

RAJYA SABHA

Thursday, the 20th July, 1978/the
29th Asadha, 1900 (Saka)

The House met at eleven of the
clock Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

Resignation by the Chairman, Minorities Commission

*91. SHRI DEVENDRA NATH
DWIVEDI:†

SHRI BIPINPAL DAS:

SHRI BISHAMBHAR NATH
PANDE:

SHRI NARASINGHA PRASAD
NANDA:

SHRI VIREN J. SHAH:

Will the Minister of HOME AFFAIRS
be pleased to state:

(a) whether it is a fact that the
Chairman and a member of the Minorities
Commission have resigned;

(b) if so, what are the reasons
therefor; and

(c) what is Government's reaction
thereto?

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
(SHRI DHANIK LAL MANDAL):

(a) to (c) In a letter of 9th May,
jointly signed by Shri M. R. Masani
and Shri V. V. John, they referred to
the announcement made on 4th May
in Parliament by the Education Minister
about the introduction of a Bill
to amend the Aligarh Muslim University
Act before the end of session
then in progress and their surprise on
being ignored and bypassed on the
subject even after the Commission
had made a request that they should
be given an opportunity to make their
recommendations to Government be-

fore legislation was introduced in
Parliament. They had also referred
to the Chairman of the Commission's
earlier letter of 27th April regarding
the Commission not having office
premises, essential staff and its functioning
as an attached office of the
Ministry of Home Affairs. On the
same day, however, Members of the
Commission had long discussion with
the Education Minister in regard to
Aligarh Muslim University Bill. Copies
of the Aligarh Muslim University
(Amendment) Bill which had
meanwhile been introduced in Parliament
were also furnished to the Commission.
It was the considered view of the
Government that their legislative
proposals in this regard could no
longer be withheld from Parliament
in the light of all other developments
which had preceded the formulation
of Government's views on the matter.
The suggestions of the Commission on
the Bill were, however, welcome. In
regard to the other matters, such as
accommodation, staff etc. efforts were
being made to meet the requirements
of the Commission. Considering all
these aspects, Shri V. V. John decided
not to resign. Shri M. R. Masani,
however, did not withdraw his resignation.
The Government regret these
developments. The Government believe
that the Minorities Commission have
an important role to play and the
misunderstanding with Shri
Masani would not affect their attitude
to the Commission.

SHRI DEVENDRA NATH DWIVEDI: Sir, I am horrified to find that
the hon. Minister has tried to mislead
the House and has tried to hide the
facts.

SHRI KALYAN ROY: That he
usually does.

SHRI DEVENDRA NATH DWIVEDI: The resignation of Mr. Masani
has sparked off a controversy which
has put the Government in a very
bad light. The manner in which he
was treated, the manner in which the
Commission has been treated and the

†The question was actually asked on
the floor of the House by Shri
Devendra Nath Dwivedi.

circumstances surrounding his resignation leave one to only one conclusion that this Government wanted to appoint the Commission only as window-dressing and that they wanted to play politics with the minorities. Sir, Mr. Masani has said that the Government has treated...

MR. CHAIRMAN: Yes, but...

SHRI DEVENDRA NATH DWIVEDI: Sir, it is a serious matter. Let me state certain facts. Mr. Masani was reported as saying that the Government has treated the Commission with benign neglect and that the Government stopped taking any interest in the Commission after it was appointed. After making this statement, he goes on record as saying that small, little, hindrances were put in the functioning of the Commission, such as—the Prime Minister did not show him the courtesy of even acknowledging two letters that he wrote to him on behalf of the Commission, that he was asked by the Secretary to the Commission that he could not treat a delegation with a cup of tea at the India International Centre because it would cost Rs. 1.50 and that it would add to the problem of inflation...

MR. CHAIRMAN: What is in the...

SHRI DEVENDRA NATH DWIVEDI: Then these are the facts.

MR. CHAIRMAN: May be facts, but you are to put your supplementary.

SHRI DEVENDRA NATH DWIVEDI: I am coming to the question. Is it not a fact that the Government did not fulfil the assurances given to Mr. Masani? The assurances were: (1) The recommendations of the Commission will be treated with respect. (2) Statutory recognition will be given to the Commission. Then, my other question is this: This is a very serious matter. Mr. Dhaniklal Mandal, the State Home Minister, made a statement in the Consultative

Committee meeting that the main reason why Mr. Minoo Masani had resigned was that he was not given a Cabinet rank. Mr. Masani has come forward with a statement that he never made any demand of that nature. The Prime Minister said in the Lok Sabha yesterday that to the best of his knowledge Mr. Masani did not insist on a Cabinet rank. My question, therefore, is: Is it a fact that Mr. Masani asked for a Cabinet rank? If it is not, then why did Mr. Mandal tell the Consultative Committee of the Home Ministry that the main reason why Mr. Masani resigned was that he had asked for a Cabinet rank? These are my questions now which should be answered.

