

to perform the last rites. Therefore, I shall not be able to attend the Session of the Rajya Sabha commencing from 23-1-80. So I request that leave of absence may kindly be granted to me."

Is it the pleasure of the House that permission be granted to Shrimati Shyamkumari Devi...

SHRI P. RAMAMURTI (Tamil Nadu): Sir, while granting her permission, since she is a bereaved woman...

MR. CHAIRMAN: May I read the whole thing first, before you say anything?

Is it the pleasure of the House that permission be granted to Shrimati Shyamkumari Devi for remaining absent from all the meetings of the House during the current Session?

(No hon. Member dissented.)

MR. CHAIRMAN: Permission to remain absent is granted.

MR. CHAIRMAN: The House will now proceed to Special Mentions. I shall now call upon Shri Rabi Ray, in this order: Shri L. K. Advani, Shri P. Ramamurti, Shri Jagjit Singh Anand to speak on the first Special Mention.

Shri Rabi Ray.

REFERENCE TO THE ALLEGED ARREST OF SHRI N. K. SINGH DEPUTY INSPECTOR-GENERAL (CBI)

श्री रबी राय: (उड़ीसा) सभापति, महोदय, मैं आपके प्रति बहुत अभारी हूँ कि आपने मस एक बहुत महत्वपूर्ण विषय को उठाने की इजाजत दी है।

सभापति महोदय, आज सुबह साढ़े छह बजे सी० बी० आई० के एक बहुत बड़े अफसर श्री एन० के० सिंह को गिरफ्तार कर लिया गया। सभापति महोदय, यह हमको

याद दिलाता है कि इमरजेंसी के समय अर्द्ध-रात्रि में चार बजे विरोधी दल के नेताओं को गिरफ्तार कर लिया गया था और आज सबेरे सी० बी० आई० के नामी अफसर को साढ़े 6 बजे उनके निवास स्थान से गिरफ्तार कर लिया गया...

SHRI A. G. KULKARNI (Maharashtra): Rabi, this is an Emergency from backdoor. It is coming now.

श्री रबी राय : सभापति महोदय, मैंने आपसे इसलिए इजाजत चाही थी। होना चाहिये था कि 11 बजे से ही इस सवाल को सदन में उठाकर सदन इस पर बहस कर लेता लेकिन सदन का को कायदा कानून है। उसको मद्दे नजर रखते हुये एक घंटे के बाद में इस सवाल को उठा रहा हूँ।

सभापति महोदय, सबेरे साढ़े 6 बजे जब उनके परिवार के लोग सो रहे थे तो एक डी० एस० पी० एक ए० एस० आई० और कुछ कास्टेबुलों को लेकर उनके निवास स्थान पर पहुंचे ये आई० पी० एस० अफसर हैं। डी० एस० पी० जब उनको पकड़ने के लिए गया तो उनको कोई लिखित आर्डर सर्व नहीं किया गया लेकिन उनको कहा गया कि हमारे साथ चलो और आपको हम लोग गुडगांव ले जाएंगे। कोई कागजात उनको नहीं दिखाए गए। एन० के० सिंह साहब जो एक ईमानदार अफसर हैं वह डी० एस० पी० से इजाजत मांगे कि, उनको सी० बी० आई० के डायरेक्टर को टेलीफोन करने दिया जाये ताकि उनकी इजाजत मिल जाए, उनको पता चल जाए कि क्या हुआ। लेकिन वह बार-बार टेलीफोन करते रहे, लेकिन डायरेक्टर के टेलीफोन को भी किसी ने नहीं उठाया। इसलिए भी दाल में काला नजर आता है। एक आई० पी० एस० अफसर को एक डी० एस० पी० जगा रहा था कि गुडगांव चलो

[श्री रबी राय]

और एन० के० सिंह साहब फरमा रहे हैं कि हमको हमारे अफसर से इजाजत मिल जाये . . .

SHRI A. G. KULKARNI: Is he concerned with the Kissa Kursi Ka case?

श्री रबी राय : उनको टेलीफोन करने के बावजूद भी अफसर टेलीफोन नहीं उठा रहा है । उनको गुड़गांव ले जाया गया । मेरा सवाल यह है कि यह जो जिम्मेदारी दी गई थी एन० के० सिंह को किस्सा कुर्सी के मामले का प्राब करने के लिए और श्रीमती इंदिरा गांधी ने अपने ब्रॉडकास्ट में यह कहा था कि हम विडिक्टिव नहीं बनेंगे, हम हीलिंग टच देंगे लेकिन उनका काला ऐक्ट शुरू हो गया है । कालरात्रि जो 19 महीने देश में चली थी यह काम उसकी याद दिलाता है, जैसे हमारे दोस्त कह रहे हैं, इमरजेंसी शुरू हो गई । तो 4 बजे चोरी-छिपे आकर एक आई० पी० एस० अफसर को गिरफ्तार करने का मतलब यह है कि सरकार में जो ईमानदार अफसर हैं, जो रूल आफ ला के अन्तर्गत कार्य करना चाहते हैं, उनको कहा जाता है कि देखो तुम इस इस तरह की ईमानदारी स काम नहीं करने पाओगे ।

आप जानते हैं कि इंदिरा गांधी के लड़के के बारे में जो किस्सा कुर्सी का केस है वह सेशन कोर्ट में था और अब वह सुप्रीम कोर्ट में आ गया है । विडिक्टिवनेस का काम शुरू हो गया है । ला एन्ड आर्डर का जो मुख्य सार है, असेंस है, आप जूरिस्ट रहे हैं आप जानते हैं कि रूल आफ ला को, मैं बताना चाहता हूं वह यह सब भूल गई है । रूल आफ ला के तहत एक ईमानदार अफसर को गिरफ्तार नहीं करना चाहिये था क्योंकि मुझे पता लगा है कि उनको एक महीने की छुट्टी मिल चुकी है और आज से उनकी ड्यूटी शुरू होती है । इस तरह की मंजूर करने के बाद इस तरह की गिरफ्तारी

