

[Shri A. K. Gopalan]

Members on the other side should hear it patiently ; after all, they have also an opportunity to speak about it. Or else we shall not be able to conduct business in the House.

Pandit G. B. Pant : I would like to appeal to my friends to let Shrimati Renu Chakravartty or any other Member who speaks, to have ample and free latitude to say what she or he likes to say. We are here to listen and to benefit by their advice, because it is only through interchange of ideas and thoughts in this House that we can try to learn some lessons, and we may expect even that on the other side, they will not be incorrigible.

Shri Bhagwat Jha Azad : What about the half an hour discussion? It is already 6-5 P.M.

Mr. Speaker : It will start after the lady Member finishes her speech.

Shrimati Renu Chakravartty : I hope you will give me at least another fifteen minutes.

Shri S. S. More : Let us adjourn now. We are completely exhausted.

Mr. Speaker : Very well, the hon. lady Member may resume her speech tomorrow. Now, we shall take up the half-an-hour discussion.

ACTION TAKEN ON JAUNDICE ENQUIRY COMMITTEE'S REPORT

Shri Bhagwat Jha Azad (Purnia cum Santhal Parganas) : Having been shocked beyond limit by the statement of the Health Minister in reply to starred question No 1882 on 2nd May 1956, I and some of my friends in this House were forced to ask for this half an hour discussion.

The point that I want to raise in the course of this discussion is very simple. We do not want to go into the report of the Jaundice Enquiry Committee, but we want to know what action has been taken against those officers who have been held responsible for such a large number of casualties in this capital city of India.

The Report of the Jaundice Enquiry Committee has made it clear that the

Member-Secretary of the Joint Water and Sewage Board had failed and failed miserably, to report to the authorities about the contamination of water. Owing to the failure of the Member-secretary to inform in time the health authorities of the contamination of water, there was a great calamity in this capital city, and it swept away a large number of citizens of Delhi.

From the answer given by the Minister, we find that this matter falls within the competence of Delhi Joint Water and Sewage Board, and therefore, the question of Government taking any action does not arise. I would like to know whether that Board is above Parliament whether it is a Board which cannot be questioned by this Parliament for its failure, and miserable failure at that, to discharge its responsibilities. We had a two-hour discussion in this House on the *Report of the Jaundice Enquiry Committee*, and in the course of the discussion, it was unanimously focussed by all Members that those persons who were responsible for this should be brought to book. But we find that the Member-secretary has been given only a warning. Am I to understand, and is this House to understand that the punishment given to the Member-secretary, who was responsible for so many deaths in this capital city of India should only be a simple warning? Are we to understand that the Member-secretary who failed, and failed miserably, to inform the authorities in time of the fact that the Water had been contaminated, should be left scot-free with only a simple warning? This House has very strongly said on previous occasions, while discussing this matter, that the persons responsible should be brought to book, and very strong punishment should be given to them.

[MR. DEPUTY-SPEAKER *in the Chair*]

The other day, the Health Minister said that in regard to Mr. Katwala, the Board was satisfied. This is what she has stated :

“As regards Shri Katwala, the Board was satisfied that he did not mean what the words used by him actually conveyed to the Jaundice Enquiry Committee.”

Sir, this a very strange plea that is advanced. The officer had given something in writing before the Jaundice Enquiry Committee. Now, the Minister

comes and says that the officer did not mean what he had said in writing. Henceforth, this will go on record that the officer while tendering evidence or giving his opinion or taking any action may say something but when he is brought to book, he can say, 'Sir, I did not mean it. I did not mean what I had written, or what opinion I had expressed, or what evidence I had tendered'. This is a strange plea that can be put forward by any authority, whether it be the Delhi Joint Water and Sewage Board or any other, to save the officer who has been held responsible for the loss of so many lives in this city. I would like to quote just a few words from the Report of the Jaundice Enquiry Committee in order to point out what that committee has to say about this particular officer.