THE PRIME MINISTER (SHRI MORARJI R. DESAI): The honourable Member has made very unwarranted charges against Government. But I am used to them as he has made them on several occasions in the past. Therefore, I am not surprised. But I do not know how he can say that the Commission was appointed as an eyewash or for political purposes. We were not compelled to appoint the Commission. We did it of our own volition, because we considered that that was the only way that this question could be kept out of any controversy and that proper justice was done. That is why we appointed the Commission. I had a meeting with Mr. Masani in the beginning when he came and saw me. I talked to him and had told him that the Commission would be independent but that they would have to work through the Home Ministry for purposes of Parliament. They cannot work directly here. But it does not mean that the Home Ministry is going to control them. At any rate, there was no attempt to do anything which would be derogatory to the Commission in any manner. But if Mr. Masani took umbrage for one reason or other, what can be done? He was given the necessary staff. He wanted accommodation which was also given from out of accommodation which

was immediately available. But he wanted to get a house hired at Rs. 50,000/- a month on Ferozeshah Road. How can Government agree to that kind of an expenditure? And when the first allotment of hutments was not considered suitable by him, it was changed and two bungalows were given afterwards. Therefore, all these accusations are not proper. What I did not reply to him was the letter of resignation. I have not replied to it, because he said "I am resigning from May 31". Why have I to say anything to that? The resignation comes into effect from May 31...

SHRI N. G. RANGA: You could have called him over a cup of tea and asked him to reconsider.

SHRI MORARJI R. DESAI: Why do I have to do that? I never ask anyone to reconsider his decision to resign. I do not like to do that. That becomes a wrong procedure...

SHRI BHUPESH GUPTA: I hope the Prime Minister will speak to him.

SHRI MORARJI R. DESAI: I do not ask anybody to reconsider. But if he asks me to reconsider it, I will reconsider it. That is a different matter altogether. Mr. Masani never did it, and therefore, it is not right to say that we in any way slighted the Commission or there was any intention of doing so.

SHRI DEVENDRA NATH DWIVEDI: Sir, I seek your protection. My simple question was: Is it or is it not a fact that Mr. Mandal told the Consultative Committee that the reason why he resigned was that he was not given a Cabinet rank? The Prime Minister must say whether he said it or not. If he said it, why did he say it? The Prime Minister has not replied to this question.

MR. CHAIRMAN: You put your next question.

SHRI DEVENDRA NATH DWIVEDI: But do I not get an answer to this question?

MR. CHAIRMAN: You may put a second supplementary.

SHRI MORARJI R. DESAI: It is wrong on his part to say all sorts of things. The question of Cabinet rank does not arise. That is all I said.

SHRI DEVENDRA NATH DWIVEDI: Before I put the second supplementary, let me say that Shri Masani has really written...

MR. CHAIRMAN: That is all right. Now you put your supplementary.

SHRI DEVENDRA NATH DWIVEDI: The Prime Minister says he has received only one letter. Shri Masani has given two dates...

MR. CHAIRMAN: He might have given anything. You will have to be brief. Otherwise, it cannot be covered.

SHRI DEVENDRA NATH DWIVEDI: The Prime Minister has said that he has received only one letter from Shri Masani. Shri Masani has written two letters—one on 27th April and another on 9th May—none of which has even been acknowledged. The Prime Minister is again misleading the House when he said...

SHRI MORARJI R. DESAI: They were acknowledged. The first letter was referred to the Education Minister who replied to it.

SHRI DEVENDRA NATH DWIVEDI: My second supplementary is in regard to the Aligarh Muslim University Bill. One of his complaints is that he ought to have been consulted before the Aligarh Muslim University Bill was introduced in the Parliament. My question is this: What were the reasons why he was not consulted before the introduction of the Bill? Secondly, for future will the Prime Minister assure that on all matters

concerning minority communities the Commission will be consulted and due consideration will be given to their recommendations?

SHRI MORARJI R. DESAI: It is not necessary to consult the Minorities Commission on every question that the Government is considering. If there is any important question, it will be referred to them. Anybody can refer to the Minorities Commission if it is found there is injustice done. Government will certainly give due consideration to what they have to say. It does not mean that the Government is bound to get their advice always on anything which is dealt with by them in the course of their ordinary duties. In regard to Aligarh Muslim University, the question was before the Government long before the Commission was appointed. We were considering it all the while and it was conveyed to them. Well, if he insists on it, why should I come in his way?

