

12.16½ hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 5th September, 1966, agreed without any amendment to the Delhi High Court Bill, 1966, which was passed by the Lok Sabha at its sitting held on the 1st September, 1966."

12.16½ hrs.

STATEMENT BY MEMBER UNDER
DIRECTION 115 RE: PAKISTAN SPIES
AND MINISTER'S REPLY THERETO

श्री मधु लिमये : (मुंगेर) : उपाध्यक्ष महोदय

उपाध्यक्ष महोदय : बहुत लम्बा है ?

श्री मधु लिमये : ज्यादा लम्बा नहीं है ।

उपाध्यक्ष महोदय, 17 अगस्त को पाकिस्तानी जासूसों की गतिविधियों के बारे में सदन में श्री सुरेन्द्र द्विवेदी के नोटिस पर आधे घंटे की बहस हुई । उस वक्त मैंने अपने वक्तव्य में मोहित चौधरी, सुनील दास मामले का जिक्र किया था और पश्चिम बंगाल की सरकार द्वारा इस सम्बन्ध में जिस ढंग से जांच की जा रही थी, उसके बारे में चिन्ता व्यक्त की थी । मैंने कहा था कि इस मामले में सत्ता के आस पास घूमने वाले बड़े नेता अनुचित ढंग से हस्तक्षेप कर रहे हैं । इसी सन्दर्भ में मैंने कहा था कि जहाँ पहले पश्चिम बंगाल सरकार की स्पेशल ब्रांच इस मामले की जांच कर रही थी, अगस्त के प्रथम सप्ताह में कुछ अस्तरदार व्यक्तियों

के दबाव में आकर यह मामला डिटेक्टिव डिपार्टमेंट को सौंप दिया गया । राज्य गृह मंत्री श्री जयसुखलाल हाथी ने मेरी बात का साफ खण्डन किया और कहा कि यह मामला आज भी स्पेशल ब्रांच के हाथ में है, महज डिटेक्टिव डिपार्टमेंट का एक अनुभवी अफसर इस मुकदमे की तैयारी में उनकी मदद कर रहा है । बात विल्कुल साफ है कि मंत्री महोदय को पश्चिम बंगाल सरकार के अधिकारियों द्वारा गलत जानकारी दी गई थी और उनको गुमराह कर दिया गया था । राज्य गृह मंत्री ने भी खुद अपने जांच विभागों द्वारा मुझ को दिखाई नहीं दे रहा है, कि गृहमंत्री जी कहां हैं ?

एक खाननीय सदस्य : वे यहां बैठे हैं ।

श्री मधु लिमये : खुद अपने जांच विभागों द्वारा सत्य का पता लगाने की स्वतंत्र ढंग से जरा भी कोशिश नहीं की । यदि केन्द्रीय इंटेलिजेंस ब्यूरो या सी० बी० आई० के द्वारा वे जांच करवाते तो सही बात का उनको पता चल जाता । अब मेरे पास जो जानकारी आई है, वह मैं आपके सामने रखता हूँ —

(1) दो अगस्त, 1966 को पश्चिम बंगाल के डी० आई० जी०, सी० आई० डी० ने गृह सचिव की हाजिरी में डिप्टी कमिशनर (स्पेशल ब्रांच) से कहा कि इस सम्बन्ध में सारे कागजात डिप्टी कमिशनर (डिटेक्टिव डिपार्टमेंट) को दिये जायें ।

(2) पश्चिम बंगाल सरकार का गृह-मंत्रालय नहीं चाहता था कि अखिल भारतीय कांग्रेस कमेटी के एक प्रमुख कर्मचारी श्री सुनील दास को गिरफ्तार किया जाय । यह गिरफ्तारी डिप्टी कमिशनर (डी० डी०) के द्वारा स्पेशल ब्रांच की पुरानी योजना के अनुसार की गई । चूँकि केस सम्बन्धी कागजात डिटेक्टिव डिपार्टमेंट के हाथ में आ गये थे

इसलिए स्पेशल ब्रांच के पुराने निर्णय पर डिटेक्टिव डिपार्टमेंट ने केवल अमल मात्र किया ।

(3) इस बीच में लोक सभा में आधे घंटे की बहस उठी थी और उसमें मैं ने मोहित चौधरी सुनीलदाम केस को स्पेशल ब्रांच से छीन कर डिटेक्टिव डिपार्टमेंट के हाथ में सुपुर्द करने की बात का रहस्य स्फोट किया था लेकिन पश्चिम बंगाल सरकार द्वारा दी गई असत्य जानकारी के आधार पर श्री जयसुख लाल हाथी ने लोक सभा में असत्य भाषण किया और कहा कि अभी भी जांच स्पेशल ब्रांच ही कर रहा है, केवल इस में डिटेक्टिव डिपार्टमेंट की सहायता ली जा रही है । जब डिटेक्टिव डिपार्टमेंट लोक-सभा में हुई बहस का पता चला तो उन्होंने दूसरे दिन यानी अठारह अगस्त को चिट्ठी लिखी कि स्पेशल ब्रांच के लोग पहले की तरह उन के साथ इस मामले में सहयोग करें । अचरज की बात तो यह है कि जो चिट्ठी अमल में 18 अगस्त को लोक सभा विवाद के बाद लिखी गई थी उस के ऊपर तारीख 16 अगस्त लगाई गई ।

