

[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.

I had gone to Sikri yesterday. I feel very sorry that whenever elections are round the corner, number of cases of atrocities on dalits start increasing. You must have read in newspapers a few days ago that the incidents of atrocities on dalits are on the rise in various parts of the country. I had been to Sikri alongwith a delegation. Sikri is not very far from here. It is 11 kilometres away from Faridabad. Sikri is dominated by dalit people. Their offence was only this that they had tried to stop the customary function of 'Holika Dahan' a day before the Holi. I do not know how many people were involved in the crime but the entire village was attacked. In this incident one person named Harish Chandra was killed. About 50-60 houses were put on fire. This incident occurred on 4th March. The police were also informed about this. But all this took place in the presence of the local police.

SHRI INDRAJIT GUPTA (Midnapore) : Who carried out the attack?

SHRI RAM VILAS PASWAN : The people belonging to higher castes carried out the attack. It was well-planned. This is all reprehensible. Similar incident has come to light in Tamil Nadu. I had been to Kodaikulam. There, 300 dalit families have fled from their villages. Some people are saying that they would change their religion even. Two years ago, fed up with oppression, the people in the Sikri village converted to Buddhism and Sikhism. I consider it a serious incident. The entire House should condemn this incident. Those responsible for the incident, even if they are policemen they should be arrested and a case under section 302 should be filed against them.

What is most surprising is that Rs. 15,000 was taken away from one Ganga Ram, an army personnel posted in Jammu and Kashmir who had come home on leave. His house was torched and family members were injured. I demand a judicial inquiry into the incident. And a case should be filed against those found guilty, even if they happen to the policemen. The kin of the deceased should be given a compensation of Rs. five lakh. Those injured, should be given compensation of rupees one lakh. People in this village are not being allowed to move out of their houses. I demand, that the Government should provide houses built under the Indira Awas Yojana, for the Harijans and the Dalits, to those people whose houses have been burnt or damaged, and employment should be provided to them under the Jawahar Rozgar Yojana. The Government should assure this House that recurrence of such incidents would not be there and for this the Government should take precautionary measures in the entire country. This matter is not confined to a particular party. It is 50 years since the country attained independence, but incidents of atrocities against the Dalits are increasing continuously. This results in affront the House. Therefore, such incidents should be condemned.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : Yes, Sir. We support this.

[Translation]

SHRI KALKA DAS (Karolbagh) : Mr. Speaker, Sir, I have also given a notice in this regard. I thank you for giving me a chance to speak.

Our country achieved independence fifty years ago. But incidents of atrocities against the Harijans and Dalits is on the rise, in various parts of the country. They are being killed mercilessly. Just now, several such incidents were discussed in the House. Be it Sadupur, Dehuli, Dauna or the Panwari incident, serious discussion took place regarding all these incidents. The House is aware that it is enshrined in the Constitution that the human rights, life and property of the Harijans and the Dalits, should be protected. But, even after 50 years of independence this has not been done.

Mr. Speaker, Sir, no amount of condemnation can express our anger against the treatment meted out to the Dalits of the Sikri Village, 13 km. from Faridabad, on the 3rd and 5th March, during Holi. I do not want to repeat their names. But, the rise in the incidents of such oppression show that justice is being denied to the Harijans. Their lives and their rights are not being protected. In the Sikri Village near Delhi, one person was killed, the houses of the Harijans were looted and burnt. In this incident twelve persons were injured and the modesty of the women was outraged.

Mr. Speaker, Sir, what should we think of such incidents, which are on the rise in the country? The Dalits have lost faith in the laws of the land. The Dalits constitute one-fifth of the population. Their rights are not being protected. It is most condemnable. In this incident which took place on the auspicious festival of Holi the life of the Harijans has been made miserable and they have been humiliated and they have been deprived of their rights. The local people say that this incident was the outcome of police conspiracy. Therefore, I demand that those guilty for the Sikri incident be given severe punishment. And an assurance should be given to the Harijans that their lives will be safe.

The second aspect is that the Central Government should take the responsibility of safeguarding the rights of the Dalits in its own hands. And I demand that where ever their rights are violated, it should not be viewed just as a law and order problem. The Central Government should take the matter in its own hands and safeguard the lives and the property of the Harijans and the Dalits.

If this Government is really serious and wants that the dalits should be protected, it should protect their right, their lives should be saved and their property should be safeguarded then the Government should think over formation of a Dalit Ministry. Unless a strong Dalit Ministry is not constituted, the inspection made by the commission will not serve any purpose. I would like to urge upon the Government that a Dalit Ministry should be set up so that their rights can be safeguarded.

