

और ऐसी जगह पर हो रही हैं-न्यायालय के पवित्र मंदिर पर यह घटना हो रही है। जैसा कि समाचार पत्रों में आया है कि इलाहाबाद न्यायिक सेवा में अतिरिक्त जिला न्यायाधीश के पद पर कार्यरत श्री बी० प्रसाद जो कि अनुसूचित जाति के हैं उनका जब दूसरी ब्रांच में ट्रांसफर हुआ और उनकी जगह पर जो अतिरिक्त जिला न्यायाधीश श्री अशोक कुमार श्रीवास्तव आए तो उन्होंने पूरे चेम्बर को गंगा जल से धुलवाया। जब श्री बी० प्रसाद ने सर्वोच्च न्यायालय प्रशासन को इसकी जानकारी देते हुए शिकायत की तो उनको न्याय देने के बदले उल्टा उनका वहां से स्थानान्तरण मैनपुरी कर दिया गया। श्री बी० प्रसाद अनुसूचित जाति के हैं और हार्ट पैसेट है। उनका इलाज अभी जसलोक हस्पताल मुम्बई में चल रहा है। जब उनका ट्रांसफर हो गया है तो उनसे मकान भी खाली करवाया जाएगा। मैनपुरी से जसलोक हस्पताल मुम्बई के लिए कोई सीधी रेल सेवा नहीं है जिससे उनके इलाज करने में तकलीफ हो रही है।

महोदय, मैं कहना चाहता हूँ कि सभ्य समाज में इस तरह की घटनाएं शर्मनाक हैं और जिनको आदर्श पेश करना चाहिए अपने आचरण से, अपने कर्तव्य से वहाँ जब वे इस तरह से आचरण करके मर्यादा को तोड़ रहे हैं, भंग कर रहे हैं तो यह एक गम्भीर मसला है। साधारण आदमी अगर अपराध करता है तो उसको तरह-तरह के दण्ड दिए जाते हैं लेकिन जो कानून के ज्ञाता हैं, जो न्याय के मंदिर में बैठते हैं, जो न्याय देते हैं अगर वे ही इस प्रकार की भावना रखकर आचरण करते हैं...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Is it only on the newspaper?

श्री गोविन्दराम मिरी: एज रिपोर्टड, मैंने पहले कहा कि यह न्यूज पेपर में है। मैं इस घटना की ओर आ रहा हूँ कि जो कानून के रक्षक हैं वही कानून के भक्षक हो जाए और जो न्याय देने वाले हैं, जो कानून के जानकार हैं, कानून का पालन करने वाले लोग हैं अगर वह इस प्रकार से कानून तोड़ते हैं, अपराध करते हैं तो इनका अपराध अक्षम्य की श्रेणी में आता है। यदि इस प्रकार की कोई घटना होती है तो ऐसे लोगों को कठोर से कठोर दण्ड मिलना चाहिए।

मैं आपसे मांग करता हूँ कि अगर आप सरकार को निर्देश दे सकते हैं तो वे दीजिए कि इस घटना के सम्पूर्ण तथ्यों की जानकारी वह ले और इसकी जांच करायें। जो लोग इस तरह की मानसिकता के हैं उनको दण्ड मिलना

चाहिए। संविधान के अनुच्छेद 17 में इस बात की व्याख्या की गई है, "अपृथक्ता" का अंत किया जाता है और उसका किसी भी रूप में आचरण निषिद्ध किया जाता है। "अपृथक्ता" से उपजी किसी नियोज्यता को लागू करना अपराध होगा जो विधि के अनुसार दण्डनीय होगा।"

महोदय, मैं आपका ध्यान भारतीय संविधान के प्रियम्बल की ओर दिलाना चाहता हूँ जिसमें शुरू में ही कहा गया है—

"We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith, and worship; Equality of status and of opportunity, and to promote among them all; Fraternity assuring the dignity of the individual and the unity and integrity of the nation."

महोदय, मैं आपके माध्यम से पुनः मांग करता हूँ कि सरकार द्वारा इस घटना की पूरी जांच कराई जाए और इस घटना के सारे तथ्यों की जानकारी इकट्ठी की जाए। यदि ऐसी घटना हुई है तो अपराध करने वाले को कठोर से कठोर दण्ड मिलना चाहिए ताकि आगे से इसकी पुनरावृत्ति न हो।

श्री रामदेव भंडारी (बिहार): महोदय, मैं अपने आप को इससे संबद्ध करता हूँ।

श्री खान गुफरान जाहिदी (उत्तर प्रदेश): सर, मैं अपने आपको श्री गोविन्दराम मिरी द्वारा कही गई बात से संबद्ध करता हूँ।

6 P.M.

Protest by Islamic Scholars of Kerala against Misuse of N.S.A. in Tamil Nadu

SHRI O. RAJAGOPAL (Kerala): Mr. Vice-Chairman, Sir, I would like to invite the attention of the Government of India as well as the Government of Tamil Nadu to a report that has been published in The Hindu of 22nd July, 1998. We all know about the serial bomb blasts in Coimbatore on the 16th of February, 1998, because of which so many people

died and the cases are pending. I don't want to go into that. I am told that there are about 188 accused, out of which 144 have been arrested and 36 persons are still absconding.

