

GHRAO OF OFFICERS OF DURGAPUR STEEL PLANT

338. SHRI MULKA GOVINDA REDDY: Will the Minister of STEEL AND HEAVY ENGINEERING be pleased to state:

(a) whether it is a fact that the workers gheraoed the Superintendent and other officers of the Durgapur Steel Plant on April 21, 1969;

(b) if so, what were the demands of the workers; and

(c) the steps taken to meet their demands?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND HEAVY ENGINEERING (SHRI K. C. PANT): (a) No, Madam.

(b) and (c) Do not arise.

SEMINAR OF INSPECTORS-GENERAL OF PRISONS AND DIRECTORS OF SOCIAL WELFARE

164. SHRI A. D. MAN I: Will the Minister of LAW AND SOCIAL WELFARE be pleased to state:

(a) whether a three-day seminar of Inspectors-General of Prisons and Directors of Social Welfare was held on March 13, 1969 in New Delhi.

(b) if so, what are the broad conclusions reached at the seminar; and

(c) what is Government's reaction to the conclusions?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (DR. (SMT.) PHULRENU GUHA): (a) Yes, Madam.

(b) The broad conclusions of the seminar were: —

(i) Review of the All India Jail Manual.

Transferred from the 30th April, 1969.]

(ii) Classification of correctional institutions according to age group of the inmates.

(iii) Promotion of programmes of education, training, treatment and research.

(iv) Suitable modifications of legislation dealing with correctional services.

(v) Effective promotion of open prisons.

(vi) Extension of services of Probation and After-care.

(c) The recommendations are under consideration.

12 NOON

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED INSULTING BEHAVIOUR OF THE SECRETARY IN THE MINISTRY OF LAW (DEPARTMENT OF LEGAL AFFAIRS) TOWARDS THE DEPUTY MINISTER OF LAW—contd.

THE DEPUTY CHAIRMAN: On the last occasion this Calling Attention notice was taken up and I think we spent over an hour on this. The Chairman was in the Chair and he had then stated that he would look into the matter and would give his opinion today. But he is not here now and the mantle has fallen on me. I have gone through the debate very carefully and.....

SHRI LOKANATH MISRA (Orissa): Madam, before you give a ruling can I make a submission at this stage?

THE DEPUTY CHAIRMAN: I am not giving a ruling at all. I am only expressing.....

SHRI LOKANATH MISRA: Before that can we make a submission on behalf of the Opposition?

THE DEPUTY CHAIRMAN: Just listen to me first.

I have gone through the debate very carefully. I also went through what the Chairman had said on that day, also what the Law Minister said and what the Prime Minister said and I personally feel that it has been made very clear—and I agree with the opinion expressed in the House—and the position of the Minister and Members of Parliament vis-a-vis civil servants was brought out very forcefully. In view of that I think we should not continue with this matter more.....

SHRI LOKANATH MISRA: But, Madam.....

THE DEPUTY CHAIRMAN: I am only expressing my opinion. . . . especially when the Prime Minister said the other day that she would be looking into this matter. This is my opinion and I do hope that the House will now pass on to the next item of the business.

SHRI LOKANATH MISRA: Madam, I want to make one submission.

No doubt you have very kindly gone through the entire record of the proceedings of the House and you are apprised of it. We are extremely thankful to you that you have taken pains to go through the record but all the same, Madam, the Chairman wanted to give a ruling on a particular aspect. You might remember, Madam, the other day the Chairman first gave a ruling that the discussion in the Cabinet meeting is confidential but the discussion between a Minister or a Deputy Minister and the Secretary is not confidential. He was very categorical about it and he wanted the Minister to repeat the exact words that had been used by the Secretary. Immediately the Prime Minister got up and thereafter the revision of the ruling was reserved by the Chairman. He wanted to revise it probably or may be he wanted to reiterate it. We do not know his mind but this is the clear position.

And whatever may be the clapping from the other side, the view of the entire Opposition was that this matter be deferred and it should be taken up again the next day after discussion between the Leader of the House and the leaders of the Opposition. If this is not granted, Madam, then we want to proceed with it as it is.

