

[श्री मूलचन्द्र डागा]

छात्रों के बीच में घमे तो वह क्या कर सकेगा ? अगर मैं पापी हूँ तो मैं कैसे कह सकता हूँ कि तुम यह कुसूर कर रहे हो ।

मैं पूछता हूँ कि यहां दिल्ली की बात क्यों लाई जाती है, पटना की बात क्यों लाई जाती है ? मैं भी एक शिक्षक रह चुका हूँ, मैं जानता हूँ कि शिक्षा का क्या मूल्य है आपके जीवन में । आप शिक्षा को कितनी इज्जत से देखते हैं ? आप की निगाह में उसका महत्व क्या है ? मैं शिक्षा को एक आधार समझता हूँ । शिक्षा वह चीज है जो देश को बनाती है । आप कारखाने के मालिक को अच्छा समझते हैं, पंजीपति को अच्छा समझते हैं और उसी खयाल से जब छात्र कोई आन्दोलन करते हैं तो आप कहते हैं कि छात्रों का दोष है । जब कभी छात्र साइंस कालेज के बारे में पूछते हैं तो आप कहते हैं कि तुम्हारा दोष है । लेकिन मैं समझता हूँ कि दोष उसका है जो शिक्षक है । आज शिक्षक में वह सौंदर्य नहीं है जिसको वह बिखेर सके ।

आज शिक्षा मंत्री जी को अपने दिल की बात सुननी चाहिए । उन्होंने दिल्ली यूनिवर्सिटी की बात कही । लेकिन अगर एक वकील के नाते मैं उन से सवाल करना शुरू करूँ तो आप से कहूँगा कि वहां पर पुलिस द्वारा अश्रुगैस छोड़ना गलती थी । वहां पर कोई मजिस्ट्रेट होना चाहिए । आप मंजूर करेंगे कि आज छात्र ठीक कदम नहीं उठा सकते क्योंकि उन का भविष्य अन्धकारमय है । आज जिन का भविष्य अन्धकारमय है वही कल की आने वाली पीढ़ी हैं । उनके भविष्य

को सुधारने की जिम्मेदारी प्राफेसर नूरुल हसन की है । उनकी जिम्मेदारी है कि वह शिक्षा में परिवर्तन लायें और मजबूती से लायें । मजबूत कदम उठा कर के ही हम उस को ला सकते हैं, कमजोर कदम से नहीं ।

PROF. S. NURUL HASAN: Sir, the hon. Member has quite rightly pointed out that the educational system should be changed and society needs a change. I wholeheartedly agree with that.

13.29 hrs.

QUESTION OF PRIVILEGE

ALLEGED ASSAULT ON SHRI K. MANOHARAN, M.P. AT MADRAS AIRPORT

MR. SPEAKER: About the privilege motion raised yesterday regarding my ruling I tried to go into the cases in the past—

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) Sir, just a word. Because certain remarks were made about the bus services—

MR. SPEAKER: He was not asking that; that you should also be involved. Later on, you may make a statement.

SHRI RAJ BAHADUR: Because it went on record.

MR. SPEAKER: You can make a statement later on and also give a considered statement, but not on such a reference.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Not on the spur of the moment.

MR. SPEAKER: I have gone into the old cases. The practice we have been following in the past is that

sometimes, when Government departments, Government servants or some dignitaries were involved, the House itself on the spot decided it. That is what happened in the last Lok Sabha also. In continuation of that, in the case of persons, departments or Government servants, employees, or even some dignitaries, we have been following this practice, namely, that we have been referring these cases to those States or departments, and then later on, that information was laid before the House, and then the House either referred them to the Privileges Committee or gave its own decision.

I have also not been able to come across decisions about private members. Unfortunately we have to search for information still further: what happened in the case of persons who were not government servants or police officers? In this case if you like, we may follow the old precedent or if you like, we can refer it, because in this case Mr. Manoharan has deleted the reference to the Ministers or Chief Minister or party. It is, now concerned only with private individuals, some members of the public. I saw the motion as re-drafted by him; still we have to be very cautious about it. In the case of Mr. Saha, his identity was mistaken; the staff and complained of some person to the railways; the railway staff detained him for sometime to establish the identity, which was very much incorrect, as he showed the card. We sent it to the Privileges Committee. In other cases also, we committed them and got their report. But in cases where the Member was not in the performance of his parliamentary duties but political duties, that was not referred to the Privileges Committee. I leave it to you to decide whether we could make a reference to the Government of Tamil Nadu or be seized of it, because there are no precedents.

