

STATEMENT re. ALLEGED SHOOT-AT-SIGHT ORDERS AT GAYA

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKAR DIKSHIT): Sir, you would recall that in the course of a Statement I had made in the House on 17th April in regard to developments in Bihar I had pointed out that "the State Government have intimated that no shoot-at-sight order was given at Gaya and that all the three firings took place under orders of the Magistrates on the spot". A further discussion took place on this subject on the 19th April in the House and in the course of the reply I had stated *inter alia* as follows:—

"The facts are clear. No orders were given to shoot-at-sight. That is number one. Number two is this—no announcement was made telling people that those who violated the curfew would be shot at. Curfew on the 12th was not there; it came later on. A warning was, however, given that those indulging in loot and arson are likely to be shot at."

In the course of my statement as well as reply I had made it clear that the information which I had furnished had been obtained from the State Government.

Shri Madhu Limaye had referred to the report of a Committee appointed by Shri Jayaprakash Narayan to enquire into the incidents at Gaya. The Committee in its report had referred to what Shri B. K. P. Sinha a former Member of the Rajya Sabha had informed the Committee. Shri Sinha is reported to have informed the Committee that he heard an announcement that curfew had been extended and that those found on the road would be shot at. The Committee, however, had also stated that it was not possible for them to check the facts with the administration and, therefore, it was difficult for them to get the exact wording of the

written orders if any passed in this regard. We have, however, again checked the position with the State Government who have reiterated that what I had informed the House was correct. Sir, whenever the Central Government are required to apprise Members of this House of the developments relating to public order or any other matter wholly within the competence of the State Government under the Constitution, it has been the practice that we rely on the information furnished by the concerned State Government. The practice in our view is based on a correct appreciation of the constitutional position. The information I furnished to the House is based on what the State Government have conveyed to us and in doing so there cannot be any question of misleading the House or committing any contempt of its privileges.

A copy of the notice of breach of privilege earlier received from Shri Madhu Limaye was forwarded to me by the Lok Sabha Secretariat and I had furnished all the relevant facts for the consideration of the Speaker. It was also made clear that we have no objection to the information furnished by us being conveyed to Shri Madhu Limaye. Shri Madhu Limaye again referred to this matter in the House the other day and as directed by the Speaker I have clarified the position.

श्री मधु लिमये (वांका) : क्या इसकी कोई निष्पक्ष जांच करायेंगे? आपकी राज्य सरकार ने जो कहा है वह ठीक है, लेकिन क्या आप अपनी छोर से कोई जांच करायेंगे?

श्री उमाशंकर दीक्षित : यह तो प्रिवलेज का सवाल था, लेकिन अब आप दूसरा सवाल उठा रहे हैं।

श्री मधुलिनथे : आप उसी का जवाब दीजिये, मिस्टर जे को छोड़िये ।

श्री छदम बिहारी बाबू (ग्यालियर) : गृह मंत्री जो ने उस भवसर पर कहा था कि केन्द्र का कोई अधिकारी गया है जो गोलीकाण्ड के बारे में जान करेगा—मुझे याद है उन के भाषण में यह बात थी कि हम जाच करा रहे हैं कि गया में गोली काण्ड किस तरह से हुआ है ।

श्री जवाहरकर बीजित : इस वक्त सबाल "सुटिंग-एट-साइट" का है । इस बारे में धब नई बहस करने की जरूरत नहीं है। बह तो पहले काफी हो चुकी है । हम ने इस बयान में जो कहा है, उस में हम किसी अपने सोर्स पर निर्भर नहीं कर रहे हैं, हमें प्रवेश सरकार से जो मिला है, वही कहा है । परमों माननीय सदस्य ने फिर "सुटिंग-एट-साइट" के सबाल को उठाया था, इसलिये हम ने फिर वही दोहरा दिया है ।

SHRI SHYAMNANDAN MISHRA (Begusarai): May I make one submission?

A very important question arises here. Much of the information that would filter down to the House would be from the State Governments. If such information as is made available by the State Government to the House through the Home Minister is found to be incorrect, what is the remedy before the House? Would any question of privilege arise against the State Government in the State Assembly or would a question of privilege arise in this House? The hon. Minister is taking a stand that the information supplied to him was from the State Government.

MR. SPEAKER: That is the normal procedure he had followed.

SHRI SHYAMNANDAN MISHRA: Yes, Sir. That is quite true. But, if such information is found to be incorrect, then, what is the remedy open to the Members?

MR. SPEAKER: So far as this privilege is concerned. I think there is no privilege involved, because, normally, the information is that of the State Government and they have made it sure that it is checked again.

Also I saw the whole file and all the proceedings and I find this is the same statement he made earlier, and the Committee appointed by Shri Jai Prakash also said in their report that they did not check it from the administration. The Committee themselves did not check anything from the administration.

Now, the Minister is responsible so far as those matters which are within his cognizance and he has relied on them. I am sorry, there is no privilege involved here.

As far for the other matters are concerned, I am concerned with this House and for the other House, how does it come here—what is to be done in that House? I am concerned with the privilege of this House. So far as the Bihar Assembly is concerned, it is for that Assembly.

SHRI SHYAMNANDAN MISHRA: I am not asking for the Bihar Assembly. I am asking if this House receives a wrong information from the State Government via the Home Minister or any Minister what is the remedy for us?

MR. SPEAKER: Who is to say that it is a wrong information? We have to rely on the statement made by the Minister.

SHRI SHYAMNANDAN MISHRA:
If it is found to be incorrect? I am asking you.

MR. SPEAKER: That is a hypothetical question. I cannot say anything about it.

श्री मधु लिमये : इसके लिये यहाँ कोई मशीनरी होनी चाहिये। यह तथ्यों का सवाल है, यह राज्य के अधिकारों की बात नहीं है।

अध्यक्ष महोदय : आप से ज्यादा बड़ी मशीनरी कौन है ?

श्री मधु लिमये : मैं यही चाहता हूँ कि तथ्यों के खोज के लिये कोई मशीनरी होनी चाहिये।

MR. SPEAKER: I am sorry; I am only concerned with what is before me.

PROF. MADHU DANDAVATE (Rajapur): If the hon. Minister here makes a wrong statement you can proceed under Direction 115, but if the State Government gives a wrong information?

MR. SPEAKER: I am not concerned. Order please; next item.

DR. KAILAS (Bombay South):
How do you say it is wrong?

PROF. MADHU DANDAVATE:
Supposed it is wrong....

MR. SPEAKER: Order please.
Shri Jagjivan Ram.

12.56 hrs.

ELECTIONS TO COMMITTEES

(i) CENTRAL ADVISORY COMMITTEE FOR N.C.C.

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): Sir, I beg to move the following:—

"That in pursuance of Section 12(1) of the National Cadet Corps Act, 1948, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central Advisory Committee for the National Cadet Corps for a term of one year from the date of election, subject to the other provisions of the said Act and the Rules made thereunder."

MR. SPEAKER: The question is:

"That in pursuance of Section 12(1) of the National Cadet Corps Act, 1948, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central Advisory Committee for the National Cadet Corps for a term of one year from the date of election, subject to the other provisions of the said Act and the Rules made thereunder."

The motion was adopted.

(ii) COUNCIL OF INDIAN INSTITUTE OF SCIENCES, BANGALORE

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): I beg to move the following:—

"That in pursuance of sub-clause (c) of clause 9(1) of the Scheme for the Administration and Management of the properties and funds of the Indian Institute of Science, Bangalore, read with regulations 3.1