करना उचित नहीं है । मैं आपके जरिए सारे राष्ट्र को बताना चाहता हूं, देशवासियों को बताना चाहता हूं कि इंदिरा गांधी सरकार में आने के बाद सम्पूर्ण रूप से विडिक्टिव बनी हैं । यह जो शुक्रात हुई है यह हम लोगों को याद दिलाती है 19 महीने के डार्क डेज की । वे डार्क डेज पुनः लाने की कोशिश कर रही हैं । इसलिए मैं आपसे कहना चाहता हूं . . .

श्रीमती सरोज खापड़ (महाराष्ट्र):
रबी राय जी . . . (Interruptions)

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश):
बैठ जाइये । . . . (Interruptions)

श्री रबी राय: सभापति जी, मैं खत्म कर रहा हूँ । आप जूरिस्ट हैं . . .
(Interruptions)

श्री रामानन्द यादव (बिहार) : तुमने कई बार पार्टी बदली है शाही साहब; तुम बैठ जाओ . . . (Interruptions)

श्री नागेश्वर प्रसाद शाही : तुम बैठ जाओ . . . (Interruptions)

MR. CHAIRMAN: May I address the Leader of the House? Will you please control your own Party? When the Special Mention is going on, it is no use their interrupting... (Interruptions).

SHRI RAMANAND YADAV: They first started... (Interruptions).

श्री रबी राय : मैं खत्म कर रहा हूँ । आप हमारे सभापति हैं, हमारे राइट्स के कस्टोडियन हैं । आप भारतवर्ष के गणतंत्र देश के उपराष्ट्रपति भी हैं । आप, जूरिस्ट भी हैं इसलिए मैं दोनों लहाज से आपसे विनती करना चाहता हूँ कि रूल आफ ला खत्म होने की शुक्रात हो गई है । इसलिए मैं आपके जरिए सरकार से कहूंगा कि श्री एन० के० सिंह को टारच न किया जाय । जिस तरीके से यह किय जा रहा है यह फासिस्ट रूल की शुक्रा

हो गई हैं। मैं आपके जरिए सदन को, देशवासियों को कहूंगा कि हमारे नागरिक अधिकार और आजादी हमारी बरकरार रहनी चाहिये। अगर सरकार नहीं कर सकती तो देशवासियों को और विरोधी दल वालों को करना चाहिये। इतनी ही मैं आपसे बिनती करता हूँ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): I want to say something.

SOME HON. MEMBERS: No, no.

SHRI YOGENDRA MAKWANA: It is a wrong allegation. I have a right to reply... (Interruptions).

MR. CHAIRMAN: The proceedings will not continue, if this interruption is going on. There are five speakers and the Minister will have the right of reply to all of them. I think it is better that one consolidated reply is given, rather than piecemeal replies. The hon. Minister may please make his notes and reply in the end.

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): I would submit one thing. It is the duty of the ruling party to see that the House runs smoothly. It is not only the duty of the opposition, but also of the ruling party. If they fail... (Interruptions).

MR. CHAIRMAN: Thank you very much for the advice, but we do not need it... (Interruptions)

SHRI LAL K. ADVANI (Gujarat): Mr. Chairman, Sir, earlier this morning when I got this information that Shri N. K. Singh, DIG, CBI, a senior CBI, official who had been in charge of the 'Kissa Kursi Ka' case, had been apprehended from his house and was being taken to Gurgaon, I really felt shocked, because, so far as I am aware, Shri Singh had only been trying to carry out the duties entrusted to him by the Government.

Whether he agreed with them or not was not his responsibility. As an official he was carrying out the task given to him. His findings have now upheld by the trial court. The trial Court has in fact relied on his evidence and convicted the persons accused in the 'Kissa Kursi Ka' case. The matter is now before the Supreme Court. Indeed I was wondering whether the Government is conscious that in trying to apprehend a senior CBI officer, and that, too, in connection with the same case—because when I ascertained as to what is the matter in which he has been taken to Gurgaon I was told that it was because of some interrogation that he had conducted in connection with this case that he has been apprehended and taken to Gurgaon... (Interruptions) it is guilty of contempt of court.

SOME HON. MEMBERS: Shame, shame.

SHRI LAL K. ADVANI: Contempt of court is one aspect of the matter, of which those who are concerned in the court will take cognizance. But here as a person in public life, as a person who has seen with his own eyes what happened in 1975, 1976 and 1977, I regard this one single incident as symptomatic of the happenings to come. Coming events seem to cast their shadows in the shape of this arrest of Mr. N. K. Singh. Within one fortnight they have made scores of statements, repeating over and over again, that they are not going to indulge in vindictiveness or any such thing. And what is this if not a blatant act of vendetta utterly shameless whatsoever. Here is a person who, because he was conducting the 'Kissa Kursi Ka' case in which Shri Sanjay Gandhi and Shri V. C. Shukla had been convicted already, has been arrested, or rather he has been apprehended. The Government will say that he has not been technically arrested. May be,

technically they are correct. But he has been taken physically to Gurgaon...

AN HON. MEMBER: Without warrant.