इन तथ्यों को मद्देनजर रखते हुए मुझे उम्मीद है कि मंत्री महोदय अपनी भूल को कबूल करेंगे और इस गलतबयानी को दुरुस्त करेंगे । इस सदन को इस जासूसी के दूर तक फैलाये गये जाल तथा राष्ट्र विघातक गतिविधियों के बारे में चिन्ता है और चूँकि पश्चिम बंगाल की सरकार पर बड़े नेताओं का प्रभाव है, हम लोग सोचते हैं कि इस मामले की जांच उस सरकार द्वारा ठीक तरह नहीं की जायेगी । आज कुछ बड़े लोगों ने देशतोड़क तत्वों को अपनी छत्रछाया में लिया है इसलिए मैं मंत्री महोदय से मांग करता हूँ कि, चूँकि यह राज्य के अस्तित्व ही का मामला है, केन्द्र सरकार स्वयं इस केस को अपने हाथ में ले ।

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): I beg to lay a statement on the Table of the House.

श्री मधु लिमये : मंत्री महोदय वजाय रखने के अपने उस स्टेटमेंट को पढ़ें जो कि नियमानुसार उन्हें पढ़ना चाहिए ।

Mr. Deputy-Speaker: He says he is placing it on the Table.

श्री मधु लिमये : यह पढ़ा जाय । मैं आपका ध्यान नियम 115 की ओर दिलाना चाहता हूँ ।

Mr. Deputy-Speaker: You may read it.

Shri Hathi: Sir, during the half-an-hour discussion on the 17th August, 1966 Shri Madhu Limaye mentioned that the investigation of the case of Mohit Chowdhury and others had been transferred from the Special Branch to the Detective Department on the intervention of the influential leaders in the Congress organisation. While replying to the debate, I said that an expert CID officer in the West Bengal Government had been entrusted with this work by the Special Police but the case had not been transferred to the Detective Department. This statement was based on information furnished to me by a senior police officer from West Bengal Government who had been specially sent to Delhi to give details about the case.

Shri Madhu Limaye: To mislead you.

Shri Hathi: I regret that my reply, based on the information given by this officer, was incorrect. I understand from the West Bengal Government that the investigation of the case had been actually transferred from the Special Branch to an Inspector of the Detective Department on the 4th August, 1966,....

Shri Ranga (Chittoor): What a shame?

Shri Madhu Limaye: The cat has come out of the bag.

Shri Hathi: although officers of the Special Branch continued to be associated with the investigation.

Shri Surendranath Dwivedy (Kendrapara): Are you sure no papers have been destroyed?

Shri Hathi: We have also received an intimation from the State Government that the case has since been retransferred to the Special Branch. I may add that officers of the Central Intelligence Bureau are closely associated from the beginning with the investigation, and this arrangement will continue.

At the request of the State Government we are also considering handing over the investigation of the case to the Central Bureau of Investigation.

The hon. Member has also raised some matters regarding what is reported to have happened in the presence of Home Secretary, West Bengal, certain alleged instructions of the Home Department, West Bengal regarding the arrest of Sunil Dass and a letter said to have been written by a DIG of West Bengal regarding the investigation of this case. Sir, I said nothing about these matters in my statement and I do not think it is necessary for me to give any clarification in regard to them, so far as I am concerned on this subject.

Some hon. Member rose—

Mr. Deputy-Speaker. No questions on this.

Shri Daji (Indore): On a point of order. The Minister has made a statement now. The Speaker has given a ruling to us that a privilege motion would lie only when the Minister makes a false statement knowing it to be false statement. The Minister now says that his statement was based upon information given to him by a senior police officer, specially sent for the purpose of briefing him on the subject from West Bengal. The question is this. This is not the first statement of this kind; we have had three or four; and corrections are in running order and every time we accept the explanation of the ministers concerned that they did not know that they were making a false statement and that they were only making a statement based on the information given to them by officials. My

point is if a senior officer from West Bengal who is specially sent to brief him, who was dealing with the subject, if that officer has given wrong information to the Minister leading to the Minister giving wrong information to the House, the Minister may not be responsible but is not the House at least within its rights to claim and know the name of that officer so that we can proceed against that officer for breach of privilege. Otherwise, we fail to understand how we can carry on the work of this House if every Minister is briefed wrongly by some officer. The Minister is immune from breach of privilege but what about that officer? It is a very serious matter. Therefore, I seek your protection. The name of that officer must be divulged so that we can immediately move a breach of privilege motion against that officer because he could not claim immunity while the Minister can claim immunity.

श्री मधु लिमये : उपाध्यक्ष महोदय, मैं इस पर एक स्पष्टीकरण चाहता हूँ। प्रधान मंत्री जी यह कहें। चार अगस्त को जब स्पेशल ब्रांच से डिटेक्टिव डिपार्टमेंट के हाथ में केस गया और 1 सितम्बर को फिर स्पेशल ब्रांच के हाथ में आ गया तो मैं उनसे पूछ रहा हूँ कि इस बीच में ये जो 27 दिन बीत गये उनमें कितने कागजात नष्ट किये गये हैं या गायब किये गये हैं? इसके बारे में क्या प्रधान मंत्री जी जांच करेंगी और कल सदन को बतायेंगी?

Shri Surendranath Dwivedy: I am fully supporting Mr. Daji on what he mentioned. I want to know one thing from you. In the statement that Mr. Limaye made he also brought forward some other matters and Mr. Hathi did not reply to these saying: I did not mention them, where these questions were allowed to be mentioned in the House and the notice also had been received by Mr. Hathi much earlier, we are in a very difficult position. Some new facts have come. There is no reply from the Government only the plea that on that day he did not refer to them. Why was this allowed? If it has been permitted, we must have a reply about that point.