SHRI K. MANOHARAN (Madras North): May I in the meanwhile submit, with your permission, that after I had raised this matter yesterday, senior leaders like Mr. Vajpayee, Mr. H. M. Patel and some others have made some observations saying that it was not in the proper form. Considering those valuable suggestions, I have come forward with a new motion. Let the House understand the motion and then you may leave it to the House to decide.

MR. SPEAKER: I have already said that the other part is deleted.

SHRI K. MANOHARAN: I shall read it out. I beg to move that the following matter of breach of privilege be referred to the Committee of Privileges for necessary action.

On 15th November, 1972 when I reached Meenambakkam Airport to commence my journey to Delhi for attending the current session of Parliament, some 20-30 persons led by Shri Panchaksharam and Shri Ashai Muthu came and assaulted me by strangling my throat and catching my testicles. The aim was to physically liquidate me with a view to prevent me from attending the Parliament Session. There is a political motive behind this. This was a deliberate attempt to obstruct me from performing my parliamentary duties freely and in accordance with my conscience. Despite police forces present in the Airport they did not come to my rescue. Those who are responsible for this assault are guilty of committing a breach of privilege. I therefore request this House to take suitable action against these persons in the matter.

SHRI H. N. MUKERJEE (Calcutta-North-East): Mr. Speaker, I find my self in great difficulty as a Member of the House and also as a Member of the Privileges Committee, though I am in personal sympathy with

[Shri H. N. Mukerjee]

Mr. Manoharan, and also perhaps political sympathy. I feel that motion for reference to the Committee should involve certain human individuals. I am not speaking on behalf of the Committee; the Chairman is there. Is the Committee of Privileges to be saddled with the duty of investigating? Is it a parliamentary CBI? Unless we are told who has attracted the alleged misconduct, so that our arms could extend, I do not know how we can act. I have the utmost sympathy with him politically and personally. But this motion seems to be so extra-ordinary that I cannot make head or tail out of it.

SHRI SEZHYAN (Kumbakonam):
Sir, I am not here to shield anybody who is alleged to have assaulted a member of the House. Whatever may be the political differences or affiliations, each Member of Parliament should be allowed to perform his parliamentary duties. Physical violence does not have a place in democracy. Political differences cannot be settled by physical violence. I say this even for an ordinary citizen. I unequivocally condemn any violence anywhere. In a parliamentary democracy, only by debate and discussion, we try to convert others. Political convictions cannot be erased or altered by any violence perpetrated by anybody howsoever mighty he may be. In a parliamentary democracy, only parliamentary methods should be adopted and extra-parliamentary methods or violence have no place in it.

In this particular case, because it involves my friend Mr. Manoharan, what I say should not be taken as biased. What we are going to do now may set a precedent for the future. As rightly pointed out by Prof. Mukerjee, the Privileges Committee should have the full facts before it and it should be precise. Mr.

Manoharan has said that 25 to 30 members assaulted him, headed by two persons whose names he has mentioned. The Privileges Committee may be at a loss to find out who are the other persons, unless he wants to confine it to only those two persons. Therefore, in this case I feel that the past practice of referring it to the State Government may be adopted and the particulars supplied by them may be placed before the House or before the parliamentary committee, to which I have no objection. Once again I make it clear that I do not approve of any physical violence and I am not biased in this case. I only want a proper procedure to be followed as was followed on previous occasions, because this may tend to become a precedent for the future.

श्री अटल बिहारी वाजपेयी : जो प्रस्ताव रखा है इसके बारे में एक कठिनाई है जिसका मैंने कल भी उल्लेख किया था। आपके सुझाव पर उन्होंने मुख्य मंत्री को हथौला इसमें से निकाल दिया, यह अच्छा किया। लेकिन प्रश्न यह है कि अगर मुख्य मंत्री प्रस्ताव में नहीं है या कोई पुलिस प्रकप्त नहीं है या और कोई अधिकारी नहीं है तो यह प्रिविलेज मीशन किसके बिनाक है। कमेंट्री क्या जांच करेगी ?

