

Report

Shri Joachim Alva: Sir, I want to ask you whether Shri Bagri can change four places in one day? Can he jump from place to place and speak? One day when your Chair is vacant he will jump to your place and speak from there.

Mr. Speaker: He might not have intended that up to now, but giving him a suggestion might encourage him.

Shri Joachim Alva: The other day also he changed four places. I want you to permit him to speak from one place only.

Mr. Speaker: As I have not been able to allot him a particular place, I have to tolerate it.

Shri Hem Barua (Gauhati): Sir, what happened to item No. 20 of the Order Paper?

Mr. Speaker: That statement has been placed on the Table.

Shri Hem Barua: Sir, I wrote to you that I want to seek a clarification. Can I seek that clarification from the Prime Minister?

Mr. Speaker: Let Shri Dinesh Singh come, I will allow him.

Shri Hem Barua: Sir, when he comes...

Mr. Speaker: I will call him. Let Shri Dinesh Singh be asked to be present.

13.45 hrs.

MOTION RE: ELEVENTH REPORT
OF THE COMMITTEE OF
PRIVILEGES

Shri Kapur Singh (Ludhiana): Mr. Speaker, Sir, the genesis of the subject matter over which the Eleventh Report of the Committee of Privileges has been presented to this House on the 30th November, 1966 has been

given in the opening paragraph of this report. It arises out of a question of privilege, raised by Shri Madhu Limaye on the 18th August and referred to the Committee by the House, against Col. Amrik Singh with regard to a letter dated 4th August, 1966 written by Col. Amrik Singh to the Speaker, Lok Sabha, which mentioned of a document alleged to have been sent by Shri Jit Paul showing an entry of payment of a sum of Rs. 40,000 against the name of Sardar Hukam Singh, Speaker, Lok Sabha.

It will be recalled that there was a lapse of a few days, I think three or four days, before the matter was referred to this Committee and between the date on which the letter of Shri Madhu Limaye reached your hands. As subsequent developments in this case show, this was one of the most unfortunate things that could have happened, because a careful perusal of the report shows that, throughout, the Committee was burdened with the most terrible alternative of either paying attention to the words which you spoke when you referred the matter to the House or to proceed in accordance with the rules which are mentioned in the book of Rules of Procedure. The words with which you referred this case to the Committee were, in substance, to the effect that if such a document at all exists or ever existed then "I shall resign my office". It became a burden on the mind of the Committee. It would seem from a perusal of the report that they felt that either they have to proceed in accordance with the requirements of the Rules of Procedure and find out the facts in regard to the matter referred to it, or to resign to the alternative which you had offered to this House, namely, to resign your seat if the existence of this document at all can be shown to be a fact.

Mr. Speaker: Does he mean to say that the Committee came to that conclusion because they had before them the fact that I had said that I would resign?

Shri Kapur Singh: I am coming to that point.

Mr. Speaker: That imputation should not be made against the Committee that they were dishonest people and because I had said I would resign they came to that conclusion.

Shri Kapur Singh: I have said nothing of that sort.

Mr. Speaker: It comes to that.

Shri Kapur Singh: Sir, in this the Committee has proceeded in a manner which is in contravention of the Rules of Procedure and also in contravention of the rules of taking evidence by the Committee, and this might have been done owing to the terrible predicament under which the Committee had to work....

Shri Frank Anthony (Nominated—Anglo-Indians): Sir, I rise to a point of order. In the committee we functioned as a court. Even if we extend the proceedings on an analogy with a court, can one member of a court impute motives and malign fellow members?

Shri Kapur Singh: I am not imputing any motive.

Shri Frank Anthony: He says by way of an *ipse dixit* that he is not imputing motives, but whatever he has said imputes motives to fellow members.

Shri N. C. Chatterjee (Burdwan): Sir, it is an imputation on a quasi-judicial tribunal. The House appointed that tribunal. It was a serious charge that was referred to it. We dealt with it with a sense of responsibility. We were never influenced by whatever you said, whether you were going to resign or not. We wanted to get at the truth. I may tell the House that we gave this gentleman, Col. Amrik Singh, ample opportunity to produce the document. In spite of repeated opportunities given he never produced it, and that was the whole basis of this charge.

Shri Kapur Singh: Sir, it has made me very happy to hear from my two learned colleagues that they were not influenced by what you said in the House.

श्री मौर्य (अलीगढ़) : मेरा व्यवस्था का प्रश्न है। इस कमेटी के जिन तथ्यों को लेकर सरदार कपूर सिंह यहां तथ्य रख स्वयं उक्त कमेटी के सदस्य हैं और उस में कुछ ऐसा लग रहा है कि जो रिपोर्ट आयी है और जो तथ्य यहां पर रखे जा रहे हैं उतने शिथिलता है। तो जब तक कि वह पूरी रिपोर्ट और उस की पूरी कार्यवाही सदन के सामने न हो, हम यह अन्दाजा नहीं लगा सकते हैं कि उस में क्या तथ्य हैं। वास्तविकता को जानने के लिए यह अनिवार्य है कि पूरी की पूरी प्रोसीडिंग्स जिस के बारे में हवाला दे रहे हैं वह पूरी सदन के सामने आये।

अध्यक्ष महोदय : यह कोई प्वाइंट ऑफ ऑर्डर नहीं है।

Shri Kapur Singh: It has indeed made me very happy to hear from two of my hon. colleagues that what was lurking in my mind, namely, that the remarks which you had made then regarding this matter had some psychological effect, some sub-conscious effect that has absolutely no basis whatsoever. I am very happy to hear about it. But, unfortunately, the fact remains that in this case things have happened which normally, in the case of the Committee of Privileges, as my experience for the last four or five years shows, have never happened. There must be some explanation for it and I hope that explanation may be forthcoming. I do not impute any motive to anybody. I am merely stating facts and drawing the inferences which I can draw from them.

It may be recalled that on a previous occasion the question arose as to whether a part, portion or paragraph from a minute of dissent given by a Mem-

[Shri Kapur Singh]

ber of the Privileges Committee can be expunged, and at that time it was sought to be justified by one of the brilliant legal luminaries of this House on the argument, namely, that if the rules permit that an expression or phrase may be expunged, it follows that sentences and paragraphs may also be expunged. Sir, this House passed that report and accepted that report, but thereby it inflicted such a grievous harm to the democratic processes of this Parliament that I beg your leave to be permitted to point that out here on this occasion.

