

# LOK SABHA DEBATES

1973

1974

## LOK SABHA

Thursday, November 24, 1960/Agrahayana 3, 1882 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Memorandum from Shri Grewal

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\*405. { Shri Ram Krishan Gupta:  
Shri Arjun Singh Bhadauria:  
Shri S. A. Mehdi:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government have considered the memorandum submitted by Mr. D. S. Grewal who was acquitted in Karnal murder case; and

(b) if so, the nature of action taken in this regard?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). An Advance copy of a memorial submitted by Shri D. S. Grewal in March, 1960 to the State Government has been received by the Government of India. The State Government have not yet forwarded the original memorial with their comments. Consideration of the memorial was deferred till the Karnal Murder Case was finally disposed of as it referred to a number of matters dealt with in the judgment of the Sessions Court in that case. The memorial will be considered when the original is forwarded by the Punjab Government, together with a statement of facts material to, and an expression of opinion on it as required under the All India Services (Discipline and Appeal) Rules.

1364 (Ai) LS.—1

Shri Ram Krishan Gupta: May I know whether it is a fact that Shri D. S. Grewal in his memorial has drawn the attention of the Central Government to the strictures passed against the Punjab Government and various other officers of I.A.S. and I.P.S. cadre; and, if so, what action Government propose to take against them?

Shri G. B. Pant: Shri Grewal's representation is meant to secure relief for Shri Grewal. That is the purpose of the representation, which has been submitted under the prescribed rules, and we have to wait for the comments and necessary documents before we can dispose of the matter.

Mr. Speaker: The hon. Member only wants to know, what about the other officers?

Shri G. B. Pant: So far as the representation goes, it is submitted by him against the action taken by the Punjab Government against him. It is not meant to indict other officers. It is a representation made by an officer who has himself suffered, according to him, and who has sought relief. That is the purpose of the representation.

Mr. Speaker: But he wants to know, what about the other officers? Whether a representation has been made by him or not, the judgment refers to all of them also as having taken part in that. That is what he wants to know.

Shri G. B. Pant: There could be two ways of dealing with them. Either the court itself could have started proceedings against them for perjury or for anything, if it thought proper; or departmental proceedings have to be taken. The departmental proceedings have in any case to be initiated by the State Government

itself. If any officers belonging to the Central Service are involved, then they submit their case to the Central Government. But the initiative in any case rests with the State Government itself. That is the legal position. And in fact, this was made very clear in a matter which was taken to the Supreme Court by Shri Grewal himself, where the Supreme Court said that the initiative rests with the State Government.

**Shri Ansar Harvani:** In view of the fact that the Supreme Court has passed strong strictures against the Chief Minister of Punjab and in view of the fact that this memorandum was submitted to the State Government in March and more than six months have elapsed, has the Government any intention of asking the State Government to forward this memorandum to them immediately?

**Shri G. B. Pant:** Well, so far as I am aware the Supreme Court has not passed any very serious strictures against the Chief Minister. In fact, the court which tried the case has said that he was not directly or indirectly responsible for the evidence that has been given. But so far as the Central Government is concerned, it cannot deal directly with these matters so far as the officers against whom strictures have been made are concerned; and, as I have just now explained the position, the initiative rests with the Punjab Government. And I understand from some reports that I have seen in the papers that they do propose to take some action.

**श्री प्रकाश वीर शास्त्री :** उच्च न्यायालय ने और उच्चतम न्यायालय ने सेशन जज के उस निर्णय को यथावत कायम रखा है जिसमें उन्होंने कहा था कि पंजाब पुलिस ने श्री ग्रेवाल के संबंध में तथ्यों को छिपाया है, न केवल छिपाया है बल्कि पुलिस के रोजनामचे से वह कागजात फाड़ दिये गये हैं जिनमें वे तथ्य अंकित थे। क्या मैं जान सकता हूँ कि

ऐसी स्थिति में डिपार्टमेंटल इन्क्वायरी से क्या कोई सही स्थिति सामने आ सकेगी ?

**श्री गो० ब० पन्त :** जब डिपार्टमेंटल इन्क्वायरी हो जायेगी और उसको रिपोर्ट और कागजात सामने आवेंगे तो सेंट्रल गवर्नमेंट उनको देखेगी।

**Shri Braj Raj Singh:** In view of Shri Grewal having been acquitted by the court, is it now proper under the rules to have instituted a departmental enquiry in respect of the same action for which he was prosecuted in the courts; and may I also know, as eight months have passed since the memorial was submitted to Government, whether Government propose now to intervene in the matter and get the matter expedited?

**Shri G. B. Pant:** The representation was submitted to the Punjab Government; a copy of the representation was sent to the Central Government. The Punjab Government had been awaiting the decision of the Supreme Court which was given only, I think, a few weeks ago; and they will hold an enquiry and then submit a report, if they propose to impose a penalty or punishment on Shri Grewal, to the Central Government.

