

प्रश्न पूछने के बारे में जो नियम है —
नियम सं० 41 (बी) — उसमें लिखा हुआ
है कि —

"it shall not ask for an expression of opinion or the solution of an abstract legal question...."

यदि ओपीनियन पूछी जाती है, तो इस प्रश्न को कैसे स्वीकार किया गया ?

अध्यक्ष महोदय : ओपीनियन नहीं, फेक्ट्स पूछे गये हैं ।

Restrictions on Members of Parliament

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- S.N.Q. 29. Shri Madhu Limaye:
Shri S. M. Banerjee:
Shri A. K. Gopalan:
Shrimati Renu
Chakaravartty:
Shri Umanath:
Shri Mohammed Koya:
Shri Maurya:
Shri Sarjoo Pandey:
Shri Daji:
Shri Tridib Kumar
Chaudhuri:
Shri Bagri:
Shri S. Kandappan:
Shri Indrajit Gupta:
Shri Narasimha Reddy:
Shri Surendranath
Dwivedi:
Dr. Ranen Sen:
Shri Kolla Venkaiah:
Shri Ram Sewak Yadav:
Shri Imbichibava:
Shri J. B. Singh:
Smt. Vimla Devi:
Shri Kishen Pattnayak:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government's attention has been drawn to the blatant manner in which the police are shadowing Shri A. K. Gopalan and other Members of Parliament, censoring their letters and tapping their telephones;

(b) if so, the legal position in the matter;

(c) whether it is permissible to carry this shadowing/censoring/taping

to the point of frightening away people or constituents from meeting and associating with the said Members of Parliament and creating obstruction, hindrance or impediment in the performance by them of their parliamentary duties; and

(d) if not the action taken or proposed to be taken by Government?

The Minister of Home Affairs (Shri Nanda): (a) to (d). I have had detailed inquiries made in this connection from the concerned authorities and am in a position to say that allegations of harassment to Members or their visitors, tapping of telephones or shadowing are totally incorrect. There are legal provisions in the Indian Post Office Act empowering the Central and State Governments to intercept, detain or in any other manner dispose of postal articles in the interests of public safety or tranquility. In all cases of action under section 26 of the Indian Postal Act, the procedure followed ensures expeditious clearance of mail for delivery, and this is normally done within two-three hours.

Shri S. M. Banerjee: I rise on a point of order.

अध्यक्ष महोदय : उन्हें क्वेश्चन पूछने दीजिये ।

श्री मधु लिमये : मंत्री जी का जवाब बिलकुल सुनाई नहीं दिया । मैं उसे बिलकुल नहीं समझ पाया । अच्छा होगा अगर फिर से उसे पढ़ दिया जाये ।

श्री मौर्य : मेरी समझ में भी वह नहीं आया ।

Shri Nanda: I will read the statement again.

Shri S. M. Banerjee: I rise on a point of order.

अध्यक्ष महोदय : अभी चलने दीजिये ।

श्री सं० मो० बनर्जी : जी नहीं, प्वाइंट ऑफ आर्डर सुन लीजिये ।

Previously a similar question was asked of the Minister of Parliamentary Affairs and Communications I remember in the last session, and he said that though there are provisions under the Indian Postal Act, instructions are issued by the Home Ministry. At that time also we demanded that both the Ministers should reply. It is shirking responsibility. I would only ask you that the Minister of Parliamentary Affairs and Communications—Shri Jaganatha Rao is here—should also throw some light. Otherwise, again this question will be shifted from the Home Ministry to Communications.

Mr. Speaker: There is no point of order.

श्री मधु लिमये : अध्यक्ष महोदय, मेरे प्रश्न का जो पहला हिस्सा था उस में पूछा गया था कि क्या शैडोइंग, सैंसरिंग ग्रीफ लेटर्स और टैपिंग ग्रीफ टेलीफोन्स हो रहा है, या नहीं, मैं मंत्री महोदय से जानना चाहता हूँ कि संसद् के जितने सदस्य हैं क्या उन में से किसी का टेलीफोन टैप किया जाता है, पत्र खोले जाते हैं या उनका पीछा आप के पुलिस वाले करते हैं ?

श्री नन्दा : मैं ने सारी बातों का जवाब दे दिया है।

श्री मधु लिमये : आप ने हैरिसमेंट के बारे में कहा है जबकि मेरा प्रश्न बिल्कुल निश्चित है कि उन की शैडोइंग भी की गई है, टैपिंग भी की गई है लेकिन मंत्री जी ने उनके बारे में न कह कर सिर्फ हैरिसमेंट की बात कही है

अध्यक्ष महोदय : शैडोइंग और टैपिंग ग्रीफ टेलीफोन्स के लिए भी उन्होंने कहा है।

श्री मधु लिमये : सवाल तो यह है कि यह डोइंग, सैंसरिंग और टैपिंग किन्हीं का होता है या नहीं ?

श्री नन्दा : यह तीनों शैडोइंग, सैंसरिंग और टैपिंग ग्रीफ टेलीफोन्स किसी की नहीं होती है। (व्यवधान)

श्री मौर्य : यह बिल्कुल झूठ बात है।

श्री नन्दा : माननीय सदस्य "झूठ" कह रहे हैं यह प्रामाणिक है और वह ऐसा क्यों कह रहे हैं।

Shri Indrajit Gupta: What is the meaning of his reply?