SHRI LAL K. ADVANI: This is not one incident. Yesterday I would have mentioned other incidents too. But ordinarily it is the practice of this House not to bring in officers. And if this officer had not been apprehended, I would not have referred to this. Now, today, in the Central Government and in the Delhi Administration all officers are feeling demoralised. Everyone feels afraid of carrying on the normal duties of the Government. What is happening? A person has been appointed as Police Commissioner, superseding—I do not know, how many officers, much senior to him. It will be for the Government to tell me how many officers have been superseded in the matter of the appointment of the Police Commissioner. The Government will have to tell me why the Lt. Governor of Delhi has resigned. The Lt. Governor of Delhi has resigned today.... (Interruptions).

MR. CHAIRMAN: I believe, the hon. Minister is going to reply. The hon. Minister is going to reply to everything and he is present here. Therefore, it is not necessary to put cross questions at this stage.

SHRI LAL K. ADVANI: Sir, I am aware—I have been in the Government for two and a half years: subsequently for six months my other colleagues were there. By and large the same officers who were there during the emergency, the same officers who were serving Mrs. Gandhi's Government, continued with us. It is not their responsibility. Political responsibility is there. Therefore, to the extent that officer has only been carrying out his official duties. I will defend him. I had hope that the same attitude will be there now. But

I can understand, I can even condone, yes, I can condone the desire to reward the emergency apologist, and emergency loyalists in the Government. I can understand that. But I cannot see why all seniority and promotion rules should be cast to the winds and a person is sought to be made Lt. Governor of Delhi, against whom I know that there are still criminal cases pending against him. Have these cases been withdrawn? May be you want to withdraw those cases. Tell me that you have withdrawn all those cases and, therefore, he is being appointed. Perhaps, it is because of that that the present Lt. Governor of Delhi has tendered his resignation today. It has appeared in the morning papers. I have been associated with the administration and the politics of Delhi for the last many years. I know that never before has any officer lower than the rank of a full-fledged Secretary been considered for this high office. Either he was a person from public life or an eminent person like Shri A. N. Jha. The person whose name has now been recommended is of the level of a Joint Secretary. Many, many officers much senior to him are there in the Delhi Administration and yet he is sought to be made the Lt. Governor of Delhi. All this has caused immense demoralisation in the official ranks. This particular incident about which I am sure the Government will come out with full facts, has added to the gravity of the situation and made the whole administration absolutely jittery. I strongly condemn this attitude towards the officials and towards the administration. I would demand that the Government should immediately rectify all these wrong things that it has done. Thank you.

MR. CHAIRMAN: Mr. Raju, will you try to be brief?

SHRI V. B. RAJU (Andhra Pradesh): I shall be brief and shall also try not to repeat what has been said.

Now, this should not be an attempt to extract any statement from the officer prejudicial to the case which is before the Supreme Court. We have already had our experience at the political level when Shri Amrit Nahata made his statement. I do not know how he was made to give that statement. (Interruptions) Let me have my say. I am not saying anything unparliamentary or derogatory. I am only saying that in the interest of independent judiciary and disciplined civil services and healthy political life and administration, the Parliament is much concerned with such things. I do not want to go into other matters. A sort of climate of fear is sought to be created in the country. It is so particularly among the civil services. Well, it is to the detriment of democratic functioning. Sir, as you are aware, the law and order situation in the country is not happy. If we have demoralised para-military forces or the forces which are in charge of law and order, then the country will have to face a lot of difficulties. Therefore, we would like to have full details before us. We would not like to be led away by rumours. It has not appeared in the press. But we have learnt about such a happening. If it is wrong, we shall be happy. The civil services have a difficult time in a democratic set up due to its inherent character of periodical change in the administration of the Government. The political authority provides the necessary direction. The permanent services in our system are neutral and they should not be used for political purposes. Nor should they be harassed because of personal prejudices. The Prime Minister has said that there would not be any vindictiveness or wrecking of vengeance or retaliation in the working of the Government. I hope what she says she means. No harm should be done to the civil services, even unwittingly, even in a remote way and even indirectly. There has been a sort of demoralisation in the services which are in charge of law and order at a

time when their efficiency and their effectiveness is required. The Police Services and the Administrative Services are the backbone of our administration. Let us not forget about it. We have a history of tradition. A climate of terror is sought to be created in the highest levels. We must permit the civil services to perform their duties. There are proper methods. If they trespass there are tribunals, there are administrative rules for it. But for small advantages, let us not create such an atmosphere.

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Chairman, Sir, I shall be brief and I am known for brevity. Sir, this case is bound to shock not only Members of this House but the entire intelligentsia and those people who follow politics in this country. Shrimati Indira Gandhi, when she assumed office, talked so eloquently about the need for forgetting and forgiving and the need for being not vindictive, and she sought the co-operation from all the parties (Interruption) I am just pointing out what she said. She sought the co-operation of the opposition parties in the discharge of the heavy responsibilities that have been cast on her by the electorate. I do not say the majority of the electorate, but whatever it be, under our system, she has been elected the Prime Minister. If this act is known to the people of this country, what is the credence that they can place in the utterances of the Prime Minister? As Mr. Advani has pointed out, this is the thing which is about to come, the vindictiveness, that people who have been responsible for the arrest or for the prosecution of the Prime Minister's son are being today harassed. When this information goes or when this impression at least is being created in the country, what shall be the effect of the Government's pronouncement as far as the country is concerned? After all, despite whatever they may say, already the ruling party, the

leading members of the ruling party have began talking about destabilisation of elected Governments I am not bothered about the Supreme Court's judgement. After all, the Supreme Court's judgement does not enjoin upon you to dissolve those Governments. Your party was opposed to it. On normal, political grounds, you were opposed to the dissolution of those Governments by the Janata Government. And, today, if you take umbrage under that Supreme Court judgement, it means that you abdicate, you abjure political and moral values in this country. And whatever is politically convenient to you, you are prepared to do that, and for that purpose, today you want to strike terror in the entire police service. It is symptomatic that what happens to this man will happen to everyone. You cannot put up your independent judgement on problems that come before the Government. You have got to toe my line. You cannot put up an independent judgement of your own on all questions that come before the Government. This is the terror that is sought to be inculcated, that is sought to be struck on the entire services. This is what you are doing.