श्री विश्वम्भर नाथ पांडे : माननीय सभापति जी, माइनारिटी कमीशन जब मुक़रर हुआ तो काफी फैन फेयर के साथ यह एश्योर किया गया कि माइनारिटी को इस कमीशन के जरिये उसकी तमाम मुसीबतों पर विचार किया जायेगा और उनको दूर करने का प्रयत्न किया जायेगा। लेकिन इस बीच में गवर्नमेंट कहती है कि 97 कम्यूनल रियोल्स हुए, न्यूज पेपर की रिपोर्ट के मुताबिक 112 आदमियों की जानें गयीं। होम मिनिस्ट्री के बयान के मुताबिक सिर्फ 43 आदमी मारे गये। न्यूज पेपर की रिपोर्ट के मुताबिक एक करोड़ की सम्पत्ति का नाश हुआ परन्तु होम मिनिस्ट्री के बयान के मुताबिक सिर्फ 28 लाख रुपये का नुकसान हुआ।

सैकड़ों की तादाद में हरिजन लड़कियों को रेप किया जा रहा है और वह भी पुलिस मेन के जरिये तो सवाल यह उठता है कि यह— इस माइनारिटी कमीशन ने अगर अब तक

ठोस काम, ठोस तरीके से शुरू नहीं किया है तो क्या प्रधान मन्त्री जी इस बात को बतायेंगे— क्योंकि होम मिनिस्ट्री भी उनका पोर्ट फोलियो है—कि वह माइनारिटी की हिफाजत के लिए, सुरक्षा के लिए हर ऐसा कदम उठायेंगे और माइनारिटी कमीशन को देखेंगे कि वह उनकी सुरक्षा करे तथा उनकी प्रोब्लम्स को हल करे। तो क्या अब जो नया सेट अप होगा, नया चेयरमैन होगा—पिछले दफे भी माइनारिटी ने आपोज किया था चेयरमैन की मुक़ररी पर, तो क्या प्राइम मिनिस्टर पार्लियामेंट के माइनारिटी कम्यूनिटी के— जो लोग पार्लियामेंट के मेम्बर हैं, उनके मशविरों से नये चेयरमैन की नियुक्ति करेंगे

SHRI MORARJI R. DESAI: I cannot appoint the Commission's Chairman in consultation with the opposition. That is not the intention at all. But he will be appointed properly...

SHRI RAMANAND YADAV: From the minority members of the House.

SHRI MORARJI R. DESAI: Minority members of the House? Even that I am not prepared to do. It cannot be done that way. That is not the way to do it. I do not agree to do it. He referred to the question of Harijans. For that a separate Commission is being appointed soon. I think it will be done in a week. We will look after the questions relating to Harijans and the Scheduled Castes and Tribes. We propose to appoint a member of the opposition as Chairman of the Scheduled Castes Commission.

SHRI NARASINGHA PRASAD NANDA: May I know, Sir, whether the Commission has sent any interim report on the Aligarh Muslim University and without taking any notice of the Commission's report the Government introduced in Parliament an amendment to the Aligarh Muslim University Act. Secondly, I would also like to know whether the Commission recommended that the Ali-

garh Muslim University must be treated in all respects as a minority institution and given full protection under article 30 of the Constitution. Thirdly, I would like to know whether the Government is prepared to place on the Table of the House the joint letter or letters of resignation submitted by Mr. Masani and Mr. John and also their letters dated the 27th April 1978. I want these points to be replied to.

SHRI MORARJI R. DESAI: Their Report on this issue of the Aligarh Muslim University is being placed on the Table of the House. So, there is no difficulty about it. But the correspondence cannot be placed before the House.

DR. V. P. DUTT: Sir, I would like to draw your attention to the fact that the Government has given three different reasons on three different occasions with regard to the question being asked as to why Mr. Masani resigned from the Chairmanship of the Commission. Mr. Mandal told his Consultative Committee that it was a question of cabinet rank for Mr. Masani. Today, Sir, he is giving the impression that it was entirely due to the fact that they were not consulted about the Aligarh Muslim University and he gives this impression in his answer. But the Prime Minister has, in his answer, said that the resignation was mainly because Mr. Masani wanted a house to be rented at Rs. 50,000 per month and that could not be done. Therefore, would the Government make up its mind and tell this House clearly as to what happened between Mr. Masani and the Government, as to why he resigned, and so on. We would like to know that. That is number one.

Secondly, Sir, Mr. Masani himself has said that the main reason why he resigned is not that the Commission was being treated with benign neglect, but the minorities of this country are being treated with benign neglect by the Janata Party and the Govern-

ment. Therefore, would the Government answer this charge of Mr. Masani that the minorities are being treated by the Government with benign neglect?