Shri Hathi: Under rule 115, notice was about the statement, about an incorrect statement made by me and I was called upon to do that. I have made a statement which was, according to me, correct, based on certain information. So far as the other matter is concerned, I am not called upon to correct that. I may say that I replied on that day with the knowledge I had but they have said that it was not correct.

श्री रामसेवक दास : (दाराबंकी) :

दार्जा साहब ने जो प्रश्न उठाया है वह बहुत महत्वपूर्ण है कि वह पुलिस अधिकारी जिस ने मिसर्लाड किया उस को जानना बहुत जरूरी हो जाता है ।

Shri S. M. Banerjee (Kanpur): Mr Limaye in his statement has mentioned three or four facts. According to him these are facts. One is very serious, that the Home Secretary of West Bengal Government according to our information called the Deputy Commissioner who arrested Mr. Sunil Das and he was taken to task by the Home Secretary of the West Bengal Government under the influence of Mery big Congress leaders. I do not want to mention names. He was taken to task while he arrested Mr. Sunil Das.

The second point is this. I fully appreciate that Mr. Hathi has regretted that he has given information on the basis of information given by a senior police officer.

This is surprising: that statements are made in this House and to the country through this House on the basis of information given by a senior police officer—he may be a DIG or I.G. It is a senior police officer of the West Bengal Government; not the Home Secretary or the Home Minister, but just a senior police officer of that Government. So, I want to know whether any investigation has been made on the point mentioned by Shri Madhu Limaye that the Home Secretary was responsible for influencing or asking the Deputy Commissioner of Calcutta not to arrest Sunil Das under instructions from Atulya Ghosh and other senior Congressmen.

Another point is, whether it is a fact that in the confession statement made by Mohit Chaudhuri it has been mentioned that Mr. Sunil Das has passed on to the Pakistan embassy all the blueprints of Farakka Barrage. I want to know whether it is a fact. I would like to know whether these things have been investigated by him before the reply. It is not only one wrong statement; there are many wrong statements that unless the entire case is taken up by the Centre, I am afraid the Congress bosses in West Bengal are going to influence the matter.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, I wish to raise a point of order before you proceed to give your ruling. I would like to reinforce the very cogent argument made by my hon. friend Shri Daji. Now, I would like to invite your attention to rule No. 223. I want to raise this point now because, once you give your ruling, you would say "No more arguments; I have given my ruling." Rule 223 says:

"A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document."

Now, I do not know what is the back of your mind. But I want to make sure that the question positively raised or posed before the House by my hon. friend Shri Daji is taken up seriously, because it definitely involves a question of privilege after the statement made by the hon. Minister of State in the Ministry of Home Affairs. There is no doubt that a question of privilege has arisen now. The Minister cannot pass the buck, he may try to pass the buck—to the police officer. Under rule 224 also, the question of privilege shall be restricted to a specific matter of recent occurrence. The incident that has now arisen relates to or arises out of a statement made by the police officer to the Minister concerned. It is clear. There cannot be two opinions; there is no doubt about that, namely, that a police officer

[Shri Hari Vishnu Kamath]

is involved in this breach of privilege, and the document concerned will be the statement made by the Minister today. That will suffice for the purpose of rule 223 and rule 224.

Therefore, I do submit in all humility and with all earnestness that you must ensure today—because tomorrow is the last day and today is the penultimate day, otherwise you might pass it on to the next session, and then much water will have flowed down the Jamuna and much damage will be done—or at the latest by this evening,—because we will give notice tomorrow—or he can do it immediately, but not later than this afternoon, the name of the officer or the designation of the officer should be given, so that we will be in time tomorrow to give notice of the breach of privilege under rule 223.

Shri U. M. Trivedi (Mandsaur): While agreeing with Shri Kamath on this question of the breach of privilege, I would like to draw your attention only to a particular point. The Minister has agreed with this thing: that whatever information he has received was wrong information that was passed on to the House; it was the information given to him by a senior officer of the West Bengal Government. It was that false statement or untrue statement which was laid before this House. A breach of privilege has, therefore, arisen. No notice is required as Shri Kamath says, because under rule 227 the provision is very clear. Without notice, the Speaker can refer any question of privilege to the Committee of Privileges immediately. Here, there is no question of any notice; it is patent that a breach of privilege has been committed and very strong action against the officer is called for. Therefore, I submit that you must look into rule 227 which says:

“Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.”

I move that this should be done.

Shri Ranga: Sir, I wish to support this plea for raising a point of privilege. The country has got to have the assurance that the security of the country is entirely

safe in the hands of the Government of the day. All that has happened make people wonder whether the security of the country is safe in the hands of this Government at all. I am sorry for my hon. friend, Mr. Hathi. He is generally a very careful man, in addition to being very amiable, but he had been led down very badly. The House has got to be assured whether this is the manner in which the Government comes to its conclusions, formulates its own statements and comes before this House. They make their statements based not upon the information supplied to them by responsible Ministers at the State level, say, the Chief Minister, but only by some responsible officer who has been sent by that ministry. Afterwards they come here and confess that they are not responsible, but it is the officer who is responsible and they have been misled by that officer. Is this the way our security is to be safeguarded?