Therefore, Sir, I would ask the Government to retrace their steps before it is too late. After all, they may be in a majority today. Today they have got that. But, after all, in the ultimate analysis, you are not going to prevail. It is the people of this country that are going to prevail. And the people of this country realise that what they are passing through is some horror. And whatever might be done, ultimately, the people of this country will rise above all this terror and they will prevail and not any individual, however mighty he or she might be.

SHRI JAGJIT SINGH ANAND (Punjab): Sir, I need not refer to the assurances held out by the Prime Minister of not being vindictive

which have already been referred to by my colleagues. I only wish to point out that this senior official happened to be connected with a case called the 'Kissa Kursi Ka', which case led to a situation in which a certain Government was sought to be supported but was dislodged before it could come to the House. A certain Government was installed after the fall of the Janata Government with the support of a certain party. But when that Government was to come before the House, that Government was toppled because of that Government's then Prime Minister not complying with certain procedures regarding the 'Kissa Kursi Ka' case. Now, this officer is also connected with the case called the *kissa kursi ka* and if I am well informed this senior officer has been hauled up because he examined or investigated or interrogated a certain person, a tempo driver, whose statement was very relevant to what happened to the reels of the film, *kissa kursi ka*, where from they were lifted and where they were taken and how that was done. Now, Sir, the first thing that I would like the Government, through you, to assure us is this. Normally at the time of special mentions clarifications are not offered. It is not a Calling Attention matter. But I would be glad if Shri Makwana comes forward and gives clarifications even though it is not according to our normal procedure. The first assurance that I want is that the gentleman, the senior official, who was removed under the circumstances, is not subjected to physical torture.

SHRI PILOO MODY (Gujarat): Or mental torture.

SHRI JAGJIT SINGH ANAND:... or subjected to any processes by which he is compelled to go back upon what he had already done in the discharge of his duties according to his capability and honesty. That is the first thing. Secondly, Sir, the hon. Prime Minister while she was

(Shri Jagjit Singh Anand)

campaigning for the elections was going about saying that whatever excesses were committed during the emergency, they were committed by officials, they were not committed by her.

SHRI VIREN J. SHAH (Gujarat): She did not even know about them.

SHRI JAGJIT SINGH ANAND: In northern India she knew; in southern India she did not know. In northern India, she apologised. In southern India she did not experience directly. It is not sufficient to give assurances like those verbal assurances. It is also necessary to act in a manner that the confidence of the people is revived. And, the best way of reviving the confidence of the people is not by rewarding those who rightly or wrongly had come to be associated with some of the worst excesses. One case is the case of the highest dignitary held responsible for the control of the situation in the town of Delhi, which has been worst affected in regard to the problem of law and order during the last few weeks. The next is not regarding a person who had prevaricated right in the court before a commission and got very adverse remarks by projecting him to the Lieutenant Governorship of a State. I am holding no brief for those who subjected Shri Vohra to indignities which have been brought to the press. I hold no brief for that Government either. But, Sir, if we believe in democratic processes, if Shrimati Gandhi claims that she dissolved the House then and went to the electorate and if she claims now that she will abide by democracy, I am not very enamoured of democracy being practised here. This democracy has been inherited from the Anglo Saxons, from the British Government and upholding of the rights and giving due protection to the bureaucracy under this system, to the permanent officials under this system is as much a part of democracy as any other. And, if those officials who have acted according to the wish-

es of the then Government while exercising due care that they do not become tools of some political motivation, if those officials are going to be treated the way as it appears so far, what can we say I would be very glad if the Government clarification removed my fear both regarding the physical and mental security of the man taken into custody, I think taken into custody in a manner which is not even legal custody, illegally taken into custody, taken into custody in an illegal manner like any common criminal. Then, will the Government assure that every single official who has discharged his duties under the previous set-up or the set-up previous to that according to his honesty and integrity will not be subjected to this kind of a thing and makes amends to Mr. B. B. Vohra and does not create new B. B. Vohras under its dispensation? And if you really mean business and when you came before the people to declare that you will not repeat the past mistakes, please refrain from such actions. There have been such actions afore. I was just now told about the brother of my hon. colleague, Shrimati Ambika Soni who is running a small-scale factory in Bangalore, that his factory was raided—

AN HON. MEMBER: Ransacked.

SHRI JAGJIT SINGH ANAND: Yes, ransacked, and all the equipment and everything were destroyed only yesterday in Bangalore.

MR. CHAIRMAN: The hon. Member...

SHRI JAGJIT SINGH ANAND: What I am saying is very relevant to this.

MR. CHAIRMAN: ... Please do not enlarge the scope of the special mention. Special mention is strictly confined to one person only.

SHRI JAGJIT SINGH ANAND: I will stick to the special mention. But what is the substance of the special

mention? The substance of the special mention is that this Government which had come forward to assure that all mistakes—which they think are mistakes and which the people treated as crimes—would not be repeated, was cut to size and for the first time in the history of the world, a party was formed on the first of May but they were voted to power at the end of March for what the people held to be great crimes of emergency. Sir, I am relevant when I am referring to the Bangalore case or referring to the harassment that has been brought to my notice through the daughter of Shri Devraj Urs who was an official in the Foreign Ministry. I am only appealing that please beware; please do not forget.... (*Interruptions*). Please assure the rule of law; please assure that you go by what you say.