श्री धनिक लाल मंडल : श्रीमन्, मैंने एक-एक करके उन सभी बिन्दुओं पर सरकार ने जो कुछ किया है, आज तक कदम उठाया है उनका उल्लेख किया था जिसकी चर्चा मि० मसानी के पत्र में है, रेसिगनेशन लटर जो 9 जुलाई का है और इसके साथ जो उनकी प्रेस स्टेटमेंट में है। उसमें जिन-जिन बातों को उठाया गया है, उन सबों के विषय में मैंने एक फ्रैक्चुअल रिपोर्ट दी थी कन्सल्टेटिव कमेटी में। यदि किसी मੈम्बर ने उसका प्रभाव या असर लिया कि मैंने यह कहा कि वे कैबिनेट मिनिस्टर का दर्जा चाहते थे और उनको नहीं मिला इसलिए इस्तीफा दिया तो मुझे इसके लिये खेद है। मैंने उस पर कोई ऐसा एम्फेसिस नहीं डाला था। मैंने एक-एक करके सारे बिन्दुओं को लिया था जो उनके रेसिगनेशन और स्टेटमेंट में है।

DR. V. P. DUTT: Every day they are shifting their stand.

SHRI PIARE LALL KUREEL URF PIARE LALL TALIB: Sir, I want to put a question.

MR. CHAIRMAN: Yes, Mr. Yadav. Everybody in this line cannot get a chance for every question.

SHRI JAGJIT SINGH ANAND: Sir, I also raised my hand.

DR. RAFIQ ZAKARIA: Sir, the minority Members of the House may also be given some chance.

MR. CHAIRMAN: Yes, Mr. Yadav. You put your question.

श्री रामानन्द यादव : इस सरकार ने अल्पसंख्यकों की शुभचिन्तक बनने के लिये कमीशन को बना करके कोशिश की। लेकिन जिस तरह से माइनारिटी कम्यूनिटी के

श्री मीनू मसानी जो अल्पसंख्यक आयोग के अध्यक्ष बनाये गये उनके साथ जो व्यवहार किया इससे साफ़ जाहिर होता है कि यह सरकार अल्पसंख्यकों के हालात में किसी तरह का परिवर्तन करना नहीं चाहती।

मैं सरकार से यह स्पष्ट जानना चाहता हूँ कि क्या सरकार ने मीनू मसानी साहब जिनको अल्पसंख्यक आयोग का अध्यक्ष बनाया जिसे वे स्वीकार नहीं कर रहे थे, उन्होंने कुछ शर्त रखी थीं? क्या सरकार ने यह उन्हें आश्वासन दिया कि माइनारिटी के सम्बन्ध में जितने लेजिसलेशन होंगे, कमीशन से निश्चित रूप से राय ली जायगी? दूसरे, क्या सरकार ने यह भी आश्वासन दिया कि कमीशन को इंडिपेंडेंट स्टेटस देने के लिए जल्द ही पार्लियामेंट में कानून लाया जाएगा? और तीसरे, क्या सरकार ने उन्हें यह आश्वासन दिया कि कमीशन में वरिष्ठ पदाधिकारियों की जो नियुक्ति होगी, जो कि कमीशन के निर्णयों को कार्यान्वित करेंगे, उनके एपाइंटमेंट में कमीशन के अध्यक्ष का अधिकार होगा? क्या जब ये तीन तरह के आश्वासन सरकार ने मीनू मसानी के सामने स्वीकार किए, तब मीनू मसानी ने बेयरमैन बनने की अपनी स्वीकृति दी?

श्री धनिक लाल मंडल : महोदय, मीनू मसानी के साथ सरकार की जो बातचीत हुई, और जिन तीन बिन्दुओं की ओर माननीय सदस्य ने इशारा किया, सरकार कमीशन की रायों की कद्र करेगी सरकार आज भी इस पर दृढ़ है...

श्री रामानन्द यादव : नहीं, अलीगढ़ यूनिवर्सिटी के सम्बन्ध में उन्होंने कहा कि उसके माइनारिटी कैरेक्टर में और यूनिवर्सिटी कोर्ट के कंपोजिशन में परिवर्तन लाने के लिए उन्होंने जो सुझाव दिया है आपने उसको नहीं माना है।

श्री धनिक लाल मंडल : इसका जवाब प्रधान मन्त्री जी ने दे दिया है...

(Interruptions) जहाँ तक दूसरी बात का ताल्लुक है कि कमीशन को इंडिपेंडेंट और आटानामस स्टेटस देने के लिए—अभी तक पार्लियामेंट में बिल नहीं लाया गया, तो उसके ही सम्बन्ध में एक कांस्टीट्यूशन अमेंडमेंट बिल पार्लियामेंट की इसी सेशन में लाया जायेगा...

श्री रामानन्द यादव : कब तक लाया जाएगा?

श्री धनिक लाल मंडल : मैंने कहा इस सेशन में लाया जायगा...

(Interruptions)

MR. CHAIRMAN: He said this. But you are not hearing.

