

[श्री अटल बिहारी वाजपेयी]

सदन को अवगत कर दीजिये। इस तरह के आरोप सदन में लाये जायें, यह ठीक नहीं है।

MR. SPEAKER: The hon. Member made certain allegations against.....

SHRI DHIRESWAR KALITA *rose*.

MR. SPEAKER: Mr. Kalita, kindly sit down.

SHRI DHIRESWAR KALITA (Gauhati): Are you going to give a ruling?

MR. SPEAKER: No, no. I am not going to give a ruling. What do you want? I am going to make observations. Are you satisfied.

The hon member made certain allegations in which he mentioned the name of Mr. Morarji Desai. I cannot give any ruling or cannot comment on it unless the Member who made the allegations comes out with his own comments. This will be conveyed to him and whatever be his comments, it will come before the House. (*Interruptions*)

SHRI P. G. SEN (Purnea): What about my privilege motion?

MR. SPEAKER: No, please. I have not held it in order.

श्री शिव चन्द्र झा (मधुबनी): अध्यक्ष महोदय, मैंने आल इण्डिया रेडियो के खिलाफ एक प्रिविलेज मोशन दिया है।

MR. SPEAKER: I have not got the information from the Minister as yet. Have you got the copy from the Minister? I will think over it now.

श्री शिव चन्द्र झा: वह तो आया है। लेकिन आप उस पर अपना फैसला दीजिये।

श्री मृत्युंजय प्रसाद (महाराजगंज): अध्यक्ष महोदय, मैंने आपको पत्र लिखा है...

अध्यक्ष महोदय: मैंने उसको देखा है। इस

हाउस में वे बातें आ चुकी हैं। आपने वही बातें पत्र में लिखी हैं। उस पत्र में कोई नई बात नहीं है।

DR. RAM SUBHAG SINGH: Something has been published which we did not carefully follow. The statement of Choudhary Randhir Singh that four members of all the parties... (*Interruptions*) and this is absolutely incorrect.

MR. SPEAKER: I have asked the paper to-day.

12.28 hrs.

RE: QUESTION OF PRIVILEGE

SHRI S. K. SAMBANDHAN (Tiruttani): Sir, I want this to be referred to the Privileges Committee only. There is no need to get the information from any quarter. Even the State Minister of Industries thinks that he is the only jurist in the world.

MR. SPEAKER: I want to hear the other side also. I am going to meet the leaders this evening and we will consider everything.

SHRI S. K. SAMBANDHAN: Do you want any further proof than this?

SOME HON. MEMBERS: Shame, shame.

SHRI S. K. SAMBANDHAN: I have got a report from the doctor... (*Interruptions*) multiple injuries... (*Interruptions*).

MR. SPEAKER: This is not the way of putting it. Kindly sit down.

SHRI S. K. SAMBANDHAN: I want this to be referred to the Privileges Committee only. I do not want the Police officers to be summoned to the bar of the House.

MR. SPEAKER: Let this House be clear about one thing.

SHRI M. L. SONDHI *rose*.

MR. SPEAKER: Mr. Sondhi, I am on my legs.

SHRI M. L. SONDDHI (New Delhi) : Kindly hear him, Sir. Let us hear him. Why should you not give him a chance ?

MR. SPEAKER : I am not going to give it.

SHRI M. L. SONDDHI : Why, Sir ?

MR. SPEAKER : Why don't you please sit down ? (*Interruptions*)

SHRI M. L. SONDDHI : No matter can be raised in the Parliament, Sir ? What is this, Sir, ? The Speaker is not to brow beat the Members. Can't we raise any issue in this Parliament I wrote to you but I got no reply.

MR. SPEAKER : Why don't you please sit down ?

SHRI M. L. SONDDHI : A most insulting letter written by your Secretariat. What is this ? Why should not a Member be heard ? He has every right to be heard. Even Voltaire said, 'I disagree with what you say. But I shall defend to death your right to say it.'

MR. SPEAKER : Please sit down.

He met me yesterday. He gave a version. After all don't make this House as a forum for everything that happens outside. (*Interruptions*) I am not going to allow it to-day.