Shri B. S. Murthy (Eluru) : Not simple warning, but compound warning.

Shri Bhagwat Jha Azad : I am talking about Shri Katwala, the officer who has not been given a warning. It was said that he did not mean what he said in writing to the Committee. This is a strange plea. An officer writing something to a Committee makes a mistake and when caught hold of, says, 'I did not mean it'. What a nice plea, what a wonderful statement, what a nice excuse, to save a man from the responsibility of committing a heinous crime resulting in a hundred deaths in this capital city of India.

The Committee has devoted a special paragraph for this officer. It says:

"Altogether, the Committee cannot help feeling that Shri Katwala not only failed to realise his responsibility to take note of the results of chemical analysis and to carry-out further necessary preventive measures and purificator process but he also made repeated attempts to divert the responsibility on to other people."

He not only failed to realise his responsibility but he repeatedly attempted to pass on the responsibility to others. The Committee says that he failed in the discharge of his responsibility. And what was the responsibility? The responsibility was to find out if the water is not contaminated. The responsibility was to inform the Board and the health authorities about the contamination of water which resulted in

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such a widespread epidemic in this city as a consequence of which there were so many deaths. It is a strange thing that that clear verdict given by a competent authority, by an Inquiry Committee, about the officers who were responsible for the heinous crime, which has occurred never before in the history of this country, has been treated in this manner. The Board has not only not given a warning to Shri Katwala, but it has said that he did not mean what he said in writing or what he deposed before the Committee.

Henceforth, whenever a person is caught hold of, they will say, 'He never meant it'. I would like to impress upon the Minister in charge that this House is unanimously of the opinion that it can never let off such persons who were responsible for such heinous crimes. I demand that this Board which has so shabbily treated the opinion of this House which unanimously said that they must be brought to book, should be dissolved immediately and the Chairman who is responsible for conducting the activities of this Board should be asked to quit immediately. This Board I repeat, should be dissolved. This Board is not above this Parliament; this Board is not above the people's opinion; this Board is not above the verdict given by the Inquiry Committee which clearly says that they were responsible for this heinous crime.

Therefore, I demand that this Board should be dissolved. Secondly, I demand that those two officers who were responsible should be brought to book and adequately punished. The simple plea of the Health Minister, 'What can Government do in the matter?' is unacceptable. Government can do a lot. It is their responsibility to see that such a Board which has behaved so badly in letting off the criminals who were responsible for the deaths should be dissolved and that persons responsible should be punished adequately.

I am sure this House is unanimously of the opinion that the persons responsible should be punished, and punished adequately. My only point in raising this half-an-hour discussion was to demand action on the part of Government in view of the answer of the Health Minister, 'I am sorry'. I, therefore, want that this should be immediately taken note of and Shri Katwala and the Member-Secretary should be awarded adequate punishment for their heinous crime.

Mr. Deputy-Speaker : I shall now call upon Shri D. C. Sharma. I suppose the hon. Member knows the rules. The Member who has given notice may make a short statement and the Minister concerned may reply shortly. Any Member who has previously intimated to the Speaker may be permitted to put a question for the purpose of further elucidating any matter of fact. So other Members would take only a minute or two so that the hon. Minister might be able to give a full reply.

Shri D. C. Sharma (Hoshiarpur): I want to ask only two questions. My first question is what action have the Government of India taken so far on the Report of the Jaundice Inquiry Committee. So far as I know, every attempt has been made to white-wash whatever has been done. The second question is, why is it that the officers who have been held guilty at the bar of public opinion have not been charge-sheeted and why have they been allowed to go about without their conscience and their career called into question on account of the great tragedy that they wrought? I may tell you that my stenotypist has been suffering from jaundice even during the month of April. The poor fellow came to work with me only two days ago. So even now the jaundice epidemic is on.

Shri Radha Raman (Delhi City): I just want to add two more questions to those of Shri D. C. Sharma's. There is a strong feeling among the people in the City of Delhi that Government of India have not taken with that seriousness that is required, the question of taking action against the officers who were responsible for the contamination of water and the resultant deaths and all that I want to know whether, in order to remove that feeling amongst the people of Delhi, the Central Government propose to take any steps.

Then it has been said very frequently, say on several occasions before, there are so many drains and sewers discharging their filth and dirt of certain areas and townships which are created round about Delhi. In spite of the fact that there has been this jaundic epidemic and some action taken to avoid recurrence of contamination, there are still many sewers carrying filth into the Jumna river, making the water contaminated. May I know what immediate action Government propose to take to

stop these sewers and drains to carry their filth in river in order to give confidence to the people of Delhi that they are getting good water now?

Dr. Suresh Chandra (Aurangabad): I only want to know what action the Minister has taken after the debate in Parliament. Parliament had unanimously demanded certain action from Government with regard not only to the officers but also to having a fresh inquiry into this matter. I want to know whether any action has been taken, and whether there has been any effect of the debate and the demand made by Parliament.

The Minister Without Portfolio (Shri Krishna Menon): Mr. Deputy-Speaker, Sir, from the papers that I have before me, it would appear that the proceedings of this afternoon are to be confined to the answer on the attitude of the Ministry in regard to three officials concerned in this great calamity. It is natural that in raising that question the merits of other matters have come in. Therefore, I do not complain about the wider field that has been traversed by previous speeches.

I hope Mr. Deputy-Speaker, you will forgive me—I am a new boy in the school.

Shri A. M. Thomas (Ernakulam): But an experienced boy.

Shri Krishna Menon : I hope you will not mind if I reverse the order in which these questions have been raised, because the seriousness with which all sides of this House have looked upon this question is a proclamation of the public interest in this matter and of the great sense of civic responsibility. While it may appear that at the present moment we are considering what punishment should be meted out, the real thought in the minds of people is how such a tragedy should be prevented in future. I am sure there is no one in this House who really wants to mete out punishment for some sadistic reason. They want to mete out punishment as a deterrent to wrong action in the future. The real thoughts in the minds of all Members of this House is the gravity of the problem which has resulted in 84 deaths and somewhere about 3000 infections.

It is also brought to our mind that in a country like ours where we are, perhaps, rapidly moving—some people

would think otherwise and say we are not moving rapidly enough in the conditions of living—the older and out of date mechanical arrangements will tend to produce these tragedies without giving notice to us so to say! In the old days when we used to take water out of the wells, we tested in some sort of way and not in modern ways and each one went on making his own arrangements. In those days, conditions were different and the methods that were applied were of a different character. Provision had also not been made in respect of water and sewage in those past days which were sufficiently rigid. Even in most advanced countries with regard to dealing with the effect of infection by virus, and not by bacteria, the position is difficult. No explanation, however, will bring back the lives of the people who are dead and what is more, no explanation of this kind does, at any time, exonerate any Government from responsibility of a moral character. It would be a bad day in a system of parliamentary government if representatives of Government cannot stand up and say that they accept moral responsibilities. I would like, at this moment, to pay my tribute to my absent colleague the hon. Health Minister who accepted such responsibility. But, equally, it must be said that when the Minister stands up and says that she accepts the responsibility, it must be understood that that responsibility must stand limited by the provisions of the Constitution and by the advice that is given to her by the Law Officers of the State. That is the position.

I, therefore, return to the problem which is basic today. This concerns the infection of water, by whatever cause it may be. As a result of the tragedy a committee was appointed. That committee produced some recommendations. Arising from those recommendations, a further Expert Committee was appointed, I am happy to say to the House that out of those many recommendations that have been made—and during this short debate you would not expect me to go into greater detail about them—out of the many recommendations made by the Jaundice Enquiry Committee, most substantial ones have been accepted and all considered are now being carried. If nothing else happens out of this debate, if nothing else happens out of the expressions of the feelings of hon. Members of this question, this itself would have been

a good result. There are, on the whole 13 main recommendations

Shri Bhagwat Jha Azad : May I point out that on the last occasion when there was a two hours' debate in this House, all these points were covered. The scope of this half-hour discussion is limited to only one point, that is to say, what measures have been taken against the responsible officers and why the officers who were held responsible for negligence resulting in the death of so many persons were not brought to book. Why were they not punished? Only that part has to be answered in this House.