THE DEPUTY CHAIRMAN: I would only appeal to the House. As Mr. Lokanath Misra said the Chairman had something in his mind. Now the Chairman is not here and it has fallen on me and I am only appealing to the House that the position has been made very clear and I think we should now close the matter and go on to the next item. That is what I am appealing to the House.

SHRI DAHYABHAI V. PATEL (Gujarat): The whole issue was made more confused, not made clear, and we want the issue to be clarified.

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI):

It is true that various questions arose during the discussion and the Chairman had said that he would give a ruling as you rightly mentioned. There are two sides to the question. One is that the officers, the Secretaries and others, whatever position they may be occupying, have to show courtesy to the Ministers, not only to the Ministers but to all the elected Members of the House. That is their duty.

SHRI B. D. KHOBARAGADE (Maharashtra): But do they?

SHRI JAISUKHLAL HATHI:

That is a matter with which we all agree that they should show courtesy not only to Ministers but to the elected representatives of the people, that is, the Members of Parliament, and to the public also. On the other hand they have also to give their frank opinions to the Ministers and there may be occasions where they may give one opinion and the Minister might differ but ultimately it is a sort of a family matter and if there are differences they have to be settled between them just as in a family.

where such differences do sometimes arise and they are settled. After all, we have to live in a way which ultimately leads to efficient and smooth working of the Government and the Administration. In this case the Prime Minister has already said that she would look into the matter.

THE DEPUTY CHAIRMAN: I would therefore appeal to the Members; in fact I have already appealed to the House that in view of that we might close this matter. (Interruptions) I do not want to spend any more time. We cannot go on like this. If the House so desires then we go on to the calling attention. It will be just calling attention, asking for information. I will call the names that are left and that is an end of the matter. Otherwise I would take the sense of the House but I do not want to go into the arguments again now.

SHRI LOKANATH MISRA: Madam, there is another aspect of the question.

SHRI A. G. KULKARNI (Maharashtra): Madam, you should give us also an opportunity.

THE DEPUTY CHAIRMAN: Your leader has spoken.

SHRI B. D. KHOBARAGADE: What were the exact words used by the Secretary?

SHRI LOKANATH MISRA: I fully agree.....

SHRI G. H. VALIMOHMED MOMIN (Gujarat): The matter should be treated as closed.

SOME HON. MEMBERS: No, no.

SHRI LOKANATH MISRA: I fully agree with the Leader of the House when he says that it should be dealt with as if it is something in a family. I have nothing to grudge about it but the point is this. I may not emphasise now on the point as to what the Secretary had actually said but I had raised certain other issues. The Minister's conduct can

definitely be considered and discussed on the floor of the Parliament. Where else should it be discussed? The other day I had mentioned that Mr. Saleem.....

(Interruptions)

THE DEPUTY CHAIRMAN: I do not want to go on in this way. Let us take up the calling attention notice. Just calling attention notice and nothing more. It will be only whatever information the Minister can give.

SHRI SUNDAR SINGH BHAN-DARI (Rajasthan): Let the Law Minister start then. Before putting questions let the Law Minister give the explanation.

(Interruptions)

SHRI LOKANATH MISRA: On a point of order, Madam. I was allowed to put questions. Is a Member of this House only entitled to put the questions? Are we not entitled to get the answer? Is that how Members should be treated in the House? I had asked a question definitely and there was no answer to it. Either you should rule that my question is out of order or the Minister should have to reply to it. My question was.....

(Interruptions)

SHRI B. K. P. SINHA (Bihar): Madam, we are all concerned, but then after what has been stated by the Prime Minister and the Law Minister they should respect your appeal and there is no point in pursuing this matter.....

(Interruptions)

SHRI LOKANATH MISRA: I was on a point of order. I was on a point of order.

SHRI B. K. P. SINHA: You should treat the matter as closed. It would suffice if the House gets an assurance that when they look into this matter, they will look into it from a broad objective point of view.

