[Shri H. N. Mukerjee]

precluded from discussing many of these things which do take on an all-India connotation. Ill-treatment, if you like you can add the adjective 'alleged',—reports come in from large numbers regarding very serious ill-treatment, ill-treatment of the kind which was unimaginable in the days of the British rule. Ill-treatment in jail, use of MISA and other weapons in a manner utterly derogatory to every conception of democracy, political prisoners having to resort to hunger strike in the 26th or 27th year of Independence only in order to secure their status as political prisoners—accusations do come from all over the country, from places in West Bengal and Andhra and elsewhere regarding the most inhuman torture being practised inside jail and also outside the jail by the police.

All this is taking place when according to the reply given to unstarred question No. 492 on 14 November the Prime Minister had on the 1st of May 1972 circulated a letter to the Chief Ministers of Andhra, Assam, West Bengal, Bihar, Orissa, Punjab and Kerala that only imaginative and humane treatment of persons accused of involvement in Naxalite and allied activities could help prevent the recrude scene of extremes. In spite of this apparent attempt of the Prime Minister to put a check on the excesses of the administration, these excesses are taking place on an egregious scale. I am afraid the Ministers are not here to make any statement in this regard, but I do hope that the Minister of Parliamentary Affairs would convey this matter to the Ministers concerned and we shall have a statement in this House with regard to this problem and I would beseech you to let this House have an opportunity of discussing this matter which transcends States' jurisdiction and which has become a matter of qualitative importance as far as the kind of democracy we are having in this country is concerned.

SHRI S. M. BANERJEE (Kanpur): Sir, the final negotiation with the locomen is going on. I would impress on you to direct the Railway Minister to make a statement. Efforts are being made to end this negotiation. They are preparing for strike.

12.39 hrs.

MOTIONS *RE*: SIXTH REPORT OF COMMITTEE OF PRIVILEGES

DR. HENRY AUSTIN (Ernakulam): Sir, I beg to move:

> "That this House do consider the Sixth Report of the Committee of Privileges presented to the House on the 15th November, 1973."

MR. SPEAKER: The question is:

> That this House do consider the Sixth Report of the Committee of Privileges presented to the House on the 15th November, 1973."

The motion was adopted.

DR. HENRY AUSTIN: Sir, I beg to move:

> "That this House do agree with the Sixth Report of the Committee of Privileges presented to the House on the 15th November, 1973 and do resolve that the following part of the Resolution adopted by Lok Sabha on the 2nd December, 1970 be rescinded:—
>
> > 'and the House do further recommend that the Government in the light of gravity of the offence administer to Shri S. C. Mukherjee maximum punishment under the law and report the same to this House' ".

The sixth report of the Committee of Privileges concerns itself with the question of the non-implementation of the second part of the resolution passed by this House on 2nd December 1970 regarding the punishment to be

awarded to Shri S. C. Mukherjee by the Government for misleading and giving false evidence before the PAC. Shri Madhu Limaye raised this matter before the House on 25th April 1973. On behalf of the Government, the late Shri Mohan Kumaramangalam clarified the position before the House on 25th April 1973. He had earlier consultations with the Leaders of the Opposition regarding the constitutional and legal difficulties he met with in the matter of implementing the second part of the resolution. On 11th May 1973, Shri K. Raghu Ramaiah moved and the Lok Sabha adopted that the question of non-implementation of the second part of the resolution be referred to the Committee of Privileges; and, this Sixth Report of the Committee deals with it.

MR. SPEAKER: Motion moved:

"That this House do agree with the Sixth Report of the Committee of Privileges presented to the House on the 15th November, 1973 and do resolve that the following part of the Resolution adopted by Lok Sabha on the 2nd December, 1970, be rescinded:—

'and the House do further recommend that the Government in the light of gravity of the offence administer to Shri S. C. Mukherjee maximum punishment under the law and report the same to this House' ".

SHRI MADHU LIMAYE (Banka): I beg to move:

That in the motion,—

Add the following at the end:—

"and the House do further resolve that the said Shri S. C. Mukherjee be arrested and kept in the custody of the Lok Sabha's Security Guard from 11.00 A.M. till the rising of the House on the 3rd December, 1973 for his deliberate misrepresentation of facts and for his having given false evidence before the Public Accounts Committee." '(1).