MR. CHAIRMAN: The enlarged portion of this mention which has been specially made, shall be ignored.

SHRI RAMANAND YADAV: Ignored or expunged?

MR. CHAIRMAN: It will be ignored by the hon. Minister in his reply because he had no notice of it.

SHRI RAMANAND YADAV: It will become part of the proceedings for future record.... (*Interruptions*). Never such orders have been passed.

MR. CHAIRMAN: It has been ruled out by me and there is no need to correct the record because, otherwise my ruling will become meaningless. Now, the hon. Minister.

SHRIMATI PURABI MUKHOPADHYAY: Sir, I am on a point of privilege.

MR. CHAIRMAN: But you have not given a notice of motion. Let us not open a debate.

SHRIMATI PURABI MUKHOPADHYAY: I can stand up on a point of privilege if I feel the privilege of this House has been broken by the

Chairman himself, with due respect I say.

MR. CHAIRMAN: But you can give a notice of that.

SHRIMATI PURABI MUKHOPADHYAY: I cannot, because it has been done just now and I have to get up just now.

With all humility I submit, please refer to the rules of this House before you give that ruling. The hon. Member who just spoke, has told us another instance where a Member's brother's factory was ransacked. How is it irrelevant that it will go out of record or will have no link? If it is on the record, the Minister has to reply to that. I feel your ruling was not proper by what you said. I may, with all humility point out to you that both the cases are simultaneously related to each other.... (*Interruptions*).

SHRI YOGENDRA MAKWANA: Sir, there is a (*Interruptions*).

SHRI SUNDER SINGH BHANDARI (Uttar Pradesh): The Home Minister is here and the whole question relates to him. Why should he not reply?

SHRI JAGJIT SINGH ANAND: The Home Minister is present in the House. There is a tradition in this House that when the senior Minister is here, he has to reply. Sir, the Home Minister is present.

SHRI YOGENDRA MAKWANA: Where necessary, the Home Minister will reply.

SHRI JAGJIT SINGH ANAND: The Home Minister must reply. He is here.

DR. RAMKRIPAL SINHA (Bihar): I remember, the present Leader of the House, earlier used to insist that we bring senior Ministers to reply, and now that the senior Minister is here, he should reply.

MR. CHAIRMAN: Please sit down. (Interruptions). May I submit to the House that though it is the right always of the senior Minister to reply, he can waive that right in favour of a...

HON. MEMBERS: No, no.

श्री नत्थो सिंह (राजस्थान) : श्रीमान, मौके की गम्भीरता को देखते हुये और हाउस के जवाब को देखते हुये सीनियर को जवाब देना चाहिये, यह हमारी डिमांड है ।

Mr. CHAIRMAN: Will you hear me? (Interruptions). The reason is that Mr. Zail Singh was not present when the questions were asked. He does not know what was said. Yes, Mr. Makwana.

SHRI YOGENDRA MAKWANA: Sir, there is no practice of replying to the Special Mention in this House, but I want to set the record straight. Therefore, I want to reply. What has been stated by Mr. Rabi Ray, Mr. Advani and others, is far from the facts. Mr. N. K. Singh is not arrested as they have stated in this House. (Interruptions).

MR. CHAIRMAN: Will you hear him because he may have something more to say in explanation to what he is saying?

SHRI YOGENDRA MAKWANA: This concerns the State of Haryana. Nowhere are we involved. But when we came to know that Mr. N. K. Singh has been arrested, we immediately contacted the Chief Minister of Haryana and ascertained that he is not arrested. So, whatever is stated by Mr. Rabi Ray and Mr. Advani is not correct. They are in the old habit, like Goebbels, of speaking like this inside and outside this House and condemning people like this.

SHRI SUNDER SINGH BHAN-DARI: Where is he if he has not been arrested?

SHRI YOGENDRA MAKWANA: It is far from the fact. He is not arrested and when they speak I am reminded of just like devils quoting the Bible.

MR. CHAIRMAN: I thought the hon. Minister was going to make a statement and the statement involves a full explanation of the facts.

SHRI LAL K. ADVANI: Mr. Chairman, Sir... (Interruptions)

SOME HON. MEMBERS: Let the senior Minister say something.

MR. CHAIRMAN: Let the hon. Minister speak.

गृह मंत्री (श्री जैल सिंह): माननीय सभापति जी, जब यह प्रश्न उठा मैं उस समय हाउस में मौजूद नहीं था इसलिए मुनासिब यह समझा गया कि मिनिस्टर आफ स्टेट ने सारी बातें सुनी हैं वही उसका जवाब देंगे । आनरेबल मेम्बर साहबान के जज्बात की मैं कद्र करता हूँ और इस बात में इत्तिफाक करता हूँ कि अगर मिनिस्टर-इन-चार्ज खुद वहाँ हो तो दूसरे मिनिस्टर को उसका जवाब देने की जरूरत नहीं, वही जवाब दे । लेकिन इस बात का भी ध्यान रखना चाहिये कि जब मैं मौजूद ही नहीं था सवाल उस वक्त उठा और उसके साथ पूरक प्रश्न भी उठाये गये वे भी मैंने आधे सुने, आधे नहीं सुने, इसलिए मैं नहीं उठा था । इसका मैंने स्पष्टीकरण किया ।