SHRI BUTA SINGH : (Jalore) : Mr. Speaker, Sir, the issue raised by Paswan ji is very serious. The Dalits of the village Sikri were celebrating the Holi in a simple way like every year and it was not a new thing. The entire village was set on fire under a conspiracy and no action was taken in this regard. This incident is not confined to Sikri alone. If we see today then we will find that such heinous murders are being committed in almost all the States like Tamilnadu, Andhra Pradesh and Karnataka except some states. Setting on fire to the entire village and atrocities on women have become the part and parcel of our life. It seems that we were living in the ancient times. It is a very serious thing that nothing is done by the police and the Government even after the entire villages are set on fire just to frighten the weaker sections, the Dalits and the tribal people especially when the Lok Sabha elections are round the corner. More heinous incident took place in Tamilnadu where the people have not returned to Kodaikanal as yet. Therefore, my submission to you is that the Central Government should make such an arrangement so that the atrocities on the Dalits of our country does not have any effect on the coming Lok Sabha elections. They should be free to use their right to franchise and arrangement of their security should be made. I would like to urge upon the Government through you that it should be ensured before the elections and as Paswan Ji has raised the issue that those have been turned homeless and are unwilling to come back out of fear, should be given aid for rehabilitation and arrangement for their livelihood should also be made so that they may live again in their villages.

SHRIMATI SUMITRA MAHAJAN (Indore) : Mr. Speaker, Sir, if any sort of enmity develops between two castes then the woman becomes the immediate target. At that time the woman remains a woman only and she does not belong to any caste. I am sorry to say that recently the report of the Ministry of Human Resources Development has been published in which Madhya Pradesh is at the top in such incidents. Here the Scheduled Caste woman Sarpanch near Raigarh was humiliated in such a manner in the meeting that she had to declare herself as a modern Dropdi and she will not comb her hair unless the guilty persons are punished. This incident took place in Madhya Pradesh. I would like to draw the attention of the House towards a more serious issue. The people who commit atrocities on the tribals, the hon. Member from Jhabua is present here and if I am on the wrong then he should name the person who has created panic in Jhabua and has committed atrocities on the tribals, set their houses on fire and set ablaze the entire village, such a person has been made the Chairman of the Madhya Pradesh Tribal Development Council.....(Interruptions) I would like to submit that all these things should be discussed once.

[English]

SHRI HANNAN MOLLAH (Uluberia) : Sir, I join my colleagues in condemning the recent occurrence of atrocities and attacks on Harijans, Dalits and people belonging to Scheduled Castes most of whom were agricultural labourers.

Sir, three-four incidents occurred last week. Some incidents occurred in Kaithi village near Lucknow airport in Uttar Pradesh. Harijans and other poor people have been attacked in 16 other places also in Uttar Pradesh on the day of Holi. The second incident occurred in Sikri, Haryana regarding which it has already been reported as to how the so-called people belonging to upper castes have attacked and destroyed Harijan villages and killed people. Similar type of a caste riot is going on in the southern Districts of Tamil Nadu where nine people have been killed and four agricultural labourers have been burnt inside a coconut farm. Similar type of incidents occurred last week and are continuing to occur in several parts of the country. It is a shame for this country that in spite of repeated discussions and condemnations of such acts, we are not in a position to reduce the number of attacks against Harijans and poor people.

Sir, most of these victims are agricultural labourers. We requested for a discussion on agricultural labour in the last Session, but the Government promised to bring a Bill to protect the interest of agricultural labourers. Most of these people who are victimised are agricultural labourers. The All India Agricultural labourers Union sent its delegates to visit all the places. The Government promised that they will bring a Bill to protect the agricultural labourers, but nothing has been proposed so far in this Session. The Government has failed to bring a comprehensive legislation for agricultural labourers. Sir, I demand that the Government should give adequate compensation to the victims and also bring a comprehensive legislation for agricultural labourers in this Session itself.

DR. ASIM BALA (Nabadvip) : Sir, I have visited that area. Dalits were beaten and murdered there. Sir, I demand that the Government should make a statement on the steps that they have taken in this regard.

I will ask the Government to collect information and give it

KUMARI MAMATA BANERJEE (Calcutta South) : Sir, I support the views expressed by Ram Vials Paswan ji and other Members of the House. It is a fact that the Government have set up the Scheduled Castes and Scheduled Tribes Commission and the Minorities Commission. It is a fact that these people become victims sometimes for political reasons and sometimes because of the caste politics. I condemn this, and the Government should take proper action.