Mr. Deputy-Speaker : I am quite sure the hon. Minister is coming to that.

Shri Krishna Menon : I could not agree more! I did not frame the present charge-sheet. The hon. Member asked for the information, as to what has been done in this matter. I try to answer him. Well, if that is not the view of the House, I need not refer to all these matters and I am willing to pass on to the other one.

There are three officers concerned, one the Secretary-Engineer, another the Superintendent of the works and the third the chemist. I am asked—and I take it from your response that your ruling is that one has—to confine oneself to the narrower limits less as to what action

Mr. Deputy-Speaker : Other things could be referred to but the question that has been raised has to be answered.

Shri Nambiar (Mayuram) : I may submit that, in the larger interest of the safety of the people and in the interest of preventive measures being taken, the hon. Minister may be allowed to explain what all recommendations have been accepted and what has been done so that we can come to the other point also. That may also be referred to.

Mr. Deputy-Speaker : We cannot enlarge the scope of the discussion that we have before us. As particular proposition has been put forward before the House to consider and the mover has made a definite statement briefly, though he has also gone into certain other fields. But now that statement has to be answered definitely though other references were made by him.

Shri Krishna Menon : The Government is not particularly exercised about introducing these matters into this debate, because it has got other methods of informing the House—e.g., by laying it on the Table. But doubts and questions were raised in the previous speeches and I did not want the House to feel that there are no answers to them and to be left with the feeling that satisfactory measures are not taken. Ministers are always in the position of either explaining too much or too little. I was therefore trying to explain as much as necessary for this debate.

Without taking any more time on this, I will come to the matter on which the debate was scheduled. The position with regard to the persons concerned in this matter was, that, as the House knows, the Enquiry Committee had made certain observations. These observations relate to these gentlemen. The first person had not taken steps to inform the Medical Authorities; he would have been wiser if he had done so; although he had no statutory obligation to do so, he could have informed the Director of Health at an earlier period that he acknowledged.

I want to absolve myself and the Ministry and the Government from the position of being the body that is going to question which are the Board's functions in respect of this matter. The basis of this matter is that the authorities responsible for investigating these charges are the Board, acting under the Commissioner of Delhi as its president. We have taken legal opinion in this matter, and while we have no desire to pass on the responsibility to any one else, it is quite clear that the Health Ministry, as at present, has no authority over these people directly in the present context. I was told that Parliament can do what it likes. That is true, but Parliament itself constituted this Authority and Parliament itself endowed it with powers. Parliament created the Supreme Court of India and when it passes decisions which may be against opinion in Parliament, you cannot just say that you will overrule them and pass other decisions. This Authority has acted within the statutory powers which created that body, and whether we like it or not, the powers of punishment are transferred to them under section 27 of the rules and bye-laws, and also under section 28. All the powers in regard to

removal of members, punishment, etc., are vested in Authority under bye-laws which are framed under the statute enacted by Parliament. It is not possible to operate or modify laws except in a legal manner. We have sometimes to meet the difficulties that arise from deficiencies in the law. We have to meet them in the proper legal procedures. Therefore, it is not a valid argument to deduce that Parliament is sovereign, and therefore it can do what it likes.

The attention of all concerned has been drawn to the concern of this House, and I would give an undertaking that whatever is said here today, and the feelings and temper of this House would be adequately communicated to those concerned by the Ministry. We could not, without breach of statute directly interfere in this matter; that would be against the law: that would be against the advice that has been given to us; and that would be against the general practice of orderly government. That is not so say that the Ministry itself, if it had to deal with these persons, would not have dealt with them differently. An appeal court would differ in its view of how a thing should have been done. In this case we are not even an appeal court. The Ministry has no authority under the existing law to deal with these men.

Shri Raghunath Singh (Banaras Distt. Central): Then, who has got authority, may I know?

Mr. Deputy-Speaker : Let us hear what the Minister has got to say.

Shri Krishna Menon : In my feeble way I am trying to explain that. The Superintending Engineer of the Delhi State and Member-Secretary of the Delhi Joint Water and Sewage Board are there, and three-fourths of the salary of the later are paid by the Delhi Joint Water and Sewage Board and one-fourth by the Delhi State Government. The authorities over him are the Board and the Commissioner. The Commissioner has approved of these decisions and has said that no further action is necessary. I have looked up all the Authorities on the question of powers in this matter and I find that the Central Government can interfere only under section 40 of Part C States Act of 1951, which gives the President certain powers. Those powers, however,

are not intended for purposes like the present; those powers are intended for suspension of the Constitution and such like. Now, that is a matter which cannot be decided in a debate of this kind. There is no method by which the Minister can override the decisions of this committee which is charged by the statute and by the rules made thereunder to award punishments. That may be a very unsatisfactory state of affairs and this House in its wisdom may have to consider it. This opens up a field of enquiry. But this House knows very well that if the Central Government begins to interfere with the affairs of States, whether they be A, B or C, there will be an awful uproar for all sorts of reasons.

A question has arisen. The country is aroused about the tragedy and what is more, the House is not satisfied about the degree of punishment awarded. As I said, the Ministry itself may or may not have other views about it but it is no use expressing a view on a matter on which it has no competence. That is a tribunal under the statute; that statute is legal. Certain things are laid down. There have also certain rights been vested in the individuals concerned. In order to make the position the legal factors have been closely examined and we are told that the Chief Commissioner of the Delhi State has to take the action concerned. The Central Government have powers to give direction to the Chief Commissioner usually speaking. This is not a case in which such a direction can be given. After all a direction can be given only before he has signed and passed judgment. How can we know what he is going to decide or what he was not going to decide? It is not a case in which the Central Government can interfere.

I want to add once again this. From all the papers I have seen, the conduct of these officers may have deserved more severe treatment. It is not for me, who is not competent, to give a decision on account of the limitations imposed by law and respect for parliamentary obligations, to pronounce upon that. I would say that there has been a dereliction of duty, error of judgment—what is more, the attempt to pass on responsibility to someone else including the enquiry committee. That is a most deplorable state of affairs. So far as these men are concerned the disease that visited a large number of Delhi citizens and the tragic results are on their conscience, they would also have in their ears and

their minds, the censure that has been conveyed, though not by a resolution but by the speeches and the utterances, and the sentiments of this House. That, itself I think, would be punishment. If the House desired to take further steps, that would be a matter that would have to be dealt with according to the procedure laid down for the purpose.

Shri Bhagwat Jha Azad : The hon. Minister himself admitted that the punishment given was far from satisfactory. May I know whether the Government will take such action through Parliament which will take away the power from the Board and punish them by other methods. (*Interruptions*).

Mr. Deputy-Speaker : Order, order. He has made it clear that he also feels that the punishment is not adequate. But there must be other methods of pursuing the matter. There are other remedies open to the hon. Members to pursue the matter. (*Interruptions*.)

Some Hon. Members *rose*—

Mr. Deputy-Speaker : Order, order. Now the discussion is closed. There is no motion before the House and there is nothing that we can pursue. I shall take up the next business.

MESSAGE FROM RAJYA SABHA

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

“I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 29th May, 1956, has passed the following motion :”

Motion

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to leave being granted by the Lok Sabha to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by the Rajya Sabha on the 21st September, 1954 and laid on the Table of the Lok Sabha on the 23rd September, 1954”.

6. 35 P.M.

The Lok Sabha then adjourned till Ten of the Clock on Wednesday the 30th May, 1956.