

Clauses 2, 3 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI YASHWANT SINHA: Madam, I move:

"That the Bill be returned".

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now, I would request the Minister of State in the Ministry of Personnel & Training to make her statement.

STATEMENT BY MINISTER

Priyadarshini Matto Murder Case

THE MINISTER OF STATE IN THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER OF STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING DEPARTMENT OF PENSIONS AND PENSIONERS' WELFARE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY AND SPACE (SHRIMATI VASUNDHARA RAJE): Madam Vice-Chairman, that a young girl, just 25, should have been killed, is a matter of great anguish to us. That she should have been from a community which has already been put to such enormous suffering, compounds the anguish. That a person should have been harassing her for months so much so that a case had been registered to the effect, and a guard provided to her, and that it should have still been possible to murder her, adds outrage to that anguish. That the learned judge should have felt compelled to pass strong strictures on the quality of investigation as well as prosecution, is a matter of grave concern. For all these reasons, I entirely share the sentiments which have been expressed on the floor of this august House. When an innocent person is punished, that is a miscarriage of justice. It is equally a miscarriage of justice when one who is guilty escapes the law.

Madam Chairperson, permit me to acquaint the House with the sequence of events, and with the steps that the Government is taking in the matter. Ms. Priyadarshini Mattoo was a student of the Campus Law Centre, Delhi University. It is on record that from early 1995 she was being

persistently harassed by an ex-student of the Centre, Santosh Kumar Singh. A case was registered in the Maurice Nagar Police Station under section 354 IPC (outraging the modesty of a woman) on 6.11.1995. The Delhi Police had given her a Personal Security Officer (PSO).

Ms. Priyadarshini was found dead in the afternoon of 23.1.1996 at her residence in Vasant Kunj. She was alone in the house at the time. The Delhi Police registered a case on that day under section 302 (homicide) of the IPC. The post-mortem was done at the Safdarjung Hospital on the afternoon of 25.1.1996. The case was transferred to the CBI the same evening.

On the basis of the facts emerging from their investigation, the CBI laid a chargesheet against Santosh Kumar Singh on 11.4.1996 before the Metropolitan Magistrate, New Delhi under sections 302 (murder) and 376 (rape) of the IPC.

The House will note that the investigation was conducted and completed between January and April, 1996. In particular, the request for DNA sampling was sent to the Centre for Cellular and Molecular Biology, Hyderabad on 31st January, 1996 and the result of the test was received on 20.3.1996. The Additional Sessions Judge, Delhi framed charges against the accused on 17.7.1997. The trial commenced on 11.8.1997. Arguments were concluded on 18.4.1998. Following the transfer of the case from the Court of Shri S. C. Mittal, Additional Sessions Judge, the case was assigned to Shri G. P. Thareja on 22.4.1998.

After hearing a few Court Witnesses and fresh arguments from the prosecution and defence, Shri Thareja delivered his judgement on 3.12.1999. He acquitted the accused of rape and gave the benefit of doubt in respect of the murder charge. While doing so, the learned judge has expressed strong reservations about the adequacy of the investigation. That a court should feel compelled to express such reservations is by itself a matter of grave concern for the Government. Reports which have appeared subsequently in the press have compounded that concern. Accordingly, three steps are being taken.

I have been informed by the CBI Director, and he has said so in public, that after carefully studying the judgment and consulting legal officers, including the Special Counsel who had been appointed for the case, he has

come to the conclusion that there are sufficient grounds to appeal against the acquittal of the accused. I understand that an appeal against the judgement will accordingly be filed in the Delhi High Court at the earliest possible.

That is the route the law prescribes. As the House knows, there is a constitutional bar against a person being tried twice for the same charge. The authority to review the judgment which has been delivered lies with the appellate court. While doing so, the court can also ask for aspects of the event being investigated again.

Second, the CBI Director has already commenced an inquiry to determine whether there were lapses in the investigation in particular, whether any attempt was made by anyone to shield the accused. I would like to assure the House that if any lapses have occurred, then action will be taken against those responsible for such lapses.

These two steps concern the case at hand. They are imperative. They are being taken forthwith. But naturally the concern of the House -- as well of the Government -- goes beyond this terrible and tragic death. We have to take steps to ensure that there are no occasions in the future for any of us -- much less the courts -- to be struck by apprehensions of this sort. The Government have accordingly advised the Director, CBI, that he must strengthen the investigating and prosecution abilities of his organisation.

In a word, Madam Chairperson, the Government entirely shares the concern that the hon. Members have expressed. Corrective steps have been set in motion and an appeal will soon be filed against the judgment. I am certain that all of us will -- and should -- await the judgment of the Delhi High Court on that appeal.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE) : There are a few names before me for seeking clarifications on the statement of the Minister. Dr. Y. Radhakrishna Murty.

DR. Y. RADHAKRISHNA MURTY (Andhra Pradesh) : Madam, first of all, let me thank the hon. Minister for the *suo motu* statement, though given very leisurely after one week of the judgment which is, in fact, an indictment of the CBI, and the Government has got a vicarious responsibility for all that has happened in the hands of the CBI. I don't find in the *suo motu* statement the anger that it deserves or the anguish that it deserves or

[14 December, 1999] RAJYA SABHA

the frustration against the happenings that have been going on in the CBI, nor the sympathy for the girl, nor the sympathy for the family that has suffered at this. Here, Madam, was a girl, a girl with a promising future, who in a couple of years would have gone to court in black robes to argue against such crimes, but she was sent to the graveyard covering a white cover. This most unfortunate thing has happened as the CBI had bungled the case, and saw that the ghastly murderer is let loose into the society. Now, I have got a few questions to put. Is it the first time that the investigating agency has disappointed us and the people in general who repose their confidence in the impartiality and the professional competence of this organisation? Some time back, in 1997, the Chief Justice of the Supreme Court had commented on this organisation in a particular case, probably, the Jain Hawala case. Here I would just read one or two comments of the Judge of the Supreme Court: "Both the investigation and the prosecution are found lacking." Just one sentence. "Inertia was the common rule whenever the alleged offender was a powerful person." I want to emphasise that point. "Whenever the alleged person is a powerful person." He also suggested a review committee to be set up to insulate the CBI from the extraneous influences. This is very important, Madam. In this statement, I don't find any reference or the essence of this judgment being looked into.