मगर यह बात एक अफसर की गिरफ्तारी की बात है । यह मामला सेंट्रल गवर्नमेंट से कोई सम्बन्ध नहीं रखता तो जब हमको पता चला कि किसी अफसर की गिरफ्तारी की जा रही है तो हमने इस बात का पता लगाया स्टेट गवर्नमेंट से और स्टेट गवर्नमेंट ने यह बताया है कि उसने गिरफ्तारी नहीं की । केवल उनसे कुछ जानकारी लेने के लि

उनको बुलाया गया। (Interruptions)
लेकिन उनकी गिरफ्तारी की बात बिल्कुल
गलत है। उनको गिरफ्तार नहीं किया
गया।

श्री अरविन्द गणेश कुलकर्णी : वह जिन्दा
वापस आयेगे दिल्ली में फिर।

श्री जैल सिंह : सभापति जी, जो बात
उन्होंने कही, हमारी विश्व तो यह है कि
आप भी जिन्दा रहें और मैं भी जिन्दा
रहूँ... (Interruptions)

SHRI A. G. KULKARNI : I would
not be surprised to see that we will
be finished much earlier than what I
am expecting.

श्री जैल सिंह : सभापति जी, एक
मिनिस्टर जब जवाब दे रहा हो तो उनको
इस तरह से बीच में इंटरवेंशन नहीं करना
चाहिये और आनरेबिल मेम्बर तो बहुत
पुराने मेम्बर हैं लेकिन फिर भी सीधे मुझे
एड्रेस कर रहे हैं। उनको आपको
एड्रेस करना चाहिये।

श्री सभापति : आप का कहना बिल्कुल
सही है। जिस वक्त उधर से तकरीरें हो
रहीं थीं तो इस तरफ के लोगों को मैंने
रोका और इंटरप्ट नहीं करने दिया।
अब आप तकरीर कर रहे हैं तो बराबर
मेहरबानी आप जरा सुनिए कि कहना
क्या है उन्हें।

श्री जैल सिंह : सभापति जी, मैंने
बापदब यही प्रार्थना की है कि वह एक
सीनियर मेम्बर हैं उनको चाहिये कि वे
आपको एड्रेस करें, मुझे एड्रेस न करें।
एक बात तो यह। दूसरी बात जो उन्होंने
कही कि क्या वह जिन्दा आयेगे। तो मेरी
स्वाइश तो यह है कि वह जिन्दा आयेंगे,
लेकिन मैं नहीं जानता कि मैं यहां से
जिन्दा जा सकता हूं या आप यहां से
जिन्दा जा सकते हैं। इस की कोई गारंटी
नहीं दे सकता कि मौत किस को कब ले

जायेगी। लेकिन मैं इस बात की गारंटी
देता हूं कि किसी भी आदमी
को पूछताछ के लिए बुलाया जाय तो
उस के साथ बदसलूक नहीं होगा और
उसको मारा पीटा नहीं जाएगा। अगर
कोई ऐसा करेगा तो ऐसा करने वाला
अफसर सजा पायेगा। मेरी सरकार यह
बात बदला लेने की भावना से कभी भी
नहीं करेगी।

SHRI JAGJIT SINGH ANAND : It
is illegal detention. They have taken
him away.

SHRI RABI RAY : Sir, are you
satisfied with this reply?

MR. CHAIRMAN : Mr. Kulkarni, I
think you are a long-term parliamen-
tarian of 30 years standing. But I
think that parliamentarianism in-
volves listening to others also.

SHRI PILOO MODY : Occasionally.

श्री जैल सिंह : आनरेबिल सभापति
जी, इसी तरह से आनरेबिल मेम्बर
जगजीत सिंह जी ने भी कहा है। मैं
चाहता हूं कि यह राज्य सभा है, एल्डर्स की
सभा है। इसको सुन कर और देखकर तो
दूसरों को सब सीखना है कि पार्लियामेंट
कैसे चलती है। लेकिन मैं उनका भी
जवाब देना चाहता हूं। अभी उन्होंने यह
बात नोटिस में लायी है कि बंगलौर में
एक फैक्टरी जो आनरेबिल मेम्बर अम्बिका
के भाई की थी उसको कुछ नुकसान पहुंचा।
इस बात की हम जानकारी करेंगे, मगर
इतना ख्याल जरूर रखना चाहिये कि जो
बातें स्टेट सबजेक्ट की हैं और जिनके बारे
में स्टेट को अपने अधिकार से काम करना
है उनको इस सभा में उठा कर बकत
जाया करने की जरूरत नहीं है। तो मैं
मेम्बर साहब का अदब करता हुआ पता
लगाऊंगा कि वाक्या क्या हुआ था।

SHRI JAGJIT SINGH ANAND:

Mr. Chairman, this is a reflection on all of us and on the House. These remarks should be expunged.

MR. CHAIRMAN: May I know from the hon'ble Minister whether he has concluded his statement? You have nothing more to add?

SHRI ZAIL SINGH: I have completed my statement.

SHRI LAL K. ADVANI: Sir, with your permission again, I thought that the Minister's reply would make any further debate unnecessary. But as you yourself must have noticed, in my remarks I said that the Government will say that technically he has not been arrested. I knew that. (Interruptions). I used my words very carefully. I said that he has been apprehended and physically taken to Gurgaon against his will. He has not gone voluntarily. And I do not know whether this is a case of illegal confinement if it is not arrest. But what I would have expected is, here is a senior official of the IPS of the Central Government—not of the Haryana Government—and, in that case, when the Minister makes a statement, he would also let the House know as to in what connection has the Haryana Government taken him there. Unless the Government comes out with the full facts, this House is not going to be satisfied.

