

[श्री मोलहू प्रसाद]

से बन्द हो गई हैं। मैं चाहता हूँ इस संबंध में आप अपनी व्यवस्था दें।

श्री रवि राय : (पुरी) अध्यक्ष महोदय, इनकी शिकायत तो आप देख लें। पहले हिन्दी की प्रतियाँ मिल जाती थीं लेकिन अब नहीं मिल रही हैं। कम से कम जो प्रतिवेदन हरिजनों के सम्बंध में हों उन की हिन्दी प्रतियाँ तो मिल ही जानी चाहिए। (व्यवधान) ..

श्री प्रकाशचोर शास्त्री : (हापड़) अध्यक्ष जी, राज्य सभा में सभी कागज दोनों भाषाओं में रखे जाते हैं लेकिन लोकसभा में केवल अंग्रेजी में ही रखे जाते हैं। मेरा निवेदन है कि आप अपने सचिवालय से इतना अवश्य कह दें कि जो राज्य सभा की परम्परा है वह लोकसभा में भी आनी चाहिए कि दोनों भाषाओं में सारे कागज रखे जायें। (व्यवधान)...

#### COMMITTEE ON SUBORDINATE LEGISLATION

##### SEVENTH REPORT

SHRI N. K. SANGHI (Jodhpur) : I beg to present the Seventh Report of the Committee on Subordinate Legislation.

#### STATEMENT RE : NEVILLE MAXWELL'S BOOK "INDIA'S CHINA WAR"

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) : Mr. Speaker, Sir, On 9th November 1970, I informed the House that I had asked my Ministry to investigate whether the quotations mentioned in the House out of Maxwell's book or other quotations in this book were from three other published books (by Gen. Kaul, Brig. Dalvi and Shri Manekar) or they were from outside. I had also stated that I would share whatever results may be which come out of this investigation as early as possible.

Maxwell's book refers to a very large number of events and documents. It draws a number of inferences from them. Investigation shows that he has drawn heavily upon the three publications mentioned earlier. There are a number of passages which can not be traced to these publications. There are a number of sources on which Maxwell appears to have relied for the material and the inferences contained in these passages. On the basis of such studies as have been made, the possibility of Maxwell having direct or indirect access to classified papers and the possibility of some breaches of Official Secrets Act having been committed cannot be excluded. I am therefore, having the matter investigated closely by CBI. After this investigation if any breach of any provisions of the Official Secrets Act is disclosed, appropriate action will be taken against the persons responsible for such breaches.

SHRI NATH PAI (Rajapur) : May I make a submission ? You have withheld my privilege motion against the Defence Minister on replies arising from the question which was raised on 9th of last month. This is a very clever statement. It is a very fine example of "Narova, Kunjarova." In one place the Minister says : "There are a number of passages which cannot be traced to these publications". Passages is not exactly the correct word to be used ; they are quotations put in inverted commas. The word passage is likely to give a totally different idea to the House and to you in reaching a judgment. Later on the Minister says : "It is difficult to say conclusively.....See the guarded way in which the statement is worded ; those who have helped him to draft it deserve credit,—"..... on the basis of such studies as have been made as to whether Maxwell had any direct or indirect access to classified papers". Then the next sentence is added perhaps to mollify the Lok Sabha and an agitated public opinion : "the possibility of some breaches of the official secrets Act having been committed cannot be excluded. I am, therefore, having the matter investigated closely by CBI."

SHRI JAGJIVAN RAM : You are reading that ; you have not listened to what

I have stated. I have made some changes.

SHRI NATH PAI : Minor changes, adverbs and auxiliaries only.

SHRI JAGJIVAN RAM : I have said that the possibility of Maxwell having direct or indirect access to classified papers...

SHRI NATH PAI : I am grateful to you. But that does not make any material change ; it makes better syntax and makes the guarded statement even more guarded ; that is the only advantage.

When I raised this matter in the House on the 9th of last month, when I wrote to you and when I pleaded with you in my subsequent statements, those statements have not been answered by the statement of the Minister. So far as the breach of the official secret is concerned, he assures us that he is proceeding according to the law of the country and if any breaches of the official secrets Act had been committed, the CBI will go into it and he would inform us. But on the matter I have raised you can take a decision here and now.

I shall make two submissions. Either permit a full dress debate in the House ; alternatively, an even better course would be—I am going to prove to your satisfaction—to accept my privilege motion. I am handicapped because some of the documents I have prepared are lying with you. Normally they should have been given back to us because we do not have many copies. I have quoted his predecessor in office and his statement on what are the dangers to India's security. I am quoting him fairly correctly. He said that it would be supplying vital material to the enemies of India if Parliament was given a copy of that report. I am making two points. The Government is guilty of committing grave contempt of the House by withholding documents which are made available to others, covertly or overtly, deliberately or unintentionally or out of sheer negligence or whatever other motivations, I do not know; let the CBI find out; but this fact remains. He says we cannot reach a conclusion today. Notice was served; the question was raised on 9th November and the motion was given the same day but notice was given much earlier. Nearly two months

have elapsed. The study of a book which an individual can complete in less than about four days should not have taken two months to reach a definite conclusion. We do not have assistance as the Minister; I am not jealous of it. But I want you to listen very carefully to what I say. He says it is difficult. Why is it difficult ? The author of the book is candid and frank enough to admit that he had access to official documents. I do not know if you have the file before you, the file which I gave but I shall read from the book concerned, because all my queries and all my statements are based on the contents of this book.

MR. SPEAKER : You have mentioned in your earlier speech also.

SHRI NATH PAI : I am glad you recall it so succinctly and so immediately. But may I refresh the memory of the House as well so that they help you and me also in proceeding ahead ? The words are important. The author says in his book :

"I have drawn on material from unpublished files and reports of the Government of India and the Indian Army. I was given access to this by officials and officers who believed that it was time a full account was put together and trusted me to write it fairly. I cannot of course name them nor cite the documents or files."

There are paragraphs like this. He compares Brigadier Dalvis book *Himalayan Blunder*, with that assembled in the Army's report. He quotes the Army's reports... (Interruptions)

MR. SPEAKER : It is already before us.