**Shri Braj Raj Singh:** The previous part has not been answered.

**श्री अर्जुन सिंह भदौरिया :** क्या मिस्टर ग्रेवाल को सरकार उसी प्रकार से कुछ सहायता देने जा रही है जिस तरह से कि डिफेंस मिनिस्ट्री ने कमांडर नानावती को १० हजार रुपये की सहायता दी थी ? क्या यह बात सही है ?

**श्री गो० ब० पन्त :** अब कोई फौजदारी मुकद्दमा तो श्री ग्रेवाल के खिलाफ है नहीं।

**Shri Tangamani:** In view of the fact that Shri Grewal has been acquitted by the highest court in the country, may I know whether information has been received that he has been reinstated in his post?

**Shri G. B. Pant:** There are other departmental proceedings going on against Shri Grewal and those departmental proceedings have been initiated some time ago. It is with regard to those departmental proceedings that I think the questions have been put.

**Shri Ram Krishan Gupta:** May I know whether it is a fact that departmental proceedings were instituted against Shri Grewal after one month of the death of Shri Hazara Singh and others?

**Shri G. B. Pant:** Maybe; I do not keep a diary of the deaths of various persons.

**Shri S. M. Banerjee:** The hon. Minister stated that a copy of the memorial addressed to the State Government has been received by the Centre, but the original memorial has not yet been received by the Centre from the State Government. Since the Punjab Government, especially the Chief Minister, is prejudiced against this particular officer, may I know whether the Central Government will decide this case dispassionately?

**Shri G. B. Pant:** Will he repeat the question?

**Mr. Speaker:** He wants to know, in view of the fact that the State Government is prejudiced against Shri Grewal, whether the Centre will intervene, call for the papers and dispose of the case?

**Shri G. B. Pant:** That we cannot do, but we have asked the Punjab Government to expedite matters.

**श्री प्रकाश बीर शास्त्री :** क्या मैं जान सकता हूँ कि जब सेशन जज के निर्णय के अनुकूल उच्च न्यायालय और उच्चतम न्यायालय ने श्री ग्रेवाल को निर्दोष सिद्ध किया है और श्री ग्रेवाल ने अपने स्मृतिपत्र में यह कहा है कि मुझे पंजाब से हटा कर हिमाचल प्रदेश और दिल्ली का जो नया कैंडर बना है उसमें

भेज दिया जाये और यदि हां तो उस संबंध में सरकार क्या निर्णय लेने जा रही है ?

**श्री गो० ब० पन्त :** जो आफिसर किसी एक स्टेट का होता है उस अहलकार को किसी दूसरी स्टेट को बगैर दोनों की रजामन्दी के भेज नहीं सकते ।

**श्री हेम राज :** क्या मैं जान सकता हूँ कि श्री ग्रेवाल के बरखिलाफ बहुत सारे मुकद्दमात और डिपार्टमेंटल इनक्वायरीज पंजाब गवर्नमेंट के पास चल रही हैं और जिस वक्त तक कि उनका फ़ैसला न हो जाय उस वक्त तक इसका कोई फ़ैसला नहीं किया जायगा ?

**श्री गो० ब० पन्त :** केसेज का मुझे कोई इल्म नह है लेकिन डिपार्टमेंटल इनक्वायरी चल रही है यह मैं जानता हूँ । डिपार्टमेंटल इनक्वायरी के बारे में मैंने अभी साफ किया है कि जब वहां से रिपोर्ट आयेगी तब यहां की गवर्नमेंट उस पर अपनी जांच बगैरह कर सकती है और उसे देख सकती है और उसके फलस्वरूप अगर कोई वहां की गवर्नमेंट को हुकम देना होगा तो दे सकती है । सेंट्रल गवर्नमेंट का ताल्लुक तभी होता है जब डिसमिसल या रिमुवल बगैरह की बात हो । जहां तक छोटी पेनाल्टीज का ताल्लुक है उनमें सेंट्रल गवर्नमेंट का कोई दखल नहीं है ।

**श्री अक्षय दर्शन :** श्रीमन्, क्योंकि श्री ग्रेवाल के मामले ने केवल पंजाब का ही नहीं सारे देश का ध्यान आकर्षित किया है तो क्या केन्द्रीय सरकार पंजाब सरकार से अनुरोध करेगी कि इस मामले में जल्दी से जल्दी निर्णय किया जाय और श्री ग्रेवाल के प्रति अधिक से अधिक न्याय करने का प्रयत्न किया जाय ?

**श्री गो० ब० पन्त :** पंजाब गवर्नमेंट का ध्यान इस ओर आकर्षित किया गया है ।