अध्यक्ष महोदय : टू परसंड ।

श्री अटल बिहारी वाजपेयी : फिर आपने जैसा कहा है यह चीज प्राइवेट नागरिकों के खिलाफ रही। तब तो यह एक क्रिमिनल केस है.

अध्यक्ष महोदय : यह तो नहीं है ।

एक माननीय सदस्य : वह भी हो सकता है ।

श्री अटल बिहारी वाजपेयी : पुलिस वहाँ भी उसने कुछ किया या नहीं किया, प्रकल्पन ने कुछ किया या नहीं किया इन तथ्यों का हम पता लगा लें और फिर इसको प्रिचलेज कमेटी में भेजने का फैसला करें तो ज्यादा अच्छा होगा ।

SHRI S. M. BANERJEE (Kanpur): As you have rightly said, there are cases where some police officers or even journalists were involved, and we have directly dealt with them. The cases of Mr. Madhu Limaye and Mr. Tridib Choudhuri were there. There was another Swatantra Member of Parliament who was manhandled by police officials. Those officials were called here and reprimanded. But in this particular instance, I have all my sympathies for Mr. Manoharan. On behalf of my group, I condemn the attack on him. Even the Chief Minister of Tamilnadu has regretted it. It says:

"Mr. Karunanidhi has regretted the attempt to attack Mr. Manoharan at the airport. He says, such undemocratic trends in politics were deplorable."

Whether this incident took place and whether there was an attempt on his life, the Committee will have to go into it. The Committee will have to summon and hear ordinary citizens. Suppose this Committee goes there to find out more people in addition to these more than 18 people, perhaps some members of the Committee may be slapped or beaten and there will be another privilege motion against those people. How can the Committee go there and make investigation? If according to Shri 2443 LS—9

Manoharan they are hooligans and the privilege motion is against the hooligans, to whatever party they may belong, how can Professor Mukerjee and other members of the Committee go and investigate into it? It is something extraordinary. My suggestion is let the entire House condemn this incident. That should be enough. In public life people are man-handled. In the morning we are greeted with flowers and in the evening we are greeted with something else. So, I would suggest that we adopt some sort of motion of disapproval or condemnation of this incident. I would request Shri Manoharan also to realise the implications of such an investigation by the Privileges Committee. It will be very difficult for the Committee to make an inquiry. If somebody belonging to the public wants to gain some prominence, he can throw some paper into the Chamber.

MR. SPEAKER: Here in this case the Member is not attending to any other public duty but trying to attend to his parliamentary duty. The suggestion which you have given is a very dangerous one.

SHRI S. M. BANERJEE: What suggestion?

MR. SPEAKER: To ignore this?

SHRI S. M. BANERJEE: I suggested this to be considered as an experimental measure.

MR. SPEAKER: Tomorrow another Member may be involved. That is why I did not want to take a decision off-hand. I saw the old cases and I have laid the position before you. I agree that Shri Manoharan has deleted some portions of the motion on my suggestion. But I agree with the suggestion that since the Chief Minister also expressed regret, why not we get the information from the State Government? Then everything would

[Mr. Speaker]

be before the House. I will ask the State Government to send the report in four or five days.

SHRI K. MANOHARAN: So, your suggestion is that this matter may be referred to the Chief Minister?

MR. SPEAKER: Get information about the incident.

SHRI PILOO MODY (Godhra) Not from the Chief Minister but from the State Government.

SHRI K. MANOHARAN: The State Government embodied by the Chief Minister. As the person who has been man-handled, I wish Shri Vajpayee to understand the feelings of a Member of Parliament who was on his way to Delhi to attend the session and who was man-handled on the way. I have correctly mentioned the names of the people who man-handled me. It is the duty of the Privileges Committee to investigate the matter and find a solution, instead of asking the State Government to do it. I am very happy that the Chief Minister of Tamil Nadu has rightly condemned it. So, he has himself admitted that the assault was made on me. The Chief Minister is not going to say that there was no assault at all on Shri Manoharan. So, while I have got the highest regard for him, even though he has very much regretted it, this question has to be decided by the House through its Privileges Committee, and no one else. I was beaten and man-handled when I was coming to attend the session of Parliament. If I do not get any protection from this House, where else should I go? If we have no precedents, I would say that we must set up new precedents.

MR. SPEAKER: Did you lodge a report with the police?