श्री मौर्य : यह बिल्कुल झूठ बात है।

अध्यक्ष महोदय : मेम्बर साहब को यह पता नहीं है कि क्या इस तरह से झूठ कहना गलत बात है वह इस शब्द को वापिस लें।

श्री मौर्य : हमारे टेलीफोन्स टैप हो रहे हैं क्योंकि हम भ्रूक्तभोगी हैं और हम ने पूछा है कि क्या उन्हें इस टैपिंग के बारे में कोई जानकारी है

अध्यक्ष महोदय : यह दूसरा सवाल है।

श्री मौर्य : जो उन्होंने कहा है वह सत्य से बहुत दूर है।

अध्यक्ष महोदय : मैंने कहा है कि माननीय सदस्य अपने उन शब्दों को वापिस ले।

श्री मौर्य : जो उन्होंने कहा है वह सत्य से बहुत दूर है।

अध्यक्ष महोदय : मैंने कहा कि आप अपने अल्फाज वापिस लीजिये।

श्री मौर्य : मैंने कहा कि मैं दुःखस्त कर रहा हूँ क्योंकि जो उन्होंने कहा है वह सत्य से बहुत परे है।

अध्यक्ष महोदय : दुःखस्ती का जाने दीजिये आप अपने लफ्ज वापिस लीजिये।

Shri Nanda: This should be withdrawn.

Shri Maurya: He is not telling the truth.

अध्यक्ष महोदय : माननीय सदस्य से मैं फिर कहता हूँ कि वह अपने शब्द वापिस लें ।

Shri Maurya: He is not supposed to tell a lie in the House. He is doing it.

Mr. Speaker: Now I will ask him to withdraw that ward.

The Deputy Minister in the Ministry of Home Affairs (Shri Vidya Charan Shukla): He must withdraw that.

Mr. Speaker: I am asking him to withdraw it.

श्री मौर्य : हाउस के सामने मंत्री जी ने असत्य बात कही है ।

Mr. Speaker: I am asking him to withdraw that word.

श्री मौर्य : आप बहुत जोर दे रहे हैं इसलिए मैं अपने अल्फाज वापिस लेता हूँ ।

श्री मधु लिमये : आपके सामने जब गुट नेताओं की बैठक हुई उसमें श्री गोपालन ने आपके सामने वह पत्र दिखाया जो कि संसर हुए थे । और मंत्री महोदय कह रहे हैं कि पत्रों को खोला नहीं जाता है ।

अध्यक्ष महोदय : इंडियन पोस्ट आफिस ऐक्ट के मातहत यह पोस्टल आर्टिकल्स को खोला आदि जाता है ।

श्री मधु लिमये : उन्होंने कहा कि नहीं खोला जाता है ।

श्री नन्दा : मैंने यह नहीं कहा है ।

श्री मधु लिमये : खोला जाता है । बहुत अच्छा ।

मेरा दूसरा प्रश्न यह है कि भारत सुरक्षा कानून के जो नियम बनाये गये हैं उन नियमों की संख्या 22 (2) और 22 (3) के ऊपर मैं मंत्री महोदय का ध्यान दिलाना चाहता हूँ :

The Central Government may by general or special order either generally or with reference to any particular place within or without India prohibit, regulate, restrict or impose conditions upon the receipt or transmission and/or despatch from India of any postal article of any class or description.

आगे है :

Any order made under sub-rule (2) may with a view to securing compliance thereof provide for the interception retention examination of the contents of any postal articles by such authorities in such circumstances as may be specified in the order.

मैं जानना चाहता हूँ कि क्या इस किसम का कोई हुक्म जारी किया गया है इस नियम के के मातहत, यदि है तो क्या वे इसे सदन की टेबल पर रखने के लिए तैयार हैं ?

श्री नन्दा : जो कुछ हो रहा है वह मैंने बतला दिया कि पोस्ट आफिस ऐक्ट के अधीन हो रहा है उसके अलावा और कोई आर्डर इश्यू नहीं किया गया है ।

अध्यक्ष महोदय : वह उसे टेबल पर रखने के लिए तैयार हैं ?

श्री नन्दा : मैंने कहा कि और कोई आर्डर नहीं है ।

श्री रामसेवक यादव : मैं इस पर व्यवस्था का प्रश्न उठाना चाहता हूँ । मैं इस पर आप से मार्ग दर्शन चाहूंगा । मंत्री महोदय ने नहीं में उत्तर दिया लेकिन गोपालन साहब अपने आरोप पर कायम हैं तो मैं आपसे जानना चाहूंगा कि क्या एक सदस्य अगर कोई बात कहता है जो कि भुक्तभोगी है और उक्त

टेलीफोन टैप होता है और उसकी शैडोइंग होती है तो उसके बयान की क्या कोई कीमत नहीं होगी? जब हमारे ऊपर...