श्री कंबरलाल गुप्त (दिल्ली सदर) : अध्यक्ष महोदय, सदन को मालूम नहीं है कि माननीय सदस्य का बर्षान क्या है। आप उनको अपनी बात कहने की इजाजत दीजिए।

SHRI S. K. SAMBANDHAN : I explained to you. I was sitting . . . (*Interruptions*)

MR. SPEAKER : In this House we are already seized of one case. In that case this House came out with their own judgment without reference to Privileges Committee or any other thing. So much has appeared in the Press and so many comments on it have appeared. I have received a number of letters. The only question is whether anything happens to a Member of Parliament or any legislator when he is in the discharge of his duties and

he is obstructed from coming to the House or a Committee of the House. If anything happens to any legislator outside, the leaders of the groups and the Committee will have to decide whether a Member of Parliament or a legislator is to be treated above the ordinary citizens as a special case, in respect of anything that happens anywhere in the world . . .

SHRI M. L. SONDDHI : You are applying double standards. The other day, Shri Atal Bihari Vajpayee opposed it, and yet you allowed it, but today you are not allowing this.

MR. SPEAKER : I shall have to name Shri M. L. Sondhi . . .

SHRI M. L. SONDDHI : You can do anything ; I shall speak for the rights of the people. You do not allow people to speak and you are curbing democracy . . .

SHRI S. K. SAMBANDHAN : This happens on my way to Parliament.

MR. SPEAKER : If Shri M. L. Sondhi persists, I shall have to perform a very unpleasant duty . . .

SHRI M. L. SONDDHI : I shall have also to do something ; I shall go on a hunger-strike in front of your house from tomorrow, so that people can make their own judgment . . .

SHRI S. K. SAMBANDHAN : This happened only on my return journey, on my way to Parliament.

MR. SPEAKER : I have told him already that we have to discuss certain matters in the meeting called for during this afternoon, of all the leaders. I shall place the viewpoint as to how we are to take up such cases in future. If in one case we decide anything . . .

SHRI ATAL BIHARI VAJPAYEE (Balrampur) : We are not going to decide anything now. But you may kindly allow him to make a statement before giving your ruling ; we can ask Shri S. K. Sambandhan to state what happened and how the police behaved, so that the leaders of the groups can discuss this matter. There is no harm in listening to Shri S. K. Sambandhan. It is a question of fact. We can listen to him on a point of fact.

DR. RAM SUBHAG SINGH (Buxar): You can give him just two minutes. (*Interruptions*)

MR. SPEAKER: I had explained everything to the hon. Member. He should wait till I get....

SHRI LOBO PRABHU (Udipi): Let him make his submission.

श्री रवि राय (पुरी) : अध्यक्ष महोदय, इनको सुन लिया जाय ।

श्री कंबर लाल गुप्त : इनका क्या बर्तन है यह सदन के सामने आना चाहिये ।

श्री शिव चन्द्र झा (मधुबनी) : सदन को मालूम होना चाहिए कि क्या बात हुई ।

SHRI PILOO MODY (Godhra): If you will permit me to make a submission, every day, we have a lot of noise in the House and this noise is primarily created because we do not follow certain established principles. Here is a Member who has been offended against, and he wants to make a statement. If he is stopped from making a statement, then we get a lot of noise which goes to such a point that something like what happened on the last occasion happens, and we go and do some thing that is patently wrong. Therefore, I suggest that you may allow the hon. Member to make a statement.

I would also like to urge Government that when a matter affecting the privileges of a Member of the House comes up on the floor of the House, they should not hesitate and dilly-dally with the matter, but should come forward immediately and say that the matter should be referred to the Privileges Committee. Then, we would not have all this cross-talk and counter-talk, and Shri M. L. Sondhi getting agitated and all manner of things happening. So, I recommend to you to allow him to make his submission. (*Interruptions*)

MR. SPEAKER: If things are to be decided by shouting, then the Chair is helpless.

SHRI S. K. SAMBANDHAN: Let me

explain what happened. I was returning to Parliament after my interim trip. This also must be taken note of. I went to my usual place of residence on an interim trip. On my way back, I had some other responsibility also, and I had to carry it out as the president of an apex society which is the biggest co-operative society in India. I summoned a meeting; whether I have got the right or not to do so is a matter which anybody can question in a court of law. I summoned a general body meeting and issued notices about the general body meeting being convened just at my place of stay in a guest-house of the society belonging to the co-operative society, in regard to which the general body members have got the right, and Government do not have any right. That guest-house has been locked in my absence and sealed. That kind of thing has never happened in any democratic country in the world; it can happen only in a country where there is jungle law, that is, a guest-house being locked by an executive officer under instructions from a government. So, we decided, a few people, to convene the meeting in the board meeting hall in which I was there from three O'clock on 28th evening. Members were coming. Some other visitors were coming, including a foreign visitor, to whom I gave an appointment in that particular hall.