SHRI C.P. THIRUNAVUKKARASU (Pondicherry): Sir, it is a State subject...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. Don't speak anything without my permission.

SHRI C.P. THIRUNAVUKKARASU: I am saying that...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. When the hon. Chairman has given the permission and an hon. Member is making his submission, the other Member doesn't have to contradict him. You can associate yourself.

SHRI C.P. THIRUNAVUKKARASU: Sir, with great respect...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. The point is that the Chair has allowed him to make his submission. If you have anything to contradict it, you can take the permission of the hon. chairman and speak later. Now I can allow you to associate only.

SHRI O. RAJAGOPAL: So, because of that case so many persons have been taken into custody under NSA. I am not going into the merits of that. My point simply is this. It has been said that those people have been taken into custody because they are involved in the conspiracy, because they have supplied arms, because they have given asylum. These are the reasons because of which those persons have been taken into custody. Now, the report in *The Hindu* of 22nd July says that some Islamic scholars have taken objection to the arrest of one Mr. Madani, who is a leader of a political party, the Peoples Democratic Party. They say that he has been arrested on account of political vendetta and because of his uncompromising stand in his spiritual life. In this country anybody is

free to have his own spiritual aspirations, spiritual life. Total freedom should be there and if anybody is arrested because he is pursuing a particular spiritual line, it is a wrong thing. They also say that it is because of political vendetta. Now, we are free to hold our own political views and if you hold any particular political view and because of that if somebody is to be arrested and kept under NSA, then it is a very serious matter. Simply because you differ on a political line or you have a special spiritual aspiration or an uncompromising stand in spiritual life, this could not be the ground of arrest of any person. This is the version given by some Islamic scholars and, therefore, they demand that he should be released. Now, we read in newspapers that this gentleman has been arrested because he is involved in the conspiracy to eliminate our present Home Minister who at that point of time was the President of the Bhartiya Janata Party, and because of that he has been arrested. Now, there are two versions. I want to urge upon the Central Government as well as the State Government of Tamil Nadu to make it clear whether this gentleman has been arrested because of political vendetta or because of his having an uncompromising stand in his spiritual life. If that is the real reason, then it is a matter of grave concern because that should not be allowed. Otherwise, if it is for other reason, that he has been a party to the conspiracy to eliminate the President of BJP and other workers, that is a different matter. The Government should make it clear so that any confusion in the minds of the people should be removed. That is my submission.

SHRI P. SOUNDARARAJAN (Tamil Nadu): I associate myself with what Shri O. Rajagopal has said.

SHRI C.P. THIRUNAVUKKARASU: Sir, if you permit, I want to say a few words on this(Interruptions)....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): For what purpose?

SHRI C.P. THIRUNAVUKKARASU: Sir, I want to associate myself with it and say a few words because he has raised some points before the House. When Madani was arrested in connection with some cases, and you see there is a religious sentiment....

SHRI O. RAJAGOPAL: That is a report.

SHRI C.P. THIRUNAVUKKARASU: If there is a report like that, it is totally false, fabricated, concocted and no reliance can be placed on that particular paper.

SHRI O. RAJAGOPAL: I only want that the Tamil Nadu Government or the Government of India should make it clear. That is my point.

SHRI C.P. THIRUNAVUKKARASU: As a Member from Pondicherry, I am bound to say that.... *(Interruptions)*.... arrested on the information furnished by him since there was evidence for a conspiracy.*(Interruptions)*....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Are you associating yourself with it or not?*(Interruptions)*....

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, it is a sensitive issue, let him associate with it.*(Interruptions)*....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): It is not a question whether it is a sensitive issue or not. I can allow him, if he associates with it.

SHRI C.P. THIRUNAVUKKARASU:I, want to intimate to my learned friend also.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Now, Shri Jibon Roy—not present. Prof. Ram Gopal Yadav—not present. Shri Ram Chandra Khuntia.

Non-Payment of Statutory dues and Wages to CPSU Workers

SHRI RAMACHANDRA KHUNTIA (Orissa): Mr. Vice-Chairman, Sir, I want to draw the attention of the Government, through this august House, to the situation arising out of non-payment of provident fund, ESI and other statutory dues to the workers of Central Public Sector, State Public Sector and various private industries. Sir, many public sector units and private sector units are not depositing the statutory dues. Some of these Central Public Sector and State Public Sector units, where IAS officers and IPS officers are holding the posts of CMDs and MDs and directors are also not depositing provident fund, ESI and other statutory dues which also include wages, salaries and DA. Many of the workers working in Central and State Public Sector units are not getting their wages, salaries and other dues. The workers of sick public sector units, like IDPL, NTC, etc., are not getting their salaries. Some of these industries have been referred to BIFR. The problem is, when a unit is referred to BIFR, the enforcing authorities are also not able to file prosecution against them because in Central and State Public Sector units the Government is the employer. There is also a rule which states that when an industry has been referred to BIFR, the prosecution authority also cannot file prosecution. As a result of which, these workers are suffering. Sir, as you know, provident fund and ESI are social security schemes. This is a contributory fund in which the employer and the employee contribute. This is a very serious matter because these employees who have collected contributions from their employees are not depositing it with concerned organisations. These employers have not deposited their contribution and they have also not deposited employees' contribution which they have collected from the workers for years together.