अध्यक्ष महोदय, चूंकि आज इस मामले पर अन्तिम फैसला होने वाला हैं, इस लिये सभा के सामने . . .

अध्यक्ष महोदय दूसरा अन्तिम फैसला ।

श्री मधु लिमये : इस के बाद तो कुछ होने वाला नहीं हैं । यह वास्तव में अन्तिम फैसला हैं । अन्तिम उस समय नहीं था, इसलिए नहीं था कि जो प्रस्ताव उस समय हम लोगों ने पास किया था, उस के आधे हिस्से पर अमल किया गया और दूसरे आधे हिस्से पर अमल करने के लिए सरकार को कहा । मैं उसी समय इस का विरोध कर रहा था, क्योंकि दोषी ठहराया हम लोगों ने और इस में सजा देने का काम दे रहे थे—सरकार को । सरकार की कुछ प्रक्रिया होती हैं, नियम होते हैं, कानून होते हैं और जिन को वे सजा देते हैं, उन को सुने बिना, पूरा मौका दिये बिना, उन के लिए यह सम्भव नहीं था कि वे दूसरे को दण्डित करें । इसलिए इन लोगों ने यानी उस अफसर ने मांग की कि जो कागजात हैं पब्लिक एकाउन्टस कमेटी के उन कागजातों को देखने का हमें मौका मिलना चाहिए । इसके ऊपर अध्यक्ष महोदय ने यह निर्णय किया कि इस तरह किसी व्यक्ति के कहने पर हम लोग अपने गुप्त कागजों को उस व्यक्ति को देने की परम्परा और परिपाटी डालेंगे तो भविष्य के लिए मुश्किल हो जायेगी। इसलिए राकर साहब ने कहा कि हम लोग एस० सी

[श्री मधु लिमये]

मुकर्जी को यह कागजात भेजने के लिए तैयार नहीं हैं जो पब्लिक एकाउन्टस कमेटी का फैसला है, उसके ऊपर कार्यवाही करना सम्भव है तो करें। इसलिए यह एक संकट उत्पन्न हुआ। एक ओर श्री एस० सी० मुकर्जी की यह मांग कि उनको सारे कागजात मिलें ताकि वे अपनी सफाई दे सकें, अपना बचाव कर सकें, न्यायोचित है और इसके बारे में दो रायें नहीं है। दूसरी ओर आपको यह दिक्कत थी कि आप उन कागजों को उनके कहने पर देकर एक गलत परिपाटी डालने के लिए तैयार नहीं थे। तो ऐसी हालत में क्या करना चाहिए, यह प्रश्न उत्पन्न हुआ और यह मामला दोबारा प्रिविलेज कमेटी के पास गया। इसमें दो तीन जो सिद्धान्त की बातें उठती हैं, बार बार उठने वाली हैं उनकी ओर मैं आपका ध्यान दिलाना चाहता हूं।

पहली बात तो यह है कि यह स्टील बार्टर का बहुत पुराना मामला है, वर्षों से चल रहा है। उस समय स्टील बार्टर के बारे में जो योजना थी उसमें इतनी खामियां थीं कि उससे बड़ा नुकसान हुआ। स्टील बार्टर की इस योजना की जो असफलतायें थीं उससे सरकार कोई सबक नहीं सीखी और अभी कर्नाटक एक्सपोर्ट आदि का मामला हुआ तो फिर बार्टर योजना को लाया गया जिसमें करोड़ों रुपये खाली स्टेनलस स्टील में बनाये गये। तीन करोड़ रुपये बनाये गए। इसलिए मैं पूछना चाहता हूं यह लगातार बार्टर डील में जो घपले होते हैं उनके बारे में क्या जरा सोच समझ कर कोई एक नीति अपनायेंगे जिससे भविष्य में इसकी पुनरावृत्ति न हो?

