THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): As the House is aware, the Harijan Sanarsh Samiti was carrying on an agitation in support of their demands...

SHRI JYOTIRMOY BOSU : Against eviction.

SHRI RAM NIWAS MIRDHA: I am glad to inform the House that according to a statement issued by Shri Chandram, the agitation has been withdrawn. This statement was issued after consultation with the Chief Minister, Haryana, who in his statement agreed to refer these demands to an *ad hoc* committee to be appointed by him.

As regards Vir Sonarwala, the Chief Minister of Haryana has stated that all the 151 evicted Harijan families would continue to be allowed to cultivate the land in the village Vir Sonarwala until it is possible to provide them with alternative cultivable land on the basis of permanent ownership rights.

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**18.10 hrs.**

DISCUSSION RE: TEXT OF THE HISTORICAL DOCUMENTS BURIED WITH THE TIME CAPSULE—*Contd.*

MR. DEPUTY-SPEAKER: We will take up further discussion under Rule 193 on the text of the historical documents buried with the Time Capsule at the Red Fort on the last Independence Day (15th August, 1973).

Shri Sudhakar Pandey is to continue his speech.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : There is a discussion under rule 193 in my name. It is now 6.10 P.M. I would like to have an observation from the Chair as to what is going to happen to that.

MR. DEPUTY-SPEAKER: It will be taken up.

SHRI JYOTIRMOY BOSU : How long are you going to go on with this discussion?

MR. DEPUTY-SPEAKER: It will be concluded as quickly as possible.

SHRI JYOTIRMOY BOSU: I would like you to be a little more helpful.

MR. DEPUTY-SPEAKER: We have a balance of 1 hour 15 minutes.

SHRI JYOTIRMOY BOSU : That means it will be taken up at 7.30 P.M.

SHRI SEZHIYAN (Kumbakonam) : In connection with this debate, I want to raise a point. This affects the privileges of members of the House. Several demands were made from us in this respect in the form of letters and unstarred questions, and requests on the floor of the House. But the Minister has not so far obliged us by making the text of the version that has been buried with the capsule available to the members of the House. The Minister will be fully justified in not laying the document on the Table if its production is considered inconsistent with public interest. But he has not taken that plea. He has stated that because the document is meant for posterity, it is not advisable to publish it contemporarily.

Secondly, he has also said in reply to my communication that it is inappropriate to publish it. Our contention is that only when the publication of a document is considered to be not consistent with public interest can that argument be invoked.

In this connection, I would invite your attention and the attention of members that many persons have been provided with copies of the text of the document. I can prove this statement. A person by name Shri C. Badrinath, Commissioner of Tamil Nadu Archives made a speech at the History Association of the Presidency College, Madras. Press reports of this have said:

> "Shri Badrinath who claims to have gone through the capsule version carefully said in an interview that there were some glaring omissions and factual inaccuracies".

I also understand that many persons in Madras belonging to a particular college the Christian College, have also been provided with copies of this one. I understand that Shri Badrinath, who had first the credit of first initiating discussion on this one in an academic way pointing out all the glaring omissions and inaccuracies, has been pro-

[Shri Sezhiyan]

vided with copy of this document by no less a person than a Professor who was entrusted with the work of drafting it. I have got a photostat copy of his letter to Shri Badrinath wherein he says:

> "Dear Mr. Badrinath, thanks for sending me in your vehicle. The paper I am sending is a corrected copy, but it is extremely untidy. I hope it will serve the purpose. I welcome your comments and would appreciate having a report of your speech tomorrow. I did like the criticism you made this afternoon.
>
> "See you on Monday afternoon,
>
> Yours sincerely".

This is signed by—I do not want to mention his name—Professor K. This was sent on 6th September. On 7th September, Shri Badrinath makes a speech making full use of the text that was provided to him. I have got a copy of it. As I said, I have got a photostat copy of the letter by the Professor to Shri Badrinath and also a copy of the corrected text. The Professor's signature is there in the letter. Incidentally, there was a write-up in *The Hindu* of September 17 about it, whereas here members are denied access to it.

Sir, a letter has been written on 17th September, in *The Hindu* on the speech made by Mr. Badrinath, where the said professor, who is supposed to have written it, says :

> "To my knowledge, what was put in the Time Capsule was a brief account (in about ten thousand words) of some important aspects of our national growth in the past twenty-five years."

If it has been so secret, how the professor can go to a paper and say "To my knowledge, what was put in the Time Capsule was a brief account (in about ten thousand words)..." etc. Therefore, my plea is, it has been made public by the person who was entrusted with this, and very many persons have been provided with a copy of it. Why deny this facility to Members of Parliament in this House? Therefore, on this plea, what is his reply?

MR. DEPUTY-SPEAKER: What is your point of order?

SHRI SEZHIYAN : Why should it be kept secret? Also, I place* on the Table of the House an authenticated copy of the letter as well as the corrected copy given to me.

MR. DEPUTY-SPEAKER: Give it to me. I will examine that. Now, let me first dispose of this point of order. I think when the Minister gives his reply, he will deal with these points. (*Interruptions*) Order, please. The Minister of Education is there. When the Minister gives his reply, he will deal with this.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : He will give his reply after the debate.

MR. DEPUTY-SPEAKER: Naturally.

SHRI ATAL BIHARI VAJPAYEE: To have a meaningful debate, we must know the contents of the capsule. Let him make a statement. Can you permit the hon. Minister not to take the House into confidence about the contents of the capsule on the ground that it has been decided to keep it a secret.

SHRI S. A. SHAMIM (Srinagar): It has been leaked out to the whole country.