Sir, I gave several notices in the last Session also but I was not able to raise this point then because the House could not function. I want to raise the important point of custodial and jail deaths. Here also I think 99 per cent of the victims are people belonging to Scheduled Castes, Scheduled Tribes, Other Backward Castes and minorities. Sir, the number of deaths in police custody and jails all over the country has gone up sky high.

Sir, Article 14 of the Constitution of India gives us the right of "equality before law", and Article 21 given us the

right to "protection of life and personal property." You know, Sir, that the Government have set up the National Human Rights Commission to save the lives of people. But instead of savings the lives of people brutal tortures are made and third-degree methods are applied everywhere inside jails and police lock-ups. You will be surprised to know, Sir, the number of custodial deaths in the years 1994-95 and 1995-96 was very high in Tihar Jail, Delhi, in West Bengal and in several parts of the country also. The poor victims are not getting any justice or compensation. I was on a 21-day *dharna* only for this purpose, not to politicise the matter but to see that instead of giving Rs. 20,000 compensation for a family, at least one member of the family should be given employment, and if it is not possible, a minimum family pension of Rs. 1,500 should be given.

You will be happy to know that our Standing Committee on Home Affairs unanimously passed this resolution because I raised this issue in the Standing Committee on Home Affairs. It is my humble submission to all the Members from this side or that side that police beating while in the custody is a criminal offence and that is why I request that for those who have died in the police custody, it is the responsibility of the Government to look after them. When Government can kill the people, then it is the Government's responsibility to give compensation to the victims. They are just crying; they are just crying on the roads. This House cannot give justice to them. I appeal on behalf of them and I seek your protection and I appeal through you, Sir.....(Interruptions)

MR SPEAKER : Okay, You have made a good point. Whatever the Standing Committee has said, will be properly examined by the Committee for proper action.

KUMARI MAMATA BANERJEE : Thank you, Sir I am very grateful....(Interruptions)

MR. SPEAKER : Please take your seat. We have asked for the Statement by the Government on this point.

....(Interruptions)

[Translation]

SHRI DHARAMPAL SINGH MALIK (Sonapat) : This issue is related to my State and I would also like to speak something....(Interruptions)

SHRI KALKA DAS : Mr. Speaker, Sir, this incident should be condemned in the House....(Interruptions)

SHRI DHARAMPAL SINGH MALIK : Mr. Speaker, Sir, I would also like to speak something on this issue.

MR. SPEAKER : No, not like this. Please take your seat.

SHRI DHARAMPAL SINGH MALIK : I support Paswanji and it does not relate to any party.

[English]

Haryana Government has taken very serious view about this matter and proper compensation is being given and they are being given every type of help

[Translation]

I would not like to mention any particular party with regard to it but I support the hon. Member....(Interruptions)

MR. SPEAKER : Alright, you have spoken. Now please take your seat. You have said that you are endorsing them.

(Interruptions)

[English]

SHRI ARJUN SINGH (Satna) : Sir, on 27th February, 1996 I had given notice, Sir, to raise....(Interruptions)

MR. SPEAKER : Arjun Singhji's statement will go on record.

(Interruptions)

SHRI ARJUN SINGH (Satna) : It is a question of breach of privilege and contempt of the House against four hon. Members of the House and.....(Interruptions)

[Translation]

SHRI SHIV SHARAN VERMA (Machhlishahar) : Mr. Speaker, Sir, I have tried to raise my point thrice but no action has been taken.....(Interruptions)

MR. SPEAKER : Do not do so. Please sit down.

SHRI SHIV SHARAN VERMA : Mr. Speaker, Sir, I am also a Member of the Lok Sabha and I have also been beaten up thrice (Interruptions) It is a gross injustice.

[English]

SHRI ARJUN SINGH (Satna) : This notice was given under Rule 222.....(Interruptions)

12.33 hrs.

(At this stage Hon. Member Shri Shiv Sharan Verma, came and sat on the floor near the Table.)

[Translation]

MR. SPEAKER : Please conclude in two minutes. Arjun Singh ji, let him speak, please.

12.33¼ hrs.

(At this stage Hon. Member Shri Shiv Sharan Verma, went back to his seat.)

SHRI SHIV SHARAN VERMA : Mr. Speaker, Sir, as an M.P. I represent Machhlishahar, Jaunpur in Uttar Pradesh... (Interruptions)

MR. SPEAKER : Let me listen to him please.