Between the 4th of last month and the 17th, they had 14 days' notice of this motion. In spite of all these things, it was not possible for them to discover the mistake that was made and the false information that was given to them. And, now, they come to us. Against whom are we to move this privilege motion? Ordinarily we should be able to make it against the Minister concerned. But here is a Minister who says, “I am helpless. What can I do? I depended upon that officer who has given me this information.” It is the Minister who ought to take the responsibility for this. What is the good of his saying that he was misled? Government has got to say that they made a mistake and for that they must be prepared to take the consequences. Instead of putting you to the task of having to invoke rule 227, they themselves should be prepared to say, “Here is the name of the officer. We are prepared to accept the privilege motion against him. We are prepared to take the necessary action.” The Minister should have taken the House sufficiently seriously to be able to say that such and such action has already been taken by them or is proposed to be taken against the officer who has misled that Government in the first instance and this Government later on.

I do not want to take too long a time. So many allegations and accusations have been made by several members in regard to the political influences that were being brought to bear in this particular matter. So many members had suggested that this question should be investigated by the CBI and not by that local Government. In the first instance, this Government was wrong in having allowed the West Bengal Government to seize possession of this particular matter. Then there are the extraneous political interests that were being brought to bear on it. The statement of my hon. friend, Shri Atulya Ghosh, bore witness to the fact that there were some influences which were there rightly or wrongly, directly or indirectly.

In the light of all these things, you have to call upon them to do two things—firstly to ask them what disciplinary action they are taking against that officer who has given them blatantly wrong information and misled them and helped this Minister to get into this mess and make this wrong statement. Secondly, why did they allow it to be tackled by the local Government? Why is it that even now they are not prepared to take over this entirely on their own responsibility? What is it they are going to do in order to clear the reputation of themselves and their associates in regard to this very essential matter of security? Are they going to order a judicial inquiry into the whole matter as to how they made such a mess about this strategic question of security? Mr. Nanda and the Prime Minister want us to believe that some political parties are unpatriotic. They want us to believe that some politicians are unpatriotic. They want the country to take them seriously, not only castigate them as unpatriotic but also to take them into Jail and put them there under DIR. How are we to believe the credentials of this Government unless they appoint an impartial, independent, judicial inquiry into the manner in which the whole of this affair till now has been mismanaged.

Shri H. N. Mukerjee (Calcutta General): Sir, quite apart from the very serious point which has been stressed by professor Ranga, there is one short matter which you have to decide upon at this very present moment. My submission is that the point is very plain, quite obvious. The Minister has

admitted that his denial of what Shri Li-maya had said the other day was wrong. The Minister has admitted that he made a wrong statement and to that extent misled the House, but it was not because of any fault of his—that is what he pleaded. He did not offer an entire and unqualified apology to the House and throw himself at the mercy of the decision of the House in that regard, but he chose—and we have got to take notice of it—to say that he made that statement, which was misleading, on the basis of information supplied to him by the Government of West Bengal. My feeling is, we should not be concerned with the person of whichever officer gave that information; we are concerned with the Government of West Bengal which, through whatever officer they might have chosen, had briefed this Minister wrongly inciting this Minister to mislead the House by making a statement which was not true. Therefore, the arms of this Parliament are long enough to extend to the West Bengal Government. I am not going into the matter of complicity of the West Bengal Government or certain elements in the congress leadership, and all that happened, I am not going into that, perhaps the merit of that matter requires an investigation of the sort Shri Ranga has suggested. But you have to decide here and now this very simple point, namely, that the House has been misled, the Minister has told us something about the source of the information which led to his having misled the House, and we can easily extend the arm of privilege we have, get the Government of West Bengal come before the House and to accept whatever decision the House in its wisdom may take.

Dr. L. M. Singhvi (Jodhpur): The point is, whether or not this is a question of breach of privilege. It is certain that the official concerned has been guilty of grave misdemeanour in respect of this. The point is, a Minister and his civil servant or official has a relationship of confidence. So far as this House is concerned, it is concerned only with the Minister and his statement on the floor of this House. The Minister has in extenuation clarified his position. Certainly the House must be satisfied that the Minister has not directly committed any breach of the privilege. What we are concerned at their stage is only

[Dr. L. M. Singhvi]

this. The Minister should take effective action against the person who, according to his own admission, has committed a grave dereliction of his duty in misguiding him and putting him in this very embarrassing predicament before this House.

Shri Surendranath Dwivedy: The West Bengal Government which advised the officer to brief the Minister like that is guilty.

Dr. L. M. Singhvi: He has made a clean breast of the whole transaction. I think, therefore, this is enough in extenuation of the statement or the inaccuracy that was present in his statement. The House has reason to demand of him and to expect of him efficacious action, effective action, taken against the person who is constructively guilty of misguiding this House also.

Shri Tyagi (Dehra Dun): Sir, I and quite a few friends on this side of the House are equally perturbed over this incident. Espionage is one thing which nobody would tolerate. I value the sentiments expressed by my hon. friends on the other side. I must confess that we are also very much embarrassed on account of not very frank replies which came from the Government on this issue.

I must confess it. I want to make it quite clear that on matters of espionage, no party considerations will come in the way.... (Interruptions).

श्री मन्मथ त्रिपाठी : त्यागजी ने आज पहली बार एक अच्छी बात कही है ।

Shri Tyagi: I am sure the Government feels likewise. In this case, there is no breach of privilege, it is obvious. Because, the officer made a mistake, and the Minister confessed it. But I expected that when the hon. Minister was speaking he would be saying what steps he had taken against this officer. Unless that is made quite clear, naturally a feeling will go round the country that we are shielding the officer and that we are mismanaging this case. I, therefore, ask the Government to make it clear as to whether they have guts enough to take action against this officer. If they have not they must say so, confess it in the House, in Parliament.