अध्यक्ष महोदय : मैं समझ गया।

श्री रामसेवक यादव : मैं भी भुक्तभोगी हूँ। हमारे ऊपर और उनके ऊपर अत्याचार होता है जब कहते हैं कि उसकी अधिकारियों से जांच करवाये तो इंकार कर दिया जाता है तो इस तरह से कैसे काम चलेगा?

अध्यक्ष महोदय : इसमें व्यवस्था की क्या बात हुई? असल बात तो यह है कि उसमें तहकीकात की जरूरत होगी तो तहकीकात करायी जायगी।

Shri A. K. Gopalan: Mr. Speaker, Sir, I am surprised at the answer given by the Home Minister. Many of the Members of this House have actually seen half a dozen CIDs being posted in front of my house at the gate. Many of the journalists also who have come there, parliamentary reporters, also have not only seen them but the number of their cars and other things were noted and with cycles and car posted with the CIDs they are following me. I want to know whether he is denying this fact.

Shri Nanda: Knowing the importance of the hon. Member... (Interruptions.) I took special care to check up on my own and I paid four visits to the hon. Member's house; I did not enter it and I went there on three separate days and at different hours. I can say that the hon. Member in his innocence might be thinking that some innocent passersby who might be loitering roundabout there. (Interruptions.) I can say that on the first day when I visited the place, I found that there was one person on one side of the road.

Shri Vasudevan Nair: Did you give previous notice?

Shri Nanda: I did not go by the staff car; I did not go in my car. I took a friends car so that nobody might notice and I can say that nobody knew at all, in my office also, as to where I was going. I saw there one person. I can give this information. There was nobody nearabout except a machineman of the tubewell just in front of the residence and an old man across the road and on enquiry it was found that the old man was the sewerage man of the Municipal Committee. Similarly, on another occasion I went at the back side and then also there was nobody there.

Shri A. K. Gopalan: I just want to make one submission; please allow me. Please permit me and then you can see whether what I say is correct or what the Home Minister says is correct. The Home Minister goes there, after the privilege notice was given I know the policemen because when I had been coming here for the case they had been following me. I know personally who are the CIDs here, because several times when I came to the Supreme Court here they were following me. Not only that. When the privilege motion was given here, after that, instead of staying there, they were just moving about. I want to know whether the Home Minister has gone and seen after I gave the notice of privilege motion. I want to say that there are many hon. Members who know it; Shri Dwivedy, for example. I have shown to him in the bus when I was coming, I had shown them. (Interruption).

Mr. Speaker: Order, order. I can tell you that he has gone after that notice, because I had asked him to just see. (Interruption). Order, order. Shri Mukherjee.

Shri H. N. Mukherjee (Calcutta Central): In view of the obvious contradiction between what the Minister says and what Shri Gopalan is apparently in a position to establish as the truth, one or the other Member is misleading the House. This is a point

of fact which has got to be established. May I know, in view of this contradiction having come up in the course of answers to supplementaries to this question, if this matter would be referred to a relevant agency, for example, the Committee of Privileges, in order to ascertain the facts, because we cannot go out of this House with a feeling that Shri Gopalan is in a position to substantiate the allegation and other Members are also in a position to do so, and members of the press can be brought in to give evidence, while the Minister's information is exactly contrary to that; we ought to know the position.

Mr. Speaker: After the supplementaries we will see.

श्री मौर्य : गृह मंत्री जी ने यहां पर बतलाया कि वह गोपालन साहब के

अध्यक्ष महोदय : बहुत मेहरबानी होगी अगर मेम्बर साहबान सिर्फ सवाल करें।

श्री मौर्य : एक बात मेरी समझ में नहीं आती। सारे लोग तो पांच पांच मिनट बोल कर तब सवाल करते हैं और मुझ को ठीक से सवाल भी नहीं करते दिया जाता।

अध्यक्ष महोदय : अच्छा आप जिस तरह सवाल करना चाहते हैं कीजिये।

श्री मौर्य : गृह मंत्री जी ने यह बयान दिया कि वह स्वयम् ही श्री गोपालन की कोठी पर गये थे और वहां उन्होंने पुलिस का कोई आदमी नहीं देखा। मैं स्वयम् भी श्री गोपालन की कोठी के सामने से एक दो बार नहीं, आज से एक हफ्ते पहले दस बारह बार गुजरा हूँ, और मैंने अपनी आंखों से देखा है, मैं सी० आई० डी० के लोगों को भी जानता हूँ, पुलिस वालों को भी जानता हूँ, उनसे मुलाकात ही नहीं व्यक्तिगत जान पहचान है। मैंने स्वयम् अपनी आंखों से देखा है कि आज से एक हफ्ते पहले वहां पुलिस के लोग बैठे हुए थे और वहां पर बड़े कुछ नोट भी करते हैं कि कौन गया और

कौन निकला। मैं जानना चाँहूँगा कि गृह मंत्री जी आज से एक हफ्ते पहले गये थे या दो बार दिन पहले गये थे। अगर वह दो बार दिन पहले गये थे, एक हफ्ते पहले नहीं गये थे, तो वह जिन पुलिस के लोगों को मैंने अपनी आंखों से देखा है, और दो बार बार नहीं, दस बारह बार देखा है, वह किसके ट्रक से वहां गये थे।

Shri Nanda: There may be some other persons interested in the hon. Member. My agency, and other organisations, have told me definitely and specifically that they made no such arrangements. There may be other persons.