MR. CHAIRMAN: As the hon. Minister was not present during a part of the Mention and had not heard what had been said by Mr. Advani, Mr. Advani is entitled to explain to him. And will he kindly answer, if he wishes, what is the distinction between arrest, apprehension and taking away?

(Interruptions)

SHRI A. R. ANTULAY (Maharashtra): On a point of order.

SHRI RABI RAY: On a point of order.

SHRI N. K. P. SALVE (Maharashtra): On a point of order.

(Interruptions)

SHRI A. R. ANTULAY: Under the rules can you ask him....

(Interruptions)

SHRI VIREN J. SHAH: Ask the Minister to reply.

(Interruptions)

MR. CHAIRMAN: I have not given any ruling. I have only said,—mark my words—if he chooses. (Interruptions) It is your party to blame. I am not to blame.

(Interruptions)

DR. RAM KRIPAL SINHA: Ask the Minister to answer, Sir. Mr. Antulay is not a Minister.

SHRI PILOO MODY: Mr. Antulay is only a tool, Sir.

(Interruptions)

MR. CHAIRMAN: At this rate nobody will be heard. (Interruptions) Mr. Antulay, you raised a point of order. I have said that Mr. Advani, when he was speaking, was making use of certain words. The hon. Minister has said that the man has not been arrested. Mr. Advani wanted to know, because the hon. Minister had not heard, the distinction between arrest, apprehension and taking away. (Interruptions). Just a minute. Please listen to me. (Interruptions) When I am standing, the hon. Members will listen to me. The question is, I have said quite clearly to the hon. Minister that if he chooses, he could make it. He could say, "I don't want to comment on it."

SHRI RABI RAY: On a point of order.

(Interruptions)

SHRI A. G. KULKARNI: On a point of order.

(Interruptions)

SHRI SUNDER SINGH BHAN-
DARI: Sir, it is only the Minister
who should reply.

SHRI N. K. P. SALVE: Sir, I am
on a question of procedure. (Inter-
ruptions) Sir, I am on a point of
order. (Interruptions) Sir, I must be
heard. I am on a point of order. (In-
terruptions).

SHRI MANUBHAI PATEL
(Gujarat): Sir, Mr. Antulay cannot
raise any point of order on the Chair-
man's ruling.

SHRI N. K. P. SALVE: Sir, I am
on a point of order. (Interruptions).

MR. CHAIRMAN: Please sit down.

SOME HON. MEMBERS: Sir, let
Mr. Antulay sit down.

SHRI MANUBHAI PATEL: Mr.
Antulay, you sit down; Mr. Chairman
is standing. (Interruptions).

SHRI N. K. P. SALVE: Sir, I
seek your protection. I am on a
point of order. (Interruptions).

SHRI JAGJIT SINGH ANAND:
Sir, today he is dictating the House.

SHRI N. K. P. SALVE: Sir, a
point of order gets precedence over
everything else. I am on a point of
order. (Interruptions).

MR. CHAIRMAN: Please sit down.
Mr. Antulay is in possession of the
House and everybody will keep quiet.

SHRI SUNDER SINGH BHAN-
DARI: Sir, you put a query to the
Minister and you asked the Minister
to explain. Now what is the point of
order? On what?

MR. CHAIRMAN: He is raising a
point of order.

SHRI SUNDER SINGH BHAN-
DARI: Is it on your ruling? On what

is he raising a point of order? (In-
terruptions) Sir, we would like to
know whether you have permitted a
point of order on the queries you put
to the Home Minister and wanted
him to explain. Is there a point of
order on that? (Interruptions).

SHRI KALP NATH RAI (Uttar
Pradesh): Sir, why is he speaking
unnecessarily?

MR. CHAIRMAN: I am requesting
the House to listen to his point of
order. (Interruptions).

SOME HON. MEMBERS: Let him
sit down.

SHRI A. R. ANTULAY: Mr. Chair-
man, Sir, my point of order is based
on two counts.

MR. CHAIRMAN: What is the
point of order?

SHRI A. R. ANTULAY: It is based
on two counts. One . . .

SHRI HARI SHANKAR BHABRA
(Rajasthan): Until and unless it is
made clear on what basis is he going
to make a point of order, it cannot be
allowed. (Interruptions).

SHRI A. R. ANTULAY: Sir, what-
ever it is in law, the definitions of
arrests and apprehension cannot be
asked to be explained. That is there.
(Interruptions). That is there. (Inter-
ruptions) Sir, if any hon. Member
uses certain words, another person
cannot ask him to explain those.
(Interruptions).

MR. CHAIRMAN: May I request
Members on this side of the House to
let me hear what the hon. Member
wishes to tell me as his point of order.
If it is not in order, I shall rule it out.

1 P.M.

SHRI JAGJIT SINGH ANAND:
Why should he leave the seat?

SHRI A. R. ANTULAY: My point
of order is based on two accounts.

[Shri A. R. Antulay]

Hon. Shri Advani, in his speech, used two words, "apprehension" and "arrest".

SHRI LAL K. ADVANI: No. Technically he has not been arrested, I said myself.

SHRI SUNDER SINGH BHANDARI: What is the point of order on that?

SHRI A. R. ANTULAY: He must say that technically there was no arrest, he was apprehended. He has used both the words. If the hon. Member has used two words, with due respect and humility I have to say that the Chair cannot ask some other Member . . . (Interruption) Both the words are legally explained and defined. Whatever is legally defined, it cannot be asked either to an hon. Member or anybody else to say the same thing because it is there in the book.

MR. CHAIRMAN: Just a minute. Sit down. I do not think the point of order arises for the simple reason that I put the matter fairly and squarely in the hands of the hon Minister by saying, "If you so choose, you can reply to him". He can say that he does not want to reply. That is all.