SHRI ATAL BIHARI VAJPAYEE: It is an important document. It should be laid on the Table of the House.

SHRI SAMAR GUHA (Contai) : Sir, on a point of order. A note has been circulated on the basis of the paper laid by my friend, Shri Sezhiyan, and the Speaker has admitted it and allowed him to lay it on the Table of the House. On the basis of that, we have received a copy of that also.

Today, the discussion will be continued on the capsule, and I do not know what has been the opinion or the information of the Minister. Sir, this capsule is being kept secret. It is some kind of a conspiracy against contemporary history. We are part of contemporary history and this House is part of that contemporary history.

MR. DEPUTY-SPEAKER: What is the point of order?

*The Speaker not having subsequently accorded the necessary permission, the documents were not treated as laid on the Table.

SHRI SAMAR GUHA: I am coming to that. Without a knowledge of the document, you cannot permit any discussion on the floor of the House. I am concluding. Just one minute. It might so happen that if the Government do not come out with that document, the others who are also part of contemporary history may be obliged to go there and dig out the capsule, so that the capsule is not allowed to remain there for the next 2,500 years or so under the custody of the Government. This is a sacrilege against the very principles of a democratic nation. (*Interruptions*).

SHRI H.N. MUKERJEE (Calcutta—North East) : I do not know why all this noise is taking place without or in the absence of the Government coming out specifically—(*Interruptions*). Since you have been pleased to put this on the agenda and we had a partial discussion last time, we can certainly proceed on the assumption that in spite of the Government not saying either yes or no about the authenticity of the document, this document will be taken by the House to be the correct version of the capsule. On that basis, we proceed. If the Government has nothing to say on it, it is a different matter. Either we proceed on that basis or, if the House does not wish to discuss it, it is a matter for the House to decide. But we have already partially discussed it. I think it stands to reason that the House should proceed with the discussion without any hullabaloo about useless points.

श्री मधु लिमये (बांका): उपाध्यक्ष महोदय, असल में सेझियन साहब ने सदन की बड़ी सेवा की है। मंत्री महोदय को केवल इस प्रश्न का उत्तर देना चाहिए कि सेझियन साहब ने जो दस्तावेज रखा है वह सही है या नहीं ? अगर सही नहीं है तो जो सही है वह रखें क्योंकि वह कई लोगों को दे दिया गया है। इस का पहले उत्तर आना चाहिए। अगर वह उत्तर नहीं देते हैं तो यह सदन का अपमान हो रहा है। इतना ही मैं निवेदन करना चाहता हूं।

SHRI SHYAMNANDAN MISHRA (Begusarai ) : There are only two instances in India's recent history when such a capsule has been lowered into the womb of the earth. One was when some documents relating to Pandit Nehru—"tryst with destiny", "India today and tomorrow" and so on were preserved in a capsule. All those documents are available to us. This is for the first time that somebody has taken the position that it must remain a secret, although there is no reason why it should remain so. Why should they keep it as a secret? And why are we insisting that the document must be produced before the House? Because, that document was gone through by Professor Nurul Hasan and it bears his handwriting and correction at certain places. Therefore, we want the original documents to be placed on the Table of the House. It is Professor Nurul Hasan who is responsible for this, and I say it with all sense of responsibility. So, he has to take the responsibility over his head.

SHRI VASANT SATHE (Akola) : The first question is about the authenticity of the document which is alleged to have been placed here.

SHRI S. A. SHAMIM: Alleged?

SHRI VASANT SATHE: It is alleged to be a copy of the original.

SHRI S. A. SHAMIM : It is asserted and affirmed.

SHRI VASANT SATHE : The basic question is whether the document which has gone into the time capsule, which is meant for posterity thousands of years hereafter...

SHRI SHYAMNANDAN MISHRA : Such a nasty thing.

SHRI VASANT SATHE : Neither you nor I will be there to know whetner it is nasty or not.

SHRI MADHU LIMAYE : It is a third class document.

SHRI VASANT SATHE : Whatever the contents, they are meant for posterity about 5,000 years hereafter. Rightly or wrongly, according to you it need not have been put in that form. Somebody in the Government thought this is the form in which it should be put.

SHRI S. A. SHAMIM: In the same way as somebody thought of swindling the State Bank of Rs. 60 lakns?

SHRI VASANT SATHE: The basic question is that a document which cannot be known by any contemporary people now of the present generation, which is essentially

[Shri Vasant Sathe]

meant for posterity, how can such a record be placed on record here? Then, it would lose all its meaning. Therefore, I do not want the Government to be called upon to lay it on the Table of the House.

SHRI SHYAMNANDAN MISHRA : If they keep poison for the posterity, should it be permitted?

SHRI S.A. SHAMIM: If this time capsule was to be excavated after five years probably we would not have been as agitated as we are now, because by that time everybody would have known the history as it is. Because it is going to be used after 2,005 years, and 5,000 years according to Shri Sathe, it is all the more imperative that nothing but the true history should go there. Secondly, if after two and a half hours' debate the Minister break his golden silence and says "this is not what has gone beneath" then what is going to be the use of this discussion? So, he must at this stage say either "yes, this, is the correct version" or "no, this is not the correct version". Let him break his golden silence.

MR. DEPUTY-SPEAKER: I think the point submitted by Shri Sezhiyan and others are clear enough and the Minister has understood it.

SHRI P. G. MAVALANKAR (Ahmedabad) : My good friend, Shri Sezhiyan, raised this discussion on 7th December. At that point of time, we had no official document available from the Government. Shri Sezhiyan then placed the document authenticated by him, with the permission of the Speaker, on the Table of the House. That was done, as the Bulletin tells us, on 13th December.