एक माननीय सदस्य : मंत्री महोदय ने इस बात का जवाब नहीं दिया कि वह कब गये थे।

श्री नन्दा : मेरे पास एक तारीख 29 अगस्त की है, एक 3 सितम्बर की है और एक और दिन है जिसका नोट मेरे पास नहीं है।

श्री प्रिय गुप्त : प्वाइंट आफ आर्डर।

अध्यक्ष महोदय : प्वाइंट आफ आर्डर पर ज्यादा बक्त न लगा कर सवाल किया जाये तो ज्यादा मुफ़द होगा।

Shri Priya Gupta: It is an important point of order which arises out of this.

Mr. Speaker: It may not arise out of this; only the time of the House is wasted.

श्री प्रिय गुप्त : गृह मंत्री जी ने कहा कि वहां पर कोई आदमी न निगरानी रखने के लिये गया और न मेम्बरों का हाल चाल लेने के लिये गया। मैं जानना चाहता हूँ कि अगर कोई आदमी हमारी कम्पाउंड के अन्दर जाये तो क्या हम उसको धक्के मार कर निकाल सकते हैं।

अध्यक्ष महोदय : मैं अपोजीशन वालों से दख्बस्त करूँगा कि कई दफे ऐसी बातें उठा दी जाती हैं जिनकी जरूरत नहीं होती। कुछ

वह अपने ऊपर सेल्फ रिस्टेंट करें। प्वाइंट आफ ऑर्डर पर बहुत टाइम जाया होता है। वह इस तरह से न किया करें।

Shrimati Renu Chakravartty: All of us know that there are from time to time watches in front of our houses, whatever the Minister may say. May we take it that those who are kept as watches—when there is anybody on a cycle or in a car—they are there illegally and in an unauthorised manner and that if we can get hold of them, then the Home Minister will punish them and state in this House that he has punished them?

Shri Nanda: If anybody commits any illegal act and a complaint is made certainly necessary punishment will follow. As I said, I have just received reports from these organisations that there is nobody being deputed or assigned any such duties. Regarding, Members of Parliament, there are definite instructions.... (Interruptions).

Mr. Speaker: Order, order. All the Members shall sit down when I am standing.

होम मिनिस्टर साहब ने कहा है कि अगर कोई और जा रहा हो तो उनको पता नहीं। जब मेम्बर साहबान इतने इन्सिस्टेंट हैं तो उनको बतला दिया जाये कि होम मिनिस्टर से वाहर कोई और भी एजेन्सी है जो उनको देख सकती है।

श्री नन्दा : सिवा गवर्नमेंट के कोई और एजेन्सी नहीं है।

I have enquired from all the agencies concerned and they have stated categorically and definitely that there is nothing being done on their behalf. (Interruptions).

अध्यक्ष महोदय : इस तरह से तो नहीं चलेगा।

एक माननीय सदस्य : अध्यक्ष महोदय (Interruptions). ***

अध्यक्ष महोदय : यह रिकार्ड नहीं होगा। (Interruptions). **

Shri Nanda: The hon. member said something.

Mr. Speaker: That has not gone on record. (Interruptions).

Shri P. Kunhan: It is a lie.

Mr. Speaker: This cannot be tolerated. He will have to withdraw it.

Shri P. Kunhan: I withdraw it.

Shri J. B. Kripalani: I hope it will not be out of place to say that twice or thrice in the days of our first Prime Minister of sacred memory, I had said in this House that my telephone was tapped and my letters were opened and when I went to the station, even if I had to travel a short distance, my tickets were examined. I made this complaint. I do not see why my friends make such complaints. Every Government does these things. We have got to live with it, Mr. Gopal.

Shri Daji: I would like to ask Mr. Nanda, in the Western Court, where a number of M.Ps. are staying, there are different CIDs—one Sardarji for myself and Mr. Indrajit Gupta and a Punjabi for Mr. Kamath. They come to the reception office regularly, and note down the names of all our visitors. They stand in the lawn after we return from Parliament and even accost some of our visitors. May I ask Mr. Nanda, next time I find that Sardarji, because he is unauthorised, am I entitled to beat him and bring him to the house of the Minister? (Interruptions).

Mr. Speaker: That is no question. He cannot do that. He is seeking permission of the Home Minister to beat somebody.

Shri Daji: Should I bring him to his house and show him?

Mr. Speaker: There ought to be something plausible.

Shri Daji: This is very plausible (*Interruptions*).

Shri Hari Vishnu Kamath (Hoshangabad): If he has no orders to be there, then he is an intruder.

Mr. Speaker: That is to be seen.

Shri Tyagi: Sir, at the time of the Chinese invasion, it is in my knowledge, all those persons who were either Communists or known to be Communists, their houses were guarded and security police was posted there to see that nobody did any harm to them. I want to know whether those orders have been withdrawn or they are still doing it.

Shri Nanda: I will answer the limited question. I have given information to the House with respect to the question that has been asked, and that information, I repeat, I reiterate, is absolutely correct. I must add, Sir, that so far as the privileges of the hon. Members are concerned they should be preserved and protected to the fullest extent but, beyond that, where the interests of the security of the nation are concerned, they transcend all other considerations come. (*Interruptions.*)**

Shri Daji: What does it mean, Sir? If this is not being done, Sir, the latter part becomes redundant.