श्री मधु लिमये (मुगेर) : अध्यक्ष महोदय, दो दिन रह गये हैं मंत्र के समाप्ति होने में इस लिए उन को अपनी बात कह लेने दीजिए। यह बहुत महत्वपूर्ण मामला है। इन के बाद कुछ हमारी बात भी संक्षेप में सुन ली जाए।

**SHRI NATH PAI :** In the first place you allowed the Government six long weeks to reach a conclusion. What is that conclusion ? That we cannot reach any conclusion ? This mammoth conclusion has been reached after six weeks of study. Certainly the book was available to the Government of India when it became available to the public in India, in July. August, September, October, November and December—all these months were there. You will, I think, co-operate with us in driving home the point that two breaches had been committed. Even on that day the Defence Minister categorically told us: I am not going to give this report to the House. Am I not quoting him correctly ? He said so. When it is proved to your satisfaction that a document available to the world is denied to parliament even today, what do you call it ? It is nothing but contempt. Even he does not rule out that the possibility of Mr. Maxwell getting this book. If he is convinced that he did not get that, why does he order an enquiry ? He is accepting the possibility that some of the evidence in the book is taken from official secrets. Am I not right ? Therefore, you are conceding the possibility that the book has been based on secret, classified material. If that is your contention I do not know. How you can proceed to say: you are the only people, parliament is the only body which will not be taken into confidence. You will have to defend us, Mr. Speaker, on this point because this is not something new. This was stated on the 2nd September, 1963 in this House by his predecessor. He repeated the same thing in the face of massive evidence, mountains of evidence, that he does not want to trust us with the said document, which has been used by an alien, a foreigner, I have nothing against the foreigner. I want to ask you this question. Do you agree with us that the document has been used or do you deny it ? I am prepared to quote to your satisfaction, if there is enough time, and convince you to accept my proposal that the House should be given an opportunity for a full-dress debate, or in the meanwhile my privilege motion. I would plead with you for my privilege motion's acceptance. You have given them enough time to come to a conclusion. He does not deny the possibility. There is enough admission that secret documents have been used. If that is so,

is there not *prima facie* evidence that there was contempt of the House when a document is suspected to have been used by somebody but is denied to Parliament ? Do you want further proof ? I am prepared to sit with you and quote to you evidence from the book, Please turn to page 437.

**MR. SPEAKER :** Not necessary.

**SHRI NATH PAI :** May I plead with you that in the light of what. I have written to you, in the light of the evidence that I have adduced, you should be pleased to direct (a) that the said document be placed on the table of the House and (b) you should be pleased to accept my motion of privilege for gross contempt of the House committed by the Government.

**SOME HON. MEMBERS** *Rose.*

**MR. SPEAKER :** No discussion.

**श्री मधु लिमये :** अध्यक्ष महोदय, मुझे एक मिनट के लिए सुन लिया जाय ।

**अध्यक्ष महोदय :** नाथ पाई ने अपील कर तो ली अब उस से ज्यादा आप और क्या कहेंगे ?

**श्री मधु लिमये :** क्या ज्यादा कहने वाला हूँ वह तो सुनियेगा तभी पता चल पायेगा । इन्होंने कुछ बातें रखी हैं तो कुछ हम को भी रखने का मौका दिया जाय । सिर्फ प्वाएन्ट्स में ही मैं अपनी बात रखूँगा ।

**MR. SPEAKER :** His point about the privilege motion. If I hold something in order, there is nothing wrong about it, but let us not discuss the statement in the context of whatever contents are there.

**SHRI NATH PAI :** You withheld your consent or rejection because you wanted a statement. The statement has come.

**श्री मधु लिमये :** अध्यक्ष महोदय, हम सब मिनट करना चाहते हैं, प्रायंता करना चाहते

हैं जिसे आप मेहरबानी करके एक मिनट में सुन लीजिए। हाउस उठने में केवल दो दिन रह गये हैं इसलिए पहले हमें कृपा सुन लीजिए बाद में आप अपना फंसला दे दीजिएगा। मेरी समझ में नहीं आता कि आखिर हमें अपना फंसला देने के पहले सुन लेने में क्या ऐतराज है ? ... (व्यवधान)

MR. SPEAKER : Submission on what points ? (Interruption). May I know on what point you want to submit to the Speaker ? There must be some procedure to be followed. .... (Interruptions). After all, there should be some procedure to be followed.

श्री मधू लिमये : प्रोसीज्योर ही हम बतला रहे हैं कि क्या प्रोसीज्योर हाना चाहिए।

MR. SPEAKER : The Minister has made a statement. The rules provide that the statement cannot be discussed. Mr. Nath Pai had raised a privilege motion and he has mentioned something about it, and that privilege motion is still under my consideration. If I hold in order, then you can have an opportunity.

श्री मधू लिमये : अपना फंसला देने से पहले आखिर हमें एक मिनट के लिये सुन लेने में ऐतराज है उस के बाद आप अपना फंसला दे दीजिएगा।

MR. SPEAKER : You cannot force a decision from the Chair. I really wonder that somethings under such pressure.

SHRI NATH PAI : What is the pressure? Procedure is not pressure. It is our basic right. We are only trying to persuade and plead with you.... (Interruption)

MR. SPEAKER : I told you, Mr. Nath Pai, that I have not given my ruling over the privilege motion.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : That is why it becomes necessary for us to say a few words now.... (Interruption)

SHRI NATH PAI : Nobody has challenged our authority or defied you. They are pleading with you to be heard on the issue. That day, he promised to the House. He has not answered the question how many copies of the report are there, (Interruption). He has not told us many copies there are. He promised. ... (Interruption) I am sorry.

MR. SPEAKER : If you all want to convert everything into a debate, there is no help.

SHRI NATH PAI : We want to make a specific submission. Are you not a witness, Sir, to the statement made by the Minister? (Interruption).. He promised that day that he would tell us whether there are only two copies or not. Nothing is said. Therefore I say that he has made a very clever, evasive statement, and you are not allowing the House to have it cleared.

MR. SPEAKER : I gave you a chance and said that the privilege motion is before me.

SHRI NATH PAI : How many copies of Books' report were there ? (Interruption) No reply.

SHRI JAGJIVAN RAM : Only one.

SEVERAL HON. MEMBERS rose

MR. SPEAKER : Everything is converted into a debate.

SHRI NATH PAI : Only one. May I know who was the custodian?

SHRI JAGJIVAN RAM : The Cabinet Secretariat.

SHRI NATH PAI : Sir, here is very important reply. Mr. Speaker, Sir, ((Interruption) in the meanwhile, he has made a very important statement in reply to my question that there was only one copy of Henderson-Books' finding and that too was with the Cabinet Secretary. Your task becomes easier.

**SHRI JAGJIWAN RAM :** You have asked how many copies. I said at present there is only one.

**SHRI KANWAR LAL GUPTA :** Has it been sold to Maxwell or has he stolen it ?

**श्री मधु लिमये :** अध्यक्ष महोदय, हम लोग आपके निर्णय को बिल्कुल चुनौती नहीं देना चाहते। विशेषाधिकार के प्रस्ताव के बारे में आप को जो निर्णय करना हो वह आप करिये लेकिन श्री नाथ पाई ने जो प्रार्थना आप से की है उस का हम समर्थन करना चाहते हैं।

**श्री जगजीवन राम** का यह वक्तव्य आप देख लीजिए जिस में वह यह कबूल करते :

"There are a number of passages" (in Maxwell's book) "which cannot be traced to these publications."

"These Publications means Gen. Kaul's Brig. Dalvi's and Shri Mankekar's."