श्री धनिक लाल मंडल : और जहाँ तक तीसरी बात है, कमीशन को यह आश्वासन दिया गया है कि उसको इम्प्लीमेंटेशन के लिए जिन अधिकारियों की जरूरत होगी उनके सुपुर्द किया जाएगा। (Interruptions) ...ऐसी कोई बात नहीं है।

DR. RAFIQ ZAKARIA: I am not concerned with the resignation of Mr. Masani or the circumstances in which he resigned. His appointment was not particularly welcomed by the principal minorities. My question to the Prime Minister, therefore, is: In the appointment of the Next Chairman, will he take good care to see that he is a person who enjoys the fullest confidence of the minorities? Secondly, Sir, if I remember aright, during his election speeches the Prime Minister had given two assurances to the minorities in regard to this Commission. One, that it would be a statutory commission. Two, that its recommendations shall be binding on the Government. In fact, Sir, I remember very distinctly that these statements of the Prime Minister had created a new hope among the minorities. And I will not be wrong in

saying that these statements of the Prime Minister went a long way in winning an overwhelming vote of the minority community, or of the minorities. Therefore, Sir, the question that I would like to ask the Prime Minister is whether he will go into the question of making the Minorities Commission statutory or not and the recommendations of this Commission shall be made binding because it is in that respect that this Commission differs from all the Commissions and all the assurances that were given.

SHRI MORARJI R. DESAI: Sir, we will certainly see that the appointment of the Chairman is made in such a manner that it will not be a matter of controversy. The assurance relates not to all the opinions of the Minorities Commission, but it relates to the specific grievances of the minority communities. I have said that only in those cases their opinions will be binding on us and we stick to that assurance. It will be made a statutory body in this very sense.

(Interruptions)

MR. CHAIRMAN: How can all get a chance at the same time? I can give time block-wise. Mr. Maurya, please don't try to pass remarks without observing correctly.

श्री सीताराम केसरी : सभापति जी, मातृतीय राज्य मन्त्री महोदय ने कंसलटेटिव कमेटी में जो स्टेटमेंट दिया उस सम्बन्ध में मिस्टर भसानी साहब का एक पत्र है और उन्होंने 5-7-78 के अखबार में उसे दिया है और उसमें उनके सारे स्टेटमेंट को चैलेंज किया है और कहा है कि उन्होंने गोल मटोल और गलत ढंग से जवाब दिया है। यह पत्र मैं पढ़ कर सुना रह हूँ :

"Mr. D. N. Mandal, the Minister, while addressing the Consultative Committee of the Members of Parliament for the Home Ministry, is reported to have told a ridiculous story for which there is no basis of what was described as the real

reason for my resignation as the Chairman of the Minorities Commission."

उन्होंने यह भी कहा है अपने स्टेटमेंट में कि सरकार ने उन्हें तीन आश्वासन दिये थे और किसी भी आश्वासन की पूर्ति सरकार ने नहीं की। मैं यह जानना चाहता हूँ कि जैसा कि प्रधान मन्त्री जी ने कहा अल्पसंख्यकों की ग्रीवियेंसेज को देखना कमीशन का काम होता है, लेकिन जो उसके टर्म्स आफ रेफरेंस हैं वह भी सरकार ने पूर्ण रूप से नहीं दिये। लेकिन माइनारिटीज कमीशन के नाम से ही स्पष्ट हो जाता है कि कमीशन उनकी ग्रीवियेंसेज को देखेगा और उन पर अपनी रेकमेंडेशन देगा। अगर सरकार स्वयं उन की ग्रीवियेंसेज को देखती तो किसी कमीशन की बनाने की क्या जरूरत थी। तो मैं जानना चाहता हूँ कि वह कौन कौन से एश्योरेंसज माइनारिटीज कमीशन के चेयरमैन को दिये गये थे जिनके बारे में ग्रीवियेंसेज मिस्टर भसानी ने अपने पत्र में दिये हैं और दूसरी बात कि राज्य मन्त्री महोदय ने जो स्टेटमेंट दिया जिस का उन्होंने कंटेडिक्शन किया है वह क्या है वह क्या आप ने उस स्टेटमेंट को सुधारेंगे?

श्री धनिक लाल मंडल : मैंने प्रथम प्रश्न का उत्तर दे दिया है कि यहाँ यदि कोई ऐसा प्रभाव या असर किसी ने लिया हो मेरे कहने का कि मैंने किसी एक ही प्वाइंट को कारण बनाया है तो उसके लिये मैं खेद प्रकट करता हूँ। मेरा ऐसा कोई उद्देश्य नहीं था। मैंने उन सारे बिन्दुओं को लिया था जो उस पत्र में हैं और जो सरकार के आश्वासन थे कमीशन के बारे में उस के बारे में मैंने कहा कि इस वर्तमान सत्र में ही उसके लिये कांस्टीट्यूशन अमेंडमेंट बिल लाया जायगा।

SHRIMATI RAJINDER KAUR: Sikhs are an important minority community. I want to know from the Prime Minister, why no Member from

the Sikh community has been included in this Minorities Commission.