दूसरी बात यह है कि इस सदन की पब्लिक एकाउन्टस कमेटी ने उनको दोषी ठहराया। अगर समिति के निष्कर्ष से किसी को मतभेद था तो समिति की उस रिपोर्ट के बारे में यहां बहस हो सकती थी और मामला कमेटी के पास वापिस जा सकता था। वह तो किसी ने किया नहीं। इसका मतलब है कि समिति के निष्कर्ष से यह सदन सहमत था और जब वह प्रस्ताव 1970 में इस सदन के सामने आया तो वह पी० ए०सी० कमेटी की रिपोर्ट और प्रिविलेज कमेटी की रिपोर्ट के आधार पर था। तो इसमें कोई दो रायें नहीं हैं कि एस० सी० मुकर्जी दोषी थ उन्होंने गलतबयानी की जिससे पब्लिक एकाउन्टस कमेटी गुमराह हो गई।

अब सवाल यह है कि जब एक सरकारी अधिकारी—यह कोई मामूली अधिकारी नहीं है यह मैं जानता हूं, वाम और भूतलिंगम जितना बड़ा तो नहीं था, उनके नीचे काम करता था, लेकिन इससे कोई इनकार नहीं कर सकता कि यह कोई मामूली अफसर नहीं था, बड़ा अफसर था, डिप्टी स्टील कन्ट्रोलर था—अब वह समिति के सामने गलत बयानी करके गुमराह करदे तो क्या इस सदन को गम्भीर कार्यवाही नहीं करनी चाहिए? हम लोगों ने क्या किया? उनको रेप्रीमैण्ड किया। लेकिन मैं विनम्रतापूर्वक आपसे अर्ज करना चाहता हूं किसी अन्याय से नाराज हो कर अब कोई नौजवान लोग किसी विधान सभा की गैलरी से, दर्शक दीर्घा से कोई

कागजात पर्चे वगैरह फैंकते हैं, बम्बई में हरिजन लड़कों ने, चूंकि हरिजन औरतों पर अत्याचार हुआ इसलिए किरोसिन टैन्ज फैंके तो 6–6 महीने की सजा बम्बई की विधान सभा ने उन हरिजन लड़कों को दी । यहां भी एक हरिजन लड़के ने कुछ महीने पहले कुछ पर्चे फैंके थ, पहले हमको मालूम नहीं था लेकिन बाद में पता चला कि वह हरिजन था । हरिजनों पर अत्याचार होता है उससे उसको गुस्सा आया । यह सदन उस समय तो 7–7 दिन की सजा उन मासूम नौजवानों को देता है ... (व्यवधान)

आप इतना परेशान क्यों हो रहे हैं, मैं सजा के विषय पर आ रहा हूं । (व्यवधान) इसमें आपकी कोई पदोन्नति होने वाली नहीं है ।

मैं तुलना कर रहा था कि कौन अपराध ज्यादा गम्भीर है । इसमें एक दफ़ा इस सभा को निर्णय करना चाहिए कि जिसमें मारल टर्पी-ट्यूड हो वह ज्यादा गम्भीर है या कोई नौजवान देश में जो अन्याय होता है, अत्याचार और बलात्कार होते हैं, आगजनी के काण्ड होते हैं हरिजन आदिवासियों और गरीबों पर, उससे गुस्से में आकर कुछ करता है, वह ज्यादा गम्भीर है, इसमें हर्गिज मेरा मतलब यह नहीं है, मैं खत्म कर रहा हूं । इसलिए मेरी आपसे प्रार्थना है कि इस सभा की गरिमा की रक्षा के लिए—मैं कोई दुष्टता के भाव से यह संशोधन नहीं रख रहा हूं, आखिर मैंने क्या कहा है, यही कहा है कि इन्हें एक दिन के लिए 11 से लेकर शाम को 6 बजे तक यानी सदन उठने तक पार्लियामेन्ट के सिक्योरिटी गार्ड में नजर कैद रखा जाये । इतना ही मैंने कहा है, कोई दुष्टता का व्यवहार मैं करना नहीं चाहता अगर आप अपनी कमेटियों की रपट के बारे में जिसके खिलाफ एक भी आवाज नहीं उठाई गई, जो सर्वसम्मति से हुआ उसके बारे में भी इस तरह की छूट देंगे तो क्या होगा तो सदन को इस के बारे में गम्भीरता पूर्वक सोचना चाहिए और चूंकि यह मामला खत्म हो रहा है, मैं अन्त में आपकी मार्फत सरकार से कहूंगा कि बार्टर डिल्स का घपला कब तक आप चलायेंगे क्या इसके बारे में भी सरकार अपनी नीति की घोषणा करेगी । यहां संसद के कार्य मंत्री बैठे हैं वे प्रधान मंत्री और अन्य मंत्रियों के सामने, कैबिनट में यह मामला रखें ताकि आग चलकर इस तरह के घपले और घोटाले बार्टर डील को लेकर नहीं हो । यदि इतना भी आपने किया तो मैं कहूंगा कि यह जो लम्बा चौड़ा मामला चल रहा था उससे कुछ न कुछ अच्छाई निकली ।