इन किताबों के अलावा भी कुछ कागजों से उन्होंने उद्धरण लिये हैं, इन को आपने कबूल किया है। अगर दो महीने में आपको पता नहीं चलता है तो हम आप की खिदमत में अपनी सेवायें देने के लिए तैयार हैं। श्री नाथ पाई और मुझ को बुला लीजिए। रात भर हम बैठेंगे और आप को लिस्ट देंगे। हम को तो आप गद्दार नहीं समझते ? मैं समझता हूँ कि जितने देशभक्त आप हैं कम से कम उतना तो हमें भी मानिये। एक रात के अन्दर, बारह घंटों के अन्दर हम लिस्ट बना कर देते हैं। मेरी चुनौती को आप मानिये। अगर आप का मंत्रालय, जिस में हजारों आदमी काम करते हैं, दो महीने में इस काम को पूरा नहीं कर सकता है तो एक रात में इस को करने के लिए तैयार हैं। कल ही इस का फंसला होना चाहिए। यह सदन की प्रतिष्ठा और इज्जत का सवाल है।

इस लिए आप श्री नाथ पाई का जो प्रस्ताव है उस को कबूल कीजिए। उस में कोई खास बात नहीं है। किस नियम के खिलाफ उन का प्रस्ताव है यह मेरी समझ में नहीं आता। इस लिए मेहरबानी कर के ठंडे दिल से इस को सोचिये और मेरी प्रार्थना को कबूल कीजिए। विशेषाधिकार के प्रस्ताव पर आज बहस होने दीजिए।

**श्री कंवर लाल गुप्त :** मैं भी श्री नाथ पाई का समर्थन करने के लिए खड़ा हुआ हूँ और आप प्रार्थना करना चाहता हूँ कि आप प्रिविलेज मोशन को मंजूर कीजिए, क्योंकि मंत्री महोदय ने जो बयान दिया है वह इवेसिव है।

पहली बात तो यह है कि जो कोटेशन किताब में हैं, ग्राया वह आप की रिपोर्ट से मिलते हैं या नहीं। इस को तो बतलाने में कोई दिक्कत है नहीं। इस को वह मान लें। उन्होंने इन्डाइरेक्टली इसको मान भी लिया है, डाइरेक्टली भी इस को मान लें कि कोटेशन वहीं हैं जो रिपोर्ट में हैं। तब तो केस क्लियर हो जाता है। किसने उस को चुराया, कैसे वह लीक आउट हुए, यह पता नहीं लगा। इस को सी०बी०आई०एन्ववायरी करके तय करे। लेकिन यह कोटेशन वहीं हैं या नहीं हैं यह मंत्री महोदय को बतलाना चाहिए। ऐसा मालूम होता है कि दबी आवाज में उन्होंने मान भी लिया है कि कोटेशन वही है। अगर वही कोटेशन हैं तो यह क्लियर कैसे आफ ब्रीच आफ प्रिविलेज है कि सदन के सामने उन्होंने छिपाया और उधर उन्होंने दिया। इस तरह से यह एक बड़ा गम्भीर मामला है, हिन्दुस्तान की सिविलिटी और डिफेंस का मामला है। मैं आप से प्रार्थना करूँगा कि देश के हित में आप इस चीज को स्वीकार कर लीजिए, ताकि प्रिविलेज कमेटी इस में जाए कि किस ने गड़बड़ की है। वहां जाने से यह मालूम हो जायेगा।

**SHRI K. NARAYANA RAO (Bobbili) :** It is admitted by all that this is a matter which affects the security of the country. Shri Nath Pai has referred to certain things which the author has mentioned and stated that he has got this information from the official records. Are we to take it, on the face of it, that he has secured official permission for going through the records? Could he not have secured them through some nefarious means? Secondly, some error, some unpatriotic act could have been committed by somebody.

**SHRI S. M. BANERJEE :** When it is a class IV employee you punish him. But when it is an officer you have no courage to punish him.

**SHRI K. NARAYANA RAO :** If the author has through some unfair means secured a particular piece of information and published it, should we appeal to the government to give official seal to the information that has been nefariously procured?

Thirdly, when such information is contained in the book it is not available to so many people. Because we are discussing it, so we know that there is something in that book. Otherwise, it is not known to many people outside. Suppose the Minister comes out with copies of that report, it will be given wide publicity and it will be known to everybody. Under these circumstances since we are all for the defence and security of India, we should remember the qualitative change that such a statement by the Minister brings about. Tomorrow the newspapers will published it and it will be known to so many people. Therefore, I would appeal to you not to accept the suggestion of Shri Nath Pai.

**SHRI S. A. DANGE (Bombay Central-South) :** I want to support the motion moved by Shri Nath Pai. This is a very serious matter. When you take in to consideration the fact that ordinary employees are dismissed on grounds of revealing official secrets, which are no secrets, when such a serious matter is brought forward, it is being shut out under some excuse or the other.

May I submit to you that I did not like your tone of saying, "In that case I am

going to give my ruling."? You should not use your authority in such a way as to shut out a discussion threatening, "I am going to give my ruling."

• So, I request you to make a sympathetic view of the question. It is a serious matter. Everything is open to a foreigner. Even today, after 22 years any foreigner can walk into any ministry and the Ministers welcome him, but when our people walk into any ministry, even if they are big leaders of their parties, they are not paid attention to. This approach must go. That is at the root of it. Official secrets are not being revealed because you want them to be revealed. There is a mentality and approach to the whole problem and, therefore, it should be discussed under this motion.

**SHRI RANGA (Srikakulam)** I find myself in agreement with Shri Nath Pai and our other friends, including Shri Dange also, on this point.

There are two demands which have been raised by Shri Nath Pai. One is that you should be good enough to let us discuss it as a matter of privilege. You have got the first authority to say whether you are going to let us discuss it at all. Therefore I request you that you give us that permission.

The second request he has made is that you should also give priority to the discussion of this particular matter. Whether you are allowing it as a matter of privilege or otherwise, it has got to be discussed. These are the two pleas that have been placed by him before you. I am favour of both of them. You make your own choice in between these two and give us the earliest possible opportunity.

Some of our friends seem to think that it should not be discussed and that it should not be circulated; why should it, not be discussed why should it not be circulated? They have given several reasons but they do not seem to be reasonable at all. Outsiders have got at this information. They say that by mistake somebody must have done it or by collusion he might have got it from somebody or the

[Shri Ranga]

other, or that there is some weakness and so on. Weakness on the part of whom? They themselves have admitted that they had two copies and that they were kept close secrets, State secrets, in charge of the highest possible people in the Defence Ministry. Who are those highest possible people? They have not vouchsafed that information as to which particular officer or which particular minister or minister as well as officer. They have not told us that till now.

I do not understand why this purdah policy should be pursued. For too long a time and for too many things, the defence affairs have been kept under purdah rightly or wrongly, sometimes rightly also. There was the advisory committee attached to this ministry. This point was raised by one of our friends—was it Shri A. P. Jain?—at Bangalore and my hon. friend gave us the assurance that he was going to look into this particular matter. Therefore it is not only six weeks but much earlier when we met in Bangalore on the 24th, I think, of October or some time like that. All this time my hon. friend has had.