MR. DEPUTY-SPEAKER: That we all know.

SHRI P.G. MAVALANKAR: Today, in the Order Paper, it has been put that it will be discussed. I want to know from the hon. Minister why is it that he did not with this Order Paper, put the official document or contradict it? Otherwise how can we discuss it?

MR. DEPUTY-SPEAKER: That point is clear.

SHRI HARI KISHORE SINGH (Pupri): I want to simply say this. I want your ruling on the valuable point raised by Shri Mavalankar, whether there is any point in that or not.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) : Sir, the document which has been placed on the Table of the House by my hon. friend, Shri Sezhiyan, is not the document that has gone into the Time Capsule and is different. Secondly, the impression or the information that has been conveyed to my hon. friend, Shri Shyamnandan Mishra, that I had put down my corrections on any draft of any document, is categorically wrong. (*Interruptions*)

SHRI SHYAMNANDAN MISHRA : Let him produce the document; it has become more serious now.

**श्री अटल बिहारी बाजपेयी :** उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है—अब यह मामला गम्भीर हो गया है—अब आप को फैसला देना है . . .

MR. DEPUTY-SPEAKER : Certain statements and counter-statements have been made. There is no way of dealing with this matter except to have a discussion. (*Interruptions*) Order, please. Let me finish. Discussion will be held.

AN HON. MEMBER: On what basis?

MR. DEPUTY-SPEAKER: On the basis of statements made. (*Interruptions*).

**श्री अटल बिहारी बाजपेयी :** उपाध्यक्ष जी, चर्चा तभी ठीक हो सकती है जब इस सदन के सामने . . .

MR. DEPUTY-SPEAKER : I can hear only one Member at a time. I cannot hear, four or five Members at a time.

**श्री अटल बिहारी बाजपेयी :** उपाध्यक्ष जी, मेरा व्यवस्था का प्रश्न है। शिक्षा मंत्री महोदय ने कहा कि जो दस्तावेज श्री सेझियान ने सभा पटल पर रखें हैं वे सही दस्तावेज नहीं हैं और कोई अन्य दस्तावेज काल-पात्र में रखे गये थ। हम जानना चाहते हैं कि वे दस्तावेज कौन से थे। सही दस्तावेज कहां हैं। उपाध्यक्ष महोदय, आप को इस बात पर

रूलिंग देनी है कि क्या उन दस्तावेज को सदन से छिपा कर रखा जा सकता है ? क्या इस सदन के सामने सरकारी कागज रखने के कोई नियम नहीं हैं ? जब कभी कागज रखने से इनकार किया जाता है तो यह कहा जाता है कि इस कागज को रखना इसलिए सम्भव नहीं है, इसलिए हम इसको रखना ठीक नहीं समझत हैं क्योंकि जनहित में ऐसा करना हमारे लिए उचित नहीं है। मन्त्री महोदय यह प्ली नहीं ले रहे हैं। मंत्री महोदय का आधार यह नहीं है, वे कह रहे हैं क्योंकि 5 हजार सालों के लिए वह दस्तावेज रखा गया है इसलिए आज उसके बारे में सदन को अंधेरे में रखना जरूरी है। यह हमारे अधिकारों का सवाल है। (*व्यवधान*)

MR. DEPUTY-SPEAKER : When members are raising points, at least allow me to hear, so that I may be able to give my ruling or guidance or direction. If all of you get up like this, how can I hear any one? Let Mr. Vajpayee finish.

**श्री अटल बिहारी वाजपेयी** : म इतना कहना चाहता हूं कि आप रूलिंग दीजिए क्या कैप्सूल में जो दस्तावेज रखा गया है उस दस्तावेज से सदन को अनवगत रखा जा सकता है ? क्या यह सदन का अधिकार नहीं है कि सरकार ने इतिहास के नाम पर जो कुछ कैप्सूल में दबाया है उसके बारे में जानकारी प्राप्त कर सके ? किस आधार पर मन्त्री महोदय उस दस्तावेज को यहां पर रखने से इनकार कर रहे हैं ? आप नोट करेंगे उन्होंने पब्लिक इन्टरेस्ट का हवाला नहीं दिया है। अगर पब्लिक इन्टरेस्ट का हवाला नहीं दिया है तो वह सीक्रेट कैसे हो सकता है ?

SHRI MURASOLI MARAN (Madras South): A situation which is unprecedented has been created. Mr. Sezhiyan says that his document is an authentic document. The hon. Minister denies it. So, one of them is misleading the House—it may be Mr. Sezhiyan or the Minister. Now the privilege of the House is involved. I want that this matter should be referred to the Privileges Committee. Either Mr. Sezhiyan is misleading the House or the hon. Minister is misleading the House. This matter should be referred to the Privileges Committee.

SHRI SEZHIYAN : I am prepared to appear before any Committee that may be appointed by Parliament on this point.

SHRI SHYAMNANDAN MISHRA : There is now a clear case of breach of privilege against the hon. Minister. Why do I say so? I do not say it arbitrarily. This document was laid on the Table of the House on the 7th December in the presence of the hon. Minister. The Minister did not protest, the Minister did not challenge the authenticity of this document. Upto this moment there had been no challenge from him. Now the rule of estoppel would work. He is now stopped from challenging the authenticity of this document. It is an after-thought on his part. I would like to move orally a motion of privilege against the hon. Minister. So I want to seek your permission to do so.

