

[Shri K. Raghu Ramaiah]

The hon. Home Minister is here. We want guidance from the Chair.

SHRI JYOTIRMOY BOSU: Today we have raised the misconduct of the Border Security Force and we want a discussion on that ...*(Interruptions)*.

MR. DEPUTY-SPEAKER: Order, please. He has asked me certain questions and it is for me to answer. You know how the whole question came up...*(Interruptions)* Despite our best efforts this question has come because the Members feel so exercised and they must give vent to their feelings. They have done that not only on this side but on that side also. Shri Jyotirmoy Bosu's motion which I have not admitted related only to certain matters. But Members who made statements went beyond that. They went into political questions, prerogation of the House; so many other things came in. There are always two sides to the question and there have been accusations and counter-accusations and each one says that he must have his side of the case placed before the House and therefore there should be a discussion. I had also said that things were happening in the country and we could not just put a lid on them and say that they should not come up. If we try to put a lid the whole thing blows up. Either we give a safety valve or it blows up and it also blows all of us out. The situation in Bihar is a developing situation. I cannot take a decision here. I am only to guide the proceedings of the House and I can take your help and guidance. The Minister is here and he has heard the whole thing. I do not think it is possible to take a decision like this, here, on what they want, in what form and so forth. Therefore I feel that the best thing is to discuss the question in the Business Advisory Committee, what you want and in what form. It cannot be decided here. We shall meet today at about 4.30 and, decide. Papers to be laid.

RE: CONTEMPT OF THE HOUSE

SHRI JYOTIRMOY BOSU: (Diamond Harbour): I have given notice of a motion of privilege against Mr. Ram Niwas Mirdha...

MR. DEPUTY-SPEAKER: I saw your letter a few minutes before coming here and I said I would study this. I am keeping it pending. Give me sometime to study it and then give my decision. I have not ruled it out and so please do not raise it now...*(Interruptions)*.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): I have given notice under direction 115 challenging the statement made by Mr. Mirdha.

MR. DEPUTY-SPEAKER: I shall study that also.

SHRI JYOTIRMOY BOSU: Sir, Mr. Raghu Ramaiah has brought the Motion against this gentleman, Shri Ratan Chandra Gupta, which contradicts the Speaker's Direction. I may be allowed to make a submission because the Chair is not to do illegal and irregular things on the floor of the House.

MR. DEPUTY-SPEAKER: Now, I will read out to you the Rule, what the Rule says.

SHRI JYOTIRMOY BOSU: I would like to read out first, if you don't mind.

MR. DEPUTY-SPEAKER: Kindly sit down first. I am on my legs and the rule is, when the Speaker is on his legs the Member must sit down.

Now, Rule 338 says:

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

This is what the Rule says. This question came up in the form of a Motion and the House has decided on that. How can you bring it up again?

SHRI JYOTIRMOY BOSU: The Chair has failed to perform its duties and it has violated a clear Direction given.

MR. DEPUTY-SPEAKER: The House has decided.

SHRI JYOTIRMOY BOSU: No, Sir. The Direction issued by the Speaker on April 4th, 1970, reads as follows:

"The Watch and Ward Officer of Lok Sabha shall be responsible for maintaining order within..... and carrying of fire arms....."

Then Sir:

"The Watch and Ward Officer may apprehend any person for any breach of Directions given by the Speaker. He shall then report the matter to the Speaker through the Secretary"

here, Secretary-General:

The Speaker may order an enquiry into the matter and pass such orders as he may deem fit. The Speaker may then direct that such a person be taken out of the Parliament House Estate to be let off or to be handed over to the Police authorities. The Police authorities cannot however, bring a charge against the person for anything said or done by him inside the Parliament House Estate unless the Speaker has authorised them in this behalf. If the Speaker comes to the conclusion, *prima facie* that the person concerned has grossly violated the Direction, he may report the matter to the House and the House may, on a Motion, moved in this behalf punish him for contempt of the House."

Sir firstly, the Speaker had never reported the matter to the House. Secondly, we are very alarmed to hear that the Police are doing things which are not quite proper.

We want that a Committee consisting of Members of the House should examine Shri Ratan Chandra Gupta and report to the Speaker. The Speaker may then report to the House. Then, things will be done as directed here. Whatever has been done is irregular, improper and therefore cannot be allowed to remain.