He is not one of the service official that he should stick to these protocols and say that nothing is going to be revealed because the *esprit de corps* would come in the way or other officers are likely to get into trouble. He is charged by this House, by Parliament, with the responsibility of holding this portfolio in the interest of the nation as a whole and not in the interest of these officers. He has got to sit in judgement over the activities of these officers. So, why should he keep this thing as a great secret? It ought to be placed before the public, specially before Members of Parliament. But he has failed to place even the relevant extracts concerning the excerpts that have been made by that gentleman, Maxwell, before the advisory committee.

Therefore, there is every reason why we should be given an opportunity of knowing what really happened, what really was suggested by Henderson-Brooks whose report his colleague who is sitting on his left was

not prepared to place before this House. The Defence Ministry seems to be getting in its own way. The managed with one Defence Minister. Now they are trying to manage with another Defence Minister. We cannot put up with this kind of a thing. Therefore, for God sake, don't take up upon yourself the responsibility of denying the opportunity to this House either to have the Report here or to discuss this matter.

13.00 hrs.

श्री चंद्रशेखर यादव (भ्राजमगढ़) : यह बात सही है कि यह विषय बहुत गम्भीर है। सुरक्षा मंत्रालय की कोई महत्वपूर्ण जो रिपोर्ट है तो कोई भी आदमी और विशेष रूप से कोई विदेशी लेखक या पत्रकार उसको देख ले, यह एक गम्भीर बात है। मंत्री महोदय ने भी इस की गम्भीरता को स्वीकार किया है गम्भीरता को देखते हुए ही उन्होंने यह कहा है कि इसकी जांच कराई जायेगी और जो भी अधिकारी दोषी पाया जाएगा सरकार उस के खिलाफ कठोर से कठोर कार्यवाई करेगी। इस वजह से इस विषय की गम्भीरता पर किसी को कोई आपत्ति नहीं है।

इस पर जोर दिया गया है कि मंत्री महोदय ने विशेषाधिकार का उल्लंघन किया है। किसी बात को सदन से उन्होंने छिपाया है। उनके बयान में कोई विरोधाभास नहीं है पहले कोई बयान दिया, बाद में ने उसका खंडन किया, ऐसी बात नहीं है। इस वास्ते कोई विशेषाधिकार के उल्लंघन का प्रश्न नहीं उठता है।

जो रिपोर्ट है उस को डिबेट की या चर्चा का यह समय नहीं है, यह वह स्टेज नहीं है। पहले जांच की रिपोर्ट आ जाए उस के बाद वह सदन सामने रखी जाए, उसके बाद उस पर चर्चा हो सकती है। जब तक वह रिपोर्ट नहीं आ जाती है। तब तक डिबेट के लिए यह कोई स्टेज नहीं है ..

श्री नाथ पाई : कौन की रिपोर्ट ?

a matter of censure also. It must be discussed here and I request you that you refer it to the Privileges Committee because the privilege of the House is involved.

श्री चन्द्रजीत यादव : जांच की रिपोर्ट जो होने वाली है।

SHRI NATH PAI : Why don't you ask him to give the Handerson Brooks Report now ?

SOME HON. MEMBERS rose—

MR. SPEAKER : Now there will be no end to it.

SHRI CHANDRA JEET YADAV : That is a secret Report. The Government have taken the position that it is a secret document...

SHRI SURENDRANATH DWIVEDY (Kendrapara) : You can now realise that there is a general consensus in the House that it is an important matter and it should be discussed in the House.....

SHRI NATH PAI : Secret for Parliament only.

SHRI CHANDRA JEET YADAV : It is not a general consensus.

SHRI CHANDRA JEET YADAV : For everybody. Now it has to be established whether it has been leaked out or not. This is not the stage for a discussion. Therefore, I request you, Sir, that this request should not be accepted.

SHRI SURENDRANATH DWIVEDY : Otherwise, he would not participate. He is participating because he feels there is something for him to speak against on this important matter. So, I think from all sides you must have seen now that the House wants that either it should go to the Privileges Committee or this matter should be discussed.

DR. RAM SUBHAG SINGH (Buxar) : Sir, this should not be taken as a party matter. It is a very serious matter for the House. This Report was submitted in 1963. From that time onwards, it was put before the House that a copy of the Report should be placed on the Table of the House. But that was not done by the Government.

MR. SPEAKER : What is this going on ?

Now, when this Report was denied to be placed on the Table of the House and it finds a place in the market, or some of the portion of that Report get published in foreign books or reach a foreign writer, what other things will become a matter of breach of privilege of the House ? This Report was specifically denied to be placed on the Table of the House. It was asked to be placed on the Table of the House not because anybody had any doubt about the *bona fides* of the Government. The question of Minister should not be brought into this matter. From 1963, certain doubts arose and people wanted that it should be shown to the Members and that was denied. But that very Report is now published extensively in the book to which Mr. Nath Pai made a reference. Therefore, it is a clear case of breach of privilege. It becomes

SHRI BAL RAJ MADHOK : This is not a discussion. If you take a decision to send it to the Privileges Committee, there is no need of a discussion here, but the decision has to be taken by you and not by the House, in this matter.

SHRI S. KUNDU (Balasore) : As this is a matter for you to decide, we have a right to plead and persuade you. I won't take more than two minutes.

MR. SPEAKER : It is not because of lack of persuasion. I assure you that I am open to conviction. But after all we have to see all aspects of the question—procedure and otherwise. You have laid down the Rules yourselves, they are not laid down by me. I have to be guided by the Rules also.



**SHRI S. KUNDU :** You can deliver a good judgement provided you listen to us. Whatever decision you take, it will be yours and we will honour it and respect it, but, before you take a decision, I would like you to accept two things. One is : that this is a matter of great national importance and involves the question of the prestige and honour of this House. No. 2 : I may add this word 'if' a document has been available to an alien, can that document be denied to this House? My submission is : it can't be. Now the question is—I am not going to debate on this matter—looking into the statement of the Minister, the Minister has come down to this position :

"It is difficult to say conclusively on the basis of such studies as have been made as to whether Maxwell had any direct or indirect access to classified papers."

The Minister said, 'It is difficult to say conclusively...Now, it is for you to call for that report—that report is said to be with the Cabinet Secretariat—and the people who are interested may meet in your Chamber, compare it with the passages in the book and come to a decision. Why should the Government take six months or seven months to decide this ?