Mr. Speaker: Order order. The should allow me to proceed now (*Interruptions*).

Shri Hari Vishnu Kamath: He has already admitted it.

Shri S. M. Banerjee: Sir from the various replies of the Home Minister, it appears that the letters are not censored, telephones are not tapped, nobody is shadowing anybody and all is well under his regime. But in re-

ply to the pointed question by Shri Tyagi he has neither contradicted it nor accepted it. I would like to know whether it is a fact that there are standing instructions, whether under the Postal Act or under instructions of the Ministry of Home Affairs, that all letters where the postal department has suspicion are to be opened, and sometimes even postal stamps are not put on them just to give a feeling that they do not know when those letters came? I want to know whether such instructions exist or not, and if such instructions exist in the Postal Department, may I know what are those specific instructions, and how many Members of Parliament are there whose letters are censored and telephones are tapped?

Shri Nanda: The hon. Member misunderstood my answer. I never said that letters are not being censored. I only explained the procedure and that is under the Act. I am not going to give any information as to how the postal authorities, under the provisions of a certain Act, are carrying on their duties.

Shri S. M. Banerjee: Sir, May I seek one clarification from you? This is not the first time that I have put this question. When this question was answered by Shri Nanda, I immediately rose on a point of order, because when a similar question was put to Shri Satya Naryan Sinha, he said that under the Act they had to do certain things, but the instructions, if I am correct and if my memory is not failing me, came from the Ministry of Home Affairs and they have been doing it under instructions from the Home Ministry. Otherwise, why should the postal people censor our letters. Not only that, I can tell you, Sir, there are 16 Opposition Members whose names are with the Intelligence people whose letters are regularly censored. I can prove it. Let him deny it.

Shri H. N. Mukherjee: Sir, I rise to a point of privilege. Under Rule 227....

Mr. Speaker: That is a different thing. He will have to give notice.

Shri H. N. Mukerjee: Sir, Rule 227 is very clear. Instead of asking for a request in writing you are in a position, in special circumstances, to have a matter referred to a Committee of Privileges, if you think it right.

It is in your discretion. My submission is—please consider it—that the Home Minister has all but admitted that whatever his decision—that is a different matter—he does have a check for reasons of, what he considers to be paramount national security and he does have an apparatus to check the activities of some of us—right or wrong, it is a different matter. This requires investigation on a proper level. There are statements which are capable of being proved on one side or the other. If during the pendency of a session of Parliament Members of Parliament of whichever party on the ground that they are, according to the judgement of somebody in the Home Ministry, acting against the paramount interest of national security, are having their liberties to function as Members of Parliament consistently and persistently impeded, if that is so—on the question of facts it remains to be determined as to what exactly has been happening and the Minister's reply, in so far as it is a negative reply, refers it seems to things which happened after the matter of privilege was brought out—in view of that, a very clear case having been established, you can, if you choose to exercise your discretion, refer this matter immediately to the Committee of Privileges. I submit that it is a fit case to do that.

Shri S. M. Banerjee: If you want a motion....

Mr. Speaker: Members cannot move a motion like this.

Shri H. N. Mukerjee: If you tell me that you will consider this matter....

Mr. Speaker: Now that he has told me I will see if it is proper for me to do that *suo motu*.

Shri S. Kandappan: The Minister is repeatedly asserting that no one from his department is deputed or posted at the residence of Shri Gopalan; on the other hand, he says that it might be somebody else or some other agency. That means, it may be the CIA or somebody else. Then it is more serious. Shri Gopalan is talking on some facts and has represented them to the House. I think, he should be given an opportunity to substantiate the allegations or charges that he has brought before the House. I would like to know from the Government whether the Government is prepared to probe into this matter thoroughly.

Shri Nanda: I have said that we have probed it thoroughly. No agency connected with the Government has had anything to do with that. When I said, "somebody", it may be one party as against another party.

Shri Hem Barua: The hon. Home Minister has, by implication, rather admitted that security arrangements are made for certain Members. May I submit in this connection that he will like those Members to die rather than provide for their security arrangements and all that? Whatever that might be, even letters are opened. Here is a letter addressed to Shri A. K. Gopalan.

Mr. Speaker: He has shown that. He might put the question.

Shri Hem Barua: I am putting the question. During the British days also letters were opened but they were neatly opened and neatly gummed. Now-a-days, what happens often is that they send letters like that, without gumming them... (*Interruption*). or they put a lot of gum so that you cannot open them... (*Interruption*). On the basis of what Shri Mukerjee has said this matter, because of the contradiction in the statement of the Home Minister, should go to the Privileges Committee. You can do it because it

was only last week that you invoked rule 227 on your own. I think, you will come forward and invoke rule 227 and send this matter to the Privileges Committee.

12 hrs.