SHRI S. M. BANERJEE (Kanpur): Mr. Speaker, Sir, as regards the argument advanced by my hon. friend, Shri Madhu Limaye, that merely because some student or some one, whether Harijan or non-Harijan, had thrown a leaflet he had been convicted for that, I fully agree with him that for such an offence, we should not feel so much touchy about it. We take action only because, today, it may be a leaflet and, tomorrow, it may be a stone....

SHRI DINEN BHATTACHARYA (Serampore): And day after tomorrow, it may be a bomb.

SHRI S. M. BANERJEE: ....and, perhaps, that is why we take action.

I am one of those who believe that the privileges of a Member of Parliament should not be more than the privileges of an ordinary citizen. We are not supposed to be toueh-me-not-flower. Whenever there is some material against us or and opinion expressed against us in a newspaper, we feel so touchy about it and we always want to bring it before the House and warn the person concerned. It started with that famous case of Mr. Karanjia.

Here, in this case, Mr. N. N. Wanchoo who was a party to this is a Governor. As regards Mr. Bam, no action was taken against him. As regards Mr. Boothalingam, after retirement, he also enjoys by living in a big house constructed by him perhaps in one of the posh localities of Delhi. So, no action has been taken against anyone of them.

Now, Mr. S. C. Mukherjee was reprimanded by the House and the House further recommended that the Government should give maximum punishment under the law to him. The whole question was referred to the Attorney-General. His opinion was sought.

The present rules, the Control and Appeal Rules, under which disciplinary proceedings are taken against any Government servant, clearly say that before a charge-sheet is given to a Government servant, if he wants certain documents, he should be provided with those documents. After that, a show-cause notice is given and a summary of the proceedings is also given to him. Let us for a moment forget about the Class, whether it is Class IV or Class III or Class II or Class I. A summary of the proceedings is to be given to him before final action is taken against him.

After contacting the Attorney-General, late Shri Mohan Kumaramangalam, even as a lawyer apart from being the Minister of Steel; came to the conclusion that action could not be taken against Shri S. C. Mukherjee. The question was referred back to the Privileges Committee unanimously. The then Chairmen of the Public Accounts Committee, Shri Atal Bihari Vajpayee and Shri Sezhiyan, had also agreed that it should be referred back to the Privileges Committee. It was considered at length by the Privileges Committee and they came to the conclusion that it is not possible to take any action against him. That is why they have recommended unanimously to drop the second part of the Resolution.

Are we behaving like Members of Parliament or like a Shylock? Forget for a moment, whether it is Mukherjee or Banerjee. I have been elected by the people of U.P. not because I am Banerjee but because I work for the people. I come from a place where there is the least parochialism. Mr. Madhu Limaye has made his point all right. I would request him to rely on the wisdom of the Privileges Committee which has, I think, as much wisdom as is contained in me or Mr. Madhu Limaye. So, without having any division on it, now that Mr. Madhu Limaye has made his point, he may withdraw his amendment. The integrity of this officer was also judged by late Shri Mohan Kumaramangalam and was found to be unquestionable. He might have misguided the House to please his officers, including Mr. Wanchoo who is a Governor now and is having a higher responsibility than even a Minister. If my hon. friend thinks that, by punishing Mr. Mukherjee, bureaucracy could be improved, he is sadly mistaken. I would, therefore, urge upon Mr. Madhu Limaye to withdraw his amendment. Let us rely on the wisdom of the Privileges Committee and give proper respect to the Privileges Committee.

SOME HON. MEMBERS *rose*—

MR. SPEAKER: Do you want to have a discussion on this? May I request you all to sit down? I have also applied my mind to it. I had a discussion with late Shri Mohan Kumaramangalam. He had a very strong case and almost convinced me. But I did not like that the decision of the House should be reversed by the Speaker; that would have been tantamount to creating a very bad precedent. It was according to your unanimous decision that the matter was referred back to the Privileges Committee. Now when everything has gone through the Privileges Committee for the second time, I think, we should accept it.

SHRI MADHU LIMAYE: I do not accept this.