Secondly, we are so much upset that the Sessions Judge concerned had openly expressed his displeasure, his revulsion, his anguish so as to question the credibility of the Central Bureau of Investigation itself. He said, "They destroyed the evidence in a methodical manner to save the accused." This is a very, very serious accusation. In this case, he said, I am quoting, "There is no fanciful doubt, and it is the CBI which is responsible for such an end." Now, in a case with only substantial evidence, any mislink in the chain may be fatal to the prosecution and that mislink was provided by the CBI. The missing link was, Madam, the blood sample of the accused was changed. It was said to have evaporated! I myself am a doctor and I have never seen a sealed blood sample getting evaporated from 20 ml to 12 ml. The vaginal swabs and the slides were handed over to the investigating officers, but they were indifferent to receive those things. The clothes like socks, etc. collected after the *post mortem* never reached the laboratory for examination - she was speaking about the Hyderabad laboratory. Also, Madam, there is an accusation that the clothing itself got changed and

extraneous semen stains were plotted in that clothing that was sent to the Hyderabad laboratory. Madam, the most surprising thing is the sentence, 'the blood group of the accused is 'o' positive and the specimen contains Group-A blood.' Obviously, it was changed. To what extent this organisation is going is really painful.

Lastly, the key witness -- this is the most important thing -- was declared untraceable by the Central 'Intelligence' agency. I am stressing the word Intelligence. But an ordinary news representative could go to the place and find him, take his photo and publish it in the Indian Express. This is the state of affairs, Madam, and we do not feel anguished against this organisation.

The main accused, I feel, in this case is not Santosh Kumar or somebody else. The main accused in this case is the Central Bureau of Investigation. So, the CBI has now referred it to the Special Director, etc., etc. Mr. Raghavan, the chief of the organisation, says, 'if I find loose ends, if there are mistakes, if there is a provision, if the High Court orders, we will reopen the case' whereas the Statement says that there is no provision for reopening it. There is no provision for reopening the case. This is what it says. Madam, who is to satisfy all these 'ifs' and 'buts'? It seems he has no conscience. He has kept it in his pocket or it is missing somewhere else, which everyone of us have it in the right place. Otherwise, this type of statement would not have come. The vulnerability of the CBI to political pressure is evident in many a case recently, but from the level of succumbing to political pressure, the CBI has come down to succumbing to peer pressure. Probably, in a matter of time, it is going to succumb to purse pressure also. Can we keep confidence in such an organisation is my pointed question. Does it deserve to be continued? Or, does it deserve a complete revamping or abolishing it and putting in its place a different type of organisation, with a different set of more honest and sincere people? This is my question. Madam, the Central Vigilance Commissioner's appointment should be speeded up. It is not mentioned in the Statement. With the Law Commission's advice in view and the Supreme Court's directive in view, the Government should have a relook at the sordid affair and do whatever it should to save this premier investigating agency from this fatal malady.

Will the Minister respond to these?

Madam, thank you, very much.

[14 December, 1999] RAJYA SABHA

SHRI ADHIK SHIRODKAR (Maharashtra): Thank you, Madam Chairperson. In my career of law spanning over four-and-a-half decades, I have seen accused being acquitted for want of evidence, for want of evidence beyond reasonable doubt, for the reason that the witnesses have turned hostile and deposed against the prosecution and of course, after persistent and incisive cross-examination. I have never come across in my career nor did I think a day would dawn when a learned Judge of a Sessions Court would be constrained to acquit an accused by observing that there was an obnoxious, malicious and partisan investigation. In this case it has happened so. I find from the statement that a legal team proposes to go in for an appeal or the parents of the victim can go in for an appeal under section 401 of the Code of Criminal Procedure. But, the High Court cannot turn the acquittal into a conviction. If there is an appeal by the State, the High Court will be equally helpless because if there is no cogent and good evidence, no matter what the High Court feels, they will not be able to convict the accused. There is no provision for reopening the case and sending it for investigation. There is no such provision. Now the question is whether there is any provision by which the accused, who has gone scot-free, can be brought to justice again. I have serious reservations because there are no provisions. So, ultimately, as has been rightly stated by Dr. Murty, the prime accused is not the accused in that case, but the CBI. There are two things which are very important to note. The observation that there was an obnoxious and partisan investigation has not been denied. On the contrary, on the television, I have seen the Director saying that everything proper has been done. It has not been done. Madam, these two observations are important. It has also observed that one of the relatives of the accused, who is an IGP...*(Interruptions)*...

AN HON. MEMBER: He is his father. ...*(Interruptions)*... He is the IGP of Pondicherry. ...*(Interruptions)*...

SHRI ADHIK SHIRODKAR: Pondicherry is often coming in the news. ...*(Interruptions)*... The Inspector General of Police is a topmost official. ...*(Interruptions)*... This is one case. The other thing, which lends credit to this observation of the learned Judge, is that a reporter of the Indian Express went there and found that the witness was there. And the witness has made a statement, "I have been here. Nobody has come to look for me and nobody has served me any summons. I have not gone anywhere." If the witness who ought to have been there and if he has not been examined, that

means that there has been a deliberate attempt by the prosecution to see that the accused gets the benefit. Now, under the circumstances, the appeal will be redundant because there is no evidence. In our criminal jurisprudence we do not convict by moral convictions; we convict by cogent evidence. Now, if the cogent evidence was not available at the trial stage, it cannot be replaced in the High Court. So, the advice given to the Department whether it can be investigated is an erroneous advice. I wish the hon. Minister to tell us as to who has given this advice, whether a lawyer of competence or the CBI Director himself. Then the assurance given is that the CBI Director has already commenced an inquiry. Madam, this will again be a partial inquiry. It should be handled by a totally independent machinery like a team of advocate, headed by an advocate, who knows this job because the CBI Director who has gone on record to say that everything proper has been done, cannot be an impartial inquirer in this matter. There are some vested interests also because nobody would like to see that strictures are passed against his own Department. Madam, the last thing is, he said, "We will try to do everything." Madam, the assurance, which has sounded a diplomatic assurance, is not sufficient. They will have to spell out as to what steps they propose to take as far as the legal aspect is concerned. Unfortunately, no justice will be done to the girl because there is no evidence. The only thing that can be done is that an inquiry should be held to find out in what manner they would get the investigation done, who the possible witnesses were who were not examined and why they were not examined and why their statements were not recorded and where the statements by the witnesses were recorded and where they were examined. Lastly, the most shocking thing is that there were two senior officers, in this case the DSP was senior; and as you know, Madam, a murder case should be investigated into by a senior Inspector or by the DSP. Today, the newspapers have come out with the news that similar strictures were passed against these two officers hardly seven or eight years ago in another case. These are the officers who have again been singled out in the case of Priyadarshini Mattoo. Is it not high time that we looked at it? We have to look at it because justice cannot be done to Mattoo or to her parents. At least, such a recurrence, which is obnoxious and never seen by me in my career, as I stated in the beginning, has to be stopped somewhere because our entire prosecution evidence begins with statements of the witnesses recorded under section 161 of the Cr.P.C. If the statements recorded are bad, nothing further thing can be done. Please do not depend on the CBI

[14 December, 1999] RAJYA SABHA

Director. You appoint a Committee, headed by a competent lawyer practising on the criminal side, and see that such type of people are punished. At least, through this way we can pay some respect to the departed soul of Priyadarshini. Thank you.