Shri U. M. Trivedi : The Home Minister has agreed that letters of some Members of Parliament are opened in the post office under the provisions of the Post Offices Act. I have been a victim of it for the last 16 or 17 years. I would like to know what are the criteria by which it is judged that the letters of Members should be opened. In my particular instance—I do not know whether others also have suffered—letters which pertain to my professional work and engagements are kept back and delivered only when the date of the engagement is past. This results in serious pecuniary loss to me. I will, therefore, request that some criteria may be indicated; or, we may write on plain postcards so that they might be read and read very clearly.

Shri Hem Barua : May I submit that my letters from my wife are also censored... (Interruption).

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूँ कि अगर किसी आदमी पर एस्पियोनेज का सन्देह है और इस लिए उसका टेलीफोन टेप किया जाता है और चिट्ठियाँ खोली जाती हैं, अगर वह आदमी किसी एम० पी० को फोन करे, तो क्या वह टेप किया जायेगा या नहीं।

अध्यक्ष महोदय : यह एक हायपोथि-टिकल क्वेश्चन है।

श्री त्यागी : मिनिस्टर साहब ने इसका जवाब नहीं दिया है। जरूर होगा।

Shri Indrajit Gupta : Does the hon. Minister remember that about two or three months ago I had occasion to write to him directly requesting him to ask whoever is responsible to see that all my letters, which were coming

to me in an open condition without the flap stuck down, are at least dealt with in a manner which is decent and not repugnant to the ordinary eye? After that I find that all the letters subsequently came closed. Can I not deduce from this that as a result of the letter that I wrote to Shri Nanda and the subsequent action that was taken, it is on the instructions of his authorities and his Ministry that this thing is being done?

Shri Nanda : That has no bearing on it.

श्री राम सेवक यादव : मैं मंत्री महोदय से यह जानना चाहता हूँ कि सुनील दास की गिरफ्तारी के बाद क्या श्री अनुराज घोष का टेलीफोन टेप किया जाता है और उनकी चिट्ठियाँ सेंसर की जाती हैं।

अध्यक्ष महोदय : श्री बड़े।

श्री राम सेवक यादव : अध्यक्ष महोदय, इस सवाल का जवाब आना चाहिए। यह इसी से सम्बन्धित प्रश्न है।

श्री मधु लिमये : इसका जवाब आना चाहिए। यह प्रश्न मूल प्रश्न के भाग (ए) से सम्बन्धित है, जिसमें श्री ए० के० गोपालन और अन्य संसद् सदस्यों के बारे में पूछा गया है।

अध्यक्ष महोदय : एक एक मेम्बर के बारे में नहीं पूछा जा सकता है।

श्री राम सेवक यादव : यह इसी से सम्बन्धित प्रश्न है।

श्री मधु लिमये : इसका जवाब आना चाहिए।

श्री बड़े : क्या सरकार के पास हर एक प्रदेश से, जैसे मध्य प्रदेश, उत्तर प्रदेश और महाराष्ट्र से, सी० आई० डी० की तरफ से अनडेजायरेवल पर्सन्स की लिस्ट

आती है, जिसमें कोड नेम दिये जाते हैं, जैसे मेरा कोड नेम "19 एम० पी०" है और श्री कछवाय का कोड नेम "23 एम० पी०" है ? क्या इस तरह के वायरलेस सन्देश भी आते हैं कि "वाच 19 एम० पी० कर्मिग" और "वाच 23 एम० पी० कर्मिग" ? क्या उसके बाद होम मिनिस्ट्री की तरफ से यह आदेश दिया जाता है कि उन लोगों के टेलीफोन को टैप किया जाये, उन की चिट्ठियों को सेंसर किया जाये, उन पर वाच रखी जाये और क्या उनके घरों के सामने सिक्युरिटी सैकशन की पुलिस खड़ी रहती है ?

श्री नन्दा : इस वक्त मध्य प्रदेश का सवाल नहीं उठता है। हमारी डायरेक्शन यह है कि पार्लियामेंट के मेम्बरज पर कोई सरवेलेस न हो।

अध्यक्ष महोदय : श्री बागड़ी।

श्री राम सेवक यादव : अध्यक्ष महोदय, आप मेरा निवेदन सुन लें कि मेरे प्रश्न का उत्तर नहीं दिया गया है। इस प्रश्न में जिस प्रकार श्री गोपालन और कई अन्य सदस्यों के बारे में पूछा गया है, उसी तरह से मेरा स्पेसिफिक क्वेश्चन एक माननीय सदस्य के बारे में है। उस प्रश्न का उत्तर दिया जाना चाहिए।

अध्यक्ष महोदय : मैंने उसकी इजाजत नहीं दी है।—श्री बागड़ी।

श्री बागड़ी : दस दिन के करीब हुए कि मैं श्री गोपालन के मकान पर गया था और वहां पर एक दो नहीं, बल्कि पांच छः पुलिस के कर्मचारी देखे थे। हो सकता है कि वे गश्त के लिए खड़े हों और हो सकता है कि वे उन के लिए पहरा दे रहे हों। हो सकता है कि...