SHRI MORARJI R. DESAI: This will be considered in the appointments which are now being made.

SHRI PIARE LALL KUREEL URF PIARE LALL TALIB: I understand that it has been decided by the Government that two Commissions will be appointed. One will be for the minorities and the other for the Scheduled Castes. No Scheduled Castes Commission has been appointed so far. May I know when that commission is going to be appointed? I have one more submission to make. So long as they do not appoint a Commission for the Scheduled Castes let the Minorities Commission look after the interests of the Harijans. May I know from the Prime Minister whether he will consider my suggestion that this Minorities Commission should look after the interests of the Harijans? No commission has been appointed for the Harijans so far.

श्री धनिक लाल मंडल : प्रधानमंत्री जी ने स्पष्ट कर दिया है कि श्रीधर ही इस कमिशन का ऐलान किया जाएगा ।

شری سید احمد ہاشمی :

چیرمین صاحب—اتفاق سے میں وہ سڈیجے ہوں جو کہ ہوم منسٹری کی کلسلیٹائیو کمیٹی کا بھی ممبر ہوں اور میں ۲۸ تاریخ کو جس روز ہوم کی کلسلیٹائیو کمیٹی کی میٹنگ تھی میں بھی اس میں موجود تھا۔ میں منسٹر ملڈل کو یاد ملا کہ

یہ سوال ہم نے ہی اٹھایا تھا کہ آخر کس بنیاد پر منسٹر مسانی نے رزولوشن دیا۔ انہوں نے بہت ڈیٹیلڈ ہو کر یہ دو باتوں بنیادی طور سے کہی تھیں ایک تو کیپیبلٹی کا رینک اور اسٹیٹس اور دوسرے ۵۰ ہزار کے رینک کا مکان۔ یہ دو بنیادی سوال تھے اس لئے جہاں تک اس بات کا تعلق ہے انہوں نے کہا کہ نہیں۔ یہ بات صاف ہے کہ انہوں نے ۲۹ اور ۳۰ تاریخ کو گھبراہٹ کے اندر یہ بیان دیا۔ اور وہ بیان اخبارات میں شائع ہوا ہم نے اُن کی بات پر یقین کر لیا۔ ہماری یہ انٹیلیجن نہیں کہ ہم اُن کی بات کو جھٹلائیں لیکن ۱۲ جولائی کو شری مسانی نے ایک خط لکھا ہے اس کی کاپیاں بھیجی ہیں مختلف سڈیجوں کو، اس خط کے اندر انہوں نے اس بات کو آرگو کیا ہے۔ صاف طریقہ سے بتلایا ہے جس کے اندر وہ کہتے ہیں۔

“The facts about this particular matter are as follows: At the meeting of the Commission held in Delhi from the 20th to the 23rd March, the Secretary of the Commission, Mr. Sankaran Nair, mentioned to the Commission that the Home Ministry was considering the question of protocol and what status should be given to the Chairman and Members of the Commission. My comment on this was that we were not at all interested in protocol or status.”

اس کی اور تفصیلات ہیں۔ اس طریقہ سے مکان کے رینک کے سلسلہ میں منسٹر پرائم منسٹر نے بھی اس بات کی

تائید کی ہے کہ ۵۰ ہزار روپے کا مکان چاہتے تھے لیکن انہوں نے ۱۲ تاریخ کے خط کے اندر یہ لکھا ہے کہ مکان ۵۰ ہزار کا نہیں بلکہ ۲۵ ہزار روپیئے رینٹ کا تھا اور مکان کے مسئلہ کو مسٹری آف ورکس اینڈ ہاؤسنگ نے کیسے نعلیٹ کیا - ایک مکان ان کو نہیں دیا گیا فزکشلک کے لئے اس لئے وہ لکھتے ہیں۔۔۔

“You similarly sought to create prejudice against the Commission and myself by wrongly alleging keenness on the part of the Commission on renting the house at Ferozeshah Road on a rental of Rs. 50,000/-. First of all the figure given by you is not correct.....”

میرے کہنے کا مقصد یہ ہے کہ یہ بات بالکل غلط ہے جو کہ الزام لگایا گیا مسٹر مسانی اس بات سے انکار کرتے ہیں - اس صورت حال کے اندر ہمارے پرائم مسٹر صاحب جن کے پاس ہوم مسٹری کا بھی رپورٹ فلیو ہے وہ جواب دینا گوارا کریں گے - جبکہ انہوں نے مسٹر منڈل کی اس بات کی تائید کی ہے وہ کہاں تک صحیح ہے - مسلم یونیورسٹی ایکٹ کے سلسلہ میں مائٹارٹی کمیشن نے کلسیڈر کیا ہے اُسکی رپورٹ کیا ہے - کیا اس رپورٹ میں مائٹارٹی کریکٹر کی سفارش کی گئی ہے - دوسری چیز یہ ہے کہ یہ اتنا بڑا مسئلہ ہے کہ اس میں بحث ہونی چاہئے کم سے کم ہاف این اور تسکشن اس پر ہونا چاہئے اس کے ساتھ میں یہ بھی