If the House gets an assurance, that because of pressures and other similar types of activities, the innocent will not be punished, the House should accept that.

THE DEPUTY CHAIRMAN: I would appeal to Members. I will call out the names. Please put it very briefly and no discussion on that.

SHRI LOKANATH MISRA: No. 1, is what was the adverse comment made by the Minister

SHRI KRISHAN KANT (Haryana): Madam, my name is first. . .

SHRI LOKANATH MISRA: What was, according to the statement of the Minister, the adverse comment made by him in regard to the note put up by the Deputy Minister? What was the exact wording of the adverse comments, according to his own statement? No. 2, may I know whether it is not a fact that the Defence Ministry had referred the matter regarding the superstructure on a Cantonment land for, restoration of the land back to the Defence Ministry and whether the Defence Ministry's point of view was not that only the superstructure should be compensated for and not the land because it belongs to the Defence Ministry and whether Mr. Saleem went out of his way in preparing a parallel note by another Additional Secretary to allow or to arrange for the payment of Rs. 9 lakhs?

SHRI AWADHESHWAR PRASAD SINHA (Bihar): Is it a point of order? It is a question. (Interruption). My point of order is that this question does not arise out of the Calling Attention Notice.

SHRI LOKANATH MISRA: The Calling Attention Notice is going on. That is my submission.

SHRI AWADHESHWAR PRASAD SINHA: I challenge his question. This does not arise out of the Calling Attention Notice.

SHRI LOKANATH MISRA: It does arise. May I know whether it is not a fact that surreptitiously through a Joint Secretary, he arranged for payment to be made to Bhargava Brothers of Lucknow, for the payment of Rs. 9 lakhs for the land itself and if this particular policy is adopted by the Government. . . .

SHRI SRIMAN PRAFULLA GOSWAMI (Assam): Madam, on a point of order (Interruptions)

THE DEPUTY CHAIRMAN: What is your point of order? I permitted him to say this.

SHRI SRIMAN PRAFULLA GOSWAMI: My point of order is, Madam, when you please stated your opinion and wanted to know the sense of the House, before the sense of the House is taken or before you give your ruling, we should not proceed with the discussion on this Calling Attention Notice and this question of Mr. Misra should not be allowed.

THE DEPUTY CHAIRMAN: I have permitted the Calling Attention, but please be brief.

SHRI LOKANATH MISRA: The question must be self-explanatory, so that the Minister can reply to it. I was asking whether, if this policy, which is sponsored by Mr. Saleem, is adopted, the Defence Ministry of this country would not be put to a loss of at least Rs. 20 crores? It would mean that every Cantonment land, which is given or leased to somebody else, will have to be compensated for and it would involve an expenditure of at least Rs. 20 crores. No. 3, may I know whether in respect of the same firm of Bhargava Brothers this Mr. Saleem did not call for the file from the Deputy Prime Minister's office, even when the Deputy Prime Minister himself had taken a decision on it?

THE DEPUTY CHAIRMAN: What is the question? You are giving information.

SHRILOKANATHMISRA: Even when the Deputy Prime Minister had taken a final decision on it.

THE DEPUTY CHAIRMAN: We cannot go on like this.

SHRI LOKANATH MISRA: I think though a final decision was taken that no payment should be made to Mr. Bhargava in respect of the interest out of the income-tax refund, this Mr. Saleem wanted to arrange the file, process the file in such a way, through the same Additional Secretary, that Rs. 1,05,000 should be paid to Mr. Bhargava.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI P. GO VINDA MENON): Madam, the subject-matter of the Calling Attention Notice is the conduct of the Secretary and not of the Deputy Minister.

THE DEPUTY CHAIRMAN: I think the Calling Attention Notice relates to the behaviour of the Secretary, Law, and nothing further. We are not probing further than that in this Calling Attention Notice. Now, I call Mr. Melhupra Vero. He is not here. Next, Mr. Yajee.

श्री शीलभद्र याजी (बिहार) : अब कोई जरूरत नहीं है, प्राइम मिनिस्टर ने कह दिया है। इस लिये मैं अब इस पर कुछ पूछना नहीं चाहता।

THE DEPUTY CHAIRMAN: Mr. Khaitan.

