

HON. MEMBERS : No, no.

SHRI A. G. KULKARNI : Madam.
(Interruptions)

THE DEPUTY CHAIRMAN : Yes, there are many Members on this side also. I shall be fair to both the sides. If you are prepared to sit through the Lunch Hour I am prepared to do so; otherwise, I shall give some time for clarifications tomorrow. In any case the Business Advisory Committee is sitting at 4 O'clock and at that time we shall decide when we can ask questions.

HON. MEMBERS : Yes, yes.

STATEMENT *RE* PRESS COUNCIL (AMENDMENT) ORDINANCE, 1969

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING AND IN THE DEPARTMENT OF COMMUNICATIONS (SHRI I. K. GUJRAL): Madam, I beg to lay on the Table a statement explaining the circumstances which necessitated immediate legislation by the Press Council (Amendment) Ordinance, 1969. [Placed in Library. See No. LT-1636/69.]

MOTION FOR ELECTION TO THE CENTRAL COUNCIL FOR RE- SEARCH IN INDIAN MEDICINE AND HOMOEOPATHY

THE MINISTER OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI K. K. SHAH) : Madam, I beg to move :—

"That in pursuance of Resolution No. F.1-3/68-AE, dated the 22nd May, 1969, of the Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Health), this House do proceed to elect, in such manner as the Chairman may direct, one member from among the members of the House to be a member of the Governing Body of the Central Council for Research in Indian Medicine and Homoeopathy."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN : The programme of election to the Governing Body of the Central Council for Research in Indian Medicine and Homoeopathy will be published in the Parliamentary Bulletin.

THE PRESS COUNCIL (AMEND- MENT) BILL, 1969

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING AND IN THE DEPARTMENT OF COMMUNICATIONS (SHRI I. K. GUJRAL) : Madam, I beg to move for leave to introduce a Bill to amend the Press Council Act, 1965-

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal) : Madam, I would like to ask the Minister whether the recommendations of the Press Council's Advisory Committee have been accepted ?

SHRI I. K. GUJRAL : Madam, I am at this stage only moving a Bill to accept the amendment. A comprehensive Bill will come in the next session.

THE DEPUTY CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to amend the Press Council Act, 1965"-

The motion was adopted.

SHRI I. K. GUJRAL : Madam, I introduce the Bill.

REFERENCE TO STATEMENT BY THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, SHRI VIDYA CHARAN SHUKLA, *RE* ALLEGED INVOLVEMENT OF THE HOME MINISTER OF PONDICHERRY IN A CRIMINAL CASE

SHRI BHUPESH GUPTA (West Bengal) : Madam, I would invite your attention to a rather serious matter. In the course of the debate in this House on 28th July on the Central Reserve Police Force (Amendment) Bill, I invited the

[Shri Bhupesh Gupta]

attention of the honourable Minister and the Government to a letter which the Chief Minister of Pondicherry had written to Mr. Chavan complaining that the CBI investigation had been ordered in the Union Territory of Pondicherry over the head of the Pondicherry State Government and without the prior knowledge of the State Government. And in that connection I read out the whole letter which the Chief Minister of Pondicherry had written to Mr. Chavan and also a statement by the Chief Minister of Pondicherry. Mr. Shukla replying to the debate said,

"Since he has mentioned...."—

That is, since I had mentioned about the Pondicherry Business—

"...I should clarify the matter. The Home Minister of the Union Territory of Pondicherry is alleged to have been involved in a case of murder, there are charges against him of complicity in the murder. Therefore, it was decided to entrust this enquiry to CBI so that public confidence is restored."

That is the reason he gives as to why he had ordered a CBI enquiry over the head of the State Government. Today I have received a letter from the Chief Minister of Pondicherry, Mr. M. O. H. Farook, dated the 2nd August, 1969. I need not make a speech. I will quote only the relevant portions. I have also received a copy of the telegram which the Chief Minister of Pondicherry had sent to the Union Home Minister, Mr. Chavan. The letter states :

"I am surprised to see a news item in the newspapers regarding the reply of Mr. V. C. Shukla, Minister of State for Home Affairs, to you in the Rajya Sabha while passing the Central Reserve Police Force (Amendment) Bill on the 28th of July, 1969. It appeared that he stated that the Home Minister of the Union Territory of Pondicherry was alleged to be involved in a murder case and that it was decided to ask the CBI to go into the case so that the people would have full confidence as the local police were under the same Home Minister. The above statement of the Union Minister is false and baseless. It is a blemish on the DMK-Communist alliance ruling the Union Territory. Further it will also create

a lot of political repercussions here while there is perfect peace and tranquility. Therefore, I request that the matter may kindly be taken up in Parliament according to the procedure urgently and the Minister may be asked to apologise for his false statement. I also enclose herewith a copy of the telegram dated the 2nd August, 1969 sent to Shri Ambazhagan, M.P. and Leader of the DMK Party, by our Home Minister in the matter.

