

12.41 hrs.

STATEMENT RE. INCIDENT AT ALLAHABAD ON MARCH 18, 1975

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Mr. Speaker, Sir,...

SHRI JYOTIRMOY BOSU (Diamond Harbour): Let the Minister make a statement. I want to raise a matter of procedure.

MR. SPEAKER: If there is any procedure, let me know it earlier.

SHRI JYOTIRMOY BOSU: Sir, the statement that Mr. Reddy is making on has been a much controversial matter and we have tried to raise the matter in different forms on the floor of the House...

MR. SPEAKER: It was not so when you raised it. When he makes a statement it becomes much controversial.

SHRI JYOTIRMOY BOSU: Because I have got enough evidence before me that Shri Govind Mishra was given a pass by Government and the Police Officer had said .. (*Interruptions*).

MR. SPEAKER: There is no question of procedure.

SHRI JYOTIRMOY BOSU: Sir, I come back to the issue. How is it that *suo motu* a statement is made by Government and, according to rules, you are very right, in asking us not to make a statement or to put questions. (*Interruptions*) Kindly tell us one thing. We must be able to put questions to him because he has made a very serious statement saying that pistol was planted by the police. Even the Police Officer has said.....

MR. SPEAKER: I did not ask you to make a statement. The statement is to be made by him and not by you... You raised on a point of procedure and then you start making a speech. No, no.

Mr. Reddy.

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Sir, on the basis of the information available at that time, I made a statement in the House on March 18, 1975, regarding the arrest on that date of Shri Govind Mishra, a local journalist, printer and publisher in Allahabad. Information received since then from the Government of Uttar Pradesh shows that Shri Mishra was arrested on March 18, 1975, on being found in possession of a .12 bore single barrel loaded country made pistol with two extra cartridges while trying to gain entry beyond the check point of security barrier in the corridor leading to court room No. 24 of the High Court where the Prime Minister was to give her evidence. A case under section 25 of the Arms Act has been registered by the police against Shri Mishra and is under investigation by the State C.I.D.

Enquiries made so far by the U.P. Government show that neither Shri Mishra nor his paper had any political affiliation.

The Government have seen the issue of the newspaper 'Shri Vijai' dated 16th April, 1975 in which an open letter addressed to the Prime Minister by Shri Govind Mishra was published. According to information received from the State Government the name of Shri Govind Mishra was not among the journalists cleared for the issue of a pass to enter Court room No. 24. The statement of Shri Mishra in the open letter, referred to above, that he was waiting outside when a police officer took his portfolio away from him is also incorrect. On the corridor leading to court room No. 24 Shri Govind Mishra is reported to have crossed the point where one got checked by a metal detector. The metal detector gave signal. The police officers on duty there caught him and made him repeat his movement before the metal detector. When the detector again gave the signal, they searched him and recovered on the spot a country-made loaded .12 bore pistol with two spare cartridges, from his portfolio. This

happened in the presence of witnesses and a recovery memo was also prepared then. It was after this recovery that he was taken to the police Station.

MR. SPEAKER: Have you finished with your statement Mr. Reddy?

SHRI JYOTIRMOY BOSU: We are not going to take the cock and bull story. The pistol is less than one-eighth of an inch. *(Interruptions)*

MR. SPEAKER: Mr. Bosu, your knowledge about the pistol is outdated.

(Interruptions)

MR. SPEAKER: When the case is sub-judice....

SHRI JYOTIRMOY BOSU: Sir, on a point of clarification.

MR. SPEAKER: No, I am on my legs. The rules should be amended that when Shri Jyotirmoy Bosu stands, the Speaker should sit down. What is this?

Have you completed your statement?

SHRI K. BRAHMANANDA REDDY: Yes, Sir.

MR. SPEAKER: This point was raised and the Minister was asked to make it clear. I had this view also that when the case is sub-judice, the person concerned comes out with an open statement, something that is unheard of. Then, again, it is raised on that basis. The case is pending and this statement comes. How long will it continue? After all, we should follow some practice. When the case is under trial, we should not express any view about the facts and all that. So, if something is raised now and he again makes a statement, what is the sanctity of the law of sub-judice?

SHRI MADHU LIMAYE (Banks): Sir, I am on a point of order.

MR. SPEAKER: No questions after the Minister's statement. I am not allowing anything on it.

No questions after the Minister's statement. I am going strictly by the rules.

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, I am rising on a point of order.

MR. SPEAKER: No point of order.

SHRI SHYAMNANDAN MISHRA: Arising out of this, on a point of procedure, before you pass on to another item. The point is that, you have been pleased to say that since the statement has been made by the hon. Minister, according to rules, no questions can be put. Now, it is for your consideration, when a statement is made in response to the points raised by hon. Members, whether that statement would be considered to be a protected statement. This is the main point to consider. This is not a statement *suo moto*. Then, Sir....

MR. SPEAKER: I really admire your fertile brain. But, I go by simple procedure.

SHRI SHYAMNANDAN MISHRA: This statement is being made in order to clarify and elucidate certain points that had been made by hon. Members. If this clarification is not yet coming, what is the duty of the House?

MR. SPEAKER: There is no such term as 'protected' and 'unprotected'. There is a clear rule about it. You do not say that this is 'protected' and 'unprotected'.

SHRI SHYAMNANDAN MISHRA: This is not for all statements.