Another question has been raised, which has upset me, and which will, I am sure, disturb the whole nation, and that is, that the blueprint of Farakka Barrage was transferred by some person. That is the confession made by one of the culprits. I want to be assured whether it occurs in the confessional statement or not. Please make it quite clear.

श्री मन्मथ त्रिपाठी : एं काफी मिसिंग है नकल मिसिंग है, पूछिये नन्दा साहब से ।

Shri Tyagi: If the blueprints have been transferred to Pakistan by the agents, well, Government must say here and now that they will take the strongest steps against the persons concerned and that they will not shield them even at the cost of the biggest politician.

श्री राम सेवक यादव : उपाध्यक्ष महोदय मेरा निवेदन सुन लें, तब नन्दा जी को आप बुलायें । नन्दा जी बैठ जायें ।

उपाध्यक्ष महोदय : आपके साथी बोल चुके हैं ।

श्री रामसेवक यादव : वह 115 पर बोलें हैं । मेरा निवेदन तो आप सुन लें ।

उपाध्यक्ष महोदय : अब आप बैठ जायें ।

The Minister of Home Affairs (Shri Nanda): So far as the basic issue is concerned, there is no difference and the entire House is agreed that it is a regrettable lapse, I agree there. But it is not a question of privilege, as has been explained by some hon. Members. It is agreed that it is a lapse, as my colleague has explained. We are very keen and anxious to go further into the matter. At every stage of this case I had been particularly expressing my anxiety and keenness to know whatever was happening and to ensure that steps were taken speedily. Now some times, something goes wrong.... (Interruptions). Let me complete what I have got to say. In order that we may not have the discussions over the telephone, we wanted a responsible officer of the State to come here and ex-

plain the position to us. Now, it appears that there was some confusion there. He gave us information, on the basis of which a statement was made, which is not entirely tallying with the facts as they are.

श्री मधु लिमये : वृहते हैं बयान एटायरली टैली नहीं हो रहा है? क्यों सफ़ाई दे रहे हैं? कबूल कीजिये सत्य को । सीधी बात करिये ।

Shri Nanda: There were other facts also, and this fact must come out to be true, as stated by this officer. We asked that officer to come here in order to help us in dealing with the matter.... (*Interruptions*).

Shri S. M. Banerjee: Who is that officer?

श्री मधु लिमये : क्या नाम है ?
उसकी आईडेंटिटी शो कीजिये ।

Shri Nanda: Then, later on, after further investigations, I myself asked a very high officer in the Intelligence Bureau to deal with this matter. He went there personally and stayed there. Therefore, it is not that we have left things as they were. I also told them that in this matter we must try to find out what exactly has happened, where the mistake occurred, whether it was the mistake at the level of that particular officer who came, because he might have got it from somewhere else.....

Shri Surendranath Dwivedy: You must also ascertain whether he was advised by the Minister to say like that to you. Did the Chief Minister or any other Minister of the State advise him to report to you like that?

Shri Nanda: I cannot say..... (*Interruptions*). Therefore, from our side there is nothing at all to be done, more than what we are doing. Anything more that is to be done is that at the end of this inquiry, whosoever has been at fault or has erred must receive due punishment and action must be taken.

There was another question. "Why do you not take it over?" As my colleague said, raised by Shri Banerjee, there is no point of

order. As regards the privilege motion and the question of privilege raised by Shri Daji, Home Minister. Let us have it straight—that they are investigating it and they will take action..... (*Interruption*).
(*Interruption*).

Shri S. M. Banerjee: Sir, I rise on a point of order.

Mr. Deputy-Speaker: There is no point of order. I am giving my ruling on Shri Banerjee's point of order and the privilege motion..... (*Interruption*).

Shri S. M. Banerjee: Sir, kindly hear me.

Shri Ranga: I wanted him to say something about the demand that we made. The whole of it has been shrouded in so much confusion between that Government, this Government and the political influences. I wanted the Government to say whether they are ready to appoint any impartial inquiry into the manner in which the whole of this matter has been developed and mismanaged.

Shri Tyagi: I wanted to know definitely about the Farakka Barrage papers. Is it mentioned in the confession? (*Interruption*).

Mr. Deputy-Speaker: Order, order.

Shri S. M. Banerjee: On a point of order, Sir.

Mr. Deputy-Speaker: How can there be a point of order on a point of order?

Shri S. M. Banerjee: There are many things.

Mr. Deputy-Speaker: I am sorry. Those points are made under direction 115 and there is no provision for questions or any such thing that will form part of the record. As regards the point of order raised by Shri Banerjee, there is no point of order. As regards the privilege motion and the question of privilege raised by Shri Daji, if hon. Members feel that there has been a breach of privilege they may table a motion for breach of privilege..... (*Interruption*).

श्री मधु लिमवे (मुंगेर) : मैंने अभी प्रिविलेज मोशन दे दिया है ।

Shri Hari Vishnu Kamath: Arising our of your ruling.....

Mr. Deputy-Speaker: I am not using the provision of rule 227 to refer it to the Committee.

Shri Hari Vishnu Kamath: I am glad that you have given this ruling that Members are at liberty to give notice under rule 223.

Mr. Deputy-Speaker: It may be taken up tomorrow.

Shri Hari Vishnu Kamath: But is it possible to give notice in vacuum? We must know the name either of the officer or the minister concerned at whose instance the officer came and gave this advice to the Government, the Chief Minister or the Home Minister. Let us have it straight-away. Why hide it?