PROF. MADHU DANDAVATE (Rajapur): Sir, I would suggest that after papers have been laid, this should be taken up. A number of Members have given notices under Rule 377 and other Rules seeking clarifications about certain issues. We want to know from you whether you will permit us to raise this issue after papers have been laid.

MR. DEPUTY-SPEAKER: Which issue?

PROF. MADHU DANDAVATE: This issue arising out of the sentence that has been awarded.

MR. DEPUTY-SPEAKER: Mr. Bosu has raised certain other questions which I will answer later on

PROF. MADHU DANDAVATE: This is in connection with that.

श्री अटल बिहारी वाजपेयी (ग्वालियर)
 उप-छात्र जी, मैंने आपको पत्र लिखा है कि हमे समाचार-पत्रों में हम बात का पता लगा है कि मंत्री महोदय, ने दिल्ली पुलिस को श्री गुप्त की, जिन्हें मदन ने दण्डित किया था, जाच-पड़ताल करने और जिरह करने की इजाजत दे दी है। चूंकि मामला मदन में हुआ था इसलिए मेरा निवेदन है कि आपको देखना होगा, अध्यक्ष को देखना होगा और पुलिस को जांच की रिपोर्ट उनके पास आये और उनके जरिए मदन में आये। अध्यक्ष को यह भी देखना होगा कि पुलिस ऐसे तरीके अपनाये थैं इन्वी मेचइस न अपनाये जिससे कि उसमें गलत बात कहलवा दी जाये।

[श्री अटल बिहारी वाजपेयी:]

इसलिए मेरा निवेदन यह है कि उस दिन के बाद जो भी घटनाएँ हुई हैं, स्पीकर साहब ने पुलिस को जो भी आदेश दिये हैं, पुलिस से जो रिपोर्ट प्राप्त हुई है उस के बारे में सदन को विश्वास मं लिखा जाना चाहिए।

MR. DEPUTY-SPEAKER: Mr. Bosa has raised certain procedural matter and he has read from this book certain things that happened. From what I heard, the case that he referred to was about something that happened outside the Chamber may be within the precincts of Parliament and naturally that has to be reported to the Speaker. But this thing happened before the very eyes of the Speaker and before the Chamber and therefore there is no question of anybody reporting. The whole House was seized of it. I was in the Chair and I have seen it myself. The whole House has seen it. To whom else to report? Therefore, there is no question of the two being the same. They are not at par. However, the Minister of Parliamentary Affairs rightly came with a motion which was admitted by the Speaker and discussed by the House, not as if the Speaker decided something; the whole House has taken that decision.

SHRI SHYAMNANDAN MISHRA (Begusara): The Chair has a duty to report to the House because one does not know what was the extent of the offence, how the person was equipped, etc. All that one could see from a distance from one's seat was that a particular person had intruded into the gallery.

MR. DEPUTY-SPEAKER: I concede that. I think it is a good suggestion. The Speaker is in overall charge of the discipline of this House and therefore he should be fully seized of the matter. Everything should come before him and it would be more proper if he himself mentions to the House what

has happened. After that a motion can be brought. I think that will be more regular.

PROF. MADHU DANDAVATE: I do not know whether you have gone through the notices sent to you. We have specifically sought your permission to raise certain issues. I do not want to challenge the motion that was brought before the House by the Minister of Parliamentary Affairs. At that time, before the adoption of that motion some statement was made by the Minister.

MR. DEPUTY-SPEAKER: I have not yet read your notices.

PROF. MADHU DANDAVATE: It was given half an hour before 10 O' clock. The police authorities had come out with certain statements. When the House adopted the resolution, we were exercised with the feeling that someone came to the gallery with explosives and there would be serious repercussions. That is why a deterrent punishment of one month was given.

MR. DEPUTY-SPEAKER: I said I will read your notice.

PROF. MADHU DANDAVATE: Sir, I want a clarification on one point. Certain information has appeared in the press immediately, the next day. Some names which were not mentioned by the Minister of Parliamentary Affairs also were quoted in the next day's report. The Prime Minister's name has been quoted. It has been stated that those explosive materials were not really explosive materials at all. The detectives are reported to have stated that no damage could have been done with those materials. We agreed to the resolution, which suggested a punishment of jail for one month, because we thought that there was danger of life.