**MR. SPEAKER :** I stand guided. That is enough.

**SHRI S. KUNDU :** All right, Sir, if that is enough.

**श्री शिव चंद्र भा (मधुबनी) :** इस पर बहस नहीं है कि मैक्सवेल ने इंडिया चाइना वार किताब को प्रकाशित क्यों किया ? लोगों की आजादी है, अच्छी लिखें, खराब लिखें। उस से किसी को बहस नहीं है। सवाल यह है कि उसने जो रेफेंस दिए हैं, कोटेजें दिये हैं वे डिफेंस सीक्रेट जो डाकुमैंट है, उस पर आधारित हैं ? इससे क्या डिफेंस की बातों को क्लीअर एंड प्रेजेक्ट डेंजर आता है ? डिफेंस की पोर्टेसिलेटी को हानि पहुंचती है। अगर ऐसा होता है तो यह खतरे की बात है। मंत्री महोदय ने तमाम बातें सदन के सामने नहीं रखी हैं।

उन्होंने सदन से छिपाया है। उन्होंने कहा है कि हैंडरसन ब्रुकस की रिपोर्ट की दो कॉपियां हैं और वे इन के पास हैं। किसी को वे उपलब्ध नहीं हैं। यह गलत बात इन्होंने कही है। इसको मालूम हैं हैंडरसन ब्रुकस की रिपोर्ट की एक टाइप कापी भी है, मैनसक्रिप्ट भी है, नोट्स भी है जिसको उन्होंने अपने पास रखा है। उसको आने अपने पास नहीं रखा है। उसके माध्यम से लोगों को सीक्रेट बातों से अवगत कराया जा रहा है। उसको आपने अपने पास रखना चाहिए था।

चूंकि इन्होंने सदन से बात को छिपाया है, इस वास्ते यह प्रिविलेज का मामला भी हो जाता है। इसका मैं पूरा समर्थन करता हूँ। मैंने हाफ एन आवर डिस्कशन इसके बारे में दिया था। लेकिन वह वैंलट में नहीं आया। अगर आ जाता तो चर्चा हो जाती। अब या तो इस पर आप चर्चा करायें अन्यथा प्रिविलेज कमेटी के सामने इस मामले को आप भेजें।

**SHRI HEM BARUA (Mangaldai) :** May I submit, Sir, that the hon. Minister has just now said that there is only one copy of Henderson Brookes's report...

**SHRI JAGJIWAN RAM :** At present,

**SHRI HEM BARUA :** The hon. Minister has just now said that there is only one copy of Henderson Brookes' report in the custody of Cabinet Secretary. Mr. Maxwell has already said that he has had access to the official secrets. If I say, Sir, that the Cabinet Secretary sold the copy to Mr. Maxwell, can you dislodge me from that position ? Now, Sir, you have to prove conclusively through enquiries, if it is otherwise. It is really a pity on the part of the Government that it has taken 2 months for them to look into this affair. It is really a pity.

**श्री डा० ना० तिवारी (गोपालगंज) :** अध्यक्ष महोदय, इस बारे में कोई विवाद नहीं

है कि यह बहुत महत्वपूर्ण विषय है। यह भी सब लोग मानते हैं कि यह नेशनल इम्पोर्टेंस की बात है। लेकिन सवाल यह है कि इस पर डिसकशन अभी हो या कुछ देर बात। दो मोशन मूव हुए हैं : एक प्रिविलेज का और दूसरा यह कि अगर वह न हो, तो इस पर डिसकशन एलाऊ किया जाये। देखना यह है कि वह डिसकशन अभी करना जरूरी है या बाव में। मिनिस्टर साहब ने इस बात से कभी इन्कार नहीं किया है कि मैक्मवेन ने कुछ सीक्रेट डाकुमेंट्स को उद्धृत किया है कहा जाता है कि हैडरसन ब्रक्स की परी रिपोर्ट को टेबल पर रखा जाये। मैक्मवेन ने तो उस रिपोर्ट से दस बीस लाइनें ही उद्धृत की हैं। क्या उस समूची रिपोर्ट को टेबल रख कर सारी दुनिया को इस देश की सारी बातें बता दी जायें ? (व्यवधान) जब रिपोर्ट से उद्धृत की गई दस बीस लाइनों पर इतनी चर्चा हो रही है तो समूचे डाकुमेंट को टेबल पर रखने से कितनी चर्चा होगी ? मैं समझता हूं कि ऐसा करना जरूरी नहीं है। मिनिस्टर साहब ने कहा है कि जाँच कराई जा रही है कि किस किस के जरिये वह लोक-आउट हुआ है और उसकी क्या सजा हो, आदि। मैं समझता हूं कि जब वह एन्क्वायरी रिपोर्ट आ जाये तभी कोई फूटेंकुल डिसकशन हो सका है। उसके बिना बाद विवाद करने से केवल हाउस का समय जायेगा, और कुछ नहीं होगा ?

**SHRI TENNETI VISWANATHAM** (Visakhapatnam) : This particular sentence is of very great importance. Neville Maxwell in his book says as follows :

"I was given access to these by officials and officers who believed that it was time a full account was put together....."

He says, it was time a full account was put together—that is what the officers and officials believed. Sir, this was given after the Minister said on the floor of the House

that it cannot be placed on the Table of the House in 1963. Later the officers are giving on their opinion that a full account should be given. They never thought that Parliament should be taken into confidence. Continuing the same sentence, he says :

".....who trusted me to write it fairly."—

They did not trust this Parliament, but they 'trusted me to write it fairly'.—So, this document was given. What is the inquiry about ? The inquiry is to know who those officers are. Let not the Minister be drawn into the picture. The Minister has nothing to do, except constructively. He will have to answer this, if there is any question of privilege, if the Privileges Committee comes to the opinion that he has got to answer.

So far as the officers were concerned, they had committed one of the greatest contempts of this House. There is absolutely no doubt about it, because it was done after the Minister's answer. The Minister said that he could not place it on the Table of the House. Later, these officers trusted this foreign gentleman and then put all the papers before him ; they trusted him and not this Parliament.

**SHRI RANGA** : They wanted him to do it.

**SHRI TENNETI VISWANATHAM** : What greater matter of privilege can there be than this ?

**श्री प्रकाशवीर शास्त्री (हायुड)** : अध्यक्ष महोदय, शायद श्री चव्हाण को स्मरण होगा कि अक्टूबर, 1963 में, जब कि वह नयेनये सुरक्षा मंत्री बनकर आये थे, मैंने और श्री नाथ पाई ने इस नीफा पराजय की रिपोर्ट पर इस सदन में चर्चा उठाई थी। उस समय उन्होंने उस रिपोर्ट को कुछ सारांश भी प्रकाशित किये थे। उस में पांच पैराग्राफ मिलिटरी इन्टेलिजेंस की फेल्यूर से सम्बन्धित थे। आज इस सदन में मिनिस्टेरियल इन्टेलिजेंस की फेल्यूर से सम्बन्धित प्रश्न उपस्थित हुआ है। मेरे मित्र श्री तिवारी, जो इस सदन के बरिष्ठ और

[श्री प्रकाशवीर शास्त्री]

