been concerned in the commission of offences under section 380/468/120(B) IPC read with section 5 of the Indian Official Secrets Act, 1923. Shri Goswami was produced before the Chief Judicial Magistrate, Gauhati on 6th March and was remanded to judicial custody. The bail application of Shri Goswami was rejected on 10th March, 1975 by the Chief Judicial Magistrate who remanded him to judicial custody till the 21st March, 1975.

It has also been stated by the Government of Assam that in the course of the routine security check prior to embarkation in the aircraft, Shri Goswami was found in possession of a bundle of 39 unused ballot papers along with their counterfoils. These ballot papers would appear to relate to Borjhar Polling Station of the Barpet Parliamentary Constituency, in the recent bye-election. According to rules 45 and 47 of the Conduct of Election Rules, 1961, the Presiding Officer is required, at the close of the poll, to send a Ballot Paper Account to Returning Officer in form 16 which gives, *inter alia*, full details of ballot papers unused with the signature of the Presiding Officer and also without the signature of the Presiding Officer. Rule 92(2) requires that the District Election Officer shall keep in

[Shri K. Brahmananda Reddy]

safe custody the packets of unused ballot papers with counterfoils and all other papers relating to the election. Rule 93, *ibid*, further provides that papers in such custody shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the orders of the Election Commission or of a competent court or tribunal. According to the Government of Assam, Shri Goswami failed to give any satisfactory explanation regarding possession of these 39 unused ballot papers with their counterfoils and was accordingly arrested for being found in illegal possession of the said ballot papers. Under the Representation of the People Act, 1951, a person shall be guilty of an electoral offence if at any election he without due authority, supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper. In the course of the investigation, Shri Nityanand Sarmah, Presiding Officer of the Borjhar Polling Station, Shri Prabhat Talukdar, 1st Polling Officer thereof and two other persons have also been arrested. Investigations are in progress.

SHRI PILOO MODY (Godhra): On a point of order. The Minister clearly says and quotes the election law that if during the elections a person is found with ballot papers, it is an offence. But this was much after the elections when he was found with these ballot papers. How can it be an offence?

श्री पचु लिये (बाका) : सवाल यह नहीं है । सवाल यह है कि एयरपोर्ट के सिक्युरिटी स्टाफ का काम बैलट पेपर पकड़ने का नहीं है । उन्होंने बिना एयरपोर्ट के काम किया है । एयरक्राफ्ट की सेफ्टी और सिक्युरिटी के अलावा दूसरे मामलों में दखल देने का उन को अधिकार नहीं है । उन का यह काम बिल्कुल इल्मीगल है ।

MR. SPEAKER: The statement is there. The facts are there before you. As for the legality or any other thing, the Election Commission is there. The courts are there. This is what he has received from the Government of Assam. He is not giving it on his own behalf. He is giving the version given by the State Government.

SHRI SAMAR GUHA (Contai): On a point of order, Sir.

MR. SPEAKER: No point of order. You asked for a statement and he has come with it. This is the information supplied to him by the State Government, not his Government.

SHRI SEZHIAN (Kumbakonam): Can we have a discussion on this statement?

MR. SPEAKER: I do not know. I cannot say about it offhand.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I want to seek two clarifications, first whether the airport police search a passenger for finding out arms and explosive or anything that they may think fit to search.

MR. SPEAKER: This case is already before the court. These questions can be raised in the court. You wanted factual information and he has supplied that. The court is seized of it. When a statement is being made no such questions can be put.

SHRI SAMAR GUHA: I want to know from the hon. Minister whether any complaint was lodged with the police.....

MR. SPEAKER: Order, order. Please sit down. You are speaking without my permission. Now, I will go to the next item No. 7. Please sit down. I have gone to the next item. No questions can be asked after a statement. I have gone to the next item and still you are going on and on. I did not allow you. The court is already seized of the matter and it is already sub judice. I am not go-

ing to allow any further remarks on it. If you do not want to sit I can adjourn the House. We decided not to have lunch hour, but if you are going to utilise the lunch hour like this there is no use. There are courts in the country. There is the Election Commission. By your shouting the truth will not come out.

**SHRI SAMAR GUHA** Sir, on a point of order. (Interruptions.)

**MR SPEAKER** What is his point of order? I will give him two minutes and let him state his point of order within that time.

**SHRI SAMAR GUHA** This is about what has happened in the Barapeta parliamentary by-election. I want to submit that according to the records at the Presiding Officer 58,000 votes were polled but at the time of counting it was found that 89,000 votes were polled. I can give you the figures booth by booth although I do not want to give it. One vote was polled according to the records of the Presiding Officer but at the time of counting the number found was different. In some areas for instance 12,000 votes were polled but at the time of counting only 242 were counted, in other areas 6 votes were polled but at the time of counting it was found that about 300 votes had been polled. This has happened in a number of booths. The Chief Minister and the Home Minister had visited the place just before the polling day. It was found that they were confined with the Presiding Officer. It is because of this. (Interruptions) All the ballot papers have come back. (Interruptions) We demand a discussion on this.