The members had no other place to go and spend the night. So I asked them to stay there itself. As members, they have got that right. As President,—even if I am not President according to Government, I am a Director of that Society as Director of that Society, I have got every right to stay in that hall.

So we were staying there peacefully discussing things, what to do tomorrow. Then the police official came. I explained it to him; I gave him a copy of the bye-laws which says: 'The President shall have overall power on all the affairs of the Society'. I gave him a copy of the Co-operative Societies Act of Tamil Nadu. I also gave him a copy of the judgment of the Supreme Court which said that even an illegal occupation by anybody cannot be vacated with the use of force without a court order. So I wanted them, if at all they had a case, to go to the court of law and get

an order so that we would go. He did not agree. Then the officer abused me using so many words. Of course, I took the privilege of saying that I am also an MP. He said: 'What if you are an MP? That is all in Delhi' and this and that, so many things (*Interruption*).

Lastly, I asked the police officer: 'Give it in writing as to why we should get out of this place.' He refused to give it. Once he refused to give it, I said, 'We will not vacate this room'. So he ordered his people to lathi-charge all the people including the peon who was on duty, who had the key and whose responsibility it was to close and lock the door and seal it and keep the key till the next day, till he handed it to somebody else. Even that peon was lathi-charged. My son who had come there to ask whether he could bring food for me was beaten. All the other visitors were beaten. There are eye-witnesses to what happened. I have got a copy of the documents. I can produce them before you or before the Committee of Privileges on any day under any circumstances.

I was dragged from my seat all along and pushed into the jeep. In the process of being pushed into the jeep, I sustained all these injuries. They are only on my left leg. Also there was so much swelling in the hands and in the body. All these have been recorded in the General Hospital by the doctor (*Interruptions*).

After going to the police station, I asked him, 'What next?' He said: 'Sign the bond and go'. As it was paining so much, I was agreeable to sign a bond and immediately go. I signed it immediately and asked whether I could go. He said 'Wait'. I was waiting and waiting and waiting. He was telephoning all his bosses including, I hope, the Minister, the Inspector and the Assistant Commissioner who were in charge of all these things. From behind, they were talking. I asked him: 'Either you take me to the Hospital or I will go myself there', to neither of which he was agreeable. Half an hour passed. Then at about 8.45 or 9 O'clock, he said I could go. I went straight to the hospital and admitted myself as an out-patient. The doctor wanted to admit me as an in-patient. Since I had other respon-

sibilities of convening a general body meeting the next day, I did not agree to be an in-patient. I spent about 1½ hours there. They suspected serious injuries including a fracture of bones. They took X-rays and other things. Fortunately, there was no fracture but only the swellings and other things.

This is what has happened. This is during the discharge of my duty. I was simply sitting there. Of course, I did not go and offer satyagraha or *gherao* or any such thing. We were sitting in an institution of which we are the members. Whether they agree whether I am Director or President, whatever it is, nobody has got a right except the members of the Society to enter there. But on a complaint by an executive officer being paid by that Society, the police has done all these things. I asked him 'What right have they got to make a complaint against the members or against a Director or against the President?', to which the police officer did not reply. I asked him, 'At least give it in writing so that peacefully we can go and take it to the court—to which also he did not agree.

They have done so much against me. This must be referred to the Committee of Privileges. I would only request the House to agree to do so that the Committee can go into it in detail and see that some justice is done to members like me.

SHRI HEM BARUA (Mangaldai): This is a simple request for reference to the Privileges Committee. We can agree.

SHRI J. B. KRIPALANI (Guna): This is not a question of an MP but of any citizen; if any citizen is treated like that, we have to take note of it, apart from the consideration of whether he is an MP or not. Can these arbitrary things be tolerated and not be raised in this House?

SHRI SEZHIAN (Kumbakonam): I agree with what Acharya Kripalani has said. Any citizen of India should be treated well. If there is any complaint, the due process of law should take its course, and in this case I understand that a case has been registered and a complaint has also been given. He

[Shri Sezhiyan]

claims that he continues to be the President, but it appears that the Board of Directors have passed a motion of no confidence against him. I am not going into the merits of the case. This House and the Privileges Committee should concern themselves with the question whether a Member of Parliament, in the discharge of his functions, has been obstructed. Then, it becomes a matter of privilege.

As Acharyaji has said, even an ordinary citizen should not be maltreated or manhandled by the police, and if that has been done, I will be one with him that the police should be taken to task. Therefore, there are two sides of the case, and the court is seized of the matter.