गम्भीर सदस्य हैं और जो नई काँग्रेस वर्किंग कमेटी के भी सदस्य हैं, ने भी कहा है कि उस रिपोर्ट के कुछ अंश मैक्सवेल की किताब में उद्धृत हुए हैं, मैं यह कहना चाहता हूँ कि उस रिपोर्ट से जो अंश उद्धृत हुए हैं, वे वही से ही गये होंगे, मैक्सवेल ने कोई आकाश से तो वे उद्धरण प्राप्त नहीं किये हैं। अध्यक्ष महोदय, एक बार स्वयं आप ने कहा था कि इस सरकार के कैबिनेट के मीक्रेट भी सुरक्षित नहीं होते हैं। आर्मी के संबंध में स्थिति यह हो गई है कि दूसरे देशों का एक गैंग इस देश में काम कर रहा है, जो हमारी सेना के रहस्यों को किसी कीमत पर भी प्राप्त करना है और जो जानकारी सरकार हमें नहीं देती है, वह दूसरे देशों में पहले प्रकाशित हो जाती है। उसी का प्रमाण यह पुस्तक है। मैं समझता हूँ कि इस प्रकार की चर्चा से, या विशेषाधिकार का जो हनन हुआ है, उस के प्रस्ताव को स्वीकार करने का परिणाम यह होगा कि आगे चल कर इस प्रकार सुरक्षा सम्बन्धी रहस्यों का फिर प्रकटीकरण नहीं हो सकेगा और सरकार इस संबंध में निश्चित रूप से मजबूत कदम उठा सकेगी। इसलिए आपसे मेरा अनुरोध है कि आप इस विषय में देश की सुरक्षा की दृष्टि से निर्णय लें और विशेषाधिकार के प्रश्न को प्रस्तुत करने की अनुमति दें।

श्री मोल्लू प्रसाद (वांसगांव) : जिन अधिकारियों की विदेशी पत्नियाँ हैं, उन की खास जांच कराई जाये। उन्हीं के द्वारा ये रहस्य प्रकट हुए हैं।

SHRIMATI SHARDR MUKERJEE (Ratnagiri) : I support Shri Nath Pai's demand for referring this matter to the Privileges Committee.

In 1963, as far as I remember, Parliament was given a brief account of the deductions drawn from the Henderson-Brookes'

report. When I talked about it to Pandit Jawaharlal Nehru and I said that the whole report must be placed before Parliament, because he had called a committee of the party Members to discuss this, Panditji said that 'Even I have not seen the whole report, and, therefore, it cannot be presented to Parliament. It is with the Army Headquarters, Now, when the hon. Minister says that there was only one report and that one report is with the Cabinet Secretariat, I do not understand it. As far as I know, there were at that time three reports. Definitely one with the Army Headquarters, and if there is one with the Cabinet Secretariat than that makes it two. I do not understand how the hon. Minister says that at present there is only one report. Especially in view of the fact that Prime Minister Jawaharlal Nehru had said that even he had not seen the report, there is a great mystery as to what has happened to the other two reports. Obviously, there must be one report with the Army Headquarters, and the second with the Cabinet Secretariat. I would request you, therefore, that these matters be taken up by the Privileges Committee, because it concerns national security, and we cannot allow this sort of thing to go on. If the report has to come out, let it be placed on the Table of the House for Parliament Members to see.

SHRI S. M. BANERJEE (Kanpur) : I fully support what Shri Nath Pai has said. I would only submit for your consideration two facts which relate to the House.

In 1952 in this House—I was not a member then—there was a question raised by Shri Gurupadaswamy, who is now a member of the other House; about the flight of a secret file. That became a mystery. It was properly discussed here without any mental reservations.

There are two other instances. Shri Homi Daji and I had got a copy of the report submitted by Shri Daphtary, Shri Sanyal and Shri Viswanatha Shastri regarding the Sahu-Jains. According to Government, only one copy was available. But a copy was produced by us and the then Speaker, Shri M. A. Ayngar ruled that a copy of the real report should be laid on the Table.

The other instance was when Shri Homi Daji and I produced a copy of the audit report, which was not available to us, about the Jupiter and New Asiatic Insurance Companies. The Speaker then directed Government to lay a copy on the Table,

Then there was the CBI report about Shri Biju Patnaik's transactions in Orissa. A copy of it was produced here by Shri Kamath. Certain portions from it were also quota in the House.

You may take some time to take a decision on this matter. Our session is coming to a close; we are not going to sit beyond the 18th. I would only request you to use your discretion and announce your decision. If this is not secret from a foreigner, it cannot be secret from this hon. House, if it is supreme and sovereign. If the hon. Minister has committed breach of privilege, it is one thing. Even if he has not, he is shielding certain corrupt officers who have colluded with these crooks and they should be brought to book.

श्री लखन लाल कपूर (किसानगंज) : अध्यक्ष महोदय, यह बड़ा ग्रहम सवाल है। मंत्री महोदय ने जो वक्तव्य दिया है सदन में उस से यह स्पष्ट मालूम होता है और उन्होंने इस बात को स्वीकार किया है कि यह सीक्रेट रिपोर्ट फारेनर के पास गई और उस ने यह किताब छापी है। यह अगर प्रमाणित है तो बड़ सी बी आई से एन्क्वायरी किस बात की कराने जा रहे हैं? सी बी आई किस बात की एन्क्वायरी करेगी? क्या यह एन्क्वायरी वह कराना चाहते हैं कि किस ने इस को पास आन किया है? लेकिन एक बात जब यह साबित हो गई है कि यह सीक्रेट फाइल से रिपोर्ट फारेनर के पास गई और उस ने यह किताब छापी तो ऐसी स्थिति में सी बी आई इस की एन्क्वायरी करे कि किस के द्वारा पास आन हुआ इसका सवाल नहीं है। जब यह मालूम है कि रिपोर्ट पास आन हुई है और यह सीक्रेट फाइल कैबिनेट

सेक्रेटरी के पास में रहती है तो इस के लिए कैबिनेट सेक्रेटरी की जिम्मेदारी है और ऐसी स्थिति में प्रिविलेज का मोशन एक्सेप्ट करना चाहिए।

दूसरा प्वाइंट यह है कि अगर आप सदन के टेबल पर नहीं रखना चाहते हैं तो सदन के जो वरिष्ठ नेता हैं उन के सामने तो कम से कम इस रिपोर्ट को रखिये और अध्यक्ष महोदय की टेबल पर रखिये जिस से वह यह मालूम कर सकें कि यह रिपोर्ट सही है या नहीं।

SHRI AMRIT NAHATA (Barmer) : First, you, Sir, have to exercise your judgment in deciding whether the claim of the author that he has quoted from the Henderson-Brooks report is correct or not.

SHRI NATH PAI : For that, the Speaker must see the report. This is a valid point he has made.