کہوں گا کہ مسلم یونیورسٹی کی رپورٹ ہاؤس میں رکھی جائیگی یا نہیں - یہ تین چار پونڈت ہیں ان کا جواب ملنا چاہئے -

†[**श्री सेयद अहमद हाशमी :** चेयरमैन साहब इत्तफाक से मैं वह सदस्य हूं जो कि होम मिनिसटरी की कंसलटेटिव कमेटी का भी मेम्बर हूं और मैं 28 तारीख को जिस रोज़ होम की कंसलटेटिव कमेटी की मीटिंग थी मैं भी उसमें मौजूद था। मैं मिस्टर मण्डल को याद दिलाऊं कि यह सवाल हमने ही उठाया था कि आखिर किस बुनियाद पर मिस्टर मसानी ने रेजिगनेशन दिया। उन्होंने बहुत डिटरमेंट होकर यह दो बातें बुनियादी तौर से कही थीं एक तो कैबिनेट का रेंक और स्टेटस और दूसरे 50 हजार के रेंट का मकान। तो यह दो बुनियादी सवाल थे इसलिए जहां तक इस बात का ताल्लुक है उन्होंने कहा कि नहीं। यह बात साफ है कि उन्होंने 29 और 30 तारीख को घबराहट के अन्दर यह बयान दिया और यह बयान अखबारों में शाय हुआ। हमने उनकी बात पर यकीन कर लिया। हमारी यह इंटेंशन नहीं कि हम उनकी बात को झुठलाएं लेकिन 12 जुलाई को श्री मसानी ने एक खत लिखा है इसकी काफ़ियां भेजी हैं मुख़्तलिफ़ सदस्यों को। इस खत के अन्दर इन्होंने इस बात को आगू किया है। बहुत साफ़ तरीके से बतलाया है जिसके अन्दर वह कहते हैं :—

“The facts about this particular matter are as follows: At the meeting of the Commission held in Delhi from the 20th to the 23rd March, the Secretary of the Commission, Mr. Sankaran Nair, mentioned to the Commission that the Home Ministry was considering the question of protocol and what status should be given to the Chairman and Members of the Commission. My comment on this was that we were not at all interested in protocol or status.”

इसकी और तफसीलात हैं। इस तरीके से मकान के रेंट के सिलसिले में मिस्टर प्राइम मिनिस्टर ने भी इस बात की तायीद की है कि 50 हजार रुपये का मकान चाहते थे। लेकिन उन्होंने 12 तारीख के खत के अन्दर यह लिखा है कि मकान 50 हजार का नहीं बल्कि 25 हजार रुपये रेंट का था और मकान के मसले को मिनिस्टरी आफ वर्क्स एण्ड हाउसिंग ने कैसे निगलेक्ट किया। एक मकान इनको नहीं दिया गया फंक्शनिंग के लिए इसलिए वह लिखते हैं:—

"You similarly sought to create prejudice against the Commission and myself by wrongly alleging keenness on the part of the Commission on renting the house at Ferozeshah Road on a rental of Rs. 50,000/-. First of all the figure given by you is not correct....."

मेरे कहने का मकसद यह है कि यह बात बिल्कुल गलत है जो कि इल्जाम लगाया गया मिस्टर मसानी इस बात से इंकार करते हैं। इस सूरते हाल के अन्दर हमारे प्राइम मिनिस्टर साहब जिनके पास होम मिनिस्टरी का भी पोर्ट फोल्यो है वह जवाब देना गवारा करेंगे। जब कि उन्होंने मिस्टर मण्डल की इस बात की तायीद की है वह कहां तक सही है। मुस्लिम यूनिवर्सिटी एक्ट के सिलसिले में माइनोरिटी कमीशन ने जो कंसिडर किया है इसकी रिपोर्ट क्या है। क्या इस रिपोर्ट में माइनोरिटी कैरेक्टर की सिफारिश की गई है। दूसरी चीज यह है कि यह इतना बड़ा मसला है कि इसमें बहस होनी चाहिए कि कम से कम हाफ-एन-आवर डिस्कशन इस पर होना चाहिए। इसके साथ मैं यह भी कहूंगा कि मुस्लिम यूनिवर्सिटी की रिपोर्ट हाउस में रखी जाएगी या नहीं। यह तीन चार प्वाइंट है इनका जवाब मिलना चाहिए।]

SHRI S. W. DHABE: We all support that there should be a discussion on this. Let there be a Half-an-Hour discussion.

श्री धनिक लाल मंडल : महोदय सदन के पटल पर पेपर रखने के बारे में जो माननीय सदस्य ने कहा है, प्रधान मंत्री जी ने आश्वासन दिया है कि कमीशन की जो रिपोर्ट है वह सदन के पटल पर रखी जायेगी। जहां तक पत्राचार का सम्बन्ध है वह सदन के पटल पर नहीं रखा जाएगा। और बातों के सम्बन्ध में जो माननीय सदस्य ने कहा उनके बारे में मैंने स्पष्टीकरण दे दिया है।

شری سید احمد ہاشمی : پرائم

میںسٹر نے یہی وہ فتویٰ تھاوزنڈ ۲۲ کی بات کہی ہے - کوہا یہ بات صحیح ہے کہ اس کا رینٹ ۵۰ تھاوزنڈ تھا -

†[**श्री सैयद अहमद हाशमी :** प्राइम मिनिस्टर ने भी "फिफ्टी थाउजंड" की बात कही है। क्या यह बात सही है कि इसका रेंट 50 थाउजंड था?]

SHRI DINESH GOSWAMI: We have taken so much time. It is depriving other Members of the right to put questions, because 30 questions have been listed . . . (Interruptions)

شری سید احمد ہاشمی : اس پر

ہاف این اور ڈسکشن ہونا چاہئے -

†[**श्री सैयद अहमद हाशमी :** इस पर हाफ-एन-आवर डिस्कशन होना चाहिये।]

MR. CHAIRMAN: It is more than half an hour.

شری سید احمد ہاشمی : اتنا اہم

مسئلہ ہے کہ اس پر ہاف این اور ڈسکشن ہونا چاہئے - (Interruptions)

†[**श्री सैयद अहमद हाशमी :** इतना अहम मसला है कि इस पर हाफ-एन-आवर डिस्कशन होना चाहिये।]

श्री शिव चन्द्र झा : यह बात सही है कि माइनोरिटी कमीशन का अध्यक्ष जैसा कि कुछ सदस्यों ने और प्रधान मंत्री जी ने भी कहा कि उसी कम्यूनिटी का होना चाहिये । उस कम्यूनिटी का अध्यक्ष होने की वजह से उनकी बातों को अच्छी तरह से जानेगा और उनके दृष्टिकोण को सामने ला सकेगा । मैं यह कहना चाहता हूँ कि हमारे देश में ऐसे भी लोग हैं जिनके सामने न माइनोरिटी का सवाल है और न माइनोरिटी का कोई सवाल है सिर्फ समाज रचना का सवाल है समाज के कंस्ट्रक्शन का सवाल है । इसलिए मैं प्रधान मंत्री जी से जानना चाहता हूँ यह बात तो सही है कि माइनोरिटी कम्यूनिटी का ही अध्यक्ष हो, लेकिन क्या वह इस बात पर भी गौर करेंगे कि जो समाज रचना में लगे रहते हैं जो सर्वोदय का काम करते हैं और जिनको न इधर से कोई मतलब है न उधर से, उनमें से भी किसी को बेयरमैन बनाया जाए ?

SHRI MORARJI R. DESAI: This is a suggestion. Theoretically, it is all right but practically it is full of disadvantages.

Proposal for a special court to try Shrimati Indira Gandhi.

*92. **SHRI PRAKASH**

MEHROTRA:†

SHRIMATI LEELA DAMO-
DARA MENON:

SHRIMATI HAMIDA HABIB-
ULLAH:

SHRI SAWAISINGH SISODIA:

SHRI DINESH GOSWAMI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have received any memorandum protesting against Government's reported move

†The question was actually asked on the floor of the House by Shri Prakash Mehrotra.

to appoint a special court to try Shrimati Indira Gandhi;

(b) if so, what are the points made out therein; and

(c) what is Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. D. PATIL): (a) to (c) Yes, Sir; the memorandum expresses concern at the reported move of Government to appoint a special court to try Smt. Indira Gandhi. The question of setting up a special court to try Smt. Gandhi is under the active consideration of the Government. In view of some doubts about the validity of such a legislation, Government have decided to seek the opinion of the Supreme Court on the question of validity under Article 143 of the Constitution.

SHRI PRAKASH MEHROTRA: Sir, the Fundamental Rights guarantee to every citizen equality before law and equal protection of law. On the one hand, the Janata Government is, day in and day out, saying that they want to put democracy on the rail; on the other hand, they are taking away the democratic right of Mrs. Gandhi to appeal before the various courts by appointing a special court for her trial. Does it not show lack of confidence in their magistracy in the first place and is it not politically motivated with the intention of securing a conviction by appointing a committed judge of the nature of Shah Commission and the like?

SHRI PILOO MODY: Era of committed judges is over.

SHRI S. D. PATIL: The question is very premature. Since the matter is under the consideration of the Government and the matter is also being referred to the Supreme Court for its opinion, it is too early to say one way or the other.