

13.16 hrs.

**COMMITTEE ON ABSENCE OF  
MEMBERS FROM THE SITTINGS  
OF THE HOUSE**

**FIFTEENTH REPORT**

**SHRI S. C. SAMANTA (Tamluk):** I beg to present the Fifteenth Report of the Committee on Absence of Members from the Sittings of the House.

**COMMITTEE ON PETITIONS**

**SEVENTEENTH REPORTS AND MINUTES**

**SHRI A. P. SHARMA (Buxar):** I present the following Report and Minutes of Committee on Petitions:—

- (1) Seventeenth Report of the Committee; and
- (2) Minutes of the Thirty-first to Forty-first sittings of the Committee.

13.16½ hrs.

**STATEMENT RE: ALLEGED RAPING  
OF WOMEN AND GIRLS BY  
BSF PERSONNEL IN MANIPUR  
HILL AREAS**

**THE MINISTER OF STATE IN  
THE MINISTRY OF HOME AFFAIRS  
AND IN THE DEPARTMENT OF  
PERSONNEL (SHRI RAM NIWAS  
MIRDHA):** On behalf of Shri Uma Shankar Dixit, I lay on the Table a statement regarding alleged raping of women and girls by BSF personnel in Manipur Hill areas.

**Statement**

When BSF personnel were escorting a Polling party with ballot boxes on 18th February, 1974, an ambush was laid by hostile elements. In this ambush, one BSF jawan was killed, three were wounded and the Presiding Officer sustained serious head injuries. On 20th February, 1974, there was

another encounter between a BSF Patrol and the hostiles.

On receipt of information that the two wounded hostiles involved in the above incidents were being guarded for being moved to a safe place, two special columns, one under Shri Pundir, acting Commandant and the other under Shri Dharam Prakash, Deputy Commandant, were sent to comb the suspected area.

The special column led by Shri Pundir visited village Ngapurum during the combing operations. It is alleged that a girl named Miss Rose of that village was raped on 4-3-74 by Shri Pundir and Shri Negi, Assistant Commandant and that the girl committed suicide on 6-3-74. A case under Section 376/201 IPC was registered in Phungyar Police Station. The dead body of Miss Rose, which had been buried on 6-3-74, was exhumed on 25-3-74 and sent for post mortem examination. According to the State Government the report of the examination is awaited. A requisition for the arrest of the above two BSF officers was sent to the DIG, BSF Manipur, on 11-4-74. The two officers have been arrested.

The special column commanded by Shri Dharam Prakash, Deputy Commandant, went to Grihang village for carrying out combing operations against hostiles and they interrogated a number of persons in village Grihang on 4-3-74, 5-3-74 and 6-3-74. It is alleged that during the interrogation they used criminal force against the villagers including women. It is also alleged that on 5-3-74 at about noon, some members of the party used criminal force to outrage the modesty of one Smt. Ngasingla, a resident of Grihang village. A case under Section 354/326/407 IPC have been registered in P.S. Chassad. The police sent a requisition for the arrest of the following persons:—

1. Shri Dharam Prakash.
2. Inspector Bhagwan Singh.

[Shri Ram Niwas Mirdha]

3. Inspector Jit Singh.
4. Hav. Chandra Bahadur.
5. L/NK. Min Bahadur.
6. Shri Sheikhothang.
7. Const. Ningprang.

The above persons have also been arrested.

In respect of both these incidents, necessary investigations are being made and action will be taken strictly in accordance with law.

13.18 hrs.

CONSTITUTION (THIRTY-FIFTH AMENDMENT) BILL

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I move:

"That the Bill further to amend the Constitution of India, be taken into consideration".

This Bill seeks to amend articles 101 and 190, which respectively deal *inter alia* with the right of a member of either House of Parliament or a member of a House of the Legislature of a State to resign his seat.

Under these articles, a member may resign his seat by writing under his hand, addressed to the Speaker or the Chairman, as the case may be. Experience in the recent past had indicated the necessity for amending these articles to obviate certain unintended consequences which have ensued in the working of these provisions. Resignation, it is needless to say, is intended to be a voluntary act and what is sought to be covered by articles 101 and 190 is a resignation which is genuine and voluntary. But, in some cases it is found that member are made to submit resignations which may appear to come within the purview of article 101 or, as the case may

be, article 190, but which, in fact, have been the result of pressures, not excluding physical violence, exerted to coerce a member to resign. In other words, acts of coercion, duress, undue influence and other kinds of blandishments are resorted to, to bring about the resignation of a member, who under such pressure and compelled by the atmosphere of violence, is forced to tender his resignation. Obviously, it would be a misnomer to call such an act on the part of a member a resignation.

SHRI MADHU LIMAYE (Banka): On a point of order under rule 109.

MR. SPEAKER: You cannot come and disturb the business.

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order.

SHRI MADHU LIMAYE: It is for adjournment of the debate.

नियम 109 [के. तहत] मेरा पॉइंट ऑफ ऑर्डर है। मैं इस बहस को स्थगित करने के लिए व्यवस्था का प्रश्न उठाना चाहता हूँ।

MR. SPEAKER: Let him finish.

PROF. MADHU DANDAVATE (Rajapur): When a point of order is raised the hon. Minister should take his seat.

SHRI H. R. GOKHALE: As the provisions presently stand in the Constitution, the Presiding Officer has no other alternative but to act on the resignation.

It is with a view to preventing situations of this kind that the present Bill has been brought, to make the position clear that the resignation contemplated in articles 101 and 190 are resignations which are voluntary and genuine and not those which have been contrived through the use of undesirable means such as coercion and undue influence. In such cases, the proposed provisions would enable the Presiding Officer to satisfy himself as to the genuineness or the