

**Construction of Road from Rikhnikhhal to Bagar Khal**

1371. SHRI BALRAJ PASSI : Will the Minister of RURAL AREAS AND EMPLOYMENT be pleased to state:

(a) whether the Government propose to construct a motor road from Rikhnikhhal to Bagar Khal via Bayela Malla under Rikhni Khal block in district Pauri Garhwal, Uttar Pradesh;

(b) whether any survey has been done for this purpose; and

(c) the time which the construction work is likely to commence?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL AREAS AND EMPLOYMENT (DEPARTMENT OF RURAL DEVELOPMENT) (SHRI UTTAMBHAI HARJIBHAI PATEL): (a) to (c) . This Ministry does not maintain district-wise and village-wise data on State roads.

12.00 hrs.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, before you take up other matters I would like to submit that the session is coming to an end and all the honourable Members will go back to their respective constituencies. There are several questions which are agitating the mind of hon Members. They will have to reply about those to the people in their areas. For example, take the case of sugarcane growers of Uttar Pradesh. The sugarcane is lying in the fields and nobody is there to procure that. At present the sugarcane growers are on the verge of ruin. This matter has been raised many times, but nobody is ready to reply in this regard.....(Interruptions) Mr. Speaker, Sir, what is happening here? What is his problems ? (Interruptions)

SHRI DATTA MEGHE (Nagpur) : We do not have any problem, in fact, we are helping you.

MR. SPEAKER : He is raising your question only?

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, I have got electef from Uttar Pradesh. Therefore, if I talk about Uttar Pradesh first, then what is the objection to it ? (Interruptions) Therefore, I have said that ther questions pertaining to different areas which hon. Members would like to raise, therefore, it is my submission to you to fix some time for today and tomorrow during whcih hon. Members may raise serious matters relating to their respective States and areas and hon. Minister may give reply to those matters.

[English]

MR. SPEAKER : Yes, I think, the Minister concerned be ready on this point please, for tomorrow.

(Interruptions)

[Translation]

PROF. PREM DHUMAL (Hamirpur) : Mr. Speaker, Sir, there was a point regarding congratulation reference to Indian Cricket Team.....(Interruptions)

SHRI HARIN PATHAK (Ahmedabad) : Sir, grave injustice has been done to Maharashtra in the case of N.T.C. Mills. (Interruptions) There is a question of N.T.C. (Interruptions)

[English]

SHRI LOKANATH CHOUDHURY (Jagatsinghpur) : Sir, the workers of NPCT, a public sector undertaking under the Department of Water Resources have gone on a hunger strike demanding revision of pay, etc. They have continued their hunger strike for more than fifteen days. The conditiopn of the workers has become very serious. I would appeal, through you, Sir, to the Minister for Water Resources to intervene and solve their problems so that the lives of the workers are saved.

CONGRATULATIONS TO INDIAN CRICKET TEAM ON ITS VICTORY

12.03 hrs.

[Translation]

SHRI GUMAN MAL LODHA (Pali) : Sir, Ninety crore people of India are filled with enthusiasm and joy on the victory of Indian Cricket Team over that of Pakistan. This is the unique achievement of Indian sportsmen in the international arena. Therefore, they should be congratulated by the entire House.

[English]

MR. SPEAKER : I think, the hon. Members of this august House would like to congratulate the Indian cricket team for the victory, they have won and, they are one on this point.

SHRI SOMNATH CHATTERJEE (Bolpur) : We should convey out best wishes to them for the semi-final and for the final matches.

12.05 hrs.

OBSERVATION BY THE SPEAKER

[Translation]

SHRI RABI RAY (Kendrapada) : Mr. Speaker, Sir, a discussion was held with the leaders of various political parties that an Additional Sessions Judge, Shri Dhingra had made sweeping observations against the members of Parliament in connection with the case of Shri Kalpnath Rajji, I would like to know the outcome of the meeting held in this regard.