SHRI SHIV SHARAN VERMA : I have got a 33 K.V. power plant sanctioned in Sujanganj block in my Constituency. I along with my workers was going to lay the foundation stone of it, since I had got Rs. 58 lakh sanctioned for this scheme. When I reached there for laying down the

foundation stone, the district collector, Shri Raja Ram and the Superintendent of Police Shri Ram Singh Meena gave a hint to the police officers and got us bashed mercilessly. The former member of Legislative Assembly, Shri Kesrinath Pandeya and hundreds of workers were with me. We were badly beaten and received hand and leg injuries. When I asked for water, I was not given water and I was abused in most filthy tone, "Sale, tumko peshab pilayenge". In fact I was made to take urine and then I was thrown in a vehicle and was taken around the city the whole night.

[Translation]

They intended to kill me but they could not do so as I was accompanied by the workers of my party. In this incident the police entered into the houses and not only raped the ladies but also looted their houses. Our vehicles were badly damaged. I and Shri Kesrinath Pandey were arrested and they kept us mobile whole day and night. We were in a state of helplessness. Our workers were detained in separate police stations. Hundreds of bullets were fired at us as also tear gas sticks were lobbed. Criminal cases were registered against 53 persons which include poor children and our workers under various serious sections Indian Penal Code. I wrote to all the officers concerned including the hon. Minister of Home Affairs, the hon. Governor, the hon. Chief Minister but the cases registered against us were not withdrawn. I cannot move freely in my constituency due to the concerned police officers and the personnel posted in my constituency. When I move out of my house, all the police stations are informed on wireless about my movements. They are bent upon killing me. At present, Mr. Kamal Sexena is the Superintendent of Police there. In spite of my writing several letters to the hon. Minister of Home Affairs and the hon. Governor, no action has been taken so far. Since the Director General of Police of U.P. is also a Saxena, Shri Kamal Sexena is not being transferred from there. I would like to demand that Rs. five thousand should be paid to each of the affected persons and all the Officers involved in this incident should be suspended and disciplinary action should be taken against them. First of all Criminal cases registered against us should immediately be withdrawn.

Sir, you had assured in the House to refer the matter to the Committee of Privilege but that also could not be done. In this case the hon. Governor should be directed to suspend and transfer the all concerned police personnel and officers as also the Superintendent of Police Shri Kamal Sexena, should be immediately suspended and transferred.

[English]

MR. SPEAKER. I would request the Government to study the statement made by the hon. Member very carefully and take appropriate action and intimate me what they have done.

12.39 hrs.

#### QUESTION OF PRIVILEGE

RE : ALLEGED PAY OFFS AND INDUCEMENTS OFFERED TO SOME MEMBERS FOR VOTING AGAINST THE NO-CONFIDENCE MOTION ON 28 JULY, 1993

SHRI ARJUN SINGH (Satna) : Sir, with your kind permission, I take the leave of the House to raise a matter of privilege.

MR. SPEAKER : I am allowing you to raise it to explain as to how it is admissible.

SHRI ARJUN SINGH : Sir, admissibility is an ultimate prayer.

MR. SPEAKER : I will not restrict your statement. But that would be the main point.

SHRI ARJUN SINGH : Naturally, Sir. If it is not admissible, then why would I be speaking here? I am not saying that it should be admitted only because I am saying so. Admissibility in a Motion of Privilege is a matter which is beyond all Party considerations. It is the signity of the House that is in question and the House decides this question not on Party-lines but taking into account the totality of the will of the House.

SHRI SOMNATH CATTERJEE (Bolpur) : Sir, may I take half a second? Sir, a serious matter is being raised and the question of admissibility, etc. will be there. We wish to make some humble submissions.....(Interruptions)

MR. SPEAKER : Okay, I will allow you.

SHRI SOMNATH CHATTERJEE : The only thing is that we are having a meeting with the hon. Rashtrapatiiji now. Therefore, could it be taken up a little later, at 2 O' Clock? ..... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (DEPARTMENT OF DEFENCE RESEARCH AND DEVELOPMENT) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : You take it at 2 O' Clock. But, in the meanwhile, Sir, let us take the vote-on-account. .... (Interruptions)

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : How can vote on account be taken now? No decision has been taken on it. (Interruptions)

[English]

SHRI MALLIKARJUN : What do you mean by that ? This is also equally important for us .....(Interruptions)

SHRI SOMNATH CHATTERJEE : Shri Arjun Singhji, then you continue your submission. We shall come and join later on.....(Interruptions)

SHRI UMRao SINGH (Jalandhar) : Sir, I would like to raise an urgent matter.....(Interruptions)