अध्यक्ष महोदय : माननीय सदस्य सवाल करें।

श्री बागड़ी : मेरा निवेदन यह है कि कई माननीय सदस्यों ने खुद वहां पर सरकारी

कर्मचारियों, पुलिस वालों को देखा है और माननीय घर मन्त्री महोदय इस से इंकार करते हैं। तो क्या बाकायदा तौर पर इस बात की एन्क्वायरी कराई जायेगी और अगर पुलिस गृह मन्त्री के आदेश के बगैर इस तरीके से मेम्बरज को हैरास करती है, तो जिसने ऐसा काम किया है, उसके खिलाफ क्या एक्शन लिया जायेगा ?

श्री नन्दा : मैंने पुलिस एथोरिटीज से पूछा है। वे कहते हैं कि वे नहीं भ्रंज रहे हैं।

श्री राम सेवक यादव : अध्यक्ष महोदय प्रश्न का उत्तर ही नहीं आता है।

अध्यक्ष महोदय : आप इस तरह से नहीं पूछ सकते हैं।

श्री राम सेवक यादव : मेरा निवेदन यह है कि आखिर उत्तर और जानकारी के लिए ही प्रश्न पूछे जाते हैं।

अध्यक्ष महोदय : अगर मैं किसी सवाल की इजाजत नहीं देता हूं, तो उसका जवाब देने की जरूरत नहीं है।

श्री राम सेवक यादव : आपने उस प्रश्न की इजाजत दी थी। मैं अपने प्रश्न के बारे में नहीं कह रहा हूं। मैं श्री बागड़ी के प्रश्न के बारे में कह रहा हूं। मैंने श्री अनुल्य घोष के बारे में जो प्रश्न पूछा है, मैं उसके बारे में नहीं कह रहा हूं। माननीय सदस्य, श्री बागड़ी, ने यह प्रश्न पूछा है कि इस सदन के कई माननीय सदस्य, जैसे श्री गोपालन, श्री मंत्र्य, खुद श्री बागड़ी, श्री पीटर अल्वारैस और कई दूसरे माननीय सदस्य कहते हैं कि यह हो रहा है और माननीय गृह मन्त्री इससे इंकार करते हैं, तो क्या गृह मन्त्री इस की जांच करवायेंगे ? उस प्रश्न का उत्तर नहीं दिया गया है।

अध्यक्ष महोदय : उसका जवाब दे दिया गया है।

श्री राम सेवक यादव : नहीं दिया है।

श्री मधु लिमये : क्या उत्तर है ?

अध्यक्ष महोदय : उन्होंने उत्तर दिया है कि उनकी जितनी एजेन्सीज हैं, उन से उन्होंने दर्याफ्त करके इस सवाल का जवाब दिया है, इस लिए उन्हीं एजेन्सीज से बह और एन्क्वायरी क्या करा सकते हैं।

Shri H. N. Mukerjee : I want to make a submission which arises out of this. Are we to function in a parliamentary system or not? If it is the former, then it is not permissible to differentiate between party and party and between Member and Member and apply special administrative processes to certain parties or certain Members during the pendency of Parliament. I can understand the law of the land operating so that certain parties are pushed out of the picture or certain Members are pushed out from normal life.

Sir, it is most mortifying to hear Government saying openly that there are considerations of national security—that is how they put it—which authorise Government to differentiate between Member and Member and between party and party and apply certain very special administrative processes against certain Members and certain parties. If that is so, certain basic questions regarding the very functioning of parliamentary system arise. I beg of you to consider it. We are at the fag end of the session and in this session, so many incidents have taken place and pandemonium has become the order of the day, largely because of Government behaving in a manner which suggests as if we do not have an existence of parliamentary system. The answers to the questions

which have been given show that. In so far as the possible continuation of parliamentary system is concerned, some of them may be behaving as if we are not very much in favour of the parliamentary system. But that is a different matter. The parliamentary system is being subverted by the kind of action which the Government is initiating and it is openly stated in Parliament. Where do we stand? Mr. Nanda says that on account of paramount national consideration, certain Members who are functioning here on equal right with everybody, are being subjected to certain administrative processes, which Sir, is not dignified for the parliamentary system. Where do we stand? That would mean goodbye to parliamentary system. I beg of you, Sir, who are representing symbolically the entire parliamentary system of the country to consider it. We should not be at the mercy of a majority that might be in Parliament at a particular point of time.

Shri Nanda : I question the assumptions made by the hon. Member. He attributes to me a statement as if some distinction is being made or some discrimination is being made between Members of one party and another party. It is not so. When I said that national safety and security is paramount. I said first the privileges of the Members, and then beyond that, I made that distinction. So far as this question is concerned, nothing is done which impedes the work of the hon. Member and beyond that, whatever is needed in the interest of the national security, certainly it has to be done.

श्री हुकम चन्द कछवाय : जो अंग्रेजी अच्छा बोलते हैं, उन को आप तीन तीन, चार चार मिनट तक मौका दे देते हैं, तीन बार हीरेन्द्र मुखर्जी साहब को बुलाया . . .
(व्यवधान)

अध्यक्ष महोदय : तीन बार भी मुझे बुलाना पड़ेगा किसी वक़्त।

Shri Ranga: Are we to understand from what the hon. Home Minister has just now said that no distinction is being made between one member and another and between the ruling party and the other parties? If that is so, how is it that out of these 370 Congress members... (*Interruptions*).

An hon. Member: No one is arrested under D.I.R.