[English]

MR. SPEAKER : Well, I would like to read out what the hon. leaders of the parties in principle, not exactly in the same words, wanted that an expression to the views expressed by them in the House should be given on the floor of the House. In the meeting of the leaders of the parties held in my Chamber, I was asked to give expression to the views of the Members of Parliament regretting and resenting the sweeping observations made against the Parliament and the Members of the Parliament. Before it could be done, the High Court of Delhi has expunged the objectionable observation and has said as follows:

"In the present case, there was no occasion for the learned Additional Sessions Judge to make comments either against the Parliament or its proceedings or against the Parliamentarians or politicians. He ought to have confined himself to the specific issue before him and dealt with the said question and nothing else."

Lords Corman in *Duport Steel Limited versus SAS* Weekly Law Report 142 has observed as follow :

"If people and Parliament come to think that the judicial power is to be confined to nothing other than the judges' sense of what is right, confidence in the judicial system will be replaced by fear of it becoming uncertain and arbitrary in its application".

Again Abraham Lincon has said as follows:

"Nearly all men can stand adversity. But if you want to test man's character give him power."

This statement applies again in the quotation of what the judge of the High Court has said :

"This statement applies to all forms of power including the judicial power. Judicial power also requires to be used with great restraint. In fact, greater the power, greater is the need for restraint. The learned Additional Sessions Judge totally exceeded the normal limitations imposed by judicial restraint in making uncalled for observations against the Parliament, its proceedings, Parliamentarians and politicians. The remarks extracted above are hereby expunged".

These are the views expressed by the hon. High Court. What has been done by the High Court, this is what I am saying, is very judicious and meets the ends of justice and can be appreciated. And that is the spirit in which all the wings of the State should function in the interest of justice, welfare of the people and unity of the country. Mistakes committed by the individuals here or there should not reduce the respect and regard the persons working in all the wings of the State have for one another, for the people and the State and the unity of the country, and should not be corroded or reduced. The balanced judicious and correct Constitutional approach adopted by all would be in the interest of the people, the ends of justice and the unity of the country.

I think , in view of these developments and observations by the High Court, nothing more need be done by this Parliament.

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Sir, may I just have one word on this issue ?

Mr. Speaker, Sir, while greatly welcoming the developments that are taking place so far, I would draw your attention to the fact that the hon. Chief Justice of the High Court has used at the start of his statement, the expression, 'in the present case'. But in actual fact, in addition to this particular Additional Sessions Judge, having made such remarks in the case relating to Shri Kalp Nath Rai, he has also made similar remarks in the case of Shri H.K.L. Bhagat, through his order dated 24th January 1996.

I would not wish to take up the time of the House quoting from that order, but I would request you that supplementally to what has been done, the same kind of action be taken by the High Court at you request on behalf of this House in respect of the order dated 24th January 1996, as the High Court has already taken with respect to the same Shri Dingra's order dated 1st of March 1996. It is important, in this context, to say that even politicians have to be assumed innocent until proved guilty; and therefore, it is for the Chief Justice of the hon. High Court of Delhi to ensure that the politicians who have been arraigned before Shri Dingra's Court are, in fact, given a fair trial.

MR. SPEAKER : You have given me the notice, and the copy is here. I have not given the consent to the notice. But you have expressed your views with respect to what was already discussed.

SHRI RAM VILAS PASWAN (Rosera) : What is the notice for?

MR. SPEAKER : This is the same thing.

SHRI SOMNATH CHATTERJEE (Bolpur) : Is it a privilege notice.

MR. SPEAKER : It is a privilege notice.

But then, the extracts of the judgements and all those things are before us and you have said in your notice also, the remark relates to politicians. Of course, the parliamentarians are also politicians; and yet what has been said by the higher judiciary is just and proper, This august House is of the view that the same principle may be applied to what has been said or done which should not have been said or done.

12.12 hrs.

RE : ATTACK ON DALITS AND PEOPLE BELONGING TO SCHEDULED CASTES AND SCHEDULED TRIBES

[Translation]

SHRI RAM VILAS PAWAN (Rosera) : Mr. Speaker Sir, I would like to draw your attention towards a serious issue.