SHRI VAYALAR RAVI (Kerala): Madam Vice-Chairperson, I feel sorry for my distinguished friend and Minister, Smt. Vasundhara Raje, who is a lady, who read out this statement, a statement which shows, to an extent, the covering up of the actions of the CBI. I feel sorry for her. As my friend has rightly put it, it is rather trying to attempt to justify the CBI's steps. I completely disagree with this. Many hon. Members spoke about the story of the case and the other thing. The point is, today, the Indian Express published the news that the judgment was delivered in July, 1999. Nobody woke up to this. This is not a single case that happened in this country. This is happening in every State, either way - either to protect and save the culprit or to cook up a story and rope in somebody whom they do not like. This is the habit of the police in the country. Madam, local police and everybody thinks that the CBI is a very honest and a very capable institution. But, this kind of cases put a slur on the CBI and the confidence in the CBI is very much eroded. This is a very sad affair. The judge himself criticised the same officers. Nobody takes notice of it, including the Director, CBI, who tries to defend the case and the investigation. He has never taken note of the judgment delivered in the Kota's Sessions Court. The same judge of Kota Sessions Court made a comment on the investigation made by the same officers. That makes us more painful. When he tries to defend his own officers - Deputy Directors or Joint Directors or whoever they are - he failed to look into the past history of the officers. He never looked into the history. Madam, Article 29(2) of the Constitution says, "No person shall be prosecuted and punished..." Please underline the word "and punished." The hon. Minister said that you could not go for another trial according to the Constitution. I completely disagree with the Minister because Article 29(2) says that no person shall be prosecuted and punished. Yes. You cannot have two punishments for the same offence. I agree with it. But it is not preventing you to do justice to a victim. From where can the family of the victim get justice? Yes. You can have a re-investigation. The court can order for it. Or, the Government can order for re-investigation. Of course, no two punishments for the same offence. I fully agree with the Constitution. But, what the Minister has said

here, today, is, - if you do not mind, I will read out; I do not know who drafted this statement - "As the House knows, there is a Constitutional bar against the person being tried twice for the same offence." No. It is not a punishment. It is a trial...*(Interruptions)*...No...*(Interruptions)*...No, no...*(Interruptions)*...It is your interpretation...*(Interruptions)*...The main emphasis is on punishment...*(Interruptions)*...What is the remedy?...*(Interruptions)*...

SHRI C.P. THIRUNAVUKKARASU (Pondicherry): There is no remedy...*(Interruptions)*...

SHRI VAYALAR RAVI: Yes. There is a remedy ...*(Interruptions)*...This is an era of Public Interest Litigations. Where is the law on PIL? So, in any corruption case, you can go to the court with a PIL and put a politician, or, anybody, in jail. No problem! If we go strictly by law, 'strictly' in the real sense, by the anti-corruption law, or, by the Constitution, or, by the Cr.P.C., where is the *locus standi* for PILs? There is no *locus standi* for PILs. PILs have become the order of the day. The court should definitely take a second view in this regard. I believe, and my understanding of prosecution and punishment is that there cannot be two punishments for the same offence. I agree with it. But if, because of the connivance and corruption of the investigating officers, one person escapes, then the remedy lies with the Government. I want the Government to order a fresh inquiry. I am not asking for a trial, but I am just asking for a fresh inquiry into the whole thing. If the truth comes out, then you can go in for a prosecution. So, taking cover under article 29(2) is not justifiable.

Another thing that I want to point out is the corrective measures that you have to take. I do not want to make any wild allegations against the CBI. But, here, the question is of the reforms in the police force. We all speak about it. I was the Home Minister in Kerala. I tried my level best in this direction, but I could not do much. When I was in the Lok Sabha, we had taken evidence on the amendment of the IPC. I was in that Committee at that time, in the 70's. At that time, the I.G. of Gujarat, Mr. Ramaiah, came and said that the police force was a criminal force. I believe so. The police force is a criminal force. I think, it has been proved time and again. Even then we could not reform the police force. So, this case, which has been brought to light, is not an isolated one. This is a case which

resembles with many other cases that took place in the country. There was a case in Rajasthan where the father was a rich man and his daughter was killed by a Cielo car. Look at what has happened in the BMW case. There are a lot of such cases in the cities. Here the police officer has tried to save his son; the police officer is now free, the IG father or the accused is now free. No action has been taken so far against these officers. *(Interruptions)* Please hear me for a minute. Two judges made comments on this officer. *(Interruptions)* Yet, I understand, no action has been taken so far. Why? Why is the Director of the CBI trying to defend them? And he says, 'we have appealed.' 'Appealed' on what? Appeal for what? Madam, please try to do something in this case. Let the accused go to the court and make an appeal. You file a case for reinvestigation; issue orders for reinvestigation. Let the accused go to the court and get a stay. I want that the Government should issue an order for reinvestigation. Secondly, what action do you propose to take against such officers? What action do you propose to weed out such elements from such a reputed police organization.

SHRI H. HANUMANTHAPPA (Karnataka): Madam Vice-Chairman, I entirely agree with Mr. Shirodakar that the real accused, in this case, is the CBI itself. Unfortunately, we wanted a statement from the Minister. But the Minister herself is entirely depending on the CBI. Read out this report. We are agitated. Actual accusation is against the CBI. The Minister should have conducted an inquiry and come before the House. What happened is that the Minister is entirely depending on the C.B.I. statement. We wanted the statement from the Minister, independent of C.B.I. because C.B.I. is the accused in this case. The charges are against the C.B.I. and the sitting judge accuses the C.B.I. in regard to the investigation. It enjoins on the Government to look into the C.B.I.'s investigation also, make a thorough enquiry before coming to this House. If you are coming with the same statement, "after enquiring from the Director, after asking the Director", that would not satisfy the House. Madam, first of all, why has the case been transferred to the C.B.I.? There is no answer here. Murder cases are dealt with by the local police. Why has his case been transferred to the C.B.I.? Maybe, it is because of the experts who have already been accused by the Court. Six months before, there is an accusation, there is a finger pointed towards these officers. Can we infer that there is a deliberate attempt to transfer this case to the C.B.I., only to hush it up subsequently. This aspect has to be looked into. Now, there are contradictory things in