श्री आर० पी० खैतान (बिहार)
कोई जरूरत नहीं है।

THE DEPUTY CHAIRMAN: Mr. Arjun Arora. Mr. Anand Chand.

SHRI ANAND CHAND (Bihar): In view of the fact that this matter has been discussed in this House rather heatedly and while agreeing with the hon. Minister that the question only relates to the conduct of the Secretary and not the Deputy

Minister, may I know from the hon. Minister whether he is satisfied with the explanation and the apology tendered by the Secretary to the Deputy Minister and that the question may now be treated as closed? Is he personally satisfied.

SHRI P. GOVINDA MENON: Madam, the Deputy Minister told me and the Secretary and also stated on the floor of the other House that he was satisfied with the regret expressed and that the matter may be treated as closed.

SHRI ARJUN ARORA (Uttar Pradesh): We should close the matter now.

THE DEPUTY CHAIRMAN: I think we should now close the matter.
(Interruptions)

SHRI KRISHAN KANT: My question must be answered. You allowed Mr. Lokanath Misra to put his question. You have gone through all the proceedings. Did you find any reply to my question? You must have gone through the proceedings.

THE DEPUTY CHAIRMAN:
You can ask your question, very briefly.

SHRI B. D. KHOBARAGADE:
What about us?
(Interruptions)

SHRI MULKA GOVINDA RED DY (Mysore): The other day we had demanded that the Deputy Minister should be summoned to make a statement with regard to what happened on that day.

THE DEPUTY CHAIRMAN: Please sit down. Mr. Rrishan Kant.

SHRI KRISHAN KANT: May I know from the hon. Minister whether it is not a fact, according to his own statement, that the incident took place on the 16th of April and up till the 28th April, when the whole mat-I ter was to be taken up in the Lok

[Shri Krishan Kant]

Sabha, nothing happened? Only on the morning of the 28th, before the Lok Sabha was to discuss it, the Secretary came and expressed his regret. May I know whether the Minister was seized of the matter or not, whether he wrote to the Prime Minister or the Deputy Minister wrote to the Prime Minister that action should be taken against the Secretary, either for dismissing him or for stopping his increment or for doing something for behaving in a manner which is derogatory to the Deputy Minister? What action did he take? In view of what Mr. Lokanath Misra has said, may I know from him whether it is not a fact that only on these files dealing with Bhargava Brothers the Deputy Minister asked for the opinion of the Attorney-General, with which the Minister concurred? Is it not a fact that the opinion of the ex-Attorney-General, Mr. Daphtary, and of Mr. Niren De was hurriedly got on the 26th or the 27th, after the news of the resignation appeared in the Press? If it is not so, is it not a fact that the other cases, on which the opinion of Mr. Daphtary and of the Attorney-General had to be got, are still lying there for getting their opinion and that in these two cases of Bhargava Brothers the opinion was got hurriedly, so that something could be talked about against the Deputy Minister to pull his legs?

(Interruptions)

SHRI P. GOVINDA MENON:
Madam

(Interruptions)

THE DEPUTY CHAIRMAN: Please sit down. I am going one by one and I may ask one or two more and no more. Calling Attention Notice is not a discussion hour.

SHRI B. K. P[^] SINHA: I am very sorry that after your appeal that the matter should be closed, questions should be put in such a way as to suggest that nobody in this country is honest, that the Attorney-General is dishonest, that he gives opinion

according to directions from somebody. That is an insinuation, as if excepting hon. Members of Parliament nobody is honest in this country.

SHRI KRISHAN KANT: I refute this insinuation. I never meant that. I only asked.....

THE DEPUTY CHAIRMAN:
Do not let us speak on this issue.

SHRI P. GOVINDA MENON: On the 17th morning I sent for the Deputy Minister and told him that I would see to it that the Secretary did express regret in my presence. But subsequently the Deputy Minister was not available because he went on tour and the three of us could meet to have this done only on the day it happened. The report regarding resignation is unfounded.