SHRI JYOTIRMOY BOSU: Why should anyone come with a toy pistol to the Lok Sabha? These are all rock

and bull stories. Sir I want you to safeguard the interests of this boy, if he is innocent, to the full satisfaction of all of us.

MR. DEPUTY-SPEAKER: That is a subject of investigation, and the resolution of the House also permits that.

PROF. MADHU DANDAVATE: What is your ruling?

MR. DEPUTY-SPEAKER: There is no question of a ruling.

PROF. MADHU DANDAVATE: The statement of the Minister of Parliamentary Affairs before the adoption of the report was not sufficient. Certain information is planted into the press the next day. Therefore, there is suspicion in the minds of a number of people. So, we want a discussion and we want a clarification from the Minister of Parliamentary Affairs.

श्री अटल बिहारी वाजपेयी : मैंने उपाध्यक्ष जी, यह मामला उठाया था कि हमें समाचार-पत्रों में पता लगा है कि स्पीकर साहब ने पुलिस को इस मामले की तहकीकात करने की इजाजत दे दी है।

MR. DEPUTY-SPEAKER: Permission; not instructions.

श्री अटल बिहारी वाजपेयी इजाजत का मतलब परमीशन है। जो अनुवाद कर रहे हैं वह गड़बड़ कर रहे हैं।

MR. DEPUTY-SPEAKER: There is a word of difference between the two.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष जी, मैं हिन्दी में बोल रहा हूँ। इजाजत का मतलब परमीशन है। अब अगर आप के कान में इंस्ट्रक्शन आ रहा है तो मेरी गलती नहीं है। लेकिन इस के बारे में सदन में कोई बाकायदा घोषणा नहीं की गई। पुलिस की जांच का परिणाम क्या निकलेगा उस से भी सदन अवगत होना चाहिए।

MR. DEPUTY-SPEAKER: There is no need for any announcement. It is within the administrative capacity of the Speaker.

श्री अटल बिहारी वाजपेयी : यहां मेरी आपत्ति है।

PROF. MADHU DANDAVATE: We are seeking some clarification from the Minister of Parliamentary Affairs on such an important matter which has created doubts in the minds of the public as well as the Members of this House. Therefore some statement should come.

MR. DEPUTY-SPEAKER: Shri Vajpayee is munching his cake and is half through it and you took it away from him. At this rate, Shri Vajpayee will always remain hungry.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष जी आप का यह कहना कि स्पीकर ने जो कुछ किया है एडमिनिस्ट्रेटिव कैपेसिटी में किया है, यह बात गले की नीचे नहीं उतर सकती।

MR. DEPUTY-SPEAKER: That was my impression.

SHRI ATAL BIHARI VAJPAYEE: It is not a question of impression. After all, the House is seized of the matter.

मेरा भोशन यही है।

MR. DEPUTY-SPEAKER: It is in terms of the resolution.

SHRI ATAL BIHARI VAJPAYEE: I will read what I have written to the Speaker:

"As the crime was committed in the precincts of the Parliament House, all the interrogation etc., is being done with your permission".

—That is, with the permission of the Speaker—

"I request you to kindly ensure that the police report in this regard be submitted to the Speaker and that

[Shri Atal Bihari Vajpayee]

copies of it be placed on the Table of the House....

Again the police took the interrogation with your permission. You are further requested to kindly ensure that no third degree methods are used by the police."

13 hrs.

SHRI SHYAMNANDAN MISHRA: The hon. Member, Shri Vajpayee, has informed the House, and we are grateful to him for this information, that the Speaker has given permission to the police to investigate into the matter further. It has been confirmed by you also that such permission has been given. My point of order is this. It may well be that there are many dimensions to this case and the case requires further investigation. However, the point that arises strictly from the legal point of view is this: When a sentence has been awarded by this House, acting as the High Court of Justice can an investigation be conducted during that period or could it be conducted only on the completion of the sentence. Now the person is serving the sentence. Can he be subjected to an investigation by an outside authority, except on the authority of the House, during that period?