your statement. In third page, para 1 of the statement, it is written that "I have been informed by the C.B.I. Director that he has said so in public, that after carefully studying the judgement and consulting legal officers, including the Special Counsel who has been appointed for the case, he has come to the conclusion that there are sufficient grounds to appeal". This means that something rotten is smelling in this investigation itself. When the Director comes to a conclusion that there is a case for appeal, it means that some lapses have been found in the investigation. In the third page, para 3 of the statement, it is mentioned that, "the C.B.I. Director has already commenced an inquiry to determine whether there were lapses in the investigation, in particular, whether any attempt was made by anyone to shield the accused". "If any lapses have occurred", it is in para 3. In the first para, the Director finds that there are sufficient grounds after discussing them. I want to know why there are 'ifs' and 'buts' in the statement. Actually, Shri Adhik Shirodkar wanted an inquiry by officers or by expert judges. But why should we not demand a judicial inquiry? It is a statement from a judicial officer pointing an accusing finger at the investigating authority. First of all, the Minister should have come after a thorough inquiry. But that has not been done. You have just asked the C.B.I. to enquire into the matter. You have not reviewed the case so far. I do not know - if you have reviewed the case, you can say, "I have reviewed the case". It should have come in your statement, "I have reviewed the case and these are the facts". But you have not reviewed the case. The whole country is looking towards this case today. When will this inquiry be over? How long will it take? You should at least fix up a time-frame. "I have told the C.B.I. Director to report to me within 72 hours or 48 hours". This is just an inquiry about the investigation. A time-frame should be fixed for the C.B.I. inquiry. This should not take another 6 months or one year, because, by that time, the House also may not raise it again. So, I request the hon. Minister to come back to the House after a review of the case and when the inquiry by the C.B.I. is over. If you do not fix up the time-frame, many of these things will be talked over and finally forgotten. This thing should not happen. As Shri Vayalar Ravi has said, there are two accusations. If some accusation is there, suspension should be there. Even an *obiter dicta* is taken for action. It is an observation. Here is an observation from a sessions judge against some officers. What action have you taken? Why don't put them under suspicion? At least, show-cause notice should have been issued to them by now. Have you issued the

show-cause notice to these officers? This is an accusation against you. What are you going to say on this? Nothing has been done. Why? Whom are you going to save? Why are you misleading us? At least, a show-cause notice from the Department should have been issued to them. Are they so powerful that even a show-cause notice cannot be issued to the accused? I do not know why the Government is also hesitant on this. I would have been happy if these officers had been suspended and show-cause notice had been issued to the officers whom the Sessions Court had accused. But nothing of that sort has been done. Finally, Madam, I want a time-frame as to when the C.B.I. will conclude its enquiry? What action the Government is going to take against the officers whom the Session Court has accused. Will you assure the House on this issue? Of course your statement says "recurrences". Actually, people in our Constituencies are asking us how you are living in Delhi? Everyday we are reading in the newspapers that somebody has killed someone. Everyday we are reading in the press that somebody is killed. Then it becomes history. Crisis of confidence should be cleared by the Government by its action. Please see that these things are done. I want you to come back to the House and let us know about your action. Actually what happens is once the hon. Minister makes a statement, we seek clarifications and there ends the matter. This should not be the case. Here the Government Officers themselves are accused. So, I would request the hon. Minister to answer these points and assure us that he will come back to the House after the inquiry is over.

SHRI ADHIK SHIRODKAR: Madam, I would make only one point. I had forgotten to mention this: The statement begins by saying that it is a *suo-motu* statement. It implies that till the statement is made, ten days after the incident, we, the Members of this august House had no responsibility and that we had shown no concern. That is not the case. A Calling Attention notice was given by me seven days back. This is a statement it has to be in response to that and not a *suo-motu* statement. I am pointing this out because otherwise this will create an impression that we have no responsibility or concern towards the public at large, particularly that young lady, who met with that unfortunate incident

* श्री शरीफ-उद-दीन शरीक : मैडम, जिस अफसोसजनक और इंतहाई गंभीर

* Transliteration of the speech in persian script is available in the Hindi version of the Debate

मामले के बारे में इस हाऊस में जिक्र हो रहा है, इस पर जितना भी अफसोस किया जाए, वाकई कम है। महोदया, अफसोस इसलिए भी ज्यादा है क्योंकि जिन पर तकिया था, वे पत्ते हवा देने लगे। जिन पर ज्यादा भरोसा था, जिनको बड़ी इज्जत के साथ हुकूमतें लाती थीं कि आप सी.बी.आई. वाले इसमें इंक्वायरी कर लीजिए, आज उनका सारा और उनकी प्रोफेशनल एफिशियेंसी खाक में मिल गई है। उनके ऊपर से सारे देश का विश्वास खत्म हो गया है।

मैडम, एक अदालत का जज भरी अदालत में मुलजिम के बारे में यह कहता है कि यह वह शख्स है जिसने कत्ल किया है लेकिन सी.बी.आई. ने न सिर्फ डी.एन.ए. रिपोर्ट में जालसाजी की, बल्कि जान-बूझकर सबूतों को छिपाया है। इनकी बदनीयती पर मबनी है। मुलजिम को इमदाद पहुंचाने के इरादे से इस तरह की मनफी ढंग से काम करके सी.बी.आई. ने हमारे विश्वास के साथ धोखा किया है।

मैडम, प्रियदर्शिनी मट्टू तो मर गई, अब वह वापस नहीं आएगी लेकिन मुझे अफसोस है कि सी.बी.आई. मर गई है और इतनी बदनुमा मौत मरी है कि किसी को इस पर विश्वास नहीं रहा। जैन हवाला केस में लोगों की पगड़ियां उछाली गईं लेकिन क्या आज तक एक भी केस में सजा मिली किसी इंसान को? इसलिए इस वक्त भी हम यह कहने पर और यह सोचने पर मजबूर होते हैं कि उस वक्त भी सिर्फ लोगों की बेइज्जती करने के लिए सी.बी.आई. इस्तेमाल की जाती थी और इस वक्त भी सी.बी.आई. का भांडा चौराहे पर फूट गया है।

मैडम, भरी अदालत में जज साहब ने मुल्क की बावकार इन्वैस्टिगेशन एजेंसी के खिलाफ इतना बड़ा आरोप लगाया लेकिन आज तक, इस फैसले के 10 दिन बाद तक होम-मिनिस्ट्री के कानों पर जूं तक नहीं रेंगी। जिन अफसरों ने इस केस की तहकीकात की थी, इन्वैस्टिगेशन की थी, उनको नोटिस तक नहीं मिले, उनको सस्पेंड तक नहीं किया गया।

किस हिंदुस्तान में हम रहते हैं? किस जंगल में हम रहते हैं? यहां दरिदों का राज है। एतबाजर जमीनबोस हो गया है, उनकी पगड़ी गिर गई है, उनकी इज्जत मटियामेट हो गई है। अगर होम मिनिस्ट्री में दम होता, उनमें जान होती और लोगों के तई उन पर उन्हें कोई विश्वास होता तो आज तक सी0बी0आई0 के अफसर ऐसे होते उनको बिहाइंड दि बार किया होता। क्या यह जवाबदेह सरकार की नहीं है? क्या यहां लोगों को जिन्दा रहने का हक नहीं है? अगर आप लोगों को ऐसे अफसरों के हाथ में देते हैं तो फिर इसकी भगवानभी हिफाजत नहीं कर सकता। आपका स्टेटमेंट एक जनरल टाईप का स्टेटमेंट है। जैसा मेरे दोस्त ने कहा कि उस वक्त सी0बी0आई0 ने इंक्वायरी की। क्यों की सी0बी0आई0 ने इंक्वायरी, इस केस में क्या खसुसियत थी? ऐसे तो सैकड़ों केस रोज होते हैं यहां। जिनकी कहीं पहले केसेज में उनके खिलाफ सुनवाई हुई है, उनके किरदार को दागदार बनाया है। क्या यह