AN HON. MEMBER : The court will not deal with the privileges of the Member.

SHRI SEZHIYAN : Therefore, all that we are concerned with is the privilege of the House, not that he received injuries. As he himself concedes, that is a matter to be decided by the court. A case has been registered, a complaint has been preferred.

SHRI S. K. SAMBANDHAN : I have stated in my letter to you that the Police officers have deliberately given false information to the House.

SHRI SEZHIYAN : I am not saying anything against him. If he feels that the police has acted in an illegal way, that the Board of Directors have acted in an illegal way, I am not holding a brief for any body,...

SHRI S. K. SAMBANDHAN : That will take seven years, because we have got a Law Minister who says about everything that he has telephoned the Judge, that he has telephoned to the police. That is how he behaves. How can you expect justice ?

SHRI SEZHIYAN : My point is that if there is a *prima facie* case, if you are satisfied, if the House is satisfied, that the privileges of Member are involved, the matter can be referred to the Privileges Committee, but he himself has stated that he went there as the President of the organisation. If he has been obstructed

in performing his duties as a Member of Parliament, I have no objection. A full enquiry can take place, a judicial enquiry can take place, I am not shielding anybody. (*Interruption*)

SHRI RABI RAY : If he had been in your party, you would have defended him.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मेरा सुझाव है कि इस सवाल पर चर्चा न की जाय। आपने जैसा पहले कहा था हम आपसे मिलने वाले हैं, उस समय और भी मामलों पर बहस होगी, तब इस पर भी चर्चा हो सकती है।

SHRI HEM BARUA : What is the harm if the matter is referred to the Privileges Committee, I do not understand.

SHRI S. M. BANERJEE (Kanpur) : You have the powers, under the rules, to refer any matter to the privileges Committee without referring it to the House.

MR. SPEAKER : I have to judge whether it is a fit case.

SHRI S. M. BANERJEE : So, that question is not disputed. The only point is your observation that you have to seriously think when an M.P. should be regard as an M.P. and when as a citizen of this country. Unfortunately, we have an all-India pass for five years, and we do move about in the country without knowing when we are actually MPs. and when we are not. I would only request you to really discuss this matter with the Members of all Opposition Parties so that we should know our privileges. I am one of those who do not want that the MPs. should have more privileges than the people. After all, the people are supreme, and not Parliament. But I want this to be clearly defined. Otherwise, we will be doing something thinking that we are Members of Parliament, we will be beaten and will come to this House. So, I would request you to call a convention or refer this matter to the Speakers' conference or any other conference which can possibly take note of this.

This case should be referred to the Privileges Committee.

SHRI P. G. SEN (Purnea): I rise on a point of privilege emanating from the remarks of our hon. friend, Mr. Randhir Singh about Members in the opposition.

MR. SPEAKER: As the practice goes, I have sent it to them and when it comes I shall discuss it with the persons concerned and then come out with my ruling. I shall give my ruling later on.

श्री मृत्युंजय प्रसाद (महाराजगंज): अध्यक्ष महोदय, मुझे भी कुछ बर्ज करना है। मैंने जो आपको लिखा है, उसमें यह कहा है कि आपके बयान में स्पष्ट रूप से कुछ इनएक्यूरेसीज हो गई हैं, आपके कहने में लैप्स-आफ-मैमोरी है, सदन में उसकी क्लैरिफिकेशन होनी चाहिये। आप इतने ऊंचे पद पर बैठे हुए हैं कि हम लोगों की बात सुननी चाहिये, लेकिन जब अवसर आता है तो बोलने न दिया जाय, यह नहीं है खासकर जब हम आपके बयान में इनएक्यूरेसीज की बात करते हैं।

MR. SPEAKER: I cannot allow you now.

MR. M. L. SONDHİ: I shall take only half a minute about the call attention motion on the pay-strike of the Central Government employees. They had not drawn their pay. You have drawn yours; I have drawn mine; the M.Ps. have drawn theirs. The Prime Minister and other Minister, the great people who adorn the Treasury Benches and who claim to be modernisers are feudals with a feudalistic outlook; they had drawn their salaries all right, while those who toil for this Government got nothing in return; they have suffered all sorts of indignities and work for this Government.... (Interruptions).

MR. SPEAKER: You are holding everybody to ransom.

SHRI M. L. SONDHİ: While the Government employees had not drawn their pay, these people want to sabotage them; they send their spies among the Government employees

to sabotage. I denounce this Government.... (Interruptions)

SHRI S. M. BANERJEE: Let the Finance Minister make a statement on the pay strike of the 30th. This was a protest against inadequate interim relief. I support Mr. Sondhi. This Government must make a statement on this.

MR. SPEAKER: He got up abruptly; nothing is known to me.

SHRI M. L. SONDHİ: There is a call attention on the Table.

MR. SPEAKER: There are fifty call attention notices; I can admit only one.

SHRI M. L. SONDHİ: Nobody in the Secretariat cares for them. There is a systematic conspiracy in the Secretariat against the Government employees. If you will not do us justice, where shall we go?

MR. SPEAKER: There is no need for the Chair at all, if this rule of the thumb goes on.

SHRI M. L. SONDHİ: Justice is more important than anything.

MR. SPEAKER: Cool down, in the morning.

Where do we reach in this matter about Mr. Sambandham? He met me yesterday and on Sunday also at my residence and had again brought this case to me. I am faced with a very peculiar situation. I have to determine whether the motion is in order or not, whether facts are such as relate to his position as an M.P. in the discharge of his duties to the House.... (Interruptions)

SHRI UMANATH (Pudukkottai): He said that when he told the police officer that he was a Member of Parliament, the police officer replied: I do not care who you are; it is in Delhi. It has gone on record. But apart from other things, here is a question where a police officer treats this House with utter contempt, and his statement is there. On that issue also, it should be enquired into. (Interruption)

MR. SPEAKER: We should not go one-sided, whatever the position of any officer or any police officer. We have recently come across a similar case. We go on condemning people without giving a chance to them to defend themselves because they cannot be present in this House.

Secondly, I even asked him to come and I told him yesterday that "if you want to come, you can also come there and lay your case before them." But now he has laid the case before the House. I do not think we need meeting in this Committee then. Now, Papers to be laid on the Table.

SHRI TENNETI VISWANATHAM (Visakhapatnam): Sir, it is not a matter to be disposed of in such a way. (*Interruption*)

SHRI S. K. SAMBANDHAN: Sir, I want to say something. I want to explain.

MR. SPEAKER: Kindly sit down please.

12.51 hrs.

PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT OF THE INDIAN RARE EARTH LTD.

THE MINISTER OF STATE (SHRI-MATI NANDINI SATPATHY): Sir, on behalf of Shrimati Indira Gandhi, I beg to lay on the Table a copy each of the following papers under sub-section (i) of section 619A of the Companies Act, 1956:

- (1) Review by the Government on the working of the Indian Rare Earths Limited, Bombay, for the year 1969-70.
- (2) Annual Report of the Indian Rare Earths Limited, Bombay, for the year 1969-70, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—441/70]

STATEMENT REGARDING IMPACT OF DRUGS (PRICES CONTROL) ORDERS ON PRICES OF DRUGS

THE MINISTER OF PETROLEUM AND CHEMICALS, AND MINES AND METALS (DR. TRIGUNA SEN): I beg to lay on the Table a statement, under Direction 19 of the Directions by the Speaker, in reply to Half-an-hour Discussion raised by Shri Kanwar Lal Gupta on the 16th November, 1970, regarding impact of Drugs (Prices Control) Order on prices of drugs. [*Placed in Library. See No. LT—442/70*].

CERTIFIED ACCOUNTS OF COAL BOARD UNDER COAL MINES (CONSERVATION AND SAFETY) ACT, 1952 AND NOTIFICATION UNDER MINES AND MINERALS (REGULATION AND DEVELOPMENTS) ACT, 1957

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS, AND MINES AND METALS (SHRI NITIRAJ SINGH CHAUDHARY) I beg to lay on the Table:—

- (1) A copy of the Certified Accounts of the Coal Board for the year 1968-69 together with the Audit Report thereon, under sub-section (2) of section 12 of the Coal Mines (Conservation and Safety) Act, 1952. [*Placed in Library. See No. LT—4443/70*].
- (2) A copy of Notification No. S. O. 3665 (Hindi and English versions) published in Gazette of India dated the 14th November, 1970, under sub-section (1) of section 28 of the Mines and Minerals (Regulation and Development) Act, 1957. [*Placed in Library. See No. LT—4444/70*]

DEMANDS FOR SUPPLEMENTARY GRANTS (RIALWAYS) 1970-71

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI M. YUNUS SALEEM): On behalf of Shri Gulzari Lal Nanda, I beg to present a state-