MR DEPUTY SPEAKER: I will give you some authentic information, because everything that I told you before was based on my reading of the newspapers. Now, I am in possession of certain facts. There are two aspects of this case. One was the grave contempt of this House on which the House has taken a decision. The other is the criminal aspect of the whole thing, which is a little beyond the purview of this House.

The Watch and Ward Officer had written to the Speaker requesting permission for sending a report to the police because nothing can go out without the permission of the Speaker. No arrest can be made and nothing

can go out without the Speaker's permission. The Watch and Ward Officer writes:

"A copy of my report to be sent to the police about Rattan Chandra Gupta, who today committed contempt of this House as well as certain criminal offences, requesting the police to take necessary action against him in accordance with law, with regard to the criminal offences committed by him, is placed below."

This is about the criminal offence and not about the contempt of the House.

"The hon. Speaker's permission is solicited to send the report to the police."

The Speaker accorded his permission to send that report.

SHRI SHYAMNANDAN MISHRA: I quite agree that this has got criminal implications. The question is whether the investigation of the criminal offence could be made while a person is serving such a sentence or only on completion of that sentence. The two things cannot go on concurrently.

MR. DEPUTY-SPEAKER: That is a point that is a little beyond the scope here at the moment. I think the Law Ministry should study this question. It is an established practice that the Chair does not interpret the law, does not interpret the Constitution. What you have raised is here on record. The Ministry of Law must consider this point.

SHRI R S PANDEY (Rajnandgaon): Shri Shyamnandan Mishra said that as long as Shri Gupta is in jail no police enquiry can be made.

SHRI SHYAMNANDAN MISHRA: He is not in custody.

SHRI R. S. PANDEY: He is in custody. A sentence was awarded to Shri Gupta when he committed a contempt of this House.

So far as the criminal aspect is concerned, it will be very wrong on the part of the House if there is any plea or any idea to be entertained as stated by Shri Shyamnandan Mishra that the police could not investigate into the matter. It falls within the competence of the Speaker to give permission to the police to investigate into the matter. It appears that he wanted to demonstrate his anger, on behalf of the people outside and on behalf of the local parties in the Opposition *(Interruptions)*

MR DEPUTY-SPEAKER: Thank you for your support.

SHRI JYOTIRMOY BOSU: Sir, on the authority of the Direction of the Speaker, the House is entitled to know what is the latest outcome of the inquiry that has been instituted. Would you therefore, be kind enough to report to the House what is the latest report that the hon. Speaker has got from the police with regard to the boy and his background, because we are very much worried to hear that this boy was an activist of the Youth Congress and how he came to shoot the Treasury Benches. This is a very serious matter. This is a cock-and-bull story in order to malign the Opposition. That is my apprehension. So, would you be kind enough, on the strength of the Direction of the Speaker to call for the latest report from the police that they have in possession so that you can acquaint the House at the earliest opportunity today?

SHRI BHOGENDRA JHA (Jainagar): I do not want to dispute the fact that the House in its wisdom, despite our advice to the contrary, approved the Resolution only for the contempt aspect of it leaving aside the criminal aspect for the police to inquire into. I want to add and I am apprehensive that there is another aspect, a conspiratorial aspect, to it, as it has appeared in the press. Whatever the arms were with the

person, they were purchased at Calcutta and he raised some slogans...

MR. DEPUTY SPEAKER: Don't go into all these details.

SHRI BHOGENDRA JHA: He raised certain slogans here. As far as the Youth Congress is concerned, I do not know. But the Congress Party is a very big party. Many people have given a statement having high esteem for certain persons. He raised a slogan about that person being Zindabad *(Interruptions)*.

I want simply to suggest that the Delhi Police may not be competent enough to inquire into the whole affair. I wish the matter be referred to the CBI *(Interruptions)*.

AN HON. MEMBER: C. B. I. is more corrupt.

SHRI BHOGENDRA JHA: Our democracy is in danger. Because of the political and conspiratorial aspect, because of all these ramifications, I suggest to the Home Minister that the matter be referred to the CBI to go into all these aspect and the House should be informed about it.