SHRI PILOO MODY: Shri Antulay has browbeaten the Minister not to reply.

SHRI LAL K. ADVANI: He has made another statement which says that he enquired from the Haryana Government which told him that the officer was being taken for interrogation. I am sure that he is aware that according to the Government of India Servants Conduct Rules, it is not possible for any State Government to interrogate any senior Government official without the permission from the Central Government. I want to know whether this permission has been granted by the Home Minister to the Haryana Government.

MR. CHAIRMAN: There are two hon. Ministers present here as spokesmen of the Government. You cannot add weight to what they will say. Will you like to make a final statement on the subject, Mr. Minister?

SHRI GIAN CHAND TOTU (Himachal Pradesh): How do these questions and counter questions arise? It is not a calling attention, Sir.

MR. CHAIRMAN: There shall not be . . . I am ruling very firmly, please listen to my ruling. I am ruling very firmly that there shall be no debate on this after the hon. Minister concludes his explanation.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): Sir . . .

THE MINISTER OF COMMERCE, STEEL AND MINES AND CIVIL SUPPLIES (SHRI PRANAB MUKERJEE): Why is he rising?

ज्ञानो जैल सिंह : श्रीमन्, सभापति जी, हमारे आडवानी जी ने जो पहले बात कही, उसका जवाब देने की जरूरत नहीं है। वह सी० आर० पी० सी० का देख सकते हैं कि एग्स्ट, बुलाने और जानकारी कराने में क्या फर्क है और मैं यह भी बता देना चाहता हूँ कि स्टेट गवर्नमेन्ट को हम से पूछने की जरूरत नहीं है। वह ला एण्ड आर्डर या किसी मुकद्दमे के केस का मसला है, स्टेट सबजेक्ट है। उसके बारे में हर बार पूछ कर बात नहीं करते हैं, बेशक कितना बड़ा अफसर हो, कितना बड़ा न हो। मैं स्पष्ट शब्दों में यह कहा था कि वह बड़ा अफसर है, इसलिए हमारे पास इतिला मिली। हमने उसी वक्त स्टेट गवर्नमेन्ट से पूछा तो उन्होंने बताया कि हमने गिरफ्तारी नहीं की है। हमने उनसे जानकारी लेने के लिए उनको बुलाया है।

SHRI MOHAMMAD YUNUS SALEEM (Andhra Pradesh): Sir, on a point of order. (Interruptions) One minute. Please, one minute.

MR. CHAIRMAN: The House . . .

SHRI MOHAMMAD YUNUS SALEEM: One minute, please.

MR. CHAIRMAN: The House will now proceed to consider the Motion of Thanks on the President's Address.

MOTION ON THANKS OF THE PRESIDENT'S ADDRESS—Contd.

MR. CHAIRMAN: Further discussion will now begin. Shri Sriman Prafulla Goswami who was in possession of the floor has already taken nine minutes. I am giving him five minutes more.

SHRI E. R. KRISHNAN (Tamil Nadu): What about lunch, Sir?

[Mr. Deputy Chairman in the Chair]

SHRI SRIMAN PRAFULLA GOSWAMI (Assam): Mr. Deputy Chairman, Sir, I resume my speech which I could not finish yesterday.

The movement of satyagraha started and conducted by the Assam Students Union and the Sangram Parishad till today is non-violent and it is real satyagraha. The satyagraha has become a total satyagraha and it has been joined by all sections of people in Assam men, women, girls, boys and even children. This satyagraha is spontaneous. Such a movement is unique and unprecedented in the world. Even Mahatma Gandhi the founder of satyagraha in India, had to start his satyagraha with a limited number of trained satyagrahis. But here the satyagraha is spontaneous. It has covered all sections of people. And the Government offices are paralysed. No officer is attending office. Then, Sir, it is a fact that some violent incidents like arson and murder took place on a limited scale. But these are not connected with the satyagraha movement. Some anti-social or other forces might have done these things. They have nothing to do with the satyagraha movement and the ASU. Assam is most misunderstood today and misrepresented also.

Only the other day an article appeared in the 'Illustrated Weekly of India' written by the Editor himself, Mr. Kamath. He himself visited the place and he has given correct assessment, of the situation. The title of the article is "Neglected Assam". I say it is not "Neglected Assam" only, it is "Neglected North-eastern Region"—Nagaland, Arunachal Pradesh, Assam, Meghalaya, Mizoram and so on. It is the upsurge of the pent-up feelings of neglect over a very long time by the Central Government. But the main issue was the expulsion of foreign nationals and the deletion of the names of foreign nationals from the electoral rolls which contained several lakhs of names of foreign nationals. This has been stated by the then Government and it has also been stated by the Election Commissioner himself.

Another point is, this movement is not rioting, communal or linguistic. I have seen many riots, communal and linguistic, before independence, during the British period, in Bengal, U.P. and Assam, and also after independence. It is an entirely different kind of movement. It is spontaneous. It has nothing to do with rioting.

Then, Sir, recently there was a firing in Duliajan on peaceful satyagrahis men, women and children which is shocking to us there was also the murder of Rabi Moitra. I know the place. Sir, murder is heinous, and we condemn that murder. But I guess, and not only I guess but I can say, that that murder has nothing to do with this peaceful satyagraha. Some other forces, some other people have murdered him. I will not associate myself with such murder, such violence, but that murder must be proved. I know it because I was Chairman of Oil India. Anyway, this should be inquired into. As regards North Kamrup and Nalbari I want to bring to your notice one serious thing. As I told you, civil administration was handed over to the military there;