With regards,...."

The telegram is to Mr. Ambazhagan as follows :

"Surprised to see the reply of Shukla Minister of State for Home Affairs to Bhupesh Gupta that there is allegations that Home Minister of Pondicherry involved in a murder case (.). So C.B.I. was asked to probe into the matter (.). The statement of the Minister is false (.). Suitably deal with him send also verbatim report of the proceedings of 28-7-69".

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Home Minister Pondicherry".

I do not wish to say anything but you would agree that it is a serious matter. The Union Home Minister met my contention by saying that the Home Minister there was involved in a murder case in that State. Obviously it is a serious statement for the Union Home Minister to have made about the Home Minister of a State. Obviously it is a serious statement. He should never have made it, without verifying the facts. Not only that but he asked the CBI to make an enquiry on the basis of this information that the Pondicherry Home Minister was involved in a murder. I would normally have given a motion of privilege but I am not sending it because it is no use pursuing that form. I would like the Home Minister to clarify the position and say what he has to say and I think he owes an apology to the House and to the Pondicherry Government, for having made such scurrilous statements about the Home Minister of that State.

THE DEPUTY CHAIRMAN : Mr. Shukla, you have to make another statement.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : I wish to thank ; Mr. Gupta for having.

given me the chance to clarify this matter. Actually there is a case against the Home Minister of Pondicherry for alleged assault. It is not for alleged murder. I am sorry for the slip.

SHRI BHUPESH GUPTA : Murder has become assault ?

SHRI VIDYA GHARAN SHUKLA : The only slip-up was that the nature of the offence was not properly indicated By me.

May I say that the Home Minister of a place was being involved in a criminal offence of this kind, alleged involvement of this kind and there was a complaint from Nadimuthu of Karaikal alleging assault on his father, Sowri, by Mr. Rama-swamy, the Home Minister of that Territory. The matter was brought in when the CRP debate was going on and had no connection with it and whatever recollection I had at that time, I mentioned that because of these reasons we had to put this matter in the hands of the CBI so that the local people have complete faith in the outcome of the enquiry rather than the local police enquiring into the alleged criminal offence, allegedly -committed by the Home Minister, of the Territory. We wanted that the CBI should look into it. The only slip-up was regarding the nature of the offence. The main elements of the information that I gave here are correct but I am sorry for the slip-up. I am not saying that the slipup was good. I should not have done it.

SHRI BHUPESH GUPTA : If it is an assault case, it should be dealt with by the court. How does the CBI come in ?

SHRI VIDYA CHARAN SHUKLA : Before the matter goes to the court, an investigation has to be done. The investigation should be done by an impartial agency.

SHRI BHUPESH GUPTA : The Chief Minister was not impartial ?

श्री राजनारायण (उत्तर प्रदेश) : मैडम, हमारा एक प्वाइंट आफ आर्डर है। क्या पांडिचेरी में इंडियन पैनल कोड और सी० आर० पी०सी० लागू नहीं है ? अगर इंडियन पैनल कोड और सी०आर०पी०सी० वहाँ लागू है तो सी०आर०पी०सी० के तहत जो वहाँ के होम मिनिस्टर ने

असाल्ट किया है उसका केस लाज हो सकता है।
ऐसी हालत में सी० वी० आई० की इन्क्वायरी
अलग से बैठाने की आवश्यकता क्यों हुई?

SHRI VIDYA CHARAN SHUKLA :
There is no substantial departure between the two except that the nature of the offence was not correctly reported by me.

THE DEPUTY CHAIRMAN : He says that the process of law should have taken its course.

SHRI BHUPESH GUPTA : Not only that. The Government of India and some people in the Centre are conspiring against the local Government.

SHRI VIDYA GHARAN SHUKLA : That is not correct. That is very unfair to say.

SHRI BHUPESH GUPTA : On a point of privilege. The Home Minister said and my friend Shri Rajnarain has pointed out very correctly....