PROF. MADHU DANDAVATE: Sir, you have not given your ruling on the first point. The statement that was made on the 11th by the Parliamentary Affairs Minister tried to hide certain facts which came out on the second day. They were kept away on the basis of certain facts which came on the second day, whether a full statement will be coming forward from the Parliamentary Affairs Minister, that is what I would like to know.

MR. DEPUTY SPEAKER: I cannot give a ruling. It is a suggestion. I will examine the whole thing.

PROF. MADHU DANDAVATE: Are you willing to examine that proposal?

[Prof. Madhu Dandavate]

MR. DEPUTY SPEAKER: Whatever the hon. Members have stated here—I have very great respect for all of you—whatever you say, good, bad or indifferent, it is my painful and pleasant duty to look into.

PROF. MADHU DANDAVATE: Let it be your pleasant duty Sir.

श्री हुकम चन्द कच्छवाय : (मुरेना) :

उप.ध्यक्ष महोदय, जिस रोज यह घटना हुई उस के बाद संसद कार्य मंत्री जो उस के बारे में प्रस्तव लाए उस पर चर्चा करते हुए उस घटना की निन्दा सब ने की। परन्तु उस रोज एक बात यह कही गई थी कि इन को रिमांड के लिए भेजा जाय और अभी दण्ड न दिया जाय। इतने दिनों में कुछ तथ्य सामने आ जाते अगर जांच हो जाती और आज जो उलझनों में पड़ना पड़ा उस में न पड़ना पड़ता। इसीलिए मेरा यह निवेदन है कि इस के लिए संसद की कोई समिति बनाई जाय जो सारे मामले की जांच करे। जिस से सारे तथ्य सामने आ सकें। सी बी भ्राई से एन्क्वायरी कराने के पक्ष में हम नहीं हैं न ही दिल्ली पुलिस से एन्क्वायरी कराने के पक्ष में हम हैं। क्यों कि उस व्यक्ति ने जो नारे लगाए तो उस ने इंदिरा जी के भी नारे लगाए, इंदिरा जी की भी जय बोली और जयप्रकाश जी की भी जय बोली। माननीय मंत्री जी ने एक बात और कही अपने वक्तव्य में कि वह व्यक्ति 29 दिन तक यहां रहा, तो आखिर वह कहां ठहरा हुआ था, किस से उस के सम्बन्ध थे, ये सारी बातें हमारे सामने आनी चाहिए।

SHRI TARUN GOGOI (Jorhat): I want to make a submission....

MR. DEPUTY-SPEAKER: On this question, nothing more; I have closed it. Now papers to be laid on the Table.

13.12 hrs.

PAPERS LAID ON THE TABLE
GUJARAT GOVERNMENT ORDERS UNDER
GUJARAT VACANT LANDS IN URBAN AREAS
(PROHIBITION OF ALIENATION) ACT AND
PAPERS UNDER COMPANIES ACT

THE MINISTER OF WORKS AND HOUSING (SHRI BHOLA PASWAN SHASTRI): I beg to lay on the Table—

(i) (a) A copy each of the following Gujarat Government Orders under sub-section (4) of section 7 of the Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) Act, 1972, read with clause (c) (ii) of the Proclamation dated the 9th February, 1974 issued by the President in relation to the State of Gujarat:—

(1) Order No. VCT-2873/121641-V dated the 12th February, 1974 in the case of Samparan Cooperative Housing Society (Proposed) Rajkot.

(2) Order No. VCT-2473/97986-V dated the 2nd November, 1973 in the case of Manilal Park Cooperative Housing Society, Kapadvani District Kaira.

(3) Order No. VCT-1473/101929-V dated the 3rd November, 1973 in the case of Sabarmati Harijan Ashram Trust, Ahmedabad.

(4) Order No. VCT-2373/106528-V dated the 3rd November, 1973 in the case of Dudheshwar Cooperative Housing Society Limited, Junagadh.

(5) Order No. VCT-1473/79265-V dated the 12th November, 1973 in the case of Jagmalbhai Hadhabhai Desai and others.

(6) Order No. VCT-1473/97985-V dated the 12th November 1973 in the case of Bai Lasu W/o Gandaji Penaji.

(7) Order No. VCT-1773/92004-V dated the 13th November, 1973 in the case of Punjabhai Dshyabhai Patel.