कोई साजिश नहीं थी कि पांडिचेरी के इंस्पेक्टर जनरल को खुश करने की कि उनके बच्चे को हम बचाएं। यह जबरदस्त ताजियाना है होम मिनिस्ट्री के लिए, एक लम्हाए-फिक्रिया है सारी हुकूमत के लिए। लड़की तो मर गई, आप नया केस बनाएंगे, नहीं बनाएंगे, इसमें यहां दलीलों का टकराव हुआ। कोई कहता है हो सकता है, कोई कहता है नहीं हो सकता। अगर नहीं हो सकता है तो सी0बी0आई0 के खिलाफ क्या इक्रदाम करेगी सरकार? वह इक्रदाम कब तक होंगे और क्या वह इक्रदामाद के नताइज जो निकलेंगे उससे हमको बाखबर किया जाएगा, यह मैं मैडम् से पूछना चाहूंगा?

SHRI H.K. JAVARE GOWDA (Karnataka): Madam Vice-Chairperson, I thank you for giving me this opportunity to speak on the statement of the Minister of State in the Department of Personnel and Training and the Department of Pension and Pensioners' Welfare in the Priyadarshini Mattoo's case. I associate myself with what the hon. Members, Mr. Shirodkar, Mr. Hanumanthappa and Mr. Vayalar Ravi have said. I would like to submit in a criminal case, the theory is let dozen accused persons go scot free, one innocent person should not be convicted. That is the theory prevalent in the judicial system of this country. In this particular case, the prevailing atmosphere in the country is that if you are a son of the politician, if you a son of a senior administrative officer, if you are a son of a rich businessman, you can go scot free. That is the prevailing system in this country. In this particular case, as soon as the FIR was lodged in a particular police station, by going through all the records, it appears to be that the message went to his father again, who was working as the IGP in Pondicherry. Being a police officer, he knows the links. He has put in so many years of service in the field of investigation, he knows how to tab the investigation and how to use his influence and how to talk to an officer. This has happened right from the beginning, when the FIR was lodged. As rightly pointed out by Mr. Hanumanthappa, what was the reason to transfer the case to the CBI? Was the Delhi Police not competent to investigate the case and file a charge-sheet? What was the reason behind it? Who has played fraud on that should be thoroughly inquired by the Government of India, not by any agency. Now, it is not the only case that is being overlooked. There are thousands of cases in the country where injustice has been meted out to the victims. The Judge made laws are there. The laws made by Parliament are different. While delivering a judgement in a court of law - in spite of the laws made by Parliament -- the Judge made laws prevail. That is the law of the land. In this case also, as rightly pointed out

by Mr. Hanumanthappa, when the accused was registered under section 302, in the first instance, what was the necessity to register the case under section 376 also? That is the point where the IGP or the officer concerned from.(Interruptions).

If a case under section 302 was registered, and there was no sexual harassment, he could have been convicted without any further evidence. The circumstantial evidence was sufficient to convict the accused. I would like to draw your attention to the fact that before registering the case, only one case was registered under section 454 of the IPC for outraging the modesty of a woman. But there were instances where five times Ms. Priyadarshini Mattoo had given complaints against this accused.

On February 25, while Ms. Mattoo was driving her car, Santosh followed her on his mobile and tried to stop her at the traffic lane. She lodged a complaint at the R.K. Puram Police Station. The accused was brought to the Police Station where he gave an undertaking not to harass her in future, and he was let off. That was the first instance where the accused had taken the liberty of the law of this land. If he was booked in that case, he could have been put behind bars or if the law was allowed to take its course, he could have stopped at that. Because he is the son of an IGP, a police officer, the Station House Officer of the R.K. Puram Police Station was also one of the accused. He is the root cause for this particular case.

Then, on August 16, Santosh followed Ms. Mattoo's car on his motorcycle to her residence at Vasant Kunj and tried to break in. The police was called. Ms. Mattoo filed a complaint. Another undertaking was given. Not satisfied with the undertaking, Ms. Mattoo asked the Vasant Kunj SHO to keep the complaint pending.

I want to draw your attention to the fact that if any man is accused in any particular area in this country, the police will book a case immediately without loss of time. Because of the police officer, leniency was shown. He is advised properly, "Mr. so and so, don't go. You can chase a girl in a polite manner. See that no complaint is filed." This is the attitude of the police that is prevailing in this country, not only in Delhi but in other parts also.

The second time, on October 27, Ms. Priyadarshini Mattoo filed a complaint with the Dean of the Law Faculty. Ms. Mattoo received harassment. She had tasted the strength and the honesty of the police

[14 December, 1999] RAJYA SABHA

7.00 p.m.

officers. Then, she rightly complained to the Dean of the Law Faculty, the Dean also tried his best to advise him, but the influence and the manpower of the accused overpowered the Dean also. Then, the Dean said, "I am unable to give protection to you.". Then also she filed a complaint.

At last, after all these things, a case was registered under section 354 IPC for outraging the modesty of a woman. I want to submit that section 354 is also a bailable offence. As soon as he gets a bail, he should be released on bail. That may be the case. He might have been released.

Now, the point for your kind consideration and for the kind consideration of the nation is that a law student has been murdered in Delhi, and a case has been filed. What is the judgement of this country? It is not once case. It is giving a wrong signal to the nation. Even a law student has been killed, and the killer is scot-free with the connivance of the officers. Who are they? They are the servants of the people. They are the servants of the Constitution. They are the servants of the law. They are misusing their position and supporting this type of evidences.

I want to submit to the Chair that in this case, according to me, still, one strong witness is hidden. The servant has not been summoned. Being a practising criminal advocate, I submit to the Chair that the person concerned should be written on summons saying that the summons has been served in that particular case. This has to be enquired into in detail. Did the person go there? Has he seen the witness? Did he go to the village where the witness was residing? That should be looked into. Further, on the basis of the available evidence, the Appellate Court can be remanded of the case because of this reason. Though the prosecution suppresses the real fact of existence of the evidence, the person who has been cited as witness is still existing.

Purposely, he has been avoided. On that aspect, the matter can be remanded. It is left to the judiciary. In these circumstances, all the Members and the common people in this country are feeling that the person investigating the case had a bad record and he conducted the case in such a manner in Rajasthan that the Rajasthan Court also passed strictures against him. Immediately, a charge-sheet has to be filed, an FIR has to be filed, against this officer under section 201 of the IPC.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I think you have made your point. Don't go on repeating the same thing. The Minister should be able to understand your question and reply to it.