**MR SPEAKER** The hon Member rose on a point of order. But he knows that the discussion will be on matters which are already before the court.

**SHRI DINESH CHAND GOSWAMI (Gauhati)** Sir, the hon Member has made certain allegations against the Chief Minister and the Home Minister

and in all fairness I would draw your kind attention to see that these remarks are expunged.

**MR SPEAKER** I will see it and I will examine that and if there are any they will be expunged.

**श्री राम रतन शर्मा (बादा) :** अध्यक्ष महोदय . (इश्वरधन)

**अध्यक्ष महोदय :** आखिर मेरी भी कुछ वैयक्तिकी है—आप सवा पांच मी मेम्बरजं यहां बैठे हैं, मैं अकेला हूँ—क्या हालत बना दी है ।

**श्री राम रतन शर्मा :** मेरी आवाज तेज नहीं है क्या इसी नियम मुझ मीका नहीं मिलेगा ?

**अध्यक्ष महोदय :** आप भी ऐसा ही कर लीजिए आप सब ऐसा लीजिये । अगर इसी तरह से पार्लियामेंट चलेगी तो ठीक है, आप भी ऐसा ही कीजिये ।

**श्री राम रतन शर्मा :** आप ने उन को दो मिनट का समय दिया है, मझ को एक ही मिनट का समय दीजिये ।

**अध्यक्ष महोदय :** आप किस बात पर खड़े हैं ?

**श्री राम रतन शर्मा :** मैं उन के स्टेटमेन्ट पर ही कहना चाहता हूँ ।

**MR SPEAKER** I did not allow any question. He rose on a point of order but yours is not a point of order.

**SHRI R R SHARMA** I may also stand on a point of order and then submit .

मैं केवल इतना ही कहना चाहता हूँ कि मंत्री महोदय ने अपने बयान में यह नहीं बतलाया कि क्या उन के खिलाफ पहले कोई रिपोर्ट थी, कोई एक० आर्ड० आर० दर्ज थी

**अध्यक्ष महोदय :** मंत्री महोदय ने कहा है कि उन के पास जो इन्फॉर्मेशन आसाम गवर्नमेंट से आई है, वह उन्होंने अपने स्टेटमेंट में रखी है ।

**MR. SPEAKER:** Unusually exceptional procedure is adopted in this House. I am so sorry. The statement that he is giving is based on the facts supplied to him by the Assam Government. It is not his statement. He has got information from Assam Government.

**श्री राम रतन शर्मा :** लेकिन उन को आसाम गवर्नमेंट से पूछना तो चाहिये था । वे कानून के पंडित हैं, उन को यह पूछना चाहिये था कि आसाम गवर्नमेंट में जो स्टेटमेंट भेजा है, वह कम्पलीट है या नहीं है ।

**SHRI PILOO MODY:** It is not Assam Government's statement. It is a statement of the Home Minister of India. The information may have been supplied by the Assam Government. But the all statement that the Home Minister makes is about the Election Law. Election Law is quite specific. Therefore, I do not think he can pass off the statement, as deliberately mislending the House and put the blame on the Assam Government.

13.33 hrs.

STATEMENT BY MEMBERS RE  
HOME MINISTER'S STATEMENT ON  
REPORTED POLICE ATROCITIES  
IN THE JAMA MASJID AREA IN  
DELHI

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): Mr. Speaker, Sir, on 19-2-75 Shri Brahmananda Reddy, Home Minister while replying to a debate, raised by myself on police atrocities and Government misdeeds in Jama Masjid area has stated:

"Shri K. Brahmananda Reddy: It is unfortunate that I had been attributed motives. It is unfortunate that some incidents which took

place have been mis-interpreted. Take for instance the case of Farida. Hon'ble Shri Sait mentioned about it. It is that very girl who has said that an injury was caused to her on the street. Please bear with me for a little while. She has already been discharged from the hospital. Not that she is completely alright, but, she has been discharged from the Hospital. We all feel very sorry. If it is true, as alleged, that she was shot from point blank range she could not have been in the hospital for two days."

I have a written document signed by Miss Farida in which she has confirmed that she was shot at by a policeman in her room on the second floor of her residence in Chitli Qabar. I have also got the original letter signed by Miss Farida here. If you like, I can lay it on the Table of the House. I am reading the statement that she has made...

"To

The S.H.O.,

Jama Masjid Police Station.

Dear Sir,

I, Farida Shaja-ul-Din, daughter of Late Shri Shaja-ul-din a resident of House No. 689, situated at Bazar Chitli Qabar, Delhi report as follows:

I am residing in House No. 689, situated at Chitli Qabar Delhi (in front of Clinic of Hakim Baquai) and living on the top floor of the house. I am a B.A. student.

On Sunday the 2nd February, 1975 at 12.30 P.M. I was sitting in my house along with my mother. All of a sudden I heard a noise of some persons saying that shoot everybody whether young or old. The four armed policemen in uniform entered our room and said "where are your men". Then they