Shri S. M. Banerjee: I rise on a point of order..... (Interruption).

Shri Hari Vishnu Kamath: Give the designation of the officer.

Mr. Deputy-Speaker: I cannot compel the Government to give the name. If they want, they can give the name. As regards taking action against the officer, it is for the Government to take that. They say that they are investigating it and they will take action..... (Interruption).

Shri Daji: It is the right of the House.... (Interruption).

Shri Ranga: Unless the Government itself comes forward and says that they would take the necessary disciplinary action against that officer who has misled them, it is within the rights of this House as well as its responsibility to move a motion of privilege against that particular officer or the minister who is responsible for that officer.

Shri Nanda: Whosoever is responsible, if there is any kind of intention to mislead, whosoever the person may be..... (Interruption).

श्री मधु लिमवे : उसका नाम बताया जाये। उसका नाम क्या है? क्या वह उनका कोई रिश्तेदार तो नहीं है ?

Shri Ranga: They have misled you..... (Interruption).

Dr. Ranen Sen (Calcutta East): He is trying to shield the officer.... (Interruption).

Mr. Deputy-Speaker: Are you prepared to give the name of the officer concerned?

Shri Nanda: Not at this stage. The names can come at a later stage after the inquiry that is being made.... (Interruption).

Shri Daji: Why is he shielding the officer? We want the name of that officer.... (Interruption).

Mr. Deputy-Speaker: I cannot compel the Government to give the name.

Shri Daji: Why not? Why can you not compel the Government to give the name? He has got to name the officer.

Shri S. M. Banerjee: I rise on a point of order.

Shri Surendranth Dwivedy: I want to understand what the Home Minister has stated very clearly. Let us be very clear about it. He has said that if on inquiry it is found that the particular officer is guilty action would be taken. Here we are concerned with this that it has been admitted, while making the statement, that the House Minister was misled by the officer concerned. If the inquiry is going to be held not only about the conduct of the officer but also as to who was responsible for giving him this brief to advise him like that, then it is all right.

Shri Nanda: That is so.

Shri Surendranath Dwivedy: It is all right. The officer has already misled. There is no question of inquiring whether it was misleading or not.

Second, an important point has been raised and I do not know why the Home Minister remained silent on that point, namely, whether any blueprint of the Farakka Barrage has been transferred. It is a very important matter raised in this House. If he has no information, he can say? "We have no information". Let the House know later, but it is a very important matter. According to the information given, this paper was transferred by no less a person than Sunil Das, the official of the All India Congress Committee who was attending the meetings of the Congress Working Committee.

श्री मधु लिमये : बिल्कुल सही बात है।

Shri S. M. Banerjee: Sir, I rise on a point of order.

Mr. Deputy-Speaker: These questions do not arise..... (Interruption).

The Prime Minister and Minister of Atomic Energy (Shrimati Indira Gandhi): I think, the Home Minister has made the point very clearly..... (Interruption).

Some hon. Members: No no.

Shrimati Indira Gandhi: Please listen.... (Interruption).

Mr. Deputy-Speaker: Order, order. You are not prepared to hear even the Prime Minister. What is this?

Shrimati Indira Gandhi: The officer is a West Bengal Government official.

An hon. Member: What is his name?

Shrimati Indira Gandhi: Therefore the Home Minister has said that we are making a full inquiry into the matter..... (Interruption). Please let me finish my sentence..... (Interruption). If I may say, a lot of things get mixed up because of this. All the time there is so much noise and disturbance and interruption..... (Interruption).

Mr. Deputy-Speaker: Order, order.

Shrimati Indira Gandhi: A full explanation will be sought from him.

An hon. Member: We want the name.

Shrimati Indira Gandhi: I am sorry. We cannot name him.

An hon. Member: Why not? (Interruption).

Mr. Deputy-Speaker: Order, order. You cannot shout like this. Order, order. Do you think that it is a fish market? I am very sorry that Parliament should be reduced to this. Let the Prime Minister make the statement.

Shrimati Indira Gandhi: We do not know whether he is guilty or not. We have said that we will make a full inquiry. As far as I can assure hon. Members on all sides of the House, there is no question of shielding anybody..... (Interruption).

श्री मधु लिमये : ज़ासूसों और चोरों को छिपाते हैं।

Shrimati Indira Gandhi: We are as much concerned as hon. Members opposite to see that whoever is guilty is brought to book. There is no shielding of any kind. I may also assure hon. Members of the Opposition that we do not have blueprints of anything in the AICC office. That has nothing to do with that.

श्री मधु लिमये : प्रधान मंत्री समझी नहीं है। ए आई० सी० सी० के एक कर्मचारी ने फराक़ा बैराज का ब्लू प्रिंट पाकिस्तान को दे दिया है।

Shri Ranga: What he said is that Sunil Das, or whoever he may be, who was one of the officers in the AICC office came into possession of those blueprints and has passed them on to the other side.

Shrimati Indira Gandhi: We are finding out about all those things.

Shri Ranga: Was that there in his confessional statement?

Shri Nanda: This matter is under investigation. Whatever records or reports I have seen have not disclosed the existence of any such document. Since the matter has been mentioned, I will go much deeper into the whole thing.

Shri S. M. Banerjee: I rise.
on a point of order.

Mr. Deputy-Speaker: There is no point of order.

Shri H. N. Mukerjee: There is a point which has not been clarified.