SHRI AMRIT NAHATA : Even if I were to give the benefit of doubt to Shri Nath Pai and accept that the claim of the author is justified, you must find out from the Defence Minister whether it is right or not. If the Minister comes to the conclusion that something fishy has happened, from some corner it has leaked out, it is up to him to find out, through the CBI, his own intelligence agency or other machinery he thinks fit, how it leaked out.

Once he finds that out, then naturally the person or persons who leaked out the report shall be punishable under various Acts, including the Official Secrets Act. After that only this House will be competent to discuss whether a breach of privilege has taken place or not. Before that it would be kite flying, because the Government has said that the report will not be placed on the Table of the House.

SHRI NATH PAI : Give it to the Speaker.

SHRI AMRIT NAHATA : Is it Shri Nath Pai's contention that after having said

[Shri Amrit Nahata]

that, the Government gave that report to a journalist? I am sorry it is not a justified contention.

On the one hand these gentlemen have been demanding that this report should be placed on the Table of the House, which means that they never considered this report to be such a thing that could be shrouded in a mystery of secrecy, and they wanted it to be made public; on the other hand, they say that the report which deserves to be made public has now suddenly been published in a book, and therefore the privilege of the House has been breached. This is a self-contradiction.

Therefore, it should be left to the Minister and his discretion. He should find out if an offence has been committed if at all, and by whom, and he should not spare anybody, and we are sure that the Minister will not spare anybody even from the highest quarters. If it is found that the report has been leaked out, punishment should be meted out to the person concerned. Only then shall we be able to judge whether the privilege of this House has been breached or not.

SHRI SONAVANE (Pandharpur) : I want to place three points for your consideration before you arrive at a decision.

The first point would be that in my opinion, in order that you should admit a privilege motion, there is no definiteness at present as to who is to be held responsible for the breach of privilege, who has stealthily done it, whether the author or the officers in the Defence Ministry were responsible, and we do not know against whom the privilege motion is to be moved.

The second point is this, and this was touched by my hon. friend Shri Nahata also. Cannot a writer or an author of a book falsely make a statement, and involve certain officers who probably did not oblige him with some information, saying that some of the records were made available to him? There is the possibility of his maliciously involving some of the people in the Department, and the author's statement should not be taken as correct as there may be a motive behind it.

Thirdly, the hon. Defence Minister was very prompt and very quick in saying that he would have a CBI enquiry. He came out with the offer on his own. If he had not done so, then Shri Nath Pai and Shri Madhu Limaye would have jumped for a CBI enquiry, but because he himself came out with it, they say something else. This is the way how our friends are working here, and this you should take note of.

SHRI S. KANDAPPAN (Mettur) : I would not have liked to make any remarks but for the observations made by Mr. Nahata who made it appear that the contention of Mr. Nath Pai was self-contradictory. I fail to appreciate where self-contradiction comes in. Hon. Members from this side had been demanding since long back that the so-called secret documents that they refuse to give to Members are not secret at all. There may be certain documents which are classified but on that pretext, whenever it is inconvenient for the Government to meet our points or demands made from this side, the Government come out with an excuse that it is a secret document. That has been the contention of many Opposition Members for a long time. Many things that need to be divulged are not divulged on the plea that they are secret documents. It is not proper that information which would enable Members to have more fruitful and useful discussion on many issues is withheld from Members. That is the position we are faced with. After clearing this point as far as the protection the Minister tried to give to the officers, I should say that I do not know what sort of damage this would cause to the defence of our country or its image abroad. What is the objective they want to achieve by hiding this document from Members of this House. I think the book is there already for everyone who cares to read. I do not think it is within the power of this Government to say that this book will not be placed in any library in any country of the world. If something has been divulged to the public, whether rightly or wrongly, it is for the Government to take the earliest opportunity to probe into the entire thing and if the book has given certain falsehoods it is for the Government to contradict it at the earliest opportunity. Members are prepared to give that opportunity to the Government whereas the Government is not prepared to

take that opportunity. I am positive in my mind that a discussion in this House, if not in public, but in camera, would enable us to come to proper conclusions and that will also help the Government to give a clear picture as to where the matter stands. I am honest in my feeling that in writing that book Mr. Maxwell might have inadvertently committed some blunders or he might have given some facts. We do not know what is true and what is not unless we get the relevant documents from the Defence Ministry. In the interest of the fair name of the country as well as of streamlining the administration in the defence department, it is important that he should come out with a facts for a discussion. He should not hesitate to take the hon. Members of the House into confidence.

SHRI SURENDRANATH DWIVEDI :  
A majority of Members of this House want a discussion.

श्री जगजीवन राम : अध्यक्ष महोदय, कुछ सदस्यों ने यह कहा कि कोई रिपोर्ट न रखने से सदन के आदर में कमी हो जाएगी, मैं इतना ही साफ कर देना चाहता हूँ कि कोई डाक्यूमेंट या रिपोर्ट सदन के सामने नहीं रखी जाए तो इसका अर्थ यह नहीं होता है कि सदन के सदस्यों के प्रति कोई अविश्वास है। अगर किसी के मन में यह भावना आती है तो वह गलत है, मेरा उद्देश्य केवल इतना ही है कि सदन के सामने आ जाने के बाद वह सब जगह पहुँच सकती है। मैं इस चीज को साफ कर देना चाहता हूँ कि जब कभी हम कहते हैं कि सदन के सामने नहीं रखेंगे तो इस का अर्थ यह नहीं है कि हम सदन के सदस्यों पर अविश्वास करते हैं। अगर किसी में यह भावना है तो उस चीज को दूर के दिल करना चाहता हूँ...

श्री मधु लिमये : मैक्सवेल को देंगे, हमको नहीं देंगे।

श्री जगजीवन राम : सदन के सदस्यों पर विश्वास नहीं है, इस लिए नहीं रखता हूँ यह बात नहीं है...

श्री रवि राय (पुरी) : मैक्सवेल पर विश्वास है।

\* श्री जगजीवन राम : क्या बात करते हैं, हम किस स्प्रिट में कह रहे हैं और आप किस स्प्रिट में ले रहे हैं...

श्री नाथ पाई : बाबूजी, बिगड़िये नहीं।

श्री जगजीवन राम : अगर यह मालूम होता तो यह कहा जा सकता था कि सरकार ने जिस रिपोर्ट को सदन को नहीं दिया, उस को किसी दूसरे को दे दिया—तब तो रवि महाशय ऐसा कह सकते थे। लेकिन मैं किस भावना से कह रहा था और वह किस भावना से बात को कह गये।

श्री नाथ पाई : हम ने किसी पर इल्जाम नहीं लगाया है।

श्री मधु लिमये : आप ने दिया है, ऐसा नहीं कहा है।

श्री रवि राय : आपके मंत्रालय में कोई दे सकता है, इस की जाँच करानी है।

श्री जगजीवन राम : सबाल हल्ला करने से हल नहीं होता है। मैं उसी बात को कह रहा हूँ। मैं आपको यह बात समझ नहीं पाया कि यह विशेषाधिकार का प्रश्न कैसे हुआ ? मैं यह मानता हूँ कि यह महत्व का प्रश्न है, मैं यह भी मानता हूँ कि यह राष्ट्रीय महत्व का प्रश्न है। मैं इस को विशेषाधिकार का प्रश्न मान लेता—अगर हम ने यह कहा होता कि इस रिपोर्ट को सदन के सामने नहीं रखेंगे लेकिन कोई अधिकारी मंत्री या सरकार का कोई आबमी खुले रूप से मैक्सवेल या दूसरों को दे सकता है।...