MR. SPEAKER: For all statements.

SHRI SHYAMNANDAN MISHRA: Then, Sir, you have also been pleased to say that since the matter is sub-judice, there should not be any discussion on it.

MR. SPEAKER I gave the history of it. You raise and he replies 'Where is the sanctity left?'

SHRI SHYAMNANDAN MISHRA That is the point with which I want to deal. The question is that the police had said in clear terms

MR. SPEAKER No questions I am not allowing

I am really surprised. When I say you cannot raise it you say 'firstly, secondly, thirdly. What is this?'

SHRI SOMNATH CHATTERJI (Burdwan) On a point of propriety also

SHRI SHYAMNANDAN MISHRA The point is that it should not be entirely within the discretion and prerogative of the Speaker

MR. SPEAKER I go by the rule. There is no question of my discretion in this matter. The rule is very clear.

SHRI SHYAMNANDAN MISHRA We have come here to discharge certain duties without fear or favour

MR. SPEAKER I am recharging my duties under the rules. Change the rules

SHRI SHYAMNANDAN MISHRA I am trying to discharge those duties. The Chair must do justice to the points raised by us. The Chair must not do otherwise

MR. SPEAKER The Chair must go by the rules

SHRI SHYAMNANDAN MISHRA If you prevent us from doing our duty you are cut out for a different role which role I do not want to describe. You seem to be getting away by making some gesticulations

MR. SPEAKER Not at all

SHRI SHYAMNANDAN MISHRA It is not in keeping with the dignity of the Chair.

MR. SPEAKER: If you are so sensitive a person.

SHRI SHYAMNANDAN MISHRA Is this the way the Chair should talk 'Firstly Sir', 'Secondly Sir', 'Thirdly Sir'?

MR. SPEAKER. Do not talk like that

SHRI SHYAMNANDAN MISHRA We would have to do it a hundred times

MR. SPEAKER You do not understand. You try to brow-beat the Chair which I refuse to accept

SHRI SHYAMNANDAN MISHRA You have been pleased to say 'go on' and then you go on speaking all the time

MR. SPEAKER I will have to speak so long as you do not listen to the rules

SHRI SHYAMNANDAN MISHRA You go on harracking members all the time

MR. SPEAKER Be careful about your language. I must say you must be moderate in your language

SHRI SHYAMNANDAN MISHRA It is my duty to do it

MR. SPEAKER Do not try to talk in this fashion

SHRI SHYAMNANDAN MISHRA The House wanted to know how this person could go to the metal detector after having crossed two barriers.

MR. SPEAKER You read the rules and let me know if I can allow it.

SHRI SHYAMNANDAN MISHRA How could this follow cross two barriers earlier?

MR. SPEAKER. Whatever be your views, we have to go by the rules. May I bring it to the notice of the House that the rule is very clear?

After the Minister makes a statement, no questions can be asked. It is not the Speaker's discretion. I go by the rules

अ नधु लिखये अध्यक्ष महोदय, आपने कहा कि मामला अदालत के सामने है। मैं यह जानना चाहता हूँ कि जब मामला अदालत के सामने था तब, यहाँ पर प्रस्ताव क्यों पास किया गया? प्रस्ताव को अगर उस वहाँ का एकमपज कर दिया जाये।

MR SPEAKER I am not allowing anything

SHRI SOMNATH CHATTERJEE I am drawing your attention to one sentence in this statement. You were pleased to observe that as the rules are, on sub-judice matters no discussion is allowed. This gentleman, Mr Govind Mishra, made certain publications in his own newspaper

MR. SPEAKER. To which the Minister has replied now

SHRI SOMNATH CHATTERJEE . indicating, apparently the defence he is going to take in the pending criminal proceedings. The hon. Minister has made a comment on his defence. He says that the statement of Shri Mishra is also incorrect. He could have said that a statement was made by Mr. Mishra. But the Home Minister should not pass judgment on that. That is bound to affect the proceedings in the court in the matter. Therefore, without passing any comment, he could have said it.

MR. SPEAKER: I would not prevent any question if the rules allow it

SHRI SOMNATH CHATTERJEE: I am not putting a question. This part of the statement of the Home Minister saying that that part of his defence is incorrect should be deleted.

(Interruptions)

MR SPEAKER: I am not calling anybody

(Interruptions)

MR SPEAKER: Shri Daga—I am calling Shri Daga. He is not listening to me.

SHRI SHYAMNANDAN MISHRA: What about the motion which we passed 1½ months ago? That is prejudicial to the course of justice? Would you be prepared to expunge that motion?

MR SPEAKER Which motion?

SHRI SHYAMNANDAN MISHRA: The motion which we had passed 1½ months back

MR SPEAKER The Minister has already made a statement. Now, I am going to the next item.

अ मधु लिखये अध्यक्ष महोदय, उमर, एकमपज किया जाये। यह एक प्रीमीडम बन जायेगा और फिर सरकार सहब उमर। प्रांत कित्ताब में लिखे।

12 56 hrs

CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL

APPOINTMENT OF A MEMBER TO THE
JOINT COMMITTEE

SHRI M. C. DAGA (Pali): On behalf of Shri L. D. Kotoki, I beg to move—

“That this House do recommend to Rajya Sabha that Rajya Sabha do appoint a member of Rajya Sabha