SHRI S.M. BANERJEE (Kanpur) : The question before the House is whether this particular document which has been duly authenticated by my hon. friend Shri Sezhiyan, is the correct document or not. There are two precedents here, Sir. One was when the audit report of the New Asiatic and Jupiter Insurance was surprisingly got by us—by Mr. Homi Daji also—and hon. Speaker said that we could lay it on the Table of the House after proper authentication. We authenticated it. Ultimately the Minister had to say that this document was genuine. Another case is this. My hon. friend, Shri Kamath, when he was a Member of this House, produced a document, the C.B.I. inquiry report against Shri Biju Patnaik.

And that was authenticated by Mr. Kamath...

MR. DEPUTY-SPEAKER: Where is the relevancy ?

SHRI S.M. BANERJEE : I tell you that this is a precedent—after the document was confirmed by the hon. Minister whether it is correct or not. Here, the Minister has denied that this is the correct document. I want to know either—whether there should be a discussion after 500 years —I do not mind—but here what are we discussing?... (*Interruptions*).

MR. DEPUTY-SPEAKER : Prof. Hiren Mukherji.

SHRI K.N. TIWARY (Bettiah) : How long are we to sit here?

SHRI K.P. UNNIKRISHNAN (Badagara) : We have other engagements also. How long are we gonig to sit here? (*Interruptions*)

MR. DEPUTY-SPEAKER : Order please. Prof. Hiren Mukarjee.

SHRI H.N. MUKERJEE : To me the matter seems very simple. The matter. to me, seems simple though very unhappy. In so far as the discussions we were looking forward to are concerned. I feel that we cannot have it in a vacuum for the Minister, even though in a belated way, has repudiated the authentisity of whatever was placed on the Table of the House, by Mr. Era Sezhiyan. But I am in the most unhappy position of finding that the Minister repudiates the authenticity of a certain document, but does not seem apparently prepared to produce the original document, so that the assurance given to this House by Mr. Era, Sezhiyan about the genuine authenticity of the document is in question. I am between two stools. I do not want to disbelieve my friend, the Minister for whom I have a very soft corner. But I mean to to say, I cannot also disbelieve what Mr, Era Sezhiyan says though they have produced by ministerial ineptitude, for which, I am sure, not only my friend, the young Minister of Education is responsible but the entire group of them. Take Railways, take the airlines, take everything, egregious misperformance of duties is the characteristic. They have landed themselves in the soup.

Here, we, the Members of parliament, having two different versions, the only way, you can find out is to have a probe—you can do it—whichever way you like, I do not want the Committee of Privileges becaue he has not violated any privilege, I assume he is telling the truth. I assume he is also telling the truth. But I do not believe that the Privileges Committee should be invoked at this stage. But the Speaker must devise a mechanism to find out as to what is the truth of the matter in so far as this goes. The Minister has contested the authenticity of the document attested by another hon. Memder. That hon. Memder, I take it, stands by that state-- ment, If that is so, we cannot have a discussion. No good of having a discussion ...(*Interruptions*).

SHRI SEZHIYAN: May I again affirm that I stand by the document that I have laid on the Table of the House? As long as the Minister is not able to contradict that one ith his own version I say that the House should proceed with the discussion on this, (*Interruptions*), On the 7th December I placed on the Table of the House a document,....

MR. DEPUTY-SPEAKER : I understand that What is the last sentence ?

SHRI SEZHIYAN: I say that as long as the Minister is not able to produce the document, the document that I have placed should be the subject matter of the discussion here. Let us proceed on the assumption of my document being the correct one.

SHRI D.N. TIWARY: At this stage, in this circumstance, I move that the House be adjourned *sine die* and this discussion may be taken to the next session. (*Interruptions*)

MR. DEPUTY-SPEAKER: Order, please' Let me clarify what the position is.

SHRI D.N. TIWARY (Gopalganj) : May I submit one thing?

MR. DEPUTY-SPEAKER : I will hear you later on. Kindly sit down. Let me clarify the position. It is getting a little too confused. Now, the first question that was asked was this, whether we can go on with this discussion. As far as that is concerned, I think, it is very clear. We have partially discussed. This is only a continuation, The Second point that was made was this: On what basis, on the basis of what document, can we continue with this discussion? Mr, Sezhiyan has laid a certain document on the Table of the House, allowed by the Speaker, authenticated by him, and also that document was placed in the Library. And, the Minister has come out with a statement that that document is not true, is not a true document,.....

SHRI JYOTIRMOY BOSU (Damond Harbour) : It is for us to decide.

SHRI SHYAMNANDAN MISHRA. It is for us; it is not upto him.

MR. DEPUTY-SPEAKER : I am telling you what he has said. All these statements are on record. Now, a document has been produced. I dont's know, in the absence of the other document...

SHRI ATAL BIHARI VAJPAYEE: Why can't you ask him to produce it ? (*Interruptions*)

MR. DEPUTY-SPEAKER : I cannot compel him. (*Interruptions*) Order; please; let me finish. A document has been produced and, in the absence of the other document obviously, Memders can draw their own, conclusions, perhaps, that this is the real document.

SHRI S.A. SHAMIM: This is also the Law of Evidence...

MR. DEPUTY-SPEAKER: Order please, This is the inference which any person may make. I am not saying that this is the real document or that is the real document. Now, with regard to the other question raised by Mr. Vajpayee...

SHRI K.P. UNNIKRISHNAN : It is a fantastic charge.

MR. DEPUTY-SPEAKER: With regard to the other question raised by Mr. Vajpayee... (*Interruptions*) Let it be fantastic, That has gone on record, (*Interruptions*) Now, let me go on. Order please, The claim made by Mr. Sezhiyan that it is the correct document is a fentastic claim according to the other hon, Member..

SHRI K. P. UNNIKRISHNAN : Your observation is fantastic.

MR. DEPUTY-SPEAKER : Now, with regard to the point made by Mr. Vajpayee whether the Minister can refuse to lay a document on the Table of the House, and under what plea can he do that, I have only to go by the Rules, Well, the rules are very clear about the laying of a document, It says :

> 'If a Minister quotes in the House a despatch or other State paper which has not deen presented to the House, he shall lay the relevant paper on the Table".

Here there is no question of quoting from anywhere; he has not quoted. Therefor this rule does not apply. The rule further ays—
s

> "Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest."

This provision relates to any paper that he has quoted. Even if he has quoted a paper, he can avoid laying that by saying, 'this in the public interest'.

SHRI ATAL BIHARI VAJPAYEE: He has not said that.

MR. DEPUTY-SPEAKER: He has not said so, because he has never quoted. This relates to a paper which he has quoted before the House. He has not done that Then it says :

> "Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table".

He has not done that also. Therefore, it does not apply. These are the rules relating to this.

I shall also read out Rule 370, It says :

> "If, in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice, of a summary thereof on the Table".

He has never dislosed any opinion.

SHRI SEZHIYAN : This is U.S.Q. No. 1179 dated 19-11-73 by Shri Muhammed Sheriff put to the Minister of Education Social Welfare and Culture.

> "(a) whether the Ministry has refused to publish the text of the historical documents buried with the time capsule on the last Independence Day by Prime Minister;
>
> (b) If so, the reasons the reof;
>
> (c) if not, whether Government will lay text of the documents on the Table of the House; and
>
> (d) the agency appointed to prepare this document?"

The reply of the hon, Minister to this question reads as under:

> "(a), (b), (c) and (d) The Indian Council of Historical Research was responsible for the preparation of the historical documentation. Within the limitation of its compass, it was designed to preserve an authentic record of our time for posterity, Having regard to this concept, the question of contemporaneous publication, or laying the text of the documents on the Table of the House does not arise."

Read Rule 370, It says :

"If, in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall oridinarily lay the relevant document containing that opinion or advice, of a summary thereof on the Table".

MR. DEPUTY-SPEAKER You are stretching it too far. Let me clarify it. So many rules have been raised and I am confused. (*Interruptions*). I shall call you. But, let me finish. I do not think that Rule 370 applies here because he has not disclosed the advice or opinion. He has only stated the organisation which has prepared this document. I do not think this applies. Now, there is nothing in the rules that will enable the Chair to compel the Minister to come forward and lay a statement on the table of the House. And, under the rules, I do not see anything, There is another method, If the Government or the Minister, on his own, comes forward and seeks the Chair's permission to lay a paper, than the Speaker gives the permission and that is laid. If the Minister does not want to lay it, there is nothing that I can do about it.

SHRI SHYAMNANDAN MISHRA : I have submitted my motion in writing to you.

MR. DEPUTY-SPEAKER : Mr. Mishra says he has sent a motion of privilege and so on. This is not the way how a privilege motion can come. (*Interruptions*)

MR. SHAMIM, will you kindly clarify? Otherwise, kindly keep quiet. Now, notice of a privilege motion cannot be given like this and decided like that under the rules.

It requires adequate time to consider the question. I cannot give my ruling. It is an important question. It has to be given proper notice and I should have time to consider the matter, I cannot accept this logic.

**श्री शंकर दयाल सिंह (चतरा)** : सब से पहले उपाध्यक्ष जी, मैं नियम 362 के अधीन आप का फैसला जानना चाहता हूं कि माननीय डो० एन० तिवारी ने क्लोजर मूव किया...

MR. DEPUTY-SPEAKER : I have not accepted that.

**श्री शंकर दयाल सिंह** माननीय तिवारी जी यहां पर हैं, उन्हों ने नियम 362 के अधीन क्लोजर मूव किया। उस पर आप को सदन से पूछना चाहिये कि सदन चले या नहीं। इसलिये आप पहले हाउस की कन्सेंट लीजिये की हाउस चलना चाहिये या नहीं। नियम 362 के अधीन।

MR. DEPUTY-SPEAKER : I have not accepted that.

**श्री शंकर दयाल सिंह** : दूसरा रुलिंग 361 पर है। उसके अनुसार स्पीकर जब खड़े हों तो मैम्बरों को खड़े नहीं होना चाहिये।

MR. DEPUTY-SPEAKER: There, I agree with him.

**श्री शंकर दयाल सिंह**: ये बराबर खड़े होते रहते हैं। हम संयम से बैठे रहते है। नियमों को मानते हुए बैठे रहते हैं। नियमों साथ बलात्कार उधर के लोग करते हैं आप, जब खड़े हों तब उपर के लोग यदि खड़े हों कर बोलें तो उनकी बात रिकार्ड पर नहीं आनी चाहिये।

I want your ruling on rules 361 and 362.

MR. DEPUTY-SPEAKER: Since he has raised rule 362,

SHRI MADHU LIMAYE: Inapplicable.

SHRI SAMAR GUHA: It is not debate.

MR. DEPUTY-SPEAKER: Whatever it is, they have raised rule 362, I shall read out rule 362, It says:

At "any time after a motion has been made, any member..."

SHRI MADHU LIMAYE: Where is the motion?

MR. DEPUTY-SPEAKER: The motion is there to discuss this.

SHRI MADHU LIMAYE: It is only a discussion

MR. DEPUTY-SPEAKER: That does not matter. The rule also says:

"unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of reasonable debate..."

When we are exercised over this question and we are seized of it and we are not yet able to come to a conclusion, if it is said 'Stop everyting', I cannot accept that. How can I?

SHRI D. N. TIWARY: I only said that this might be discussed in the next session. Perhaps you had failed to understand what I had said.

जो मोशन है इसको आज के लिए बन्द कर और नेक्स्ट सैशन में इसको लें । डिसकशन बार में नही कर रहा हूं ।

MR. DEPUTY-SPEAKER : He was referring to rule 362. That was why. I replied to him.

SHRI SAMAR GUHA : You have made an observation, and on the basis of that observation, I want to make a submission. You have said that the hon, Minister has denied the authenticity of the document that has been produced by my hon. friend Shri Sezhiyan; in that event, you have observed that there is no other authentic report or statement and the statement that has been made by my hon. friend Shri Sezhiyan must be accepted.

MR. DEPUTY-SPEAKER : I did not say that, It was not my opinion. My statement was that people could infer, I said that people could infer...

SHRI SAMAR GUHA:...or inferred as a real document. Now, the words involved are 'inference' and 'reality', As regards the words 'real document', when a question of reality is involved in relation to any document, wherever a document is real, if it is real, it cannot be inferential.

I say that no reality can be inferential; no reality can be apparent.....

MR. DEPUTY-SPEAKER : Now, he is going into philosophy, into Nietzsche and Schopenhauer and so on.

SHRI SAMAR GUHA : It is a serious matter, If it is a real document, this House has to accept it as a real document, But as I have said, we now find that the hon. Minister challenged it and said that it is not a real document, and, therefore, I have to submit that there is no question of any compromise between apparent and real; there cannot be any question of that, ...

MR. DEPUTY-SPEAKER: What is his point of order?

SHRI SAMAR GUHA: I am coming to that. There cannot be any compromise between denial and acceptance.

In view of that fact, Prof, H.N. Mukerjee has made a very reasonable suggestion that as this document has been challenged and the hon. Minister has denied, therefore, it is the right of the Speaker, in fact, it is the obligation on the part of the Speaker, it is the responsibility of the Speaker to ascertain the facts, and if need be do so himself or if need be appoint a committee to ascertain whether this document is real or whether the denial made by the hon. Minister is real. That is my point. On that basis, I say agathere is no question of privilege either that inst the my hon. friend Shri Sezhiyan or against the hon. Minister.

But this is one account. There is another account. That concerns the statement or document that has been produced by my hon. friend, Shri Sezhiyan, or the document that has been secretively buried in the capsule, by the hon. Minister. Whatever may be the reason, the 25th years of the history of Indian freedom involves this House; the 25 years, history has not been created outside (*Interruptions*), For the last 25 years, this House has been the enactor of that history; we are the participators in it (*Interruptions*).

MR. DEPUTY-SPEAKER : What is the point?

SHRI SAMAR GUHA: This is the point the coherent point. Whatever it be, this House is part of that history, its record is part of that history, This Parliament is part of that history (*Interruptions*), Therefore, on this point, the hon. Minister is liable to contempt of this House. He is liable to face the privilege of this House, on this account. Therefore, I would support Shri Mishra's motion of privilege against the Minister (*Interruptions*).

SHRI H. N. MUKERJEE: Concede, me half a minute; I have to rush off.

Since the Minister repudiates the document, a discussion for which Government disowns responsibility is to me, something absolutely incomprehensible, I am not prepared to speak in this House on a document and ask Government to take resposiblity for it when, on the face of it, they say they are not responsible, But I am disturbed when they say there must

[Shri H. N. Mukerji]

be some document in that miserable capsule —which is to be found out. You cannot have any discussion on this now, because who is responsible? Who do I attack? Is Era responsible for the document or is it Nurul or who else? I am not going to discuss this matter. I do not imagine the House capable of discussing this matter. You cannot posit the responsibility.

Therefore, a discussion cannot take place today. It has to be postponed to some other day. First facts have to be ascertained either by the Speaker or through some other mechanism and then we have to come back next session and discuss it.

**श्री मधु लिमये** : इस में चार प्रश्न उत्पन्न होते हैं जिन पर आपका मैं फैसला चाहता हूं। अभी सेझियान साहब ने प्रश्न का उत्तर पढ़ा।

"The Indian Council of Historical Research was responsible for the preparation of the historical documentation".

प्रश्न आपकी सुविधा के लिए मैं अंग्रेजी में करता हूं। पहला है :

(1) Was the document of the post-independence history of India written and buried by the authority of Parliament or in exercise of any power conferred under any article of the constitution ?

उनको अधिकार किस ने दिया ?

(2) Have the Government secretly and surreptitiously substituted the oirginally buried document by another document in he last twelve days?

SHRI VASANT SATHE : Does not arise.

**श्री मधु लिमये** : यह मैं जानना चाहता हूं।

"The Education Minister has impeached the veracity of the authenticated document placed by the hon. Member".

This is a very serious matter.

इस लिए मेरा कहना है :

"If the document authenticated by Mr. Sezhiyan is a forgery, it is a grave matter and involves the prestige and privileges of this House".

उन्होंने जो कहा है, अगर वह ग़लत है, तो उन्होंने सदन का अपमान किया है। इस लिए मैं श्री श्यामनन्दन मिश्र से पूर्णतया सहमत हूं कि इस में अन्ततोगत्वा इस सदन की प्रतिष्ठा, गरिमा और विशेषाधिकार का सवाल उठेगा।

अब मैं एक रास्ता बताना चाहता हूं, जिस में श्री मुकर्जी की भी बात आ जाये। अध्यक्ष महोदय, इस बारे में मंत्री महोदय से कह सकते हैं कि वास्तव में जो दस्तावेज बरी किया गया, गाड़ दिया गया, उस को अध्यक्ष महोदय के सामने रखा जाये। स्पीकर साहब इन दोनों को बुला लें, और तथ्यों, फैक्ट्स, के बारे में जो निष्कर्ष अध्यक्ष महोदय का होगा, वह इस सदन के सामने आये। उस के बाद, अगर हम लोगों की बात में तथ्य है, तो श्री श्यामनन्दन मिश्र को बाकायदा विशेषाधिकार का प्रस्ताव रखने की अनुमति दी जाये।

SEVERAL HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER : Order, please. I will hear you all.

SHRI VASANT SATHE : I would like to make a submission on a point of privilege.

MR. DEPUTY-SPEAKER : I will hear you. Now, about the first two questions, it is not for the Chair to reply. It is for the Government to reply, The first question he has posed is :

"Under what authority this document has deen prepared and buried. Is it by the direction of Parliament—

SHRI SAMAR GUHA : It is not by Parliament. On a point of order.

MR. DEPUTY-SPEAKER : There is no point of order. I am not going to give my ruling. (*Interruption*)

SHRI SHYAMNANDAN MISHRA : You were trying to say something.

MR. DEPUTY-SPEAKER : But he interrupted me.

SHRI SHYAMNANDAN MISHRA : He will listen to you.

SHRI SAMAR GUHA : I will listen. My only point is, where directly or indirectly, this 25 years of history being kept there in the capsule, involves Parliament or not. If it involves Parliament, then, without the sanction of Parliament, can a Ministry try to hide the history like this?

SHRI SHYAMNANDAN MISHRA : We want to hear you, but one point which I had made remains ignored. The point is whether the Minister would be in order to contradict what he did not challenge earlier when the document was laid on the Table of the House? After having waited so long, can his words be taken as true?

SEVERAL HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER : Will you kindly hear me quietly? At least interrupt after I finish.

About your point. I do not see how I can prevent any Member or any Minister to come forward at any stage and make a statement or deny or repudiate it. Everything is on record. It is for the House to take a decision on that.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : Sir, I do not want to interrupt, but .....(*Interruptions*),

SHRI S. A. SHAMIM : Sir, the Minister of Parliamentary Affairs is interrupting when you are in the Chair. He is behaving in this way. You force him to sit down.

SHRI K. RAGHU RAMAIAH : I am not coming in the way of the discussion. I only want to know how long the House should sit. That is all.

SHRI S. A. SHAMIM : 11·30 p.m.

SHRI K.RAGHU RAMAIAH : 11·30? Let the Chair say so. (*Interruptions*)

MR. DEPUTY-SPEAKER : I do not know what the Members want of me. They would not allow me to say what I want to say. Somebody says something and somebody else says a different thing. How can I dispose of anything in this way? (*Interruptions*)

AN HON. MEMBER : How long are we going to sit?

MR. DEPUTY-SPEAKER : Order, please, Let me sort out.

Let me first deal with the point raised by the Minister of Parliamentary affiairs: how long the House shall sit? Now, we have got the business before the House and this is the last day, After this we adjourn *sine die*. If we were to meet again tomorrow. I wuld say "The House stands adjourned to meet again tomorrow".

SHRI RAMAVATAR SHASTRI (Patna) : We are ready to meet day after tomorrow.

MR. DEPUTY-SPEAKER : Therefore, I cannot say by which time we will adjourn. Now when there is business before the House and the House is seized of some very important questions, it is for the House to decide that. How can I say that? (*Interruptions*) As far as I am concerned, I am seized of these questions. We must go through all the business before the House, unless the House decides otherwise. It is up to the House to take a decision.

Shri Samar Guha asked a very general question whether the Parliament forms part of the history of the last 25 years. Who is there so blind, who is there so deaf and who is there so dumb as not to agree that this Parliament is the centre of life in this country?

Let me now come to Shri MadhuLimaye. The first two questions raised by him are not for the Chair to answer; they are for the Government. The first question that he has asked is whether it is under the authority of Parliament and, under what provisions of the Constitution this document was prepared and put there. It is for the Government so say that because they have done it; the Chair has not done it. Secondly, he has asked a hypothetical question what guarantee is there that the Government has not surreptitiously replaced the documents in that capsule during the last 12 days by something else. How can I answer that? It is again for the Government to answer.

The third point appears to me to be on important point. Shri Sezhiyan has lid a paper, a document, on the Tadle

[Mr. Deputy-speaker]

that has been circulated. He has authenticated it. The Minister has refuted that. Does it amount to this that Shri Sezhiyan has committed a serious breach of privilege of this House, because if this document is spurious, then he has misled the House? It is very clear that if anybody brings forward an authenticated document, which is proved to be false, I think it is a very serious breach of privilege of this House. But how this is going to de established is not know.... (*Interruptions*).

SHRI S. A. SHAMIM : Under the Code of Criminal Procedure and the Code of Civil Procedure the on us of disproving it is on the Minister,

**श्री शंकर दयाल सिंह** : उपाध्यक्ष महोदय, इस मामले को श्री सेझियान ने सदन में उठाया है। उन का कहना है कि कालपात्र में जो इतिहास दबा हुआ है, उस में गलत तथ्य दिये गये हैं। हम लोग एस को नहीं मानत हैं। मंत्री महोदय ने कहा है कि उन का कहना बेबुनियाद है। मैं यह जानना चाहता हूं कि श्री सेझियान को कैसे इस बात का पता चला। वह कैसे अन्दर गये? वह तो पांच हजार साल बाद खोद कर जानने की चीज थी। उन्होंने उस को अभी कसे खोद लिया? ये इतिहास की जड़ खोदने वाले हम लोगों की बात पर विश्वास नहीं करते हैं, वे इतिहास के साथ गद्दारी करते हैं। उन को कोई हक नहीं है कि वह इतिहास की जड़ खोदें। मैं अनुरोध करना चाहता हूं कि इस मामले को बड़ी सीरियसली लिया जाये। मैं प्रस्ताव करता हूं कि नियम 340 के अन्तर्गत इस डिसकशन को एजार्न किया जाये।

MR. DEPUTY-SPEAKER : Mr. Shankar Dayal Singh has referred to Rule 340. I would like him to read Rule 341 also. It says :

> "If the Speaker is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon or decline to propose the question."

SHRI SHANKAR DAYAL SINGH: Rules 340 reads :

> "At any time after a motion has been made, a member may move that the debate on the motion be adjourned."

MR. DEPUTY-SPEAKER : You read Rule 341 also. It is connected with that.

SHRI SHANKAR DAYAL RINGH : You are right, Sir.

MR. DEPUTY-SPEAKER : So, don't press it.

SHRI SEZHIYAN : Sir, in all humility, I want to submit to the House that the question that I have raised about the Time Capsule is not of and party or a political one. It represents the history of the country for the last 25 years in which all of us have fought for it and, therefore, I wanted a true history to go down to posterity.

In this respect, the document authenticated by me has deen repudiated by the hon. Minister. I have served in responsible Committees. Wherever in certain matters, the Government officials feel that it is a top secret document which cannot be made available to the Committee, in those cases, the Chairman of the Committee used to decide in the matter.

In this case, supposing the Minister wants protection that it is not appropriate to place the document on the Table of the House, let him produce the document to the Speaker. The Speaker has got my document also. Let him compare it. Whatever judgment is given by the Speaker I am ready to abide by it. If any Member or the Speaker says, "I have forged the document", I am prepared to take any censure or conviction that this House deems fit to give me. I am ready to take it. (*Interruptions*).

MR. DEPUTY-SPEAKER : We have gone on and on and we are not getting anywhere.

Now, I would like to know what the House wants to do about this particular item. What do you want to be done? We cannot go on wrangling like this all the time.

PROF. S. NURUL HASAN : My contention is that the document which was given to my hon. friend, Shri Sezhiyan,

is not the document that ultimately went into the capsule...(*Interruptions*) I would be the last person to ascribe any motives to my hon. friend. I want to be very clear on that account. I hold him in tremendous personal esteem. I do not wish to attribute any motive to him. But the fact remains that the document which he has given and which is authenticated by him is different from the document that has gone into the Capsule. (*Interruptions*) I have heard with great respect and patience whatever the hon. members have been saying. I crave your indulgence for one minute more. I accept the suggestion that the hon. Speaker may take a decision in the matter. (*Interruptions*)

MR. DEPUTY-SPEAKER : Order, please. Now let us not lose sight of the basic question. The basic question is the authenticity or otherwise of the document laid on the Table of the House by Mr. Sezhiyan, how to establish this. This has been repudiated; he has said so. I think, we should leave the matter there for the time being because we have got to think how to proceed in the matter. Let us leave it there now. Everything that has been said is there. Let us sit down together and find a way as to what to do about this. Now let us leave it there and proceed on to the next business.

SHRI SHYAMNANDAN MISHRA : Only one word.

श्री शंकर दयाल सिंह : आप की रूलिंग के बाद इस पर बहस कैसे हो सकती है ? आपने तो रूलिंग दे दी है ।

MR. DEPUTY-SPEAKER : I will hear him for one minute.

SHRI SHYAMNANDAN MISHRA : We would have been happier if some mechanism were settled for ascertaining the truth in this matter—and the House is entitled to know the truth in this matter. The Chair could have been more helpful to us in settling a procedure which would have led us to the truth. But since that is not going to happen, and situated as we are with regard to time, probably it may not be possible for us to proceed with this matter any further. But this much I am going to tell you and tell the entire hon. House that we are going to dig up this most dishonourable piece of document tomorrow morning. This is a crime against history and we are going to uncover this. We are going to prove that those who have done it are a set of dishonest persons. We have to uncover their dishonesty. This is not only a case of error. This is a case of deliberate dishonesty, perversion and distortion and those persons who have done it have done it at the highest level of dishonesty. (*Interruptions*) Please tell us what is the way of ascertaining the truth.

MR. DEPUTY-SPEAKER : I have said that we must sit together and devise some way. I do not know, I cannot say offhand. Now, we take up the next item—the discussion on the expansion of the Coca Cola Export Corporation's activities in India.

Mr. Jyotirmoy Bosu.

SHRI SHYAMNANDAN MISHRA : You are postponing the discussion, keeping the matter pending?

MR. DEPUTY-SPEAKER : The discussion is inconclusive.

SHRI SHYAMNANDAN MISHRA : That does not prevent us from digging it up tomorrow. We will dig it up tomorrow morning. This is historical research? A dishonest historical research. An act of an illiterate...

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**19·21 Hrs.**

## DISCUSSION RE. EXPANSION OF THE COCA COLA EXPORT CORPORATION'S ACTIVITIES IN INDIA

SHRI JYOTIRMOY BOSU : (Diamond Harbour) : Coca-Cola, Fanta... (*Interruptions*).

SHRI K. RAGHU RAMAIAH: You see the clock. It is already 7·25 p.m. It is very late in the day.

SHRI SHANKAR DAYAL SINGH Chatra) : No further discussion.

MR. DEPUTY-SPEAKER : I had said that this being the last day and we adourn from today, all the business that is there, we have to go through unless the House decides otherwise. Now it is for the House to decide. I have called Mr. Bosu at least.