

12.18 hrs.

CORRECTION OF ANSWER TO S.Q. NO. 572 RE. DESTRUCTION OF RECORD OF EVIDENCE TENDERED BEFORE CHANDA COMMITTEE

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI K. K. SHAH): Arising out of the reply given by me to the Starred Question No: 572 in the Lok Sabha on the 11th December, 1967 concerning the destruction of record of evidence tendered before the Chanda Committee, Shri D. N. Patodia had asked the following Supplementary Question:

"SHRI D. N. PATODIA: It is evident that the Government was not consulted about what had happened. May I know whether the Government is making some changes in the relevant rules by which such eventualities may not arise and such destruction of evidence may not take place in future?"

In reply I stated that:

"SHRI K. K. SHAH: The rules are there. According to the rules, they should not have been destroyed. But they have been destroyed. But they have been destroyed".

I would like to state that the correct construction is that if a Committee is set up by Government the entire records of memoranda etc. received by that Committee become the property of the Government and the Committee should not, therefore, destroy them without the consent of the Government. This has been normally the procedure but to make this normal understanding explicit and more binding, the Home Ministry has since issued specific instructions on the 25th January, 1968 that the evidence tendered before a Committee/Commission appointed by the Government shall be handed over to the Government intact and retained for a period of five years, after action on connected recommendations contained in the re-

port, is completed. It is regretted if any wrong impression was given.

SHRI D. N. PATODIA (Jalore): Sir, I rise to a point of order. My point of order is that the correction has only made it more confusing. The hon. Minister should be able to say correctly whether there was any rule in existence in the past. If the rule was not in existence let him come out clearly and say that there were no rules and the rules have now been framed.

SHRI K. K. SHAH: I have said that there was what is known as an 'understanding'.

SHRI RANGA (Srikakulam): Therefore that Committee was within its rights to take the action that it has done?

SHRI K. K. SHAH: Under the Act it was not.

SHRI NATH PAI (Rajapur): Sir, I was a member of the Committee. An impression has been created, which is likely to be unfair to the Committee, that the Committee arbitrarily destroyed the evidence which it was called upon to preserve. As has now been hinted at but not accepted, we were not under any obligation to preserve any evidence. It was absolutely up to the Committee to deal with the evidence that it received in any way it liked and which in its judgment was the right course to follow. Mr. Speaker, a majority of our witnesses were government officials. They would not have tendered evidence frankly and fearlessly unless we assured them that their seniors will not be looking into the evidence. This was the assurance we had to give them to persuade them to talk before us frankly. We have nothing to hide from anybody. The Chairman of the committee had presided over many Government committees and before we took the decision, he gave us examples of many committees which had destroyed the evidence. Therefore, let not a wrong impression be created.