SHRI H.K. JAVARE GOWDA: In the circumstances I brought to the attention of the Government, immediately, proceedings against the officer should be initiated and the matter should be presented properly before the appellate court. Thank you.

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): I thank you, Madam, for giving me this opportunity to participate in this discussion. The entire House is accusing the CBI and the CBI officers. I also accuse the judicial system in our country because the judgment was pronounced by the judge who knew everything; he knew that tampering with witnesses was there. He has the power to re-investigate the case also. Unless it was published in the newspapers, we could not get the statement. Madam, my point is, my learned friends mentioned clearly why this case was transferred. It is a murder case. If any case is referred to the CBI, the CBI would at least get the permission from the concerned State or the concerned Magistrate. I would like to know from the hon. Minister whether there is any permission obtained from the Magistrate concerned or the State concerned, the Delhi State in this case.

My learned friend asked for re-investigation. There is a latest judgment of the Supreme Court regarding investigation officers. There were two cases. In one case, the FIR was withdrawn and in the other, the FIR was pending and there was a charge-sheet. It was a case of acquittal. There was a doubt about the investigating officer. The Supreme Court observed that the matter should be re-investigated and the case was remanded back. In the present case, the judge knew very well that there was tampering with the witnesses.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): You should seek pointed clarifications on the statement made by the Minister. Please do not go beyond that.

SHRI N. THALAVAI SUNDARAM: Madam, I would like to know from the Minister why this case was transferred to the CBI. Secondly, I would like to know why you have not suspended the officer till now. You state that you are taking action within 24 hours, but you are not taking

[14 December, 1999] RAJYA SABHA

action. I request the Minister to see that the officers concerned are suspended immediately. And there should be a domestic inquiry initiated at once. Thank you, Madam.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I would just like to make a request to hon. Members. It is a very sensitive issue. We are discussing it and the Minister has made a statement on that sensitive issue. I would like to give the floor to all the Members who would like to seek clarifications from the hon. Minister. My request would be, please try to be brief.

Now, Shri Thirunavukkarasu.

SHRI C.P. THIRUNAVUKKARASU: I am sorry for differing with the views of my learned friend, Mr. Vayalar Ravi...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): You please do not refer to his views. You express your views on the statement of the Minister.

SHRI C.P. THIRUNAVUKKARASU: I am sorry. I am only interpreting the law.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): We are not here to interpret the law. You have to make your observations on the statement made by the Minister.

SHRI C.P. THIRUNAVUKKARASU : According to section 403 of the Code of Criminal Procedure, a person who has once been tried by a court of competent jurisdiction for an offence and convicted or acquitted of such offence, shall when such a condition of acquittal remain in force, not be tried. That is why the Minister has said that the Government is going to file an appeal against the judgement of the Sessions Court. I would like to know one thing from the hon. Minister. Mr. Prasad is one of the important eye witnesses to the case. According to the procedure, summons will be served on the witness for his appearance before the court. If the witness fails to appear before the court, a warrant will be issued. Even then if he fails to appear, then the court can take some other action against him. In the present case, there is a *prima facie* evidence on record. Summons were issued to the eye witnesses in the present case. Then a warrant was issued against the eye witness for failure to appear before the court. If that

was the case, there was enough material against the witness. Why was the witness not brought before the court? I would like to know from the Minister as to what steps have been taken against the concerned officers who had served the summons or who had returned the summons with their false allegations on the summons. Thereafter, the investigation was conducted and it was completed in April, 1996. The request for DNA test was sent to the Centre for Cellular and Molecular Biology, Hyderabad. According to the judgment of the High Court, the main reason for not ascertaining the DNA test was that the molecules of the DNA test remained with the police officials for a long time. That is why the sample, so taken, got decayed, and could not serve the purpose for which it was taken. There is a *prima facie* evidence on record that this material has not been sent to the court. What steps have been taken by the Ministry with respect to that? That is all.

SHRI DIPANKAR MUKHERJEE (West Bengal): Madam, I will not go into the legal wranglings of this case. Firstly, at page 2 of the statement, it has specifically been stated that the learned Judge has expressed strong reservations about the adequacy of the investigation. Supplementing what Mr. Hanumanthappa has stated, that itself becomes a *prima facie* case against the main accused. Now, the hon. Minister will agree with me that according to the sense of the House, the CBI is the accused. We are not going into the legal wranglings of the case. All of us are of the opinion that the accused is the CBI officer against whom the Judge has expressed strong reservation about the adequacy of the investigation. Will she agree that that should be the only terms of reference? So, whatever has been stated at page 3 of the statement by the Minister, is quite contradictory. Once the Judge has expressed strong reservations, then the CBI Director has no business to commence an inquiry to determine whether there were lapses in the investigation. So, this is nothing. This is being done to shield him. With this sense of the House, would the Minister agree that right now, action be taken by the Government against the CBI officers? What action the Government proposes to take in the context of the judicial stricture given against the CBI? That is what the whole House wants to know from the hon. Minister. Would she come with a fresh action- taken- report in this matter before we go into this case?

Thirdly, Madam, cutting across party lines, I would like to say that this is a pathetic statement. It should not have been signed by the hon. Lady

Minister. Madam, you are in the Chair. There are two lady Ministers present in the House. I would request them to put their foot down. In certain cases, whether you are on this side of the House or that side of the House...

वीमेन्स एट्रोसिटीज के बारे में आप लोगों को ही कुछ करना है। Don't sign these papers. इससे कुछ होता है या नहीं होता है, यह तो मैं नहीं कह सकता।

You all put your foot down and say, "We don't want this type of Governmental statements which come and go." My humble request and submission to you all-- and the whole House will join with me-- the woman Members of the Cabinet, and the woman Members of the House, is, please withdraw this statement. Come with a specific statement. The first and the foremost action that the nation is waiting for from us is, the people who are involved in the inquiry, can be suspended specifically right now, based on the judicial judgement. Please come with that action first, and then, we will see what is to be done. This is my request to all those of you who are talking about women's rights. Unless you help yourself Madam, no one is going to help you. In this male dominated society, this type of statements will be coming. With all humility, what I submit is, you, the lady Minister, need not have signed this statement. You should have refused to sign this. Let someone else do it. That is all I can say, Madam.