श्री नाथ पाई : नतीजा यही निकलता है, आप ने कहा नहीं है।

श्री जगजीवन राम : पहले सुन लीजिये, उस के बाद कुछ कहना है तो कहिए ।  
(*Interruption*)

अध्यक्ष महोदय : आप क्यों इंटरप्ट करते हैं ?

SHRI NATH PAI : These interruptions are parliamentary. You cannot rule them out.

SHRI JAGJIWAN RAM : I am not yielding.

SHRI NATH PAI : Who asked you to yield ? Why are you losing your temper ?

आज आपको क्या हो गया है, आज आप बिगड़ने लगे हैं ।

श्री जगजीवन राम : हम बिगड़ नहीं रहे हैं ।

श्री नाथ पाई : हम ने आपको कभी बिगड़ते नहीं देखा है ।

श्री जगजीवन राम : मैं यह मान लेता कि यह सदन के अपमान या अनादर का प्रश्न है, यदि सदन का यह रिपोर्ट न देकर, हम ने किसी दूसरे को दिया होता, यदि ऐसा होता तो मैं कुतूल कर लेता कि इस के लिए हम गुनहगार हैं। इतना ही नहीं, उस ने तो अपनी किताब में यह भी दावा किया है कि हैडरमन बुक के अलावा हम को और भी कागजात दिखाये गये। अब यह दूसरा प्रश्न है कि मैक्स-वेल की भारत के प्रति क्या भावना है या हमारे डिफेंस मिनिस्ट्री के अधिकारियों के प्रति उस की क्या भावना रही होगी, किस दृष्टिकोण से उसने यह लिखा...

श्री मधु लिमये : कन्टेस्ट की, इतना समझना चाहिये ।

श्री जगजीवन राम : इस लिए प्रश्न यह पैदा होता है कि जो कुछ उस ने लिखा है, उस

को ही सही मान लें या कुछ भी न दिखाये जाने के बाद भी उस ने ऐसा लिखा ताकि उस की किताब का आदर बड़ों और यहां के लोगों पर खतरा पैदा हो यह दृष्टिकोण भी हो सकता है ।

मैं यह कहना चाहता हूं कि मैं इस के महत्व को समझता हूँ, सदन को जितनी चिंता है, उतनी ही मुझे भी है, लेकिन यह विशेषाधिकार का प्रश्न कैसे हुआ—यह मैं नहीं समझ पाया । अगर हमारी तरफ से कोई अनादर या अवहेलना सदन की इस मायने में होती है कि सदन को न देते और दूसरे को दे देते—अगर किसी ने यह गुनाह किया है, तो जैसा मैंने कहा उस को इस से भी अधिक सजा मिलनी चाहिए और मिलेगी, लेकिन यह विशेषाधिकार का प्रश्न नहीं होता है । मैं फिर यही कहना चाहता हूँ कि अगर कोई चीज हम सदन को नहीं देते हैं तो हम सदन के सदस्यों पर अविश्वास कर के नहीं देते हैं—यह बात नहीं है, इस भावना को मैं दूर करना चाहता था ।

SHRI NATH PAI : I will give you additional documentary evidence. (*Interruption*)

MR SPEAKER : I am very grateful for all the points made by the hon. Members. All view-points have been expressed. When the statement was read, I thought that there should be no discussion except that Mr. Nath Pai should make his point clear. I had been keeping it pending. Now that another demand has come, that it should also be discussed, I have been thinking on two lines : that if the Government refuse or decline to lay this document on the Table of the House, the question is whether against convention they release it or they offered for study to somebody else. The Minister denied that at that time and he has made it abundantly clear in his speech today also. So, in my view this is not a privilege motion.

Now there are two aspects to the question. The document is secret and it is

quoted. If a highly secret document is quoted in this way, we should not take it lightly. Personally, I also agree with all of you that this is a serious lapse on the part of some officer.

Then I think we should be grateful to Shri Nath Pai for having raised this matter. Leaving a side the technical and procedural aspect, one thing goes to his credit that he has high-lighted a very very important subject in this House. As I said the other day, many things come out of the party executive committee meeting or out of the Cabinet, they appear in the newspapers and become the subject matter of privilege and subject matter of discussion in this House. Now, if this practice goes on, if secret discussions also start being quoted in the books, out of what motive I cannot say, but the motive does not seem to be good...

SHRI BAL RAJ MADHOK : The motive is sinister

MR SPEAKER : There are two sides to the question. Should we wait for the inquiry? We have had enough of discussion today. The House had an opportunity to express its views quite clearly. After this discussion today we should wait for some time and see what result come out of it. Then I promise a discussion in this House. This must be discussed. On the question whether it should be *in camera*, as proposed, or openly, I think all our discussions should be thrown open to the public. Why should we discuss a matter which concerns the whole nation *in camera*? The word 'promise' had just slipped out of my mind. But if you will at that time make a demand for a discussion I should have no objection to it.

SHRI NATH PAI : Apart from the privilege motion, along with it I have given a substantive motion.

MR. SPEAKER : I think we should wait till the report comes. I thank you all. Every day we adjourn late. Now, at what time do you want to meet?

SHRI NATH PAI : 3 O' Clock,

MR SPEAKER : All right, we will meet at 3 O Clock.

13.42 hours

*The Lok Sabha adjourned for Lunch till Fifteen of the Clock.*

*The Lok Sabha re-assembled after Lunch at three minutes past Fifteen of the Clock.*

[SIRIMATI SUSIILA ROHATGI in the Chair]

## BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMETARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH) : Sir, with your permission, I may inform the House that the Government propose to bring forward the Agricultural Refinance Corporation (Amendment) Bill, 1970, as passed by Rajya Sabha, for consideration and passing, tomorrow, immediately after the disposal of the Motions for modification of Nationalised Banks (Management and Miscellaneous Provisions) Scheme. The Government business for tomorrow will therefore, be as under :

1. Further consideration of the Motions relating to the modification of Nationalised Banks (Management and Miscellaneous provisions) Scheme.
2. Consideration and passing of the Agricultural Reference Corporation (Amendment) Bill, 1970, as passed by Rajya Sabha.
3. Motion for reference of the Code of Criminal Procedure Bill, 1970, to a joint Committee.
4. Discussion on the Fourth Five Year Plan.
5. Discussion at 6.00 P. M. on rehabilitation of the East Pakistan refugees.

I would also request you kindly to permit the Members to send amendment to the