Quite apart from whatever investigation Government might be conducting in regard to this matter, a simple point that had arisen in regard to privilege of the House should not be brushed aside. Government is not right and willing to name the officer who had caused the misleading of the House. I am personally, and many of my friends would also agree, not insisting on the name of the officer. But the officer was under instruction of the Government of West Bengal on the admission of Mr. Hathi and the Government of West Bengal is an instrument in the misleading of the House. In these circumstances, when the facts are plain and obvious, quite apparent and clear, why can't Rule 227 be invoked by you. You have stated in your wisdom, on your own, that you are not going to send it to the Committee of Privileges, but you have suggested to us to give notice of the motion that this matter be sent to the Privileges Committee. Now, I would like you to give a definite understanding to us that when a reference to the Committee of Privileges in regard to the misconduct of the West Bengal Government is brought up in the House, no further procedural hurdle would be put up in its way. The whole factual position has been clarified beyond the slightest risk of contradiction. I am not entering into the business of controversy over the Farraka Barrage blue-print or anything like that. That is a matter which is pending investigation. But as a Member of Parliament, when we are told about the House having been misled by the Minister and the Minister passes the buck on somebody else and that somebody else happens to be the Government of West

Bengal, why should this House hesitate in sending this matter to the Committee of Privileges?

Sir, you have already said that you will permit this motion to be made. But you may please give a definite understanding to us—tomorrow we do not want to be told something else—that the motion of privilege against the Government of West Bengal would be in order and that we can proceed with it.

Mr. Deputy-Speaker: I cannot give any assurance like that. Let the motion be tabled and it will be considered and the decision given. It may be myself or it may be the Speaker or anybody else in the Chair who will give the decision.

Shri S. M. Banerjee: My point of order is this. Kindly read Rule 376 (2) which says:

"A point of order may be raised in relation to the business before the House at the moment;"

Mr. Deputy-Speaker: What is the business before the House?

Shri S. M. Banerjee: This is going on.

Mr. Deputy Speaker: That is over now.

Some hon. Members: No, no.

Shri Ranga: That is not yet over.

Mr. Deputy Speaker: I have given the ruling and there cannot be any point of order on that.

Shri Daji: I abide by your ruling. But there is the technical position. You have asked us to give notice of a motion of breach of privilege. But the motion must definitely indicate the person who has committed the breach of privilege. There is a technical point. The only officer who can be held up is the officer who has briefed the Minister. Unless we know the name of the officer, the whole process of the breach of privilege will be frustrated.

Shri Tvagi: The officer has not committed any breach of privilege. If at all he has done anything, he can be taken to task.

for his own conduct in an official manner. If one officer informs another officer wrongly or in an official correspondence somebody has given a wrong information, that man must be punished. There is no question about it. But the House does not come into the picture. My suggestion is that that officer has also committed indiscipline, a serious indiscipline, and the Home Minister must take action against him. But he has committed no breach of privilege of the House at all.

Shri S. M. Banerjee: The point of order that I was raising is this. I want your ruling on two points. Just now Mr. Daji raised the question of breach of privilege against the police officer who misinformed or wrongly informed the hon. Home Minister and, after Mr. Hathi's statement, the question was raised that this officer has committed a breach of privilege.

Now, many Members of his House, including Shri Komath, wanted to know the name of that officer. Under the Rules of Procedure, this is the position. I was happy that the Prime Minister was intervening in the matter and I thought that she would definitely give us the name of the officer. But I was disappointed to hear her. Under the Rules of Procedure, the Ministers, including the Prime Minister, can ask for guidance or protection from you on two grounds. Either it is in the public interest not to disclose the name of the officer or it is a top-secret official document which, if it is made public, will endanger the security of the country. This was neither in the public interest nor in the interest of the security of the country.

This senior police officer has committed a breach of privilege according to the statement of the Minister himself. I would like to get a ruling from you as to whether the Minister, without taking shelter under those rules, can possibly ask for your protection not to disclose the name of the officer.

I submit that if you do not permit us to know the name of the officer, this is what will happen. The privilege motion may be against the Home Secretary of the West Bengal Government; the privilege

motion may be against the Chief Minister of the West Bengal Government and the privilege motion may be against anybody. But an omnibus privilege motion cannot be admitted under the rules. Therefore, I seek your protection. The Congress bosses have shielded enough Shri Sunil Das and others. I request you and, through you, the Minister and the Prime Minister of this country to uphold the dignity of the House and to give us the name of the officer. I am afraid, this officer has done the entire thing under the guidance of Shri Atulva Ghosh and Shri Atulva Ghosh should have been arrested by this time.

Sir, I want your ruling as to whether it is open to the Minister not to divulge the name of the officer without taking shelter under the rules that are there.

Shri Umanath (Pudukkottai): The Government are conducting certain inquiries. They are entitled to conduct certain inquiries for the purpose of taking disciplinary action, departmental action and all those things. But the House is entitled under its own rules to raise a question of breach of privilege committed by a particular officer. You have been good enough to direct us that we may give a notice of the motion of breach of privilege. Against whom? I want to give a breach of privilege motion against a particular officer. Now, the name of that officer must be mentioned in the motion. Here, the name of the officer is known to the Home Minister. I say, at least the designation of the officer should be made known to us.

Shri U. M. Trivedi: Both the name and the designation are required.

Shri Umanath: Both the name and the designation are known to them. Is it in order for the Government not to disclose the designation and the name of the officer? The Government is thereby preventing me from giving a notice of a breach of privilege motion. Is it in order for the Government to suppress the name of the officer thereby preventing me from giving a notice of a motion of breach of privilege?