श्री सतीश प्रधान : धन्यवाद, उपसभाध्यक्ष महोदया, यह केस पूरी तरह से अध्ययन करने के बाद तथा आदरणीय मंत्री जी का स्टेटमेंट सुनने के बाद सबसे पहले दो सवाल खड़े होते हैं जिन पर यदि मंत्री जी ध्यान देकर जवाब दें तो अच्छा रहेगा। मैडम, यह सब नहीं होता यदि पुलिस अपनी कार्रवाई ठीक ढंग से करती। बार-बार पुलिस स्टेशन जाकर शिकायत करने के बाद सिर्फ आरोपी को बुलाया जाता है, उसका स्टेटमेंट लिया जाता है और उसके बाद भी उसके ऊपर कोई कार्रवाई नहीं होती। प्रियदर्शिनी मट्टू और उसके पिताजी को कई बार पुलिस स्टेशन और पुलिस अफसरों के सामने, न केवल कमिश्नर लेवल तक, बल्कि अलग-अलग स्टेजिस पर जाकर अफसरों के साथ बात करनी पड़ी थी। यह बहुत गंभीर मामला है। इस विषय पर जिन पुलिस अफसरों ने अपनी जिम्मेदारी नहीं समझी उनके विरुद्ध क्या आप कोई कार्रवाई करने वाले हैं? यह सदन को बताने की आवश्यकता है, पूरे देश को बताने की आवश्यकता है क्योंकि पुलिस अफसरों ने अपनी कार्रवाई ठीक ढंग से नहीं की।

दूसरी बात यह है कि पुलिस से यह केस सी.बी.आई. को दे दिया जाए? सी.बी.आई. के पास केस जाने के बाद सी.बी.आई. ने ठीक ढंग से काम किया है या नहीं किया है, इस

विषय पर जज साहब ने स्वयं बता दिया है, मैं उसे रिपीट नहीं करना चाहता लेकिन सी.बी.आई. के अफसरों के ऊपर कार्रवाई करने की जरूरत है।

डी.एन.ए. टेस्ट के लिए जो प्रोसिजर है वह इस्तेमाल नहीं किया गया। सैम्पल अपने पास रखे गए तथा जो सैम्पल भेजे गए वे आधे-अधूरे थे। बोतल पूरी थी पर बोतल सील नहीं थी जबकि ऐसा कभी नहीं होता। इनवेस्टिगेशन में अफसरों ने जैसा व्यवहार किया उसकी जांच करने की आवश्यकता है तथा कर्रवाई करने की आवश्यकता है। जिस पुलिस अफसर या सी.बी.आई. अफसर के पास केस सौंपा गया, इनवेस्टिगेशन के लिए, क्या उस पुलिस अफसर या सी.बी.आई. अफसर के पुराने रिकार्ड, जो अच्छा काम करता है उसे राष्ट्रपति पदक या अन्य सम्माननीय पदक दिए जाते हैं, लेकिन जो अपना काम ठीक ढंग से नहीं करता है, उसका भी कांफिडेंशियल रिकार्ड तथा अन्य रिकार्ड विभाग के पास होता है। तो क्या यह सब मालूम होने के बावजूद और सरकार के पास उनके रिकार्ड होने के बावजूद भी सरकार ने यह जिम्मेदारी उन दो पुलिस अफसरों को क्यों सौंपी जिन पुलिस अफसरों ने आठ महीने पहले किसी दूसरे केस में ठीक ढंग से इनवेस्टिगेशन नहीं किया था और उनके बारे में कोर्ट ने टिप्पणी की थी। फिर भी उनको वह जिम्मेदारी दी गई। इस विषय पर मंत्री जी जानकारी दें, तो मैं आपका आभारी रहूंगा। धन्यवाद।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : श्री सनातन बिसि। आप संक्षेप में क्लेरीफिकेशंस पृच्छियेगा।

श्री सनातन बिसि (उड़ीसा) : मैं एक मिनट से ज्यादा नहीं लूंगा। मैं इसको प्रोसीजर की भूल मानता हूँ। हमारा प्रोसीजर यह है, Rule No. 251 says: 'A statement may be made by a Minister on a matter of public importance.' इसमें पब्लिक इम्पोर्टेंस किस के बारे में है, उसका इनिशिया क्या है, इसमें लिखा गया है "For all these reasons, I entirely share the sentiments which have been expressed on the floor of this august House. When an innocent person is punished, that is a miscarriage of justice." Till the charges are proved, यह नहीं बोल कर के इसका जो ड्राफ्टिंग किया है, Who has drafted it? It is completely not as per the practice and procedure. It is not a *suo motu* statement. The main point is about the CBI. "It is equally a miscarriage of justice when one who is guilty escapes the law." Why has he escaped? Is it because of the fault of the Government? इसमें जो खुलासा हो गया वह किस के लिए है? सरकार की गलती के लिए है, मेन गलती सरकार की है। You go in for appeal. So far as the appeal is concerned, we have nothing to say. So far as the review part is concerned, we have

nothing to say. But the whole thing has been done to shield the CBI. सी० बी० आई० के बारे में स्टेटमेंट होना चाहिये । We demand a statement regarding the CBI investigation, the nature of investigation, the conduct of investigation and coverage of the matter. Thank you.

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : श्री जीवन राय । ... (व्यवधान) क्या आप का कुछ अभी रह गया है ?

श्री एच. हनुमनतप्पा : एक प्वाइंट छूट गया है । I want to make only one point. The Delhi Police had given her a personal security officer. When she was killed, there was a personal security officer. On 6.11.1995, the Delhi Police had given a Personal Security Officer and on the 23rd January, she was murdered. She was under the protection and care of a personal security officer who was given by the Delhi Police. If there was a police security officer, it becomes a death under police custody. What was he doing? Where was he at that time?

SHRI JIBON ROY (West Bengal): Madam, my head hangs in shame and I am shattered to hear the events that developed. I would request the hon. Minister not give the answer today. Let her come tomorrow with detailed information. We want that action should be taken against those two CBI officials. Otherwise, today's answer will be a formalised answer. You go and consult the officers, consult the Ministry and talk to the CBI. You come with the Action Taken Report. We want to see that the Government has done something.

SHRI SANATAN BISI: I want a ruling on it. I would like to know whether it can be a *suo motu* statement or not.

SHRIMATI. VASUNDHARA RAJE : Madam, it is a statement.

SHRI SANATAN BISI: I would like to know whether it is a statement on a case, or, a statement on CBI. I want your ruling on this.

SHRIMATI. VASUNDHARA RAJE: I would like to associate myself with the feelings of the Government with those that have been expressed by the Members of the House. I have time and again said in my statement that it is a tragic incident. It is something that has left us all anguished and that the Government shares the concern of all the hon. Members and we will take the necessary steps. I would like to make one or two clarifications on

this point. The hon. Member, Mr. Shirodkar, mentioned that a *suo motu* statement cannot be made because a Calling Attention was already introduced. I would like to make a clarification that no such notice of Calling Attention was available to our Ministry. Hence, the statement is *suo motu*. But apart from any of this, I would like to say that reinvestigation of this case cannot really take place now. It can be ordered only by the appellate court. The appellate court can find the same evidence enough to convict the accused, and if there is any apprehension in the mind of those Members who were here that the accused will go scot-free, that is not correct. The Members sitting over here, all of them, mentioned why the case was transferred to the CBI. I would like to say one thing. It was transferred to the CBI in 1996, a long time ago. The investigation was conducted and the chargesheet was filed in April, 1996. As you know, there was a different Government at that time. *(Interruptions)*...