श्री राजनारायण : मैडम, हमारा प्वाइंट यह है कि हम आप के द्वारा मंत्री जो से यह जानना चाहते हैं कि जब आई०पी०सी० और सी० आर० पी०सी० वहाँ लागू है तो जैसे सामान्य रूप से कोई केस चलता है उस तरह से इस मामले में कार्यवाही क्यों नहीं हुई? अगर कोई कॉस्पिरेसी नहीं है तो इस तरह से सी० वी०आई० को यह मामला देने की जरूरत क्यों हुई?

श्री विद्या चरण शुकल : मैं फिर से बता देता हूँ जब पांडिचेरी के होम मिनिस्टर के खिलाफ यह आरोप है, तो इस आरोप की जांच यदि हमें निष्पक्ष रूप से करानी है तो इसमें यह आवश्यक हो जाता है कि जो पुलिस उनके नोचे काम करती है उससे जांच न कराई जाय। मैं आप को एक दृष्टांत देना चाहता हूँ . . .

SHRI BHUPESH GUPTA : He has raised a very relevant point. The I. P. G. is there. Suppose somebody files a petition with the police or other authorities that somebody has assaulted him, is it necessary for the Union Government even before the petition has been entertained in a court of law, to order an investigation from here without consulting their own Ministry ?

SHRI VIDYA GHARAN SHUKLA :
The facts must be found out first and they have to be found out by an agency on which the local people may not have any doubt.

THE DEPUTY CHAIRMAN : Under what provision ?

SHRI VIDYA CHARAN SHUKLA : I am coming to that. Under the prevailing law, the Union Government have the full responsibility for whatever happens in the Union Territory. It is not a State Government. It is a Union Territory for which we are completely and fully answerable to the Parliament and we have the full responsibility as far as the Union Territory matters are concerned and if it was a question of State Government the matter was different but it is a Union Territory and therefore we have the power under the law to take that action. May I recall that earlier there was another instance in the same Union Territory when the Home Minister in a Congress Government was involved in a criminal case of the kind and therefore, before any action could be taken legally, the Congress Party asked him to resign from that post and when he did not resign, because we wanted to conform to good standards in public life, we dismissed that Home Minister of Pondicherry because he was involved in a case of this kind, although he was subsequently acquitted by the court of law but still we dismissed that Home Minister of Pondicherry before this present Ministry was formed. After that this instance came to our notice and there we found that in order to make a probe public confidence on the process of investigation was necessary. After the investigation is made and the proper facts are collected, then the matter will go to the court. So we wanted an investigation agency which is not under the same Minister against whom allegations are made by the local people so that the people will have confidence in the process of law. So we adopted this course.

SHRI BHUPESH GUPTA : I am not going into the other aspect of it. Here is a case. First of all he should apologise that he made a statement accusing one of murder.

THE DEPUTY CHAIRMAN : He has-

SHRI BHUPESH GUPTA : He should also write a letter. Now murder has become an assault, I do not know what type of

assault it is. So I ask which section of the IPC is involved ? Is it a grievous assault or a minor assault ? Everybody knows that for the Union Territory the Central Government is responsible but there is a Ministry and a Legislative Assembly. The Ministry is responsible to the Assembly. The Police is under them. So I think they did it and they give the instance of the Congressman to harass and discredit the Ministry there.

SHRI VIDYA CHARAN SHUKLA : This allegation is completely baseless and wrong.

STATEMENT RE APPOINTMENT OF A COMMISSION OF INQUIRY IN CONNECTION WITH THE MURDER OF SHRI DIN DAYAL UPADHYAYA

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Madam, Government have received a copy of the joint statement dated June 22, 1969, issued by Members of Parliament belonging to various political parties, in which a demand was made that a judicial Commission with investigative powers should be appointed to bring to book persons guilty of the murder of Shri Din Dayal Upadhyaya. The statement was issued after the Special Sessions Judge, Varanasi, in his judgment dated June 9, 1969, had acquitted the two accused persons of the charge of murder of Shri Upadhyaya while convicting one of them on a charge of stealing his belongings and sentencing him to four years' imprisonment.

Since the investigation of the case had been entrusted to the Central Bureau of Investigation at the request of the Chief Minister, Uttar Pradesh, the judgment was forwarded to the Government of Uttar Pradesh so that they may consider the question of filing an appeal against the judgment.

The Chief Minister of Uttar Pradesh has announced yesterday in the State Assembly that the State Government will not go in appeal against the judgment.

We have given serious consideration to the representations made in this behalf to the Home Minister and the Prime Minister by members of various political