Shri Ranga: ... apart from the Council of Ministers, not even one-tenth of them are being subjected to the kind of indignities that we are subjected to? Let me say this in illustration of that. In regard to postal mail, the letters of no less a person than one who is accepted here by them also as a national leader and who was the first Governor-General of this country and who is my Leader today, Rajaji, are being censored. My letters are also being censored. I am supposed to be one of the few senior-most amongst the whole lot of members here and I have suffered just as much as many of these members, if not more. The same is the case with my Deputy Leader here. Every one of his letters is censored so much so my hon. friend has informed the House that the letters even from his house are being censored. Letters from my house, from my wife, have been censored for such a long time that in the recent past because of the inefficiency or, what you call, the idiotic behaviour of the postal authorities, the letters were mangled in such a manner that she has even ceased writing to me; she only gets my letters. All these things are happening. I can understand if my hon. friend says that in the interest of security of this country, certain things have got to be done; he regrets it, yet they have got to be done. But so far as Members of Parliament are concerned, the privileges are there; therefore, they are not to be tackled in this manner. So he owes an apology to Parliament as well as to the country for allowing that service to make this distinction between Congress members and non-Congress members in Parlia-

ment as well as outside. That is where the question of privilege comes in. So far as my question is concerned, where is this? Is it or is it not a fact that this distinction is being made and if so, why?

I am prepared to make one concession. There is a book called 'Kim' by Rudyard Kipling. There is another book, the report of Justice Warren Commission on Kennedy's murder. Therefore, the C.I.D. may be independent of this Home Minister and the Home Ministry. Let him make that confession that C.I.D. has to carry on its work.

Shri Hem Barua rose—

Shri U. M. Trivedi rose—

Mr. Speaker: We have had enough on this subject. I will request the hon. members to exercise restraint now.

So far as discharge of duties by Members of Parliament is concerned, I have to see that their duties are not impeded. If there is some harassment or impediment placed in the discharge of their duties certainly I will help every Member if any case is brought to me. This as the case Mr. A. K. Gopalan brought to me and I intervened in that immediately. If any other Member has that difficulty, then certainly I am prepared to help him. (*Interruptions*).

Shri S. M. Banerjee: Why don't you order an investigation into the matter?

Mr. Speaker: So far as the other administrative action is concerned, there I cannot interfere; it is not my job.

Now, we take up the call-attention notice. Mr. Ranga. (*Interruptions*).

Shri Hem Barua rose—

Mr. Speaker: Nothing further. I am not calling anybody.

Shri Hukam Chand Kachhaviya
rose—

Mr. Speaker: I am sorry, I cannot call him.

Mr. Ranga:

श्री हुकम चन्द कच्छवाय : मैं इतनी बार खड़ा हुआ। आप मुझे सवाल पूछने दें। अंग्रेजी वालों का यहां महत्व है, हिन्दी वालों का महत्व नहीं है... (व्यवधान) आप अंग्रेजी वालों को महत्व देते हैं, हिन्दी वालों को क्यों नहीं देते हैं?

श्री रामेश्वरानन्द : आप हम लोगों को क्यों नहीं बुलाते ? मैं बीसों बार खड़ा हुआ, आपने मुझे बोलने का मौका नहीं दिया... (व्यवधान)

अध्यक्ष महोदय : मिस्टर रंगा।

12 16 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED DAMAGE TO FOODGRAINS WHILE IN RAIL TRANSIT

Shri Ranga (Chittoor): I call the attention of the Minister of Railways to the following matter of urgent public importance and request that he may make a statement thereon:—

“The reported damage to foodgrains worth several lakhs of rupees when being carried in open railway wagons from Guntakal to various places in Cudappas and Chittoor districts of Andhra Pradesh.”

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): The statement is two pages long. If you so like, I can place it on the Table of the House, or if you want, I can read it out.

Mr. Speaker: If it is a long statement, I can have it placed on the Table of the House and then I can have it circulated to the Members and then give hon. Members an opportunity to put questions later....

Shri Hari Vishnu Kamath (Hoshangabad): Tomorrow morning.

Dr. Ram Subhag Singh: I lay the statement on the Table of the House [Placed in Library. See No. LT-7020/66].

12.17½ hrs.

RE: CALLING-AGITATION-NOTICE (Query)

Shri Indrajit Gupta (Calcutta South West): We had given a calling-attention-notice which you had disallowed. But can a statement be made on that, at any rate? That relates to the incident of lathi-charge on the students. The Home Minister should make a statement.

Shri S. M. Banerjee (Kanpur): About 150 students have been injured. Why should there not be a statement? I rise on a point of order....

Shri Tyagi (Dehra Dun): There should be nothing here beyond what is contained in the Order Paper.

Mr. Speaker: If there is anything that I have disallowed, I would not have it discussed here....

Shri S. M. Banerjee: I rise on a point of order....

श्री रामेश्वरानन्द (करनाल) : अध्यक्ष महोदय, ... अध्यक्ष महोदय, ...

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, इसके ऊपर एक मिनट आप सुन लें।

अध्यक्ष महोदय : मिस्टर बागड़ी, मैंने कहा अब मैं नहीं सुन सकता।...