MR. SPEAKER: I shall now put Mr. Madhu Limaye's amendment to the motion moved by Dr. Henry Austin, to the vote of the House.

Amendment No. 1 was put and negatived.

MR. SPEAKER: The question is:

"That this House do agree with the Sixth Report of the Committee of Privileges presented to the House on the 15th November, 1973 and do resolve that the following part of the Resolution adopted by Lok Sabha on the 2nd December, 1970, be rescinded:—

'and the House do further recommend that the Government in the light of gravity of the offence administer to Shri S. C. Mukherjee maximum punishment under the law and report the same to this House'."

The motion was adopted.

MR. SPEAKER: Now, after this motion has been carried, I would like to say that, in future, the Privileges Committee, in consultation, if you like, with the Chairmen of the other Committee—the Estimates Committee, the Committee on Public Undertakings and the Public Accounts Committee—should evolve some procedure, when at any time in future such cases come, through what stages the motion should pass. In this case also, we did not know that these complications would arise because once you accept it and recommend a certain punishment, they say that there are procedural things and others, that Civil Service Rules and Regulations come in, that an explanation was not sought, that he did not see the papers, that he did not do this and that he did not do that. When we are very much entangled and involved in this, it is very difficult to get out of it when a decision of the House has been taken. So, for future guidance, I will call a meeting of the Chairman of the Committee of Privileges along with the Chairmen of other Committees to evolve some procedure.

SHRI SHYAMNANDAN MISHRA (Begusarai). May I submit this, lest there be any such implications in the decision you have taken?

Is there any Court of Appeal in the matter of privileges? There can be no court of appeal in the matter of privillages; the house is the highest body and no rules or procedure could have come in the way of implementation of the decision of the committee. It is out of some other considerations we have condoned it.

श्री मधु लिमये : एक बात मैं यह कहना चाहता हूं कि अगर किसी मामले में आप किसी को दोषी पायेंगे तो सजा देने का काम स्वयं यह सदन करे। कार्यकारिणी को न सौंपिये, नहीं तो यह कामप्लीकेशन्स फिर आयेंगी।

MR. SPEAKER:

यह भी ऐसा ही हुआ न ।

Once you punish an officer for anything, for breach of privileges or any mistake, or some committee punishes that officer and then suppose it happens—in case any departmental action is sought, that is a different matter, in that case also this House should give some guidance—but you give some punishment and he gets a promition there. That will be very incongruous.

SHRI MADHU LIMAYE: That has happened in many cases.

श्री अटल बिहारी वाजपेयी : (ग्वालियर) अध्यक्ष जी, रेप्रीमांड करना किसी को यह अपने में सजा है, और सरकार को उस सजा को नोटिस लेना पड़ेगा ।

MR. SPEAKER: That is the reason, not this reprimand alone. I am just trying to seek some guidance from the Chairman of the Committee of Privileges. So far as our reprimand or other punishment, and also at later stages by the Department is concerned—irrespective of the cases we have already dealt with; these will not be affected in any way—but for future guidance, I will call a meeting and will discuss it with them and try to evolve some procedure.

SHRI VAYALAR RAVI (Chirayinkil): This should not be a precedent.

MR. SPEAKER: Frankly speaking—I do not know what your reaction is—I have been myself perturbed, because I felt that we have done something which should not have been done, on the question of privileges. So, that is the reason why I want to get the guidance of the Chairman of the Committee.

SHRI S. M. BANERJEE: Somebody should define our privileges.

MR. SPEAKER: This is my considered opinion that once you try to codify it, you will be restricting yourself, and every time they will say that it is out of court. So, leave it open. It is for the House to decide it.

Now, we adjourn for lunch and reassemble at 2 P. M.

13.00 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five Minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

RE. DEATH OF TWO C.P.M. WORKERS IN RANIGANJ

MR. DEPUTY-SPEAKER: Shri Shankar Dayal Singh.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I want to tell you one thing. Yesterday the hon. Speaker had directed the Government to make a statement on the murder of two C.P.M. workers in Ranigunj. I expected the Home Minister to make a statement today.

I would like to know from the hon. Minister why is it that the Government has not come forward with a statement giving the details to the House. My question now is: what is the Government going to do with regard to this?

MR. DEPUTY-SPEAKER: Order, please. Mr. Singh.

SHRI JYOTIRMOY BOSU: You cannot follow the divide-and-rule policy.