SHRI MULKA GOVINDA RED DY: The other day we had demanded that the Deputy Minister of Law should be summoned to make a statement regarding what really happened on that day. Some hon. Members, Mr. Chinai and others, stated that the Law Secretary used certain words which could not be defended at all. But if it is true, it is really a <hing which should be enquired into. That is why we would like to know from the Minister what exactly were the words used by the Law Secretary with regard to this affair, and it would have been better if the Deputy Law Minister was summoned to make a statement. Now that the Minister was a witness to what happened on that day, we would like to know straightway from the hon. Minister what exactly were the words used by the Law Secretary with reference to this case, and we would also like to know whether he was satisfied with regard to the regret that was expressed, and whether he would appoint a Committee to go into the whole question with regard to the relations between the Ministers and the Secretaries arising out of this affair.

THE DEPUTY CHAIRMAN: At this stage I have to offer a clarification-

tion. Mr. Chinai saw me this morning and he has said it is very unfortunate that he made certain observations in the House which he found not correct. Liter, because it was passed on to him here, and then he checked up the information and he himself, if he was in the House, would have stood up on a point of explanation and regretted what he said because he could not corroborate it then. Therefore, this clarification comes from Mr. Chinai as he saw me this morning.

SHRI LOKANATH MISRA: For what reason he expressed regret? Are we not entitled to know that?

THE DEPUTY CHAIRMAN: I had said what Mr. Chinai had said. Is the Law Minister prepared to say anything?

SHRI MULKA GOVINDA REDDY: That is why, Madam, it is necessary and imperative that the Deputy Minister should be summoned to make a statement in the House. In the other House he was summoned to make a statement and he did make a statement. It is necessary that he should be summoned here because each one will give his own version. If we get it from the horse's mouth, it would be better.

SHRI B. D. KHOBARAGADE: Madam, on a point of order. It is a question of privilege of this House. When the hon. Deputy Minister made a statement in the other House, why should he not be asked to make a statement in this House? Why should there be discrimination between the Lok Sabha and the Rajya Sabha? When he has made a statement in the Lok Sabha, he should be asked to make a statement in this House also particularly when there is a demand from all the Opposition benches that the Deputy Law Minister should come in this House and make a statement regarding the whole episode. In the interests of justice it is necessary that he should come and make a statement.

SHRI GODEY MURAHARI (Uttar Pradesh): I would like to have a

clarification from the Minister regarding one aspect of the whole question. I do not want to go into what was said by the Law Secretary or what were the words used. What I want to know is whether the Secretary of any Ministry is entitled to talk or say things which are derogatory to a Deputy Minister. The whole question hinges on that. I know that there may be instances where the Deputy Minister might have done a thing which is patently wrong. I concede Mr. Misra's point that the Deputy Minister might have done something which is patently wrong, but even so the point is whether the Secretary is competent to use insulting language or talk in the manner which he did to a Deputy Minister. The Minister is competent to take a decision. The Deputy Minister might have done something wrong. The Secretary might come to the Minister and say, "Sir, I feel that this is patently a wrong decision. I would like you to revise it". That is about all. Beyond that no Secretary is entitled to say anything to a Deputy Minister. Therefore, I would like the Minister to clarify here whether this is the position and, if so, whether the Minister contemplates taking any action against the Secretary concerned for what he has done.

SHRI P. GOVINDA MENON: I have already stated that what offended the Deputy Minister was the intervention of the Secretary. I was saying that this was wrong and all that. It was the intervention that offended him, and I took objection to that and asked him to apologise, and he has apologised.

THE DEPUTY CHAIRMAN: That is all right. That is all. Nothing more. Papers to be laid on the Table.

PAPERS LAID ON THE TABLE

REPORT (1969) OF THE COMMITTEE ON UNTOUCHABILITY, ECONOMIC AND EDUCATIONAL DEVELOPMENT OF THE SCHEDULED CASTES AND CONNECTED DOCUMENTS (PARTS I TO V)

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND