

# LOK SABHA DEBATES (English Version)

Fourteenth Session  
(Tenth Lok Sabha)



*(Vol. XLIV contains Nos. 11 to 16)*

LOK SABHA SECRETARIAT  
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Corrigenda to Lok Sabha Debates  
(English Version)

...

Saturday, August 26, 1995/Bhadra 4, 1917 (Saka)

...

Col./line	For	Read
17/10	Seventh Report	Seventeenth Report
24/4(from below)	Drona, Shri Jagat Vir Singh	Drona, Shri Jagat Vir Singh
34/15	Patel, Shrimati Pratbha Devisingh	Patil, Shrimati Pratibha Devisingh
75/20 (from below)	weaver	wearer
107/5 (from below)	Justive Verma	Justice Verma
142/12	Shri Arjung Singh	Shri Arjun Singh
153/14	SHRI SRIKANTA JEA	SHRI SRIKANTA JENA
161/4 (from below)	he has a member	he was a member
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## LOK SABHA DEBATES

### LOK SABHA

Saturday, August 26, 1995/Bhadra 4, 1917 (Saka)  
(The Lok Sabha met at Eleven of the Clock)

[MR. SPEAKER IN THE CHAIR]

... (Interruptions)

[English]

SHRI P.G. NARAYANAN (Gobichettipalayam): Sir, I want to raise a very important issue ... (Interruptions)

MR. SPEAKER: I will allow one after the other.

SHRI P.G. NARAYANAN: Mr. Speaker, Sir, I draw the attention of the House to the serious development of the deaths of five Indians while in custody of the Malaysian Government. This raises a great suspicion that they might have been killed. I am told that the deaths have taken place more than 15 days ago. The Malaysian authorities have not bothered to inform the Indian High Commissioner. This is a very serious violation of the Vienna Convention.

Sir, I demand that the External Affairs Minister must make a statement on this very important issue. Also we should lodge a strong protest about the death of five Indians in the Malaysian Government custody.

[Translation]

SHRI KALKA DAS (Karol Bagh): Mr. Speaker, Sir, concern has been expressed about Delhi Rent (Control) Act here earlier as well. Now this Bill has been signed by the hon. President also. The Home Minister and the Prime Minister had assured the House that after hearing both the sides, some via media would be found out to provide relief to both the parties so that they do not have any objections. My submission is that Government should bring forward an ordinance or devise some means to amend this measure. It had rightly been said that this Bill was passed in haste and all shades of opinions were not heard as that was the last day of the previous session. We also were not able to put across our views on the Bill. We could not even seek clarification on the statement made by Sheela Kaul ji as that was the last item on the agenda on that day. The Home Minister had said that the Parliament would look into this matter and it would not be raised in this Assembly. Our demand was that since the matter pertained to Delhi, it should be referred to the Legislative Assembly and public opinion thereon be elicited. Since Delhi Assembly has been given only half the powers and the subject of land and buildings is not with the Delhi Administration, it is deliberated upon by the Parliament. I know that when a Bill is passed by the Parliament, it is invariably signed by the President. So my submission is that this Bill has been signed by the President in haste. Even after the signature of the President, some via media can be found out and an ordinance can be promulgated after hearing the views of both the sides so as

to provide relief to them. Government should, therefore, devise out some means by appointing some committee or bringing forward an ordinance to resolve the issue.

[English]

SHRI HANNAN MOLLAH (Uluberia): Mr. Speaker, Sir, I also join in this issue because there are wide ranging dissensions in the whole city of Delhi. Two days *bandh* was organised. Hundreds of people are on the street. Tenants are coming in queue to meet us. They are very unhappy. Last time I also suggested that if it was unavoidable and it had to be signed by the hon. President, at least after his signature, it should not be implemented. The Home Minister and the Prime Minister agreed that they would discuss with all concerned and bring a necessary amendment.

So, I request the Government to keep its promise and call a meeting of all the political parties. Necessary amendments may be brought and then only the Delhi Rent (Control) Act should be implemented.

[Translation]

SHRI NITISH KUMAR (Barh) : Mr. Speaker, Sir, I wish to draw the attention of the House towards the condition of Kavar Lake in Bihar. The Government of India had about 20 years back, decided to convert the Kavar Lake into a bird sanctuary and a scheme envisaging cost of Rs 5 crore and 78 lakh had been drawn up for the purpose. Some work was initially done but it was later on suspended. Today the position is that this lake which is spread over thousands of acres of land also helps in maintaining ecological balance there. Now the water from that lake is being unauthorisedly taken out and the Government there does not seem to be interested in converting the said lake into the bird sanctuary. 59 kinds of migrating birds as also some indigenous birds come there. Previously fishermen were being allowed the facility of fishing in that lake. Now water is being taken out from that lake and the influential persons are occupying the land there. This will not only create ecological imbalance but the said scheme of bird sarctuary would also be shelved. Therefore, I would request the Government to implement this scheme without delay ..... (Interruptions)

SHRI MANGAL RAM PREMI (Bijnor) : Mr. Speaker, Sir, the Social Welfare Minister in his statement about the scavenging staff, or those who cary night-soil on their head, has stated that these employees are provided Rs. 50,000/- by way of loan. But it is absolutely incorrect, as they are not provided more than Rs. 20,000/- as loan. Even from this sum of Rs. 20,000/- about Rs. 10,000/- are usurped away by Government or bank officers and these poor people get only a paltry sum of Rs. 10,000. The exemption amount is also not paid to them. I suggest that if this loan of Rs. 50,000/- is to be provided in real terms to these scavenging employees, this should be provided to them through the Finance Commission. So that they get the loan and exemption amounts in full.

The hon. Minister has also said that persons who receive training at the centres would be provided Rs. 150/- per month. It is also not correct. Even since I became the member of the commission, I visited various parts of the country and nowhere I found any centre imparting training for any trade. Therefore, this should also be looked into and arrangements for imparting proper training at the centres, wherever they have been located, should be made. Sir, I had given notice that the loan amount should be given through the Finance Commission and the amount for the training should also be provided to them ..... (*Interruptions*)

MR. SPEAKER: There is no need to repeat what you have already said. You please take your seat. Shri Rabi Rayji.

SHRI RAJBI RAY (Kendrapada) : Mr. Speaker, Sir, I wish to draw the attention of the House towards a very important issue. It relates to a very nasty remark about Mahatma Gandhi made in the Nicky tonight programme of Star T.V. This matter has been discussed in the House as well as in the other House and the Government had assured to take action against the Star T.V. Nation is celebrating the 125th birth anniversary of Gandhi ji on the coming 2nd October. At that time Lok Sabha would not be in session. Therefore, I would like to bring it to the notice of the Government through you that the Tushar Gandhi, the grandson of Gandhi ji and some of his relatives had announced to go on Satyagraha from the 2nd October because the way Star T.V. has propagated against Gandhi ji in the entire country is an insult not only to Gandhi ji but to the country as a whole. Since the Government had given an assurance, people of this country want to know what action has been taken by Government in this regard.

Therefore, I, through you, request the Government because many Members of the Cabinet are at present here in the House, Shri Ram Lakhan Singh Yadav is here. Shri Jagan Nath Misra is here. Pranab Babu is here, two Ministers among them had taken part in the national struggle—to take action against Star TV for the nasty remark it made about Gandhi ji so that on the coming 2nd October, Tushar Gandhi may not have to resort to Satyagraha otherwise it would be a blot on the fair name of our country and people will say that it is only the relatives of Gandhi ji who worried about Gandhi ji and the Government and the nation are not thinking of Gandhi ji. Therefore, on this last day of the session, I request the Government to take necessary action against the Star T.V.

[*English*]

DR. MUMTAZ ANSARI (Kodarma) : Sir, Bihar is an industrially backward State. So far as the mineral resources, forest resources and other sources are concerned, Bihar is very much a rich State in this respect. But there is poverty in the midst of plenty. This is very much a paradoxical thing which is taking place in that part of the country. On 3rd June, 1988, the National Committee on Backward Area

Development had identified hundred growth centres all over the country. So far as Bihar is concerned, lastly six growth centres were sanctioned by the Government of India. But this is a matter of great regret and deep consternation that up-till-now, only six have been sanctioned and out of six sanctioned growth centres, only two have been approved by the Government of India. Further it has been admitted by the Government of India that this is the general policy which has been formulated, that at least Rs. 25 crore or Rs. 30 crore will be sanctioned for the development of all these growth centres. But up-till-now only Rs. 15 lakh for each growth centre has been approved for Begusarai and Hazaribagh districts, out of Rs. 25 or Rs. 30 crore. So far as the other four centres are concerned which are going to be located at Chapra, Darbhanga and other places, these have not been approved as yet.

MR. SPEAKER : Mr. Surya Narayan Yadav please. You may talk on the flood situation in Bihar.

DR. MUMTAZ ANSARI (Kodarma) : Therefore, the Government is sending the proposal to the Central Government and the Government is ready to fulfill all the commitments of whatever have been just put forward by the Central Government, and now this is up to the Central Government. Therefore, I would like to request the Central Government...

MR. SPEAKER : Please take your seat. Nothing more will go on record. Mr. Yadav.

(*Interruptions*)\*

[*Translation*]

SHRI SURYA NARAYAN YADAV (Saharsa) : Mr. Speaker, Sir, I have given notice for raising two issues.

MR. SPEAKER : Please speak about the flood situation in Bihar.

SHRI SURYA NARAYAN YADAV : Mr. Speaker, we come from the flood affected area of Bihar. For the last one month, Bihar particularly Saharsa, Supole and Madhepura of Kosi Division have been in the tight grip of severe floods. Many villages in Saharsa and Supole are facing erosion. Relief operations have not so far been started anywhere there. I tried to contact people of my area many times to ascertain the position there. I have since visited my Constituency once and tried to have the relief operations started there but to no effect.

Sir, people there are in acute trouble. They are being devastated by floods and the Government is not providing any relief to them. Even boats are not being arranged for them. To add insult to the injury, recovery of loan has also been started in full measure and people are being put in jails. Therefore, I request the Government through you to carry on the relief operations in right earnest and to stop recovery of loans without delay.

**SHRI RAJESH KUMAR (Gaya) :** Mr. Speaker, Sir, in Bihar, 108 coal mines are lying closed. Bihar Chief Minister and the Union Coal Minister had signed an agreement in 1994 to make 14 mines operational in instalments. The Bihar Government have sent their terms and conditions to the Central Government but so far nor even these 14 mines have started functioning and no orders to this effect have been issued. I, through you, request the Government to issue necessary orders for the functioning of the said closed 108 coal mines of Bihar as also the said 14 mines about which an agreement had been reached with the Central Government.

**DR. P.R. GANGWAR (Pilibhit) :** Mr. Speaker, Sir, in my parliamentary Constituency, a large number of Bengalis who had come to India after Independence had been settled and given land for cultivation in the Tarai area, but even after 45 years, they have not so far been given the proprietary rights of those lands. This land is often taken back from them and again given after sometime. Their names have also been deleted from voters' list, they are Harijans but they are given the reservation facilities of being Harijans only in the educational field and not at block or district level or at the time of getting loans from the banks. I request the Central Government to provide reservation facilities to these Harijans in all fields and also give them proprietary rights for the land which they have been cultivating.

**SHRI RAM KRIPAL YADAV (Patna) :** Mr. Speaker, Sir, in Bihar, not a single Central University has been set up in spite of the fact that many hon. Members from Bihar have drawn the attention of the Government towards it a number of times. It is a very sorry state of affairs that despite repeated requests, no Central University has been set up in Bihar. I request the hon. Minister for Human Resources Development to convert Patna University which is a historic and ancient University into a Central University as it fulfills all the Criteria. Therefore, I hope the Education Minister will pay special attention to it and take necessary steps to convert Patna University of Bihar into a Central University.

[English]

**SHRI OSCAR FERNANDES (Udupi) :** I would like to raise a very important matter. In my district, Mangalore there is an outbreak of malaria and 15,000 positive cases have been reported and about 25 people have died.

I urge upon the Government and the Health Minister to send a team to Mangalore immediately to find ways and means of checking this menace and save the people from the death trap.

[Translation]

**SHRIMATI SAROJ DUBEY (Allahabad) :** Mr. Speaker, Sir, through you I request the Government to recognise Allahabad University as the Central University. Allahabad University is one of the most ancient Universities of the country and is famous all over the world as the seat of advance learning. It has given to the country administrative

Officers, top statesman, legal luminaries and litterateurs in large numbers but the present state of this University, known as the Oxford of the East, is that there is not administration worth the name there. Anarchy reigns supreme in the University precincts. Classes are not being held as per the Schedule for want of teachers. There is no certainty even about the semesters due to which the University is losing its glory. There is resentment among the students due to the library having not been modernised for want of resources. Students are facing acute hardships owing to the absence of necessary amenities in hostels.

I am very sorry to state that some of the newly opened Universities have been recognised as Central Universities while the Allahabad University which has a glorious past and is known as the Oxford of the East is being continuously neglected. I, therefore, request the Government to grant the Allahabad University the status of Central University without delay and all out efforts should be made to maintain its glory.

**SHRI RAM PUJAN PATEL (Phulpur) :** Mr. Speaker, Sir, this demand of Saroj Dubey ji is indeed very important. The students there have been agitating for a very long time. They had even staged a dharna in Delhi also but still this world famous Allahabad University has not been declared a Central University. Government has also stated a number of times that this matter would be looked into. We too have raised this matter in Parliament several times. I therefore, request that the Allahabad University be declared a Central University and all its problems should be solved.

**SHRI HARI KISHORE SINGH (Sheohar) :** Mr. Speaker, Sir, there are two historical monuments in Bihar which are not being properly maintained by the Archaeological Survey of India. One is the Mausoleum of Sher Shah Suri in Sasaram and the other is Ara House in Bhojpur district which was the Headquarter of Veer Kunwar Singh Ji in 1857. I request the Central Government to arrange for the proper upkeep of these two historical places through the Archaeological Survey of India so that these could be protected as the national monuments.

**SHRI RAJENDRA AGNIHOTRI (Jhansi) :** Mr. Speaker, Sir, through you I wish to draw the attention of the Government towards Government of India's Rajghat project in Lalitpur district of Uttar Pradesh. A mine of granite stone is being dug up at a distance of one Km. from the hill over which this dam is coming up. This stone is being extracted from the depth of about 100 ft. and when explosion for this purpose takes place there the dam also is shaken to a great extent. If any damage is thus caused to this dam, the country would suffer a great loss, therefore, this should be looked into and those mines should be closed.

**SHRI RAM VILAS PASWAN (Rosera) :** Mr. Speaker, Sir, I wish to draw the attention of the House towards a very important matter. But before that, with your permission, I wish to allude to an incident that happened in Salem in which an eye of a girl belonging to a depressed class had

been taken out for her crime of drinking water and about which Government had promised to come out with a reply. Some action, of course, had been taken in regard to that incident but no reply is forthcoming so far from the Government in this regard. I request Government to come out with their reply on this last day of the session.

Secondly, I wish to draw the attention of the Government towards the examinations conducted by the U.P.S.C. In this connection, many hon. Members—108 Members belonging to all sides including the leader of the opposition have written that the question paper of the examination conducted by UPSC had been leaked. Thereafter the examination was held and an enquiry by CBI was also conducted. The CBI in its report also found the allegation to be true. Thereafter the matter was also moved in the Supreme Court. The Supreme Court also directed that since it was a question of the life of the students, Government should consider the matter sympathetically. Such an incident had occurred in 1990 as well and the students concerned had been given another chance in 1992. In this, the students are not at fault. It is indeed a very sorry state of affairs that the question papers were leaked particularly those of the UPSC examination.

In the said incident, about one lakh students have been affected and they demand that they should be given another chance in 1995. In this connection 108 Members of Parliament including top leaders of all parties have urged upon the Government to give the students affected by the leakage of the UPSC question paper in 1992, another chance in 1995. As the time is very short, the earlier the Government takes a decision and makes an announcement in this regard, the better it would be for the students' concerned.

PROF. PREM DHUMAL (Hamirpur) : Mr. Speaker, Sir, In Himachal Pradesh, apple crop has been very good this year but due to excessive rains and cloud-pursts, the roads are in very bad shape there. Government there have failed to provide trudes to the apple-growers due to which their crop is rotting. The roads have breached to such an extent that even on national highways, trucks cannot be properly plied. The truck-owners who could take their trucks in the interior areas are charging arbitrarily from the apple growers. As you know, apple crop is highly perishable, a great resentment is prevailing among the fruit growers. They need the help of the Central Government in providing them trucks .... (Interruptions)

[English]

SHRI P.G. NARAYANAN : Mr. Speaker, Sir, hon. Member Shri Paswan at the beginning of his speech mentioned about the Salem incident. We have stated that adequate action has been taken ... (Interruptions)

SHRI RAM VILAS PASWAN : Sir, I have already told that the Government has taken action. I want to know from the Minister here as to what action has been taken... (Interruptions)

SHRI RAJ NARAIN (Basgaon) : Mr. Speaker, Sir, the Fertilizers Corporation of India has four units in the entire country. One is in Ramagundam in Andhra Pradesh. The other is in Talcher in Orissa. The third is in Sindri in Bihar and the fourth one is in Gorakhpur in Uttar Pradesh. The fertilizers factory of Gorakhpur was closed on the 10 June, 1990 owing to a minor accident. The officers and other employees have since been demanding from Government through letters that they should be provided with Rs. 50 crore to enable them to work this factory. They have demanded Rs. 65 crore for the purpose in this hard time. If this factory starts functioning, foreign exchange worth Rs. 152 crore would be saved annually. The officers and the staff say that they would give a profit of Rs. 22 crore every year. Due to political reasons, this factory is not being restarted while the Ramagundam factory whose production fell far short, is being provided funds to start its functioning just because it happens to be in the State of the Prime Minister. Simultaneously a decision has been taken to provide funds for the Sindri factory which falls in the area of the Hon. Minister and also for the Talcher factory which is in Orissa, where the Congress party. But since Uttar Pradesh is not being ruled by the Congress Party, it is being subjected to discrimination and not being provided with the funds for running its factory in which 1598 employees are working and with which about one lakh other people are associated. They are all on the brink of starvation.

I, therefore, request you kindly to direct the Government to give up this discriminatory policy and provide funds for the Gorakhpur factory also. The hon. Minister should make a statement in this regard. That factory is being closed only due to political reasons. Delegations of the M.Ps representing Poorvanchal had met the Prime Minister and the hon. Minister in this connection many times but to no effect ... (Interruptions)

MR. SPEAKER : You are speaking and he too is speaking ...

(Interruptions)

MR. SPEAKER : You please sit down. Many Members want to speak. All should not speak on one topic only ...

(Interruptions)

SHRI MOHAN SINGH (Deoria) : Sir, I will just in one minute ... (Interruptions)

[English]

MR. SPEAKER : It is not going on record. Only Shri Raj Narain's statement is going on record.

[Translation]

You please let him speak. Let him complete first.

(Interruptions)\*

SHRI MOHAN SINGH (Deoria) : Sir, you are very kind. He has finished his speech. I rise only to support him.

The entire eastern U.P. used to get its full supply of urea fertilizers from the Gorakhpur fertilizers' factory. But this factory has been lying closed for the last five years. The workers there are in great trouble and the farmers of eastern UP are not being supplied fertilizers. My submission is that when the Government of India can provide financial assistance for starting three fertilizer factories, why is Gorakhpur being subjected to this sort of discrimination? I would like to know whether the people of eastern UP are being compelled to take this issue to the streets and thus pressurise the Government of India. I would like to request the hon. Minister to give a categorical assurance to the effect that this year the Government of India would provide the necessary financial assistance for restarting the Gorakhpur fertilizers' factory as well and from this year the supply of urea fertilizers from that factory to Gorakhpur and eastern U.P. would be resumed.

SHRI HARI KISHORE SINGH : Sir, the Home Minister wants to say something in this connection.

MR. SPEAKER : No please. Then the other Members are not able to raise their subjects.

SHRI HARI KEWAL PRASAD (Salempur) : It is a very important issue that has come before the House. The hon. Minister himself resorted to discrimination now even allegation of discrimination has been preferred....  
(Interruptions)

[English]

MR. SPEAKER : It is not going on record. Only Shri Ram Nihor Rai's statement is going on record.

(Interruptions)\*

[Translation]

SHRI RAM NIHOR RAI (Robertsganj) : Mr. Speaker, Sir, through you, I wish to draw the attention of the Government towards Mirzapur, Varanasi and Bhadohi districts which are famous for their carpets which earn crores of rupees annually as foreign exchange for the country.

Some puppet organisations of our country particularly the one run by Shri Kailashpati Satyarthi and known as the Association for Voluntary Action and the other called the Bandhua Mukti Morcha hatched a conspiracy.

The Labour Minister of Government and Shri Mayar, Deputy Director General of the International Labour Organisation had visited India about two or three months back and toured the carpet-manufacturing areas of Bhadohi, Mirzapur and Varanasi for seven to eight hours. Thereafter in a dinner meeting organised by the Deputy Director General of the International Labour Organisation, some carpet

manufacturers and the representatives of the Morcha ...  
(Interruptions)\*

[English]

MR. SPEAKER: It is not going on record. Shri Haradhan Roy to speak now and only his statement will go on record.

(Interruptions)\*

[Translation]

MR. SPEAKER: What you are reading is not being recorded. You please sit down....

(Interruptions)

MR. SPEAKER : Shri Haradhan Roy. You please speak. Only your speech will go on record.

[Translation]

\*\*SHRI HARADHAN ROY (Asansol) : Sir, through you, I want to draw the attention of the Central Government to a very important fact. Sir, I have been elected from the coal belt area. I am sorry to say that coal safety rules are not followed in the nationalised Coal Mines in my Constituency. Moreover, 46 moujas of the coal belt area have been declared unsafe by the Director General Manager (Mines Safety). Still the authorities have been indulging in extracting coal without paying any attention to safety norms. Lakhs of people have been asked to vacate the area. The Minister of Coal has assured and promised to rehabilitate these displaced people. In fact, a package has been announced in the House in this regard. But nothing has been done to rehabilitate these people. Government have gone back to their promises and assurances inside Parliament. The proposal was to give a sum of Rs. 400/- per month for 20 years to the person having land upto 1 acre. And Rs. 1100/- per month for 20 years to those having land more than 1 acre. Moreover, people leaving their Houses will be given Rs. 2000/- for shifting and Rs. 5000/- for their new temporary accommodation. But these promises and assurances are being ignored now. Moreover, although the area has been declared unsafe, it has not been stabilised and then reclaimed.

Sir, I shall take just one minute. These people are in great danger and through you the Government must know their condition. Sir, the Government promised to stabilise and reclaim the affected area. They also promised to make it pollution free. But nothing is being done and the Government have gone back to their promises. The Government of West Bengal has asked to make a comprehensive Act so as to tackle these problems. The Central Government must take the responsibility and take appropriate measures for the rehabilitation and job for these people. The Central Government assured in the House to

\* Not recorded.

\*\* Translation of the speech originally delivered in Bengali.

bear all the expenses incurred for stabilisation, reclamation, afforestation and make the area pollution free. The State Government is ready to do rehabilitation if the Centre provide the necessary fund and infrastructure facility as assured inside Parliament. This is my demand and I urge upon the Government to keep their promise.

[English]

SHRI SUBRATA MUKHERJEE (Raiganj) : Hon. Speaker, Sir, I would like to draw the attention of the House to a problem. The Government of India is exporting foodgrains, rice and other things to Bangladesh through Indo-Bangladesh border and the place which is chosen for the exportation is geographically a hilly area. This place is around 75 kms. away from the National Highway No.34 and a part of it is a State Highway and the rest part of it is a link way of the State Government. Sir, 200 to 300 trucks loaded up to 30 metric tonnes ply on this road and due to which the road from National Highway to Hill has broken. Sir, my demand is that it should be converted into National Highway and it should be strengthened.

Another point is that the foodgrains should not be taken from the States which are deficit in foodgrains. Sir, merchants from Punjab, Gujarat, Haryana, etc. are there. But these merchants are buying rice and foodgrains from West Bengal and are exporting them to Bangladesh. Due to this reason the prices of rice and other foodgrains are increasing day-by-day. Now-a-days the rice which should have been selling at Rs. 6 or Rs. 7 per kg is selling at Rs. 12.

So both the problems are acute and I request the Government to take proper steps so that the State Highway could be converted into the National Highway. I would also request the Government to see that the rice is not purchased from West Bengal for exporting to Bangladesh.

[Translation]

SHRI KRISHAN DUTT SULTANPURI (Shimla) : Mr. Speaker Sir, I wish to make a submission about my constituency, which consists of three districts, namely, Sirmour, Shimla and Solan. Our friend from Himachal Pradesh very rightly pointed out that this year owing to excessive rains, all means of communication have snapped in my constituency Shimla where the apple yield is generally high. Things have come to such a pass that many people have died and many cattle-heads perished and there has been extensive damage to the property. I submit that the State Government is not in a position to face this situation. I request the Central Government to provide at least Rs. 20 crore by way of assistance to the Himachal Pradesh Government to enable it to meet the situation.

SHRI RAJNATH SONKAR SHASTRI (Saidpur) : Mr. Speaker, Sir, my constituency, comprises those three prominent districts of Eastern U.P., which have always been in the grip of penny and starvation. Describing the poverty of the people of that area Shri Gahamani had stated in

1953 in this very House with tears in his eyes that the people of that area pick up grains from the Gobar to make their daily bread. Our State Government had planned to run the Jawahar Rojgar Yojna along smooth lines this time but the Central Government paid no attention to it. There developmental work of the order of Rs. 705 crore is stated to have been done but, in fact, if an on-the-spot study is conducted there, it would be found that the developmental work not even of Rs. 200 crore has been done there. There was a plan to plant 5 lakh trees there. But an on-the-spot enquiry would reveal that even 500 trees have not been planted there. Five roads there have been constructed only on paper. The attention of the State Government has been drawn to this fact repeatedly but to no effect.

I request the Central Government to conduct an enquiry into this matter and take necessary steps to curb the corrupt practices there without delay.

SHRI RAMDEO RAM (Palamau) : Mr. Speaker, Sir Palamau and Kahawa districts, which fall in the Bihar state, are visited by the drought every year. This year also, the drought conditions prevail there. I request the Central Government to carry on the relief operations there so that the workers do not leave that place and provided with means of livelihood.

[English]

SHRI LAETA UMBREAY (Arunachal East) : I want to speak. I should not be denied the opportunity to speak all the time. I cannot tolerate this injustice done to me.

MR. SPEAKER : Now, papers to be laid.

11.41 hrs

[English]

#### Papers laid on the table

#### Annual Report of National Human Rights Commission for 1994-95 and Memorandum of Action Taken on this Report for 1994-95.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED) : Sir, on behalf of Shri S.B. Chavan I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (2) of section 20 of the Protection of Human Rights Act, 1993 :—

(1) Annual Report of the National Human Rights Commission for the year 1994-95.

(2) Memorandum of Action Taken on the Annual Report of the National Human Rights Commission for the year 1994-95.

[Placed in the Library. See No. L.T. 8139/95]

**Ministry of Surface Transport (Roads Wing) (Group 'C' and 'D' posts) Recruitment Rules, 1994.**

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Sir, I beg to lay on the Table a copy of the Ministry of Surface Transport (Roads Wing) (Group 'C' and 'D' posts) Recruitment Rules, 1994 (Hindi and English versions) published in Notification No. G.S.R. 166 in Gazette of India dated the 1st April, 1995, under proviso to Article 309 of the Constitution.

[Placed in the Library. See No. L.T. 8140/95]

**Review on the working of and Annual Report of Sports Authority of India for 1992-93 and statement showing reasons for delay in laying these papers.**

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): Sir, on behalf of Shri Mukul Wasnik I beg to lay on the Table:

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Sports Authority of India for the year 1992-93, alongwith Audited Accounts.
- (ii) Statement (Hindi and English versions) regarding Review by the Government of the working of the Sports Authority of India for the year 1992-93.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in the Library, see No. L.T. 8141/95]

**Annual Report and Action taken report on the Annual Report and Review on the working of National Commission for women for 1992-93**

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT) (SHRIMATI BASAVA RAJESWARI) : Sir, I beg to lay on the Table :

- (1) A copy each of the following papers (Hindi and English versions) under section 14 of the National Commission for Women Act, 1990:—
  - (a) (i) Annual Report of the National Commission for Women for the year 1992-93, alongwith Audited Accounts.
  - (ii) Action taken Report on the Annual Report of the National Commission for Women, for the year 1992-93.
- (b) Review by the Government of the working of the National Commission for Women for the year 1992-93.

- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in the Library, see No. L.T. 8142/95]

**Notifications under Indira Gandhi National Open University Act, 1985 etc.**

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA) : Sir, I beg to lay on the Table:

- (1) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 40 of the Indira Gandhi National Open University Act, 1985:—
  - (i) G.S.R. 607 published in Gazette of India dated the 10th December, 1994 making certain amendments sub-clause (d) and (e) of Clauses (2) (i) and (2) (ii) of Statute 12 of the Statutes of Indira Gandhi National Open University made by the Board of Management under the Indira Gandhi National Open University Act, 1985.
  - (ii) G.S.R. 133 published in Gazette of India dated the 18th March, 1995 making certain amendments/additions to the provisions of sub-clauses (1) and (3) of Clause (5) of the Ordinance on Conduct of Examinations and Evaluation of Student Performance made by the Board of Management under the Indira Gandhi National Open University Act, 1985.
  - (iii) G.S.R. 134 published in Gazette of India dated the 18th March, 1995 making certain amendments/additions to the sub-clauses (a) to (d) of Clause (5) (1) of the Ordinance on Conduct of Examinations and Evaluation of Student Performance made by the Board of Management under the Indira Gandhi National Open University Act, 1985.
  - (iv) The Ordinance on Master of Philosophy published in Notification No. G.S.R. 135 in Gazette of India dated the 18th March, 1995 made by the Board of Management under the Indira Gandhi National Open University Act, 1985.

[Placed in the Library, see No. L.T. 8143/95]

- (2) A copy of the Nagaland University (Removal of Difficulties) Order, 1995 (Hindi and English versions) published in Notification No. S.O. 499 (E) in Gazette of India dated the 5th June, 1995 under sub-section (2) of section 44 of the Nagaland University Act, 1989.

[Placed in the Library, See No. L. T. 8144/95]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Navodaya Vidyalaya Samiti, New Delhi, for the year 1993-94.
- (ii) Statement (Hindi and English versions) regarding Review by the Government of the working of the Navodaya Vidyalaya Samiti, New Delhi, for the year 1993-94.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in the Library, see No. L.T. 8145/95]

- (5) (i) A copy of the Annual Report (Hindi and English versions) of the Jawaharlal Nehru University, New Delhi, for the year 1993-94.

[Placed in the Library, see No. L.T. 8146/95]

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Jawaharlal Nehru University, New Delhi for the year 1993-94, together with Audit Report thereon.

[Placed in the Library, see No. L.T. 8147/95]

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Jawaharlal Nehru University, New Delhi, for the year 1993-94.

[Placed in the Library, see No. L.T. 8146/95]

- (6) Two Statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.

[Placed in the Library, see No. L.T. 81456/95]

- (7) A copy of the Annual Accounts (Hindi and English versions) of the University of Delhi, for the year 1992-93, together with Audit Report thereon.
- (8) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (7) above.

[Placed in the Library, see No. L.T. 8148/95]

- (9) (i) A copy of the Annual Report (Hindi and English versions) of the Indira Gandhi Rashtriya Manav Sangrahalaya, Bhopal for the year 1992-93 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Indira Gandhi Rashtriya Manav Sangrahalaya, Bhopal for the year 1992-93.
- (10) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (9) above.

[Placed in the Library, see No. L.T. 8149/95]

**11.42 hrs**

[English]

#### Assent to Bills

SECRETARY GENERAL: Sir, I lay on the Table the following five Bills passed by the Houses of Parliament and assented to since a report was last made to the House on the 1 August, 1995:—

1. The Maternity Benefit (Amendment) Bill, 1995.
2. The Workmens' Compensation (Amendment) Bill, 1995.
3. The Union Duties of Excise (Distribution) Amendment Bill, 1995.
4. The Additional Duties of Excise (Goods of Special Importance) Amendment Bill, 1995.
5. The Delhi Rent Bill, 1995.

**11.43 Hrs**

[English]

#### PUBLIC ACCOUNTS COMMITTEE

##### Hundred and Ninth Report

[Translation]

SHRI RAM NAIK (Bombay North): I present the Hundred and Ninth Report (Hindi and English versions) of the Public Accounts Committee (10th Lok Sabha) on 'Injudicious leasing of aircraft'.

**11.43½ hrs**

#### COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

##### Fifty-second and Fifty-third Reports and Minutes

SHRI PARAS RAM BHARDWAJ (Sarangarh) : I present a copy each of the following Reports (Hindi and English versions) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes including Minutes (Hindi and English versions) of the Sitting of the Committee relating thereto:

- (1) Fifty-Second Report on Ministry of Finance (Insurance Division)—Action Taken by Government on the recommendations of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes contained in their Thirty-Third Report (Tenth Lok Sabha)—Reservation for and employment of Scheduled Castes and Scheduled Tribes in Life Insurance Corporation of India and appointment of Scheduled Castes and Scheduled Tribes in the panel of Advocates.

(2) Fifty-third Report on Ministry of Labour and Ministry of Welfare—Action Taken by Government on the recommendations of the Committee on the Welfare of the Scheduled Castes and Scheduled Tribes contained in their Fourth Report—Reservation for Scheduled Castes and Scheduled Tribes in Private Sector Employment.

11.44 hrs

## STANDING COMMITTEE ON LABOUR AND WELFARE

### Seventh Report and Minutes

[English]

SHRI AJOY MUKHOPADHYAY (Krishnagar): I beg to present the Seventeenth Report (Hindi and English versions) of the Standing Committee on Labour and Welfare on Action Taken by the Government on the Recommendations/Observations contained in the Third Report of the Committee on Abolition of Child Labour and Minutes of the sitting of the Committee relating thereto.

11.45 hrs

## STANDING COMMITTEE ON URBAN AND RURAL DEVELOPMENT

### Nineteenth Report and Minutes

SHRI SUDHIR GIRI (Contai) : Sir, I beg to present the Nineteenth Report (Hindi and English versions) of the Committee on Urban and Rural Development on the 'Action Taken Report on the Fourth Report on National Housing Policy, May, 1992' of the Ministry of Urban Affairs and Employment along with Minutes of Sitting of the Committee relating thereto.

11.45½ hrs

### STATEMENT BY MINISTER

[English]

#### Re: Situation in Bosnia-Herzegovina

THE MINISTER OF EXTERNAL AFFAIRS (SHRI PRANAB MUKHERJEE): In recent weeks, a series of events has again served to underline the tragic consequences of the continuing conflict in Bosnia and other parts of the former Yugoslavia. The hopes of the International Community that it would be possible to effect reconciliation and restore peace in the region have so far been belied. The ceasefire, which had saved lives and brought hope to the citizens of Sarajevo and other cities for several months, has broken down and

hostilities have re-stated. Systematic attacks on UN Protected Areas and the taking of UN peace-keepers as hostages have introduced new and alarming elements in the crisis and set dangerous precedents which do not augur well for the future. The widening of the zone of hostilities once again raises the spectre of a more general conflict which could have implications for peace and stability in Europe as a whole.

Government of India have followed these developments with grave concern and deepening anguish. Ethnic cleansing, forced movement of populations and other atrocities are reprehensible and totally unacceptable in any civilised society. The main victims have been the people, and in particular certain ethnic groups, in the territory of Bosnia-Herzegovina. It is evident that the pursuit of military solutions will be futile and self-defeating. Government of India believes that only a political solution, which is just, equitable and acceptable to all the parties concerned, can endure.

The United Nations, and the Contact Group, must persist with their efforts towards finding a viable political solution, howsoever difficult this may appear at present. While such a solution continues to elude the international community, there is every reason to persist with the search for it, given the seriousness of the situation. Questions are being raised in the present situation, about the ability of the United Nations to restore peace and make an effective contribution to the settlement on the conflict. Pressure is thus bound to mount for other actions, such as air-strikes and the lifting of the arms embargo, the case for which will only become stronger if there is no end to the unnecessary bloodshed and killings. This could, in turn, mean an effective end to the role of the UN in the former Yugoslavia. We believe that this would be a negative development which would result in an escalation of the conflict and further bloodshed.

SHRI E. AHAMED (Manjeri): Mr. Speaker, Sir, may I put a question to the hon. Minister? I would just like to ask a question about India's stand on Bosnia-Herzegovina.

MR. SPEAKER: We do not have that procedure. Otherwise, we will continue with it.

... (Interruptions)

MR. SPEAKER : There are Constitutional Bills. Please do not insist on that.

... (Interruptions)

MR. SPEAKER : Yesterday, we could not pass the Bill. Let us take it up. That is more important. Later on, at the fog end, if you think that everything can be done, at six of the Clock you can do it.

Now, Bill to be introduced.

11.49 hrs

**Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Bill\***

[Translation]

THE MINISTER OF WELFARE (SHRI SITARAM KESARI): Mr. Speaker, Sir, I beg to move that the leave be granted to introduce a Bill to give effect to the Proclamation on the full Participation and Equality of the people with Disabilities in the Asian and Pacific Region.

[English]

MR. SPEAKER : Motion moved:

"That leave be granted to introduce a Bill to give effect to the proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region."

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal) : Sir, I have an objection to it.

MR. SPEAKER : Objection to what?

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Before the Bill is introduced, if you permit me one or two minutes, I will express my views.

Sir, this Bill is being introduced.

[Translation]

I have no objection to its introduction. It is a good Bill. I do not want to oppose it at the introduction stage. But today a statement has been circulated, indicating therein the reason for not giving us two day's time. In the statement it has been stated that it is a Bill of 1991 and when it was asked to withdraw this Bill, it was assured that a Bill to this effect would be brought forward in this session of Parliament. Therefore, the hon. Minister should, before introducing the Bill, tell us as to how such an assurance had been given and whether it was not possible to give us two day's time. It has almost become a habit with the Government not to give Members two day's time. You are taking us for granted. Secondly, it has been stated in the said statement that it is necessary that the Bill, after introduction, be taken into consideration and passed by the Lok Sabha on the 26 August, 1995. But the list of Business states something else. If this Bill is to be passed, please tell us how all this is happening. Please clarify the position before the introduction of this Bill.

PROF. RASA SINGH RAWAT (Ajmer) : Mr. Speaker, Sir, this Bill was not placed for consideration even before the Standing Committee for Labour Welfare despite the fact that the procedure prescribes that any Bill, before introduction

in the House, should be presented in the Standing Committee for consideration.

MR. SPEAKER : That is done after the introduction.

[English]

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI) : Since I am sure, the whole House would ... (Interruptions)

MR. SPEAKER : This is for introduction. You read the agenda paper please.

SHRI MANI SHANKAR AIYAR : Sir, since the whole House, I am sure, would wish to see this extremely important measure taken in favour of the most disadvantaged section of Indian society who have no responsibility themselves for the State in which they are, I would plead with the Minister to request your permission to not merely introduce this Bill but perhaps after we discussed the Motion at 6 O'clock in the evening to also move for its consideration and passing.

[Translation]

SHRI RAM NAIK : Mr. Speaker, Sir, I want to thank you that the hon'ble Minister has stated that the Bill be passed, whereas in the agenda it has been stated that the Bill be introduced.

[English]

MR. SPEAKER : How can it be done?

SHRI RAM NAIK : He has said it.

[Translation]

It has not been shown in the agenda. That is why I want to thank you. Despite hon'ble Minister's said statement, you have only granted leave for the introduction. For this, I thank you but please see that in the evening, someone may not say that it has to be passed.

[English]

MR. SPEAKER : What your agenda says is final.

[Translation]

What was the hitch in giving two day's notice for a Bill that has been pending for such a long time. It is right that the House accommodates, all accommodate but it should not be a precedent.

[English]

The Minister has all the good intention to support and because of that he is trying to do it. If there is a procedural difficulty, one can understand it.

(Interruptions)

MR. SPEAKER : This is just for introduction. In the next session it will be passed.

SHRIMATI MALINI BHATTACHARYA (Jadavpur) : We would support this Bill. This is a very important Bill. At the same time, it is very unfortunate that it is brought at the tale end of the session. We would like to have a re-consideration ... (Interruptions)

MR. SPEAKER : It is not only the Government who can be held responsible. We also are not utilising the time properly, Madam. Let us understand that.

SHRIMATI MALINI BHATTACHARYA : Such a Rehabilitation Counselling of India Act itself has to be reconsidered ... (Interruptions)

MR. SPEAKER : Let us share the responsibility. Please sit down.

(Interruptions)

[Translation]

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Mr. Speaker, how has the word 'passed' occurred in it?

MR. SPEAKER : It is alright. They have written. We have not written. You cannot get essential things passed by quarrelling and wasting time on inessential things. It is very difficult. If someone has to share responsibility, then all will have to share it, and it cannot be placed on any one person.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Yesterday, seven Bills have been got passed by sitting upto 10.00 p.m. (Interruptions)

[English]

MR. SPEAKER : The question is:

"That leave be granted to introduce a Bill to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region."

*The Motion was adopted.*

SHRI SITARAM KEŞARI : I introduce \*the Bill.

SHRI SOMNATH CHATTERJEE (Bolpur) : Certain points were mentioned and you also made an observation. But the Minister has no response. Why should he not respond, at least apologise to the House?

MR. SPEAKER : No, no. I appreciate his wish, desire and enthusiasm to see that a Bill of this nature is passed. If the procedural difficulty is there, let us share that responsibility.

[Translation]

SHRI KALKA DAS (Karol Bagh) : It is a very important matter and it has been brought forward so lightly on this last day of the session (Interruptions)

[English]

SHRIMATI GIRIJA DEVI (Maharaj Ganj) : It is necessary that there should not be any procedural hitches? (Interruptions)

MR. SPEAKER : I am not going to ask him at this stage.

... (Interruptions)

MR. SPEAKER : The Matter under Rule 377 will not be taken up now. Later on it will be taken up.

SHRI LAETA UMBREY (Arunachal East): Sir, I have given notice.

MR. SPEAKER : Your notice does not give you the permission to raise the issues. But, I am allowing you.

... (Interruptions)

SHRI LAETA UMBREY : It is so important. (Interruptions)

MR. SPEAKER: What is it? Yes, come on.

SHRI LAETA UMBREY : Sir, I wanted to say only that actually you know Arunachal Pradesh people have no desire or intention to go and visit China, but unfortunately whenever any person from Arunachal Pradesh or any Member of official Indian Delegation applies for visa to go to China, they have always found that the Chinese Embassy have been denying visa to Arunachal Pradesh people. (Interruptions)

MR. SPEAKER : Can it be raised in the Zero Hour? You are also supporting it.

... (Interruptions)

SHRI LAETA UMBREY : It is a very big question. (Interruptions)

MR. SPEAKER : Okay, I will allow you

... (Interruptions)

SHRI LAETA UMBREY : Do not disturb me. (Interruptions) Kindly do you not want me to represent Indian citizens of Arunachal to this hon. House. I do not want interference of the Chair. He should cooperate. (Interruptions)

Sir, I am annoyed. I have given enough notices and I have never been given a chance. Sir, what I wanted to say is that may be because of our relations with China are gradually improving and any protest made by the Foreign Ministry or the Government of India may jeopardise the relations but, we must understand the sentiments of the

people and that is why I take it as a challenge or as an insult to me and to the people whom I represent. China is claiming Arunachal Pradesh as their part, but on record I have said in this House also earlier that never in the history of Arunachal Pradesh, it was under Chinese occupation. We had our relations and business with Tibet. But, after annexation of Tibet, as far as claim by China goes, without any basis they started claiming Arunachal Pradesh. I do not know why our Government is not protesting. Truly, not a single person of the Women Delegation should have been sent; the entire Indian Women Delegation should have boycotted. Why part of the representatives of the Delegation or any person should be denied visa? Arunachal Pradesh is not a disputed area. I say Arunachal Pradesh was, is and will always be an integral part of India. If in future any person from Arunachal Pradesh is denied visa by the Chinese Government, our entire Delegation should protest and under protest they should stop the visit to China.

[English]

### CONSTITUTION (EIGHTY-FIRST AMENDMENT) BILL

#### (Amendment of the Ninth Schedule)—contd.

*As Passed by Rajya Sabha*

MR. SPEAKER : Now, let us take up Constitution (Eighty-first Amendment) Bill (Amendment of the Ninth Schedule). Voting on the Motion for consideration.

Let the lobbies be cleared—

**12.00 hrs**

Now, the Lobbies have been cleared.

The question is:

“That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration.”

*The Lok Sabha divided:*

**12.08 hrs**

*Division No. 1*

#### **Ayes**

Advani, Shri Lal K.  
Agnihotri, Shri Rajendra  
Ahamed, Shri E.  
Ahmed, Shri Kamaluddin  
Akber Pasha, Shri B.  
Ansari, Dr. Mumtaz  
Antulay, Shri A.R.  
Anwar, Shrimati K. Padmashree  
Ayub Khan, Shri

Bala, Dr. Asim  
Bansal, Shri Pawan Kumar  
Barman, Shri Palas  
Barman, Shri Uddhab  
Basu, Shri Anil  
Bhadana, Shri Avtar Singh  
Bhandari, Shrimati Dil Kumari  
Bhattacharya, Shrimati Malini  
Bhonsle, Shri Prataprao B.  
Bhuria, Shri Dileep Singh  
Chacko, Shri P.C.  
Chaliha, Shri Kirip  
Chandrasekhar, Shrimati Maragatham  
Charles, Shri A.  
Chatterjee, Shri Nirmal Kanti  
Chatterjee, Shri Somnath  
Chaudhary, Sqn. Ldr. Kamal  
Chaure, Shri Babu Hari  
Chavan, Shri Prithviraj D.  
Chavda, Shri Ishwabhaj Khodabhai  
Chhotey Lal, Shri  
Chinta Mohan, Dr.  
Choudhury, Shri Ram Tahal  
Choudhury, Shri Saifuddin  
Chowdary, Dr. K.V.R.  
Chowdhary, Shri Pankaj  
Chowdhary, Shrimati Santosh  
Dalbir Singh, Shri  
Damor, Shri Somjibhai  
Das, Shri Anadi Charan  
Dennis, Shri N.  
Deora, Shri Murlu  
Deshmukh, Shri Anantrao  
Deshmukh, Shri Ashok Anandrao  
Dharmabhiksham, Shri  
Dighe, Shri Sharad  
Dikshit, Shri Shreesh Chandra  
Diwan, Shri Pawan  
Drona, Shri Jagar Vir Singh  
Faleiro, Shri Eduardo  
Farook, Shri M.O.H.  
Fundkar, Shri Pandurang Pundlik

Gajapathi, Shri Gopi Nath  
 Gamang, Shri Giridhar  
 Gamit, Shri Chhitubhai  
 Gangwar, Dr. P.R.  
 Gautam, Shrimati Sheela  
 Gehlot, Shri Ashok  
 Ghangare, Shri Ramchandra Marotrao  
 Ghatowar, Shri Paban Singh  
 Giri, Shri Sudhir  
 Gogoi, Shri Tarun  
 Gopalan, Shrimati Suseela  
 Gundewar, Shri Vilasrao Nagnathrao  
 Handique, Shri Bijoy Krishna  
 Hooda, Shri Bhupinder Singh  
 Hossain, Shri Syed Masudal  
 Inder Jit, Shri  
 Islam, Shri Narul  
 Jakhar, Shri Balram  
 Janarthanan, Shri M.R. Kadambur  
 Jangde Shri Khelan Ram  
 Jaswant Singh, Shri  
 Jatav, Shri Bare Lal  
 Jeevarathinam, Shri R.  
 Jena, Shri Srikanta  
 Kale, Shri Shankarrao D.  
 Kaliaperumal, Shri P.P.  
 Kamal Nath, Shri  
 Kamble, Shri Arvind Tulshiram  
 Kamson, Prof. M.  
 Kanithi, Dr. Viswanatham  
 Karreddula, Shrimati Kamala Kumari  
 Kasu, Shri Venkata Krishna Reddy  
 Katheria, Shri Prabhu Dayal  
 Khan, Shri Sukhendu  
 Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra  
 Khanoria, Major D.D.  
 Khursheed, Shri Salman  
 Koli, Shri Ganga Ram  
 Konathala, Shri Rama Krishna  
 Kotla, Shri Jaya Suryaprakash Reddy  
 Krishnaswamy, Shri M.  
 Krishnendra Kaur (Deepa), Shrimati  
 Kshirsagar, Shrimati Kesharbai Sonaji  
 Kuli, Shri Balin

Kuppuswamy, Shri C. K.  
 Lakshmanan, Prof. Savithri  
 Lovely Anand, Shrimati  
 Made Gowda, Shri G.  
 Mahajan, Shrimati Sumitra  
 Mahendra Kumari, Shrimati  
 Mahto, Shri Shailendra  
 Malik, Shri Puma Chandra  
 Mallikarjun, Shri  
 Mallikarjunaiah, Shri S.  
 Mandal, Shri Brahmanand  
 Mandal, Shri Sanat Kumar  
 Marbaniang, Shri Peter G.  
 Mathew, Shri Pala K.M.  
 Mathur, Shri Shiv Charan  
 Maurya, Shri Anand Ratna  
 Meghe, Shri Datta  
 Mirdha, Shri Nathu Ram  
 Mirdha, Shri Ram Niwas  
 Misra, Shri Janardan  
 Misra, Shri Satyagopal  
 Mohan Singh, Shri  
 Mollah, Shri Hannan  
 Mukherjee, Shri Pramothas  
 Mukhopadhyay, Shri Ajoy  
 Munda, Shri Govinda Chandra  
 Munda, Shri Kariya  
 Muniyappa, Shri K.H.  
 Murthy, Shri M.V. Chandrashekhara  
 Murugesan, Dr. N.  
 Muttemwar, Shri Vilas  
 Nandi, Shri Yellaiah  
 Narayanan, Shri P.G.  
 Nawale, Shri Vidura Vithoba  
 Nyamagouda, Shri S.B.  
 Odeyar, Shri Channaiah  
 Padma, Dr. (Shrimati)  
 Pandian, Shri D.  
 Panigrahi, Shri Sriballav  
 Panja, Shri Ajit  
 Paswan, Shri Sukdeo  
 Patel, Shri Brishin

Patel, Shri Harilal Nanji  
 Patel, Shri Ram Pujan  
 Patel, Shri Somabhai  
 Patel, Shri Uttambhai Haribhai  
 Pathak, Shri Surendra Pal  
 Patil, Shri Prakash V.  
 Patil, Shrimati Pratibha Devisingh  
 Patil, Shri Shivraj V.  
 Patil, Shri Uttamrao Deorao  
 Patnaik, Shri Sivaji  
 Pawar, Dr. Vasant Niwruuti  
 Pilot, Shri Rajesh  
 Potdukhe, Shri Shantaram  
 Pradhani, Shri K.  
 Pramanik, Prof. R. R.  
 Prasad, Shri Hari Kewal  
 Prasad, Shri V. Sreenivasa  
 Prem, Shri B. L. Sharma  
 Rai, Shri Lall Babu  
 Rai, Shri Ram Nihor  
 Raj Narain, Shri  
 Raje, Shrimati Vasundhara  
 Ram, Shri Prem Chand  
 Ram Babu, Shri A.G.S.  
 Ram Singh, Shri  
 Rao, Shri P.V. Narasimha  
 Rao Ram Singh, Col.  
 Rao, Shri V. Krishna  
 Rathva, Shri N.J.  
 Rawal, Dr. Lal Bahadur  
 Rawat, Prof. Rasa Singh  
 Ray, Shri Rabi  
 Raychaudhuri, Shri Sudarsan  
 Reddy, Shri B.N.  
 Reddy, Shri M.G.  
 Roshan Lal, Shri  
 Roypradhan, Shri Amar  
 Sadul, Shri Dharmanna Mondayya  
 Sahi, Shrimati Krishna  
 Sakshiji, Dr.  
 Saraswati, Shri Yoganand  
 Sarode, Dr. Gunvant Rambhau

Satrucharla, Shri Vijayaraman Raju  
 Sawant, Shri Sudhir  
 Sayeed, Shri P.M.  
 Scindia, Shri Madhavrao  
 Shakya, Dr. Mahadeepak Singh  
 Shankaranand, Shri B.  
 Sharma, Shri Chiranji Lal  
 Sharma, Shri Rajendra Kumar  
 Sharma, Capt. Satish Kumar  
 Shastri, Shri Vishwanath  
 Shinda, Shri D.B.  
 Shukla, Shri Astbhuja Prasad  
 Shukla, Shri Vidyacharan  
 Silvera, Dr. C.  
 Singh, Shri Abhay Pratap  
 Singh, Dr. Chattrapal  
 Singh, Shri Hari Kishore  
 Singh, Shri Khelsai  
 Singh, Shri Motilal  
 Singh, Kumari Pushpa Devi  
 Singh, Shri Rajveer  
 Singh, Shri Rampal  
 Singh, Shri Satya Deo  
 Singh Deo, Shri K.P.  
 Sivaraman, Shri S.  
 Sodi, Shri Manku Ram  
 Solanki, Shri Surajbhanu  
 Soren, Shri Shibu  
 Subbarao, Shri Thota  
 Sukhbuns Kaur, Shrimati  
 Sultanpuri, Shri Krishan Dutt  
 Sur, Shri Monoranjan  
 Swami, Shri Chinmayanand  
 Swami, Shri Sureshanand  
 Swamy, Shri G. Venkat  
 Thakore, Shri Gabhaji Mangaji  
 Thangka Balu, Shri K.V.  
 Thite Shri Bapusahib  
 Thomas, Shri P. C.  
 Thorat, Shri Sandipan Bhagwan  
 Tope, Shri Ankushrao Raosaheb  
 Topno, Kumari Frida

Tripathi, Shri Lakshmi Narain Mani  
 Tripathi, Shri Prakash Narain  
 Tripathy, Shri Braja Kishore  
 Trivedi, Shri Arvind  
 Tytler, Shri Jagdish  
 Umbrey, Shri Laeta  
 Umrao Singh, Shri  
 Upadhyay, Shri Swarup  
 Vajpayee, Shri Atal Bihari  
 Vandayar, Shri K.T.  
 Verma, Shri Upendra Nath  
 Verma, Kumari Vimla  
 Wasnik, Shri Mukul  
 Yadav, Shri Chandra Jeet  
 Yadav, Shri Chun Chun Prasad  
 Yadav, Shri Devendra Prasad  
 Yadav, Shri Ram Kripal  
 Yadav, Shri Ram Lakhan Singh  
 Yadav, Dr. S.P.  
 Yadav, Shri Vijoy Kumar

Noes

-Nil-

MR. SPEAKER : The result of the Division\* is :

Ayes — 336\*\*

Noes — Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

SOME HON. MEMBERS : Sir, the electronic machine is not working.

MR. SPEAKER : It is working. You shall have to take precaution to see that the buttons are properly pressed. At least I have the certificate that it is working and it was checked in the morning.

...(Interruptions)

MR. SPEAKER : This is the certificate I got from the Office—certified that the Automatic Vote Recording System installed in the Lok Sabha Chamber have been tested in the morning and found working quite satisfactorily.

...(Interruptions)

MR. SPEAKER : That is why I will ask the office people to enquire who has given this certificate and how. We will look into it.

Now, the House shall take up Clause-by-Clause consideration.

I am told that many hon. Members are waiting outside. So, let the lobbies be cleared again—

MR. SPEAKER : Now, the Lobbies have been cleared.

The question is:

"That Clause 2 stand part of the Bill."

*The Lok Sabha divided:*

12.30 hrs

Division No. 2

Ayes

Abdul Ghafoor, Shri

Advani, Shri Lal K.

Agnihotri, Shri Rajendra

Ahamed, Shri E.

Ahmed, Shri Kamaluddin

Aiyar, Shri Mani Shankar

Akber Pasha, Shri B.

\*The following members also recorded their votes:—

Ayes : S/Shri Purno A. Sangma, Raghunandan Lal Bhatia, Arvind Netam, P.V. Rangayya Naidu, Shrimati Basava Rajeswari, Kumar Selja, S/Shri Ram Lal Rahi, M. Baga Reddy, Mohanlal Jhikram, K. Ramamurthee Tindivanasm, B.M. Mujahid, B.K. Gudadinni, Sriballav Panigrahi, Imchalemba, Mani Shankar Aiyar, Anwar Basavaraj Patil, Jangbir Singh, A. Venkata, Reddy, Narain Singh Chaudhuri, G. Ganga Reddy, Santosh Mohan Dev, Paras Ram Bhardwaj, Shrimati D.K. Tharadevi Siddhartha, S/Shri Manikrao Hodiya Gavit, Dr. P. Vallal Peruman, S/Shri Mullappally Ramchandran, Gurudas Kamat, Aslam Sher Khan, A. Prathap Sai, Harish Narayan Parabhu Zantye, Tara Singh, Shraavan Kumar Patel, Praful Patel, Vishweshwar Bhagat, Dr. R. Mallu, S/Shri Kewal Singh, Bhawani Lal Verma, Oscar Fernandes, Udaysingh Rao Gaikwad, Dr. Krupasindhu Bhoi, S/Shri Ghulam Mohammad Khan, Ram Awadh, Shiv Sharan Verma, Surya Narayan Yadav, Lakshman Singh, Bheru Lal Meena, Subhash Chandra Nayak, Harchand Singh, Gurcharan Singh Dadahoor, Ram Badan, Abhay Pratap Singh, Chitta basu, Bhogendra Jha, Amal Datta, Rupchand Pal, Shrimati Geeta Mukherjee, S/Shri C. Sreenivasan, B. Rajaravivarma, Ramashray Prasad Singh, Suraj Mandal, Maruti Doeram Shelke, Prof. Susanta Chakraborty, S/Shri Uday Pratap Singh, Tarit Baran Topdar, Subrata Mukherjee, Haradhan Roy, Jitendra Nath Das, Rup Chand Murrem, Saifuddin Choudhury, Rajesh Ranjan Alias Pappu Yadav, Ram Vilas Paswan, Syed Shahabuddin, Abdul Ghafoor, Mohammad Yunus Saleem, Nitish Kumar, Santosh Kumar Gangwar, Chhedi Paswan, Shrimati Saroj Dubey, S/Shri Manjay Lal, Ram Prasad Singh, Dr. Jayanta Rongpi, S/Shri Muhi Ram Saikia, Rajesh Kumar, Mahendra Baitha, Dr. Faiyazul Azam, S/Shri Shivraj Singh Chauhan, Rampal Singh, Prof. Prem Dhumal, S/Shri Ram Naik, Kalka Das, Rudrasen Chaudhary, Prof. Rita Verma, S/Shri Mangal Ram 'Premi', Harisinh Chavda, Ramdew Ram, Dwarka Nath Das and Ram Narain Berwa. (97)

\*\* However, after taking into account the correction slips, the final result comes as follows:—

Ayes : 240 + 97 = 337

Noes : Nil

Ansari, Dr. Mumtaz	Devi, Shrimati Bibhu Kumari
Arunachalam, Shri M.	Dhumal, Prof. Prem
Ayub Khan, Shri	Dighe, Shri Sharad
Baitha, Shri Mahendra	Dikshit, Shri Shreesh Chandra
Bala, Dr. Asim	Diwan, Shri Pawan
Bansal, Shri Pawan Kumar	Drona, Shri Jagat Vir Singh
Barman, Shri Uddhab	Dubey, Shrimati Saroj
Basu, Shri Anil	Farook, Shri M.O.H.
Basu, Shri Chitta	Gamang, Shri Giridhar
Bhadana, Shri Avtar Singh	Gamit, Shri Chhitubhai
Bhandari, Shrimati Dil Kumari	Gangwar, Dr. P.R.
Bhattacharya, Shrimati Malini	Gautam, Shrimati Sheela
Bhoi, Dr. Krupasindhu	Gehlot, Shri Ashok
Bhuria, Shri Dileep Singh	Ghangare, Shri Ramchandra Marotrao
Chacko, Shri P.C.	Giri, Shri Sudhir
Chaliha, Shri Kirip	Gopalan, Shrimati Suseela
Charles, Shri A.	Gudadinni, Shri B.K.
Chatterjee, Shri Nirmal Kanti	Handique, Shri Bijoy Krishna
Chatterjee, Shri Somnath	Hooda, Shri Bhupinder Singh
Chaudhary, Sqn. Ldr. Kamal	Hossain, Shri Syed