Shri Hem Barua (Gauhati): The Minister of State, Shri Hathi, has admitted that a certain official of the West Bengal Gov-

[Shri Hem Barua]

ernment has misled him. I know that he has acted only as a post office counter through whom the West Bengal Government acted and functioned and misled the Central Government. I could have understood one thing. The Prime Minister said that she is not prepared to give out the name of the officer. She can claim that she is not prepared to give out the name of the official in public interest according to the proviso to rule 368 of the Rules of Procedure. If she had said that, I could have understood that. The officer who met Mr. Hathi is not an impersonal being. Although I have repeated, I want to repeat once again that although this officer only acted as a post office counter through whom the West Bengal Government functioned and misled this Government, we are interested in knowing the name of the officer and the Prime Minister cannot withhold the name of the official without claiming public interest or any other tangible reason. She cannot just say that she cannot give out the name.

Shri Ranga: Give me your indulgence for a couple of minutes.

The ex-Chief Justice is also here. Let him consult his own legal conscience, even though he happens to be a Minister now. Is it ever open to any of the Ministers and especially to the Prime Minister to say that she is not going to divulge the name of a particular officer or give a particular information which, from a point of relevance, is demanded by the House, unless it be in public interest. If they do not want to give the information, let her give some reason. If they do not want to give the information and claim umbrage under public interest. I wish to warn them that where questions of security and all the political things that had gone into this political affairs are concerned, it would damage the face and the reputation not only of this Government, of this ruling Party, but of any civilised government in a democratic society. To claim public interest in refusing to give the name of an officer who had already been mentioned as his source by the home Minister is not proper. Let them

think about it and say whether they will be able to seek umbrage behind public interest. If they want to seek umbrage behind public interest, they have absolutely no democratic right whatsoever in refusing to give the name.

Shri Nanda: I am not naming public interest as the ground for withholding any information. I am not withholding any information. I shall give the information. My only plea is this: shall we prejudge? This officer has given very (*Interruptions*). Let me be heard. This officer brought some information. Enquiries are being made and will be made. The name of the officer, whosoever we find guilty, will be given. It will be prejudging the issue to give any name at this stage. That is all I wish to say. Tomorrow or day after, or whenever we find any officer guilty, his name will be given. (*Interruptions*).

Shri Sezhiyan (Perambalur): It should be referred to the Privileges Committee to find out whether he is guilty or not.

Shri Ram Sewak Yadav: On a point of order.

Mr. Deputy-Speaker: Order, order. I cannot compel the Government to give the name. He says the matter is under investigation. There is no point of order. We now go on to the next business.

Shri U. M. Trivedi rose—

Mr. Deputy-Speaker: I would not allow any point of order.

Shri U. M. Trivedi: You have said that you cannot compel the Government to give the name. I would like to say most emphatically that you are wrong there. Government can be compelled, Government can be prosecuted. (*Interruptions*). The Home Minister has said that he is prepared to give the name after the investigation. We are satisfied with that but we want to know by what date he is going to give the name.

Mr. Deputy-Speaker: Order, order. We have to go on to the next business. We have already spent a lot of time on this.

Shri U. M. Trivedi: When will he give the name? (*Interruptions*).

Shri Nanda: There will be no delay.

13.15 hrs.

SEEDS BILL

APPOINTMENT TO SELECT COMMITTEE

Shri S. C. Samanta (Tambluk): I move:

"That Shri Shyam Dhar Mishra be appointed to the Select Committee on the Bill to provide for regulating the quality of certain seeds for safe and for matters connected therewith *vice* Shri Annasahib Shinde resigned."

In this connection, the House would like to know why Mr. Shinde has resigned and why Mr. Shyam Dhar Mishra's name is included. For this purpose, I may refer to the letter which has been addressed to the hon. Speaker by Mr. Shinde. In that letter he has said:

".... according to the internal distribution of work in the Ministry of Food, Agriculture and Community Development, Shri Shyam Dhar Mishra looks after the subjects connected with seeds as Deputy Minister. May I, therefore, kindly request you to accept my resignation as a member of the Select Committee on Seeds Bill and instead put in Shri Shyam Dhar Mishra's name by allowing to move the formal motion in the Lok Sabha."

Mr. Deputy-Speaker: The question is:

"That Shri Shyam Dhar Mishra be appointed to the Select Committee on

the Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith *vice* Shri Annasahib Shinde resigned."

The motion was adopted.

Mr. Deputy-Speaker: Mr. Nanda.

Shri Daji (Indore): Before you proceed to the next item, may I ask you this? Yesterday the Speaker assured us that he would get the explanation.....

An hon. Member: Tomorrow.

Shri Daji: I am not speaking about the Finance Minister's statement. I am talking about the letter placed day before yesterday by Dr. Lohia. Government was to reply to that. Would it be done today?

Mr. Deputy-Speaker: On Wednesday.

Shri Nambiar (Tiruchirapalli): I have also raised.....

Mr. Deputy-Speaker: Order, order. Mr. Nanda.

13.17 hrs.

DELHI AND HIMACHAL PRADESH (SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS) BILL*

The Minister of Home Affairs (Shri Nanda): I move for leave to introduce a Bill to provide for the separation of judicial and executive functions in the Union Territories of Delhi and Himachal Pradesh.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the separation of judicial and executive functions in the Union Territories of Delhi and Himachal Pradesh."

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