The essence of the argument which was advanced by the hon. Member, to which the heavy weight of your own authority was also lent by your statement, "I have nothing more to add" is that while discussing matters of discursive logic, it is to be presumed that a part contains the whole. Sir, if this is the new postulate of logic which we have laid down in this House, and which we have accepted as the basis of our discussions and democratic dialogue in this House, then, I must say that the souls of Jaimini, Shvarswami and Kumari Bhatt, our ancient givers of logical laws, must be perturbed in the Swargaloka at what we are doing to the logical traditions of India... (*laughter*). It is not a matter for laughter. It is one of the most serious things that has happened to the parliamentary traditions of this country; it is one of the most serious things that has happened to the very basis of the type of life which we have given to ourselves in our Constitution, a life to be regulated and to be governed through a democratic dialogue.

Now, in this particular case, my note of dissent has been excluded on another ground, because it is argued that rule 314 of the Rules of Procedure merely says that a report shall be presented, but it does not say that a note of dissent shall be presented. Sir, I will not argue this point any further. I will merely ask a few questions for the consideration of the

House. Does a report mean merely the majority report? Does not a report mean the views and conclusions arrived at by all the members of the Committee? Why, for the first time in the history of Indian Parliament, is it felt necessary to exclude the dissenting opinion altogether from the body of the report? These are very interesting questions, of which the House may take note, so that healthy traditions may be set for the guidance of our future generations.

Now, I will take a cursory look at this report and try to show how the remarks which I have made are relevant.

Mr. Speaker: He should be brief.

Shri Kapur Singh: Since it is one of the most important points which I am raising I hope, Sir, you in your indulgence will give me a little more time. In my note of dissent I have pointed out certain very pertinent things which I wanted the Committee to take note of.

Shri Khadilkar (Khed): Sir, may I seek a clarification? The minute of dissent is not before us and the hon. Member is referring to that.

Mr. Speaker: I was also about to refer to it.

Shri Kapur Singh: I am merely telling you the points that I have mentioned in my note of dissent. I will not read the minute of dissent.

Shri Khadilkar: Sir, it is a very important question. If he is to give arguments, based upon his minute of dissent, which is not before us . . .

Mr. Speaker: I am saying the same thing. In this manner, the hon. Member cannot bring in the note of dissent here on record, when it has been excluded by the Committee.

Shri Kapur Singh: Even if the Committee has excluded it from the report,

I have a right as a member of the House to speak on the report and give my views. I am not reading the minute of dissent. I am merely reading the salient points from the minute of dissent. What is wrong with it? I could not make those points before the Committee; therefore, I want to make them before the House, so that the House may have a proper consideration of the report. What is wrong about it?

Mr. Speaker: He should not be angry with me. Every time he addresses me, he addresses me in such a manner which gives the impression. . . .

Shri Kapur Singh: I am not angry with you, but I am angry with the type of objections that are made from that side.

Shri Khadilkar: This is not the way of referring to an hon. Member. I take strong exception to that. Firstly, this is a parliamentary committee, a quasi-judicial body or tribunal, whatever you call it. Now he cannot directly refer to the minute of dissent which has been excluded . . .

Shri Kapur Singh: Why not? It is my own note which I am referring to.

Shri Khadilkar: He should confine his remarks to that matter or report which has been presented to the House. He cannot by some dubious methods try to bring about certain arguments that he has advanced in the minute of dissent. That should not be on record. . . . (*Interruptions*).

Shri N. C. Chatterjee: Sir, may I draw your attention to rule 315, sub-rule (2), which makes it perfectly clear that nothing can be referred to except what is mentioned in the report? Rule 315 refers to "consideration of report" and sub-clause (2) of that rule says:

"Before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration, and

such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the House."

Therefore, all that he can do here is to make submissions on the report, criticise what is mentioned there.

Shri Kapur Singh: That is what I am doing.

Shri N. C. Chatterjee: Please, let me complete. Your Direction No. 68 clearly says:

There shall be no minute of dissent to the report."

You have put it down in your directions, and so long as that stands, that is the law which we have to follow.

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): My esteemed friend just now read out from Direction No. 68 to show that there can be no minute of dissent. Here may I, by your leave refer to rule 275 from Chapter XXVI-Parliamentary Committee. It is not a Select Committee so that you can have a minute of dissent. This Committee consists of members of Parliament and it is a parliamentary committee. So, we are governed by this Chapter. Now, what does rule 275 say? It says, firstly, that the whole or a part of the evidence or summary thereof may be laid on the Table. Secondly, it says that the evidence, report of proceedings not laid on the Table cannot be inspected by any one except with the permission of the Speaker. Thirdly, it says that the evidence given before the Committee shall not be published by anybody until it is laid on the Table. The proviso says that the evidence can be confidentially made available to members by the Speaker. The position is very clear. So far as this Committee

[Shri C. R. Pattabhi Raman]

is concerned, there is no provision for a minute of dissent, as has been pointed out by Shri Chatterjee. What is more important, as you are aware, Sir, the Committee went very deeply into this matter and two members of the Committee went and examined the documents. It is only after that that the Committee has come to its conclusion, which it has given in its report. Therefore, I do not think there is any provision at all in the rules under which the hon. Member can refer to his minute of dissent, which has been excluded from the report, while considering the report of the Committee.

Shri Tyagi (Dehra Dun): In this connection, I would also like to refer to one thing. This Committee functions like a court, as my hon. friend has already stated. In the High Court, are the judges not permitted to give dissenting judgments? Sometimes, the majority judges give a majority judgement and the minority of judges give a minority judgement. So, to deprive a Member of submitting his minute of dissent is something which is novel. I do not know whether this could be done. It might be examined whether one of the members of this Committee, if he differed from the majority view, could also give his version; otherwise, where will he go? I think, he should not be denied that benefit.

14.00 hrs.

Mr. Speaker: There is no question of denial. Shri Tyagi has been the Chairman of the Public Accounts Committee. From the very start it was intended that the reports of parliamentary committees ought to be unanimous and no minute of dissent should be attached to them. That has always been the practice here so far as these are concerned. In the reports of Select Committee on Bills there are minutes of dissent and every Member is entitled to submit them.

श्री मधु लिमये : प्रिविलेज कमेटी में भी रहा था। चौथा रपट में है मिनट आफ डिसेंट।

अध्यक्ष महोदय : सी लिए यह डाइ-रेक्शन 68 है। मेरा ख्याल है कि स्पीकर ने या जिस ने भी यह किया उस सी लिए किया होगा कि No minute of dissent should be attached to it.

Shri N. C. Chatterjee: There shall be no minute of dissent.

Mr. Speaker: There shall be no minute of dissent. उनका मतलब यह है कि जो पार्लियामेन्ट्री कमेटी है उस की प्रेस्टिज को रक्खें, उसकी रिस्पेक्ट को रक्खें ताकि वहां जो भी डिस्कशन हो

श्री मधु लिमये : क्या सेलेक्ट कमेटी पार्लियामेन्ट्री कमेटी नहीं है।

अध्यक्ष महोदय : सेलेक्ट कमेटी के लिए प्राविजन है।

श्री मधु लिमये : पो० ए० सी० और विशेषाधिकार समिति में जमीन आसमान का अन्तर है। एक न्यायालय है और एक जांच समिति है।

Shri Tyagi: If it was conventional, they ought not to have mentioned it.

Mr. Speaker: It is a direction by the Speaker.

Shrimati Renu Chakravartty (Barackpore): As far as the PAC and EC are concerned, there has been a convention which now, I think, we have changed a little bit, namely, that we never discussed their reports in the House. But here is a committee whose report can be discussed in this House. For half an hour a debate can be permitted. To my mind there is quite a difference between the Estimates Committee and the Public Accounts Committee, on

the one hand, and any other committee of this House, on the other. What Shri Tyagi said also occurred to me. I am not a lawyer by any means but I do feel that if in a judgment the opinion of a judge who wants to give a minority opinion is permitted, I do not see any reason why any particular member of that Committee who has differed with the majority opinion should not be permitted to place his point of view before the House or append a minute of dissent—one or the other. Not only are we not allowing him to put in a minute of dissent, he cannot even express his opinion here. His right of speech is there. To exclude that, I think, shows a little bit of nervousness on the part of the judges.

Mr. Speaker: It is mentioned in the Report itself that he differs from the majority report.

Shri Hari Vishnu Kamath (Hoshangabad): If I heard you right you said that it is intended that the reports of these committees should be unanimous.

Mr. Speaker: That direction was there. That had been done by an earlier Speaker. Therefore, I thought that way.

Shri S. M. Banerjee (Kanpur): In the case of Shri R. K. Karanjia... (Interruption).

Shri Hari Vishnu Kamath: Rules 313, 314, 315 and 316 of the Rules of Procedure, which deal with this particular committee, the Committee of Privileges, refer to the report and say that the Report will be submitted by the Committee but now here in these rules do I find the word "unanimous" that it should be unanimous. If the word "unanimous" is not there, it is presumed that it may not be unanimous. If there is no unanimity, a Member, who differs from the majority view, is entitled under the rules to submit a minute of dissent. I do now know how it can be ruled out. I do hope that even if you hold otherwise,

which I hope you will not, the Members of the House must have every right, as you have ruled on another occasion..... (Interruption).

Mr. Speaker: Even yesterday when Shri Diwivedy asked me....

Shri Hari Vishnu Kamath: I made the request.

Mr. Speaker: I said, "Yes".

Shri Hari Vishnu Kamath: Having read the minute of dissent in your Chamber, a Member should have a right under the rules. I do not think it is expressly barred. You referred to it in the House in the course of the discussion and said that it should not be used in the House.

Mr. Speaker: Last time also I said the same thing.

Shri Hari Vishnu Kamath: The rules governing the Committee of Privileges not barring expressly a Member either from submitting a minute of dissent or a Member from using it....

Mr. Speaker: Please see Direction 68.

Shri Hari Vishnu Kamath: I know. It is about evidence, I believe. But you have already ruled on one occasion that no direction can override the rule; just as no rule can override the Constitution, so also no direction can override the rules.

Mr. Speaker: The direction does not override the rule.

Shri Hari Vishnu Kamath: Well and good. Then I am on strong ground.

Mr. Speaker: There is no rule which this direction overrides.

Shri Hari Vishnu Kamath: What does it do then? If it does not override the rule and if the rule does not prohibit a Member from submitting a minute of dissent....

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Mr. Speaker: The rule does not say that he can submit.

Shri Hari Vishnu Kamath: The rule does not also say that he cannot submit.

The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao): Rule 315, sub-rule (1) says:—

“After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be may move that the House agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.”

He can speak against the report but he cannot speak on the minute of dissent.

Shri Kapur Singh: I am merely paving way for moving the motion before the House that the Eleventh Report of the Committee of Privileges may not be adopted because it is afflicted with grave lacunae. In support of that I have made a few observations and now I want to adduce a few facts in support of my case.

Mr. Speaker: If he wants that it should not be adopted, then that would be the second stage when a motion is made that it should be agreed to, rejected or whatever is to be done.

Shri Kapur Singh: I have to place material before this House before I can make that motion.

Mr. Speaker: There are two stages. One is that this Report be taken into consideration; the second is that this Report be agreed to, or disagreed to or agreed to with some modifications or sent back. At that stage he might say whatever he has to say.

Shri Kapur Singh: I have notified you in advance why I am making certain observations, why I want to

bring on the record of this House certain facts (Interruption).

Shrimati Renu Chakravartty: Let us hear him.

Shri Raghunath Singh (Varanasi): We are hearing him for a long time. We have heard him in the Committee also. How long are we going to hear him?

Shri Kapur Singh: The hon. Member from Banaras is very impatient. If he is hungry or thirsty, he may be permitted to leave the House. I have hardly spoken for three or four minutes at the most but he says that he has heard enough of me. I protest against his saying that he has heard enough of me. I have every right to make a speech here and he has no business to say that. I have heard enough of that. I have seen enough of this man, I want him to be out of this House. Kindly ask him to go out.

Shri Raghunath Singh: If you have the right to say that, I also can say that.

An hon. Member: Om! Shanti, Shanti, Shanti!!

Shri Kapur Singh: This Report is afflicted with many grave lacunae.

Shri D. C. Sharma (Gurdaspur): Sir, he is my great friend. I want to know what his actual motion is. He must put it in very clear, concise and precise terms so that we can understand what he is aiming at.

Shri Tyagi: Emotion!

Shri Kapur Singh: Sir, I confess, as far as this life of mine is concerned, I shall never be able to attain the clarity, understanding, expression and comprehension which my hon. friend, Professor Sharma, possesses; therefore I request the House to bear with me.

This Report is afflicted with a number of grave lacunae. It has been drafted after a procedure which contravenes almost all the rules of pro-

cedure laid down for such matters. It contravenes rule 270, it contravenes rule 271 and it contravenes rule 273. It is also based on exclusion and suppression of available material and admissible evidence.

The facts in support of what I have just now said are as follows. There are four facts to support it. The first fact is that during the examination of Colonel Amrik Singh it was insinuated and suggested against him that he was falsely claiming a military rank, that he was a dismissed public servant, that he was convicted or involved in serious criminal offences. But each time, when Colonel Amrik Singh attempted to produce or indicate documentary evidence to rebut these insinuations he was not allowed to do so.... (*Interruption*).

This is evident from the Report itself.

The second point which I wish to mention is....

Mr. Speaker: Now, to go into....

Shri Kapur Singh: I am going into what the Report itself contains. You read the Report yourself.

Mr. Speaker: I will read it too.

Shri Kapur Singh: Col. Amrik Singh has testified on oath—in this Report, his evidence is given—that the alleged letter by Jit Paul to one Gen. Thappa of Kathmandu disclosing an illicit payment of a sum of Rs. 40,000 to one S. Hukam Singh was filed by his counsel in judicial proceedings, fully indicated by him. (*Interruption*). It is a part of the Report. What objection have you got against that? It is mentioned in the Report.

He further states on oath here, in this Report, that there is evidence and indication that this document has been secreted away from the judicial file. He has also produced legal evidence that all his attempts to obtain a copy of the document from the judicial

records have failed and been frustrated as well as his requests for attested copies of his applications made on this behalf. In the circumstances, he has prayed to the Committee that he may be permitted to produce and file an original letter written at the material time by his counsel, attesting true contents of the letter of Jit Paul filed in the Court about six years ago and also an original letter by this counsel indicating that "S. Hukam Singh" mentioned in the letter of Jit Paul is our present respected Speaker. Under the law of evidence, these two documents constitute most relevant and admissible secondary evidence and also, in view of the fact that this counsel for Col. Amrik Singh is now dead, these documents are admissible as primary evidence under the Law of Evidence.

Another fact is this. Col. Amrik Singh, in reply to a question put to him, expressed his willingness that Gen. Thappa, the recipient and addressee of the letter by Jit Paul should be examined, as he is alive and available. The Committee has not examined him.

Again, Rule 270 of the Rules of Procedure empowers the committee to "send for persons, papers and records". In this case, the committee have continued to exercise these powers with a view to obtain available material, and admissible evidence, and relevant evidence, and, on the contrary, has obliged and has tried to compel Col. Amrik Singh to produce a document which he never claimed to be in his possession and from that they have drawn a wholly unwarranted conclusion that this document does not exist.

Mr. Speaker: Is that all?

Shri Kapur Singh: No, Sir.

Mr. Speaker: He has taken 10 minutes already.

Shri Kapur Singh: Then, Rule 273 of the Rules of Procedure lays down the procedure for examining a witness. As the records of this case will show,

[Shri Kapoor Singh]

the procedure laid down by the Rule was not followed while examining Col. Amrik Singh. He was systematically browbeaten to answer all types of questions relating to his personal integrity as well as the impugned letter by Jit Paul.

The provisions of sub-rule (iii).....

Shri Raghunath Singh: Is he reading from some document or is it his speech?

Shri Kapur Singh: These are my notes. This is not a document. Sit down I am holding the floor. Who is he?

Mr. Speaker: Order, order. He is also a Member.

Shri Kapur Singh: He may be a Member. But he is not holding the floor now.

Shri Raghunath Singh: A written speech is not allowed to be read here.

Shri Kapur Singh: That is for the Chair to decide. You keep quiet.

Shri Raghunath Singh: I am addressing the Chair.

Shri Kapur Singh: These are my notes.

Sub-rule (iii) lays down.....

Shri Tyagi: On a point of order, Sir.

Mr. Speaker: Mr. Tyagi, Let him continue. Because it is my personal matter, I would appeal to the Members to let him go on.

Shri Tyagi: I will not take much time.

Mr. Speaker: Let him go on with whatever he wants to say.

Shri Tyagi: A speech or a document which is not permitted cannot be allowed like this.

Shri Kapur Singh: I am reading no document.

Shri Tyagi: If somebody introduces into his speech certain things which are not proved, which the Committee itself did not permit, they should not be allowed. He can only express his opinion on it.

Mr. Speaker: Because it concerns me, let him go on. I cannot put anybody else in the Chair.

Shri Tyagi: It concerns us also. We have to establish some conventions. I have myself pleaded with my hon. friend that he must have full liberty to express his views upon the judgment given by the Committee. I still hold that. But to bring in certain points which were not proved before the Committee could not be regularised here on the floor of the House.

Mr. Speaker: I have asked the Member but he does not listen to that.

Shri Kapur Singh: Rule 273 gives a witness the option to add anything to the answers he has already given to the questions. Even a cursory perusal of the record of the proceedings of this Committee, in this case, will show that Col. Amrik Singh was never allowed this option of adding under Rule 273(iv).

In view of this and in view of many other facts which I could point out to which many of the Members on the Treasury Benches are not in a mood to listen, on the basis of the evidence which has already been produced before this Committee, I am of the opinion that a *prima facie* case has been made that a document does exist, written by Jit Paul to one Gen. Thappa of Kathmandu in which the citations which have been alleged in the letter of Col. Amrik Singh do exist. I do not go beyond that. The conclusions to which the Committee has come are the conclusions which are warranted neither by the evidence on the file nor are they the conclu-

sions which could be arrived at in the manner in which they have been in contravention of the Rules of Procedure.

Shri N. C. Chatterjee: Sir, I want to assure this House that we were not influenced in any way because certain allegations were made against the Speaker or that it would deflect us in any way from the rules of procedure or the principles of natural justice.

I ask: What was the charge? I invite your attention to p. 74 of the Report, paragraph 2—Mr. Madhu Limaye pointed out and it was referred to the Privileges Committee—which reads:

"A vital document submitted on record with statements u/s 164 Cr. P.C., shows details of bribe money paid to several persons, signed by the said Shri Paul, and a sum of Rs. 40,000/- is shown against your name....

--that is, a letter addressed to you, the Speaker—

"....The existence of these documents has been admitted by the Government before the High Court in proceedings relating to the connected cases (Cr. Writ No. 18-D/65) after denying the very existence of the proceedings for 11 years."

Now, the first question that we put to him was:

"Where is that document?"

That is the vital point. We said. Produce it and you will prove your case. That is the crux of the matter. Would you kindly look at p. 21?

"Shri N. C. Chatterjee: In your letter to the Speaker, there is this sentence:—

"A vital document submitted on record with statements under section 164 Cr. P.C., shows details of bribe money paid to several persons, signed by the said Shri Paul,

and a sum of Rs. 40,000 is shown against your name."

Where is that document?

Col. Amrik Singh: That was filed by me in the Court of the Special Magistrate, Delhi."

"Shri Frank Anthony: There are several Special Magistrates."

When Mr. Frank Anthony pointed out that there were several Special Magistrates, then he gave some details.

We wanted him to produce that document. If the document is produced, it proves a good part of the case and then the basis is laid and then we can go on further. We gave him time after time to produce that document.

Shri Kapur Singh: Mr. Speaker, Sir.... (Interruption)

Shri N. C. Chatterjee: I am not yielding. There should be some limit to character assassination.

Shri Kapur Singh: When I was on my legs, I was interrupted several times.

Mr. Speaker: Let him proceed.

Shri Kapur Singh: He knows it very well that on 30th November, the Chairman of the P.A.C., Shri Morarka, presented a Report of the P.A.C. in which he alleged.....

Mr. Speaker: This is not the manner. When another Member is on his legs, why should he interrupt him.

Shri Kapur Singh: When I was on my legs, I was interrupted several times. In this House, there have been instances. Only three days ago, on 30th November, the Chairman of the P.A.C., Shri Morarka, presented a P.A.C. Report in which he alleged that a vital document was missing from the Government file. Has anybody ever thought of asking Mr. Morarka to produce that document or shut up?

Shri N. C. Chatterjee: What was the complaint of Mr. Madhu Limaye? Kindly look at page 3, paragraph 9.

"On the 18th August, 1966, Shri Madhu Limaye, M.P., raised a question of privilege in the House on the subject. While raising the matter in the House, Shri Madhu Limaye urged..."

What did he urge?

"...Shri Madhu Limaye urged that Colonel Amrik Singh should be brought before the House and be asked to produce evidence in support of his allegation about the existence of the document pertaining to Shri Jit Paul..."

The first question that the Committee put to him was, "produce the document". This was exactly what Mr. Madhu Limaye had indicated and that was the first thing that we wanted. If it was proved that such a document existed, then Jit Paul should be punished and in case of alleged failure to do so, Amrik Singh should be severely reprimanded. The whole case was this. He failed to do so and has to be reprimanded.

Kindly look at the facts. The first sitting was held on the 19th August in order to find out what is the truth. We requested two members of the Committee, Mr. Frank Anthony and Mr. Parashar, who were Advocates, to go down to the High Court; we told them, "the writ number is there, the case number is there, look at the record and if you find that there is any such document which says that some bribe money has been paid as alleged by this man, please let us know".

Shri Kapur Singh: Did they testify before the Committee?

Shri N. C. Chatterjee: They went down to the Court. Mr. Anthony is here. I think Mr. Parashar is also here. They will tell you. Nothing of this kind was there. (*Interruptions*).

On the 22nd August, we held the second sitting. We ordered Col. Amrik Singh to appear. He appeared. The fourth sitting was on 1st September, 1966. Kindly look at it. What did we do? On the first document after examining him and after questioning him, when he said, "yes, it is absolutely true, the document is there", we asked him to produce the document. Kindly look at the Minutes of the fourth sitting, page 11.

"The Committee asked Colonel Amrik Singh to furnish the following documents by the 20th September, 1966."

Remember the date. This is 1st September. We had consulted him. We did not want to be rude to him. We did not want to hustle him. He wanted some time and we said, "very well, produce it by the 20th September and appear before the Committee on the 1st October".

"(i) The original document..."

That is, the vital document in which this allegation, this noting of bribery is there.

"...or a certified copy thereof, stated to be signed by Shri Jit Paul."

He never produced the original document, he never produced a certified copy. He never produced anything to substantiate that the document was actually filed in the court. (*Interruptions*)

Shri Kapur Singh: When the document is not in his possession, how can you ask him to produce it? Has such a thing ever happened that you ask a person to move the heaven down to earth?

Mr. Speaker: Order, order. He is on his legs.

Shri N. C. Chatterjee: I do not know why my friend is taking this partisan attitude. I am sorry to say this.

I wanted him to produce this document. But he did not produce it. If it is in the court, we asked him to produce a certified copy. You know the Indian Evidence Act. You know the law about the production of public document. A public document means (*Interruptions*) a document which is on the record of a court or Tribunal... (*Interruptions*)

Shri Tyagi: Was Mr. Kapur Singh there when this question was put to him?

Shri Kapur Singh: I was there. His answer was that these documents have been spirited away from the court's files.

Shri N. C. Chatterjee: Kindly look at the list of members.—

Mr. Frank Anthony, N. C. Chatterjee, Mr. Kapur Singh and others. He was there—a very important member. We asked him to produce,

“(ii) Certified copy of the application made by him to the Magistrate at Ambala applying for the return or recovery of the documents and the order of the Magistrate thereon.”

He said, “I have applied, but the Magistrate is not giving it”. Then we said, “very well, produce a certified copy of the application”. It never came. (*Interruptions*)

An hon. Member: Even the application!

Shri N. C. Chatterjee: “(iii) Certified copy of the order of the District Magistrate at Ambala returning his application stating that the documents were not traceable....”

This is the crux of it. He said, “the document cannot be traced; the Magistrate has recorded it”.

Then we said, “very well, produce the order of the Magistrate that it is not traceable”. He cannot produce it.

The next is:

“(iv) Certified copy of the application made by him to the Magistrate at Delhi/New Delhi applying for the return of the documents and the Magistrate's order thereon”.

Nothing came. Then:

“(v) Certified copy of the petition or application made by him when the document in question was filed by him in the Court.”

Nothing came. Then:

“(vi) Certified copy of the Order Sheet or the original thereof in this case.”

Nothing came.

You remember, 21st September was the date... (*Interruptions*.)

Shri Kapur Singh: It is not factually true. He should not mislead the House. He says, “nothing”.

Mr. Speaker: Order, order.

Shri N. C. Chatterjee: Why is my friend pleading Col. Amrik Singh's case?

The next sitting was held on the 4th October. Not a single document comes—neither the relevant original document nor a certified copy of it nor a certified copy of the application he made to the court nor a copy of the alleged order of the Magistrate or judge that the documents are not traceable. Nothing came.

Shri Kapur Singh: You made it impossible for him to produce any document.

Shri N. C. Chatterjee: On that day he did not produce any. But he came. Kindly see page 13.

“Colonel Amrik Singh produced a photostat copy of some

[Shri N. C. Chatterjee]

typed document alleged to be a copy of a letter dated nil allegedly written by Shri Jit Paul to one Shri D. B. Thapa, Kathmandu (Nepal)."

Shri Maurya: Start prosecution against Jit Paul and you will come to know what the truth is. Then we will come to know of the details.

Mr. Speaker: Order, order.

Shri N. C. Chatterjee: May I point out to you with great respect... (Interruptions.)

Shri Manrya: Criminal proceedings may be started against him, so that we may come to know of the truth.

प्रधान्य महोदय प्राप इम बात को ध्यान में रखिए कि प्राप हम सब के मरपरस्त है, प्राप इम सदन में सर्वश्रेष्ठ है,

प्रधान्य महोदय : माननीय सदस्य प्रब ६५ जायें ।

श्री श्रीय : मैं प्राप का हुक्म मान खोजा हूँ ।

Shri N. C. Chatterjee: We have not deviated from law.

Shri Kapur Singh: The hon. Member is exceeding the provisions of rule 271....

Mr. Speaker: Order, order. I have given him latitude. But he should not misuse it. I have been asking him again and again. There ought to be some end to it. I have given him enough time.

Shri Kapur Singh: I am grateful to you for giving me latitude. But you have not given me enough latitude.

Shri N. C. Chatterjee: Section 65 of the Indian Evidence Act says when

secondary evidence can be given: you must prove the loss or destruction of the original before you can turn to the secondary evidence. I need not waste your time. You know the law. It was laid down by the Privy Council in 1887—I am reading XIV Indian Appeals:

"Held that the loss or destruction of a document not having been proved, secondary evidence was not admissible."

It is there in the Indian Evidence Act. This is also in consonance with the principles of natural justice. No document was there. The existence of the document was not at all proved. He says that somebody gave some documents to a pleader and the pleader vouchsafed. That pleader is dead and gone. We do not know who is that pleader. Anywhy, we do not want to cast any reflection on anybody. (Interruptions)

We also gave him another chance. We gave him two months. I have given you the dates. On the 1st September, Col. Amrik Singh was asked to produce the documents. He was given time, but he did not produce. On the 4th October, the Committee directed him to submit those documents which he wanted to file by the 31st October at the latest. Then, he was asked to produce a certified copy of the alleged finding of the district and sessions judge. You will find this at page 13 of the report. No documents were filed and there was nothing of the kind.

The Committee, I submit with respect, therefore, rightly decided that there was absolutely no case which they could decide. That is the foundation of the whole thing. Therefore, they decided that ample opportunity had been given to Col. Amrik Singh and Col. Amrik Singh failed to produce the documents asked for. We gave him opportunity after opportunity. Kindly remember that 1st September was the first date, and we

were saying this on the 3rd of November. Immediately comes a letter from Shri Kapur Singh, saying 'Why are you doing it?' He wanted further examination of Col. Amrik Singh. Further examination for what purpose? We did not know; further examination to prove what? He had been given time after time, week after week, month after month. He was deliberately playing with the committee. He did not produce any document, not even a certified copy, not even a certified copy of his application, not even a certified copy of the order where the district judge had said that the document was not traceable and was gone. There was nothing of the kind.

Therefore, a draft report was placed before the Committee on the 10th November, and the committee adopted the draft report.

Then, the question of minute of dissent was raised. But I shall read out only one page from Campion's book on parliamentary procedure. In committee of privilege or a committee of this character, there is no question of any note of dissent. In England, the position is very clear. I shall read out from Lord Campion's book on parliamentary procedure. At page 251 this is what he has to say:

Preparation of a draft report for the consideration of the committee is usually left to the chairman. It is, however, open to any member of the committee to submit his draft report for consideration, and if more than one draft is submitted, the first step is to decide which draft shall be taken into consideration....

This will determine the question whether the draft report prepared by A is read. Then, they take the other report and discuss; then they produce their report which is the result of a consensus.

My hon. friend was saying that a judge had got an inherent right to

deliver a dissentient judgment, but you know, Sir, that in the Privy Council they do not do it; there are also other judicial committees where they do not do it, because they want the opinion of the committee.

Shrimati Renu Chakravarty: Are we the Privy Council? That is the point.

Shri N. C. Chatterjee: All that I am pointing out is that there is no minute of dissent and there cannot be any minute of dissent. I only want to tell you that Shri Kapur Singh never produced any draft report. He was only pleading that this man should be called again and given a chance, to produce, what, I do not know. There was only some secondary evidence, namely something which was given to some lawyer who is dead or some letter which has been given to somebody in Nepal. What have we got to do with it?

Parliament had asked us to consider this. Shri Madhu Limaye had asked whether this document was there, and whether this document was in existence, and if it was in existence then we must proceed in one way and if it was not in existence then we must proceed against this man and give him condign punishment. That was all that we did. We were satisfied that there was absolutely no document whatsoever; it was a figment of imagination. The whole thing is a manufactured thing. We have him ample time. The sooner this kind of character-assassination stops, the better it would be. The Committee of Privileges should not be used for such purposes.

Shri Frank Anthony (Nominated Anglo-Indians): On a point of personal explanation.

Mr. Speaker: Only half an hour can be given for the discussion. Now, hon. Members should resume their seats.

Shri Frank Anthony: On a point of personal explanation. There is an allegation; I noticed it only this

[Shri Frank Anthony]

morning; I read it for the first time in the morning. There is an allegation against me. I would like to support Shri N. C. Chatterjee on the facts. But I found one allegation this morning against me at page 70. I had been examining this gentleman at some length, perhaps a little more than the others, and he waited for me to leave the committee to make an absolutely vicious, brazen and false allegation that I had been an adviser, that is, a legal adviser to Aminchand Pyarelal. I do not know this firm from Adam.

Shri N. C. Chatterjee: He said 'at Jabbalpur and Nagpur'.

Shri Frank Anthony: I do not know them today. I have never known them from Adam. Obviously he was a man without any principles and without any scruples and we could not just pin him down to anything, and I was trying to bring out the fact that he was lying. Therefore, he waited till I had left and then brought this utterly vicious and false allegation against me.

Shri Bade (Kharagone): May I seek one clarification? Shri N. C. Chatterjee had said that Shri Kapur Singh had not appended any minute of dissent. At page 17 of the report it has been stated:

"The Committee also decided that in view of the fact that there did not exist any provision in the Rules of Procedure to permit a note of dissent being appended to the Report of the Committee of Privileges, Sardar Kapur Singh's note of dissent should not be appended to the report."

So, how could Shri Kapur Singh have submitted a minute of dissent?

Shri Khadilkar: May I seek one clarification?

श्रीमधु तिमये : अध्यक्ष महोदय, यह खूब हुआ। मैं तो शिकायत करने वाला हूँ और मुझ को नहीं सुनेंगे? दो मिनट आप सुन लीजिए।

Mr. Speaker: He may kindly finish in two minutes.

श्री मधु तिमये : अध्यक्ष महोदय, मैंने जब यह शिकायत की तो उस के पहले रेणु चक्रवर्ती और किशन पटनायक के साथ मैंने आप से बात की और आप का जब हुकम हुआ तभी इस को पेश किया। इस शिकायत में मैंने यह कहा था :

'Either this document exists or it does not exist. If it is a figment of the letter-writer's imagination, then he is guilty of a very grave contempt of the House. It is for the House and the Privileges Committee to look into the existence or otherwise of this document and haul up Col. Amrik Singh or Mr. Jit Paul, as the case may be, for breach of privilege.'

अब कमेटी ने पृष्ठ 13 पर दो दस्तावेजों का जिक्र किया है :

"At the outset, the chairman informed the committee that Col. Amrik Singh had submitted copies of some documents certified by himself as true copies."

आगे वह कहते हैं :

"Col. Amrik Singh produced a photostate copy of some typed document alleged to be a copy of a letter dated Nil, allegedly written by Shri Jit Paul to one Shri D. B. Thapa, Khatmandu, Nepal."

अब अध्यक्ष महोदय, मेरी आप से प्रार्थना है कि यह जो प्रिविलेज कमेटी की रपट है वह दो कारणों को लेकर पुनर्विचार के लिए कमेटी के पास भेजी जाय। अब ज़रा सुनिए। एक कारण यह है कि यह जो दस्तावेज है उनको, वह अन्तिम फैला करने के पूर्व रपट में समाविष्ट करके उस के बारे में अपनी राय दें कि उनकी राय में यह सही नहीं है, वास्तविकता का इसे कोई आधार नहीं है, या बनाबटी है। एक बात।

दूसरी बात सरदार कपूर सिंह ने जो असहमति पत्र दिया है उसको न छापने से फिर सन्देश के लिए गुंजाइश रह जायेगी। इसलिए मेरी प्रार्थना है कि उन का जो दृष्टिकोण है, जो असहमति पत्र के द्वारा उन्होंने व्यक्त किया है, वह भी इसमें समाविष्ट किया जाय। कमेटी उस पर भी अपनी राय देकर अपनी जो अन्तिम रिपोर्ट दें। और अन्त में एक वाक्य मैं कहूंगा। चूंकि नियमों में असहमति पत्र के खिलाफ कोई बात नहीं है, मैं परम्परा की बात कह रहा हूँ चौकी जो त्रिविध-लेज कमेटी करपट है उस में असहमति पत्र आ चुका है इसलिए कैम्पिन की किताब का यहां कोई मतलब नहीं है। हमारी यह परम्परा बन चुकी है कि चूंकि यह कमेटी न्यायालय की शक्त में है इसलिए असहमति पत्र जोडा जाय, उस के बारे में कमेटी फिर फैसला ले। इसलिए मैं यह प्रस्ताव रख रहा हूँ कि यह रिपोर्ट कमेटी को रिजिस्ट्रार किया जाय।

श्री बड़े : अध्यक्ष महोदय, मैं कहना चाहता हूँ (व्यवधान)।

अध्यक्ष महोदय : अब आपने कह दिया जो कहना था। अब मैं सब को तो नहीं बुला सकता।

Shri G. N. Dixit: On this point, I have given notice of a breach of privilege motion against Shri Madhu Limaye, and I may also be permitted to speak because the report is under consideration

Shri Khadilkar: I want two clarifications from you. The first is this. Can a Member of this House, while speaking, act as if he is a counsel for one who has been considered an accused before this House? From my hon. friend's speech it appeared to me that he is acting as counsel of Col. Amrik Singh.

Shri Kapur Singh: I protest against this. It is he who is acting as counsel.

Shri Khadilkar: The second is this. Are there other allegations against him?

Shri Kapur Singh: If the hon. Member wants to be a real counsel, he should look elsewhere.

Shri Khadilkar: For, regarding the antecedents of Col. Amrik Singh I hear that he is wanted in some cases. If this is true, then let those things be placed before this House.

श्री राम लखन दास (बाराबंकी) :
श्री मधु लिमये ने मांग की थी कि उसे सब्जत से सब्जत सजा दी जाय, उसको कौनसी सजा दी जा रही है? इस तरह से शक 'दा होगा, क्योंकि उसका कोई सजा नहीं दी गई, बल्कि उस को छोड़ दिया गया है।

Shrimati Renu Chakravarty: I think a very important point has come out of this discussion. There is no doubt that we want to get at the truth. Earlier I also had urged and wanted that in principle the right of dissent should be there. But I also feel that Members of Parliament must be very careful about the source from which they get information. We must be very careful to see that the people who give us this information are people whose word we can believe. This is something very important because after all, we are bringing up certain very serious allegations. I know that many wrong things take place. I also know that it is very difficult to prove them.

As a matter of fact, the Chair has always insisted that very great details should be provided to you, because you even allowing anything to be said on the floor of the House want to be sure that what is said has a prima facie case in it. Therefore, I do agree that we should exercise great care in convincing ourselves about the reliability of the sources of information.

[Shrimati Renu Chakravartty]

As regards the person who has raised this point—I did not know it was this gentleman—he is not a very reliable person.

Shri Frank Anthony: A classic under-statement.

Shrimati Renu Chakravartty: As such, we should also be very careful when material is brought before us to sift it properly before we bring it up before the House.

Mr. Speaker: She was one of the Members who brought this.

Shrimati Renu Chakravartty: I did not know. You must remember what I told you....

Shri Ranga (Chittoor): All that is understood. Why bother?

Mr. Speaker: I do not bother.

Shri Ranga: Let her say what she wants to.

Mr. Speaker: I am not obstructing her.

Shrimati Renu Chakravartty: I think you may be a little sentimental because your name has been dragged into it. But I think we should look at it in a different manner. If Mr. Amrik Singh is this type of man—his past is so obviously shady—in such a situation, we must be careful because you may when I came to you I said these things are being said and as this is a matter dealing with the Chair, I want you to think the pros and cons as if whether to send it to the Privileges Committee, and letting the whole thing to be cleared.

Shri N. C. Chatterjee: Does she know that he had 14 aliases—only 14!

Shrimati Renu Chakravartty: No, I did not. Therefore, I feel that we should go into the matter properly before we bring it up here. We should ascertain and find out the trustworthiness of the source which gives the information.

Shri Hari Vishnu Kamath (Hoshangabad): I agree with my hon. friend, Shrimati Renu Chakravartty, that the issue of minute of dissent should be kept separate.

Shrimati Renu Chakravartty: It is quite a different matter.

Shri Hari Vishnu Kamath: On the other matter, may I ask on a point of information whether the secretariat or any Committee of the House can give us reliable information? I have been given to understand that this Col. Amrik Singh—I do not know how many aliases he has had....

Shri Frank Anthony: 14.

Shri Hari Vishnu Kamath: . . . did, once upon a time, some years ago, plant himself, if not foist himself on some accommodation available with a responsible Member of this House. I do not want to mention the name.

Shri D. C. Sharma: Why not name him?

Shri Hari Vishnu Kamath: And when he was asked to vacate—the Member also wanted him to vacate—he refused to do so and finally he had to be evicted by force. I want to know whether this is correct.

Mr. Speaker: It is correct.

Shri D. C. Sharma: It is being suggested that the Privileges Committee should examine the whole thing again. I want to ask a question. The gentleman on whose letter, on whose evidence, the whole thing is based, has been proved to be unreliable by Shrimati Renu Chakravartty and has been proved to be a person of shady character by Shri H. V. Kamath. If you ask the Committee to re-examine the case, can this unreliable man become reliable? If so, by what law or conception of truth or scruple or morality can he become reliable?

Shri S. M. Banerjee (Kanpur): I

am surprised at the conclusion arrived at by the Committee. They say that this so-called Col. Amrik Singh was unable to produce that document. There is no doubt that the allegation made is a serious one. It does amount to character assassination of many Members of the House. So why has the Committee not recommended a severe punishment for this man? You remember that Shri Karanjia was brought before the Bar of the House and reprimanded. When Shri Ram Sevak Yadav interrupted the hon. President when he was addressing the two Houses assembled together he was reprimanded. If this Amrik Singh has not produced the document, if he is a fictitious character involved in shady deals, how is it that the Committee has simply let him off? What is the recommendation of the Committee? The Committee is very generous to him. They say it is too small a matter and we shall not proceed against him. He should have been brought here and punished severely.

Mr. Speaker: I have to put the Motion to vote.

श्री बागड़ी (हिस्मार्) : मेरे तो उस पर दस्तखत हुए हैं, मैं दस्तखती घादमः हूँ, इस लिए मझे भी बोलने दीजिए ।

अध्यक्ष महोदय : गव को नहीं बुलाया जा सकता है ।

श्री बागड़ी : दस्तखत वाले को न बुला कर, वगैर दस्तेखत वालों को कैसे बुलाया गया?

अध्यक्ष महोदय : यह नहीं ही सकता ।

Shri G. N. Dixit: I had given notice of a privilege. . . .

Mr. Speaker: Let me proceed now.

The question is:

"That the Eleventh Report of the Committee of Privileges pre-

ented to the House on the 30th November, 1966, be taken into consideration".

The motion was adopted.

Shri Krishnamoorthy Rao (Shimoga): I move:

"That this House agrees with the Eleventh Report of the Committee of Privileges presented to the House on the 30th November, 1966."

श्री मधु लिमये : मैं एक मोजन मूव करना चाहता हूँ ।

"That the Eleventh Report of the Committee of Privileges be recommitted to the Committee with the direction that it reconsiders its decision about not including Sardar Kapur Singh's minute of dissent".

Mr. Speaker: Motion moved:

"That the Eleventh Report of the Committee of Privileges be recommitted to the Committee with the direction that it reconsiders its decision about not including Sardar Kapur Singh's minute of dissent".

First I will put Shri Limaye's motion to vote.

The question is:

"That the Eleventh Report of the Committee of Privileges be recommitted to the Committee with the directions that it reconsiders its decision about not including Sardar Kapur Singh's minute of dissent".

The motion was negatived.

Shri D. N. Dixit: I have also one amendment.

Mr. Speaker: The question is:

"That this House agrees with the Eleventh Report of the Committee of Privileges presented to the House on the 30th November, 1966."

The motion was adopted.

14.48 hrs.

RE: QUESTION OF PRIVILEGE

Shri G. N. Dixit (Etawah): Mr. Speaker, when I heard....

Shri S. M. Banerjee (Kanpur): He is really a Robert Bruce!

Shri G. N. Dixit: When I heard Shri Limaye raise the issue of privilege which is the subject-matter of this Report, I applied for inspection of the writ petition papers, because I do not happen to be a member of this august Committee. I looked into the papers, I inspected them from A to Z. Shri Frank Anthony and Shri Parashar also happened to be there after I had reached there for the inspection. Having looked into the papers from A to Z, through every letter, I was amazed to find neither the Speaker's name nor that of any other Member, nor did I find the name of the firm, Aminchand Payarelal.

But I formed one impression. If hon. Members read this writ petition which is filed in the high Court carefully, I am sure every Member who has not got either some screw loose or is not otherwise deficient, will form the same opinion, that this Amrik Singh is a man who is either mad or is on the way to madness.

I will substantiate from his writ petition that this man appears to be off his head.

Mr. Speaker: Order, order. One thing I must say. This is not fair to say that except those members or that member who has some screw loose.

That is not fair, that should not be said. Whoever might differ from us, from another member, or from the House in any extreme, should not be imputed such things. That is not good. That he should withdraw.

Shri G. N. Dixit: I withdraw it. I bow to your ruling.

I am reading para 19 on page 85. What does this man say:

"That after the conviction of the Petitioner on the basis of the evidence produced by the Respondents, fully accepted by all the assessors and the hon'ble Sessions Judge, the Petitioner was sentenced to death' upon the charge of murder and to 7 years plus 6 months rigorous imprisonment on the remaining three charges of attempted murder and suicide . . .

"That the Petitioner's appeal against the above mentioned sentence and the reference made by the Respondents for the confirmation of the 'death sentence' came up before Your Lordships' Division Bench consisting of 3 eminent Judges including the present Chief Justice... before whom the Respondent strongly urged and maintained their ground to convince Your Lordships that the Petitioner was the same person who had committed the alleged foul crimes with the result that the Petitioners' appeal was dismissed, as evident from the judicial records sought to be produced as mentioned above.

"That because the Petitioner had absconded from Police Custody and could not therefore be punished personally, the Respondents caught hold of another citizen, subject to the legal and constitutional protection Your Lordships jurisdiction, Amar Sarup and made him undergo the sentence in spite of his protestations and in spite of . . .