SHRI K. MANOHARAN: That is another aspect. Even though a lot of police people were there, they did not come to my rescue till the commotion was over.

SHRI S. M. BANERJEE: That is a serious matter.

SHRI K. MANOHARAN: Now I have been man-handled. Tomorrow, my hon. friend, Shri Vajpayee, may be man-handled. It is a serious matter. When this took place the entire police were passive spectators; they were watching the scene. After that commotion died down, they came to me and started consoling me saying, "We are very sorry; we did not know."—this and that. That is why I request you and I request the entire House, let us forget party affiliations and party considerations, let us come to a conclusion to send it to the Privileges Committee. I hope, the House will have no objection to that.

SHRI H. M. PATEL (Dhandhuka): Sir, the motion that has been moved names two persons.....

SHRI K. MANOHARAN: I can name so many persons.

MR. SPEAKER: Mr. Manoharan, You have just mentioned two persons leading a few others.

SHRI K. MANOHARAN: That is precisely the point. I know all the people. They were with me when I was in the D.M.K.

SHRI H. M. PATEL: The privilege motion names two persons leading a crowd of people. It also says that the police was present at the airport and took no notice of it. If it is referred to the Privileges Committee just as it is, what will the Privileges Committee do? It will call upon these two persons to come before them and give evidence, whatever they have to say in regard to this matter. But the Privileges Committee is bound to

ask further questions. For that, they will have no material before them at all. It seems to me, therefore, appropriate,—in spite of the fact that it is possible that the report may be prejudiced, but due weight can be given to the fact—that the first thing to be done is—and that will be the right precedent also—that the State Government should be asked to investigate into this matter and submit their report. It is for the Privileges Committee to judge whether it is a biased report or whether it is a correct report.

SHRI ATAL BIHARI VAJPAYEE: The report of the State Government should come to the House. Then the house can discuss it and send it to the Privileges Committee.

MR. SPEAKER: I think, we should stick to one thing. Yesterday, we said that Mr. Manoharan should delete that portion and then we will see it. He has done it. Now, in spite of that, our minds are not very clear about it. I would also request Mr. Manoharan to stand by us. He will not lose anything by it. I will get the information from the State Government and come again before the House. It does not mean that our minds are prejudiced. We will deal with the privilege motion as we deal with other motions. I will come with the information before the House. I think, he will accept it. Hence I end the matter here. He will collect the information through the Home Ministry of Government of India. That is the normal practice that we have followed in the past. We will follow that.

13.50 hrs.

PAPERS LAID ON THE TABLE

INCOME-TAX (3RD AMDT.) RULES
EMERGENCY RISKS (GOODS) INSUR-
ANCE (3RD AMDT.) SCHEME ETC. AND
NOTIFICATIONS

THE MINISTER OF STATE IN

THE MINISTRY OF FINANCE
(SHRI K. R. GANESH): I beg to lay
on the Table—

(1) A copy of the Income-tax (Third Amendment) Rules, 1972 (Hindi and English versions) published in Notification No. S.O. 573(E) in Gazette of India dated the 1st September, 1972, under section 296 of the Income-tax Act, 1961. [Placed in Library. See No. LT-3616/72.]

(2) A copy of the Emergency Risks (Goods) Insurance (Third Amendment) Scheme, 1972 (Hindi and English versions) published in Notification No. S.O. 588(E) in Gazette of India dated the 11th September, 1972, under sub-section (6) of section 5 of the Emergency Risks (Goods) Insurance Act, 1971.

(3) A copy of the Emergency Risks (Understakings) Insurance (Third Amendment) Scheme, 1972 (Hindi and English version) published in Notification No. S.O. 589(E) in Gazette of India the 11th September, 1972, under sub-section (7) of section 3 of the Emergency Risks (Undertakings) Insurance Act, 1971. [Placed in Library. See No. LT-3700/72.]

(4) A copy of the Customs and Central Excise Duties Drawback (Second Amendment) Rules, 1972, (Hindi and English versions) published in Notification No. G.S.R. 1015 in Gazette of India dated the 26th August, 1972, under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. LT-3714/72.]

(5) A copy each of the following Notifications (Hindi and English versions) under section 38 of the Central Excises, and Salt Act, 1944:—

- (i) The Central Excise (Tenth Amendment) Rules, 1972 published in Notification No. G.S.R. 1319 in Gazette of India dated the 16th September, 1972.