SHRI SANATAN BISI: No. It is not relevant. *(Interruptions)*...

SHRIMATI VASUNDHARA RAJE: Just one minute. Let me finish. *(Interruptions)*....

श्री सनातन बिसि : मैडम, उसमें कौन-सी सरकार थी, कौन-सी सरकार नहीं थी ...*(Interruptions)*...

These are not very material. *(Interruptions)*....

SHRIMATI VASUNDHARA RAJE: Please listen to my clarifications and then give your remarks. *(Interruptions)*....

SHRI JIBON ROY: Madam, this is not the way. *(Interruptions)*...

SHRIMATI VASUNDHARA RAJE: No points. Please hear me now and then give your remarks. *(Interruptions)*... Nobody is stopping you from making them. But I would like to say that the case was transferred to the CBI on the request of the Commissioner of Delhi Police who was not convinced about the partiality of the investigation by the Delhi Police. *(Interruptions)*....

SHRI JIBON ROY: It is all right. *(Interruptions)*...

SHRIMATI VASUNDHARA RAJE: This is there and I am telling you this. *(Interruptions)*... I would like to mention the timing of the case also. The investigation was completed and the chargesheet was filed in 1996. I

[14 December, 1999] RAJYA SABHA

would also like to make it clear that the Director, CBI, has commanded an internal inquiry into any of the lapses that might have committed by the investigating officers. He assured the Government that on the basis of the findings appropriate action would be taken. Let me just set to rest any apprehension that may be there in the minds of the Members sitting over here today that we are as anguished and as concerned as you are and that we will take all necessary steps. I want to thank all the Members who have participated and shown their concern. I also thank them for their valuable suggestions which will be kept in mind. *(Interruptions)*...

SHRI JIBON ROY: Will you come tomorrow with an action taken report? *(Interruptions)*... Will you come tomorrow with an action taken report? *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: Madam, *(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Dipankar Mukherjee, whatever clarifications you wanted, Madam Minister has given. *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: We don't want any clarifications. *(Interruptions)*... You give her directions... *(Interruptions)*...

SHRI H. HANUMANTHAPPA: No questions have been answered *(Interruptions)*... Are you interested in wasting the time of the House? *(Interruptions)*...

SHRI VAYALAR RAVI: Madam, the point is this. Two Judges had passed comments on the same officers. *(Interruptions)*... What is preventing the Government from suspending them and holding an inquiry? They are in service. *(Interruptions)*... Of course, I don't blame the Minister on that point. *(Interruptions)*... Why can't you give a direction to the CBI first to take action against them? Why can't you do that first? *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: The system will lose its credibility, if we go by these arguments. Ultimately, what has happened? There is a judicial stricture. We want the Government to come here and say specifically that *prima facie* action is taken against those officers, against whom there is a judicial stricture. This is the first point. *(Interruptions)*... The second point is this. I again appeal to you--you are an hon. lady Minister--to take action against them.

RAJYA SABHA [14 December, 1999]

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Dipankar Mukherjee, will you please sit down? *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: Have you suspended the officials? Have the officials been suspended or not? *(Interruptions)*.... Have the officials, who were against this inquiry, been suspended? *(Interruptions)*... Have they been suspended? *(Interruptions)*... What is the action taken? *(Interruptions)*...

SHRI JIBON ROY: That is important. *(Interruptions)*...

SHRIMATI VASUNDHARA RAJE: Madam, I just said that there was an internal inquiry which was on. When that inquiry is completed, action will be taken. *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: That will take its own time. *(Interruptions)*... What is the action taken? *(Interruptions)*... *Prima facie* you can suspend the officials against whom there is a judicial stricture. *(Interruptions)*....

SHRIMATI VASUNDHARA RAJE: The CBI Director has gone in appeal. *(Interruptions)*...

SHRI H. HANUMANTHAPPA: You came to the House without taking any action. *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: Madam, what is happening? *(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Mukherjee, please sit down. *(Interruptions)*...

SHRI JIBON ROY: Madam, we are not satisfied. You please do something. You please ask her to come tomorrow.... *(Interruptions)*....

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Jibon Roy and Mr. Dipankar Mukherjee, whatever clarifications you sought from the hon. Minister, she tried her level best to give. She has given an assurance also. *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: What is the assurance? *(Interruptions)*...

December, 1999] RAJYA SABHA

SHRI H. HANUMANTHAPPA: Madam Vice-Chairman, ...
(Interruptions)...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): What is there now, Mr. Hanumanthappa? (Interruptions)...

SHRI H. HANUMANTHAPPA: Madam, the whole country is looking towards the Parliament. The case is being reported in the Press. The whole country is agitated on this issue. The House spent more than an hour on this subject. What is the reaction? The Government is also anguished and they will take whatever action we want. That is all the reply that we have. (Interruptions)...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Hanumanthappa, the Minister has given an assurance to the House. (Interruptions)...

SHRI H. HANUMANTHAPPA: Madam, if the Chair is satisfied with the clarifications, we have no objection. We put the burden on you. (Interruptions)...

SHRI O. RAJAGOPAL (Madhya Pradesh): The hon. Minister's reply may not be quite satisfactory to you. (Interruptions)...

SHRI JIBON ROY: No, no. (Interruptions).... It is not a matter of satisfaction. (Interruptions).... I have never seen in my life such a thing taking place. (Interruptions)...

श्री सनातन बिसि : अपील तो फाइल करनी है । अपील तो गवर्नमेंट को फाइल करनी है । हम को क्या करना है ?

What more are we interested in?

Let there be a discussion on the activities of CBI in this case. That is the real forum.

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : मंत्री जी ने आप को आश्वासन दिया है और आप क्या चाहते हैं ?

श्री सनातन बिसि : इस केस पर सी.बी.आई. का डिस्कशन हो। Let there be a discussion on the activities of CBI in this case. That is the real forum. यह फोरम है । मैडम, ये तो अपील फाइल करेंगे । इस में क्या है ।

SHRI O. RAJAGOPAL: Madam, the views expressed by the Members will be taken into account. Why is a notice required?

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : बिसि जी, इस के अलावा कुछ कहना बाकी रहता है ?(व्यवधान).... मुझे लगता है कि मंत्री जी ने जवाब देने की पूरी कोशिश की है । इस के अलावा और कुछ बचता नहीं है । I adjourn the House till 11 a.m. tomorrow.

The House then adjourned at twenty-six minutes past seven of the clock till eleven of the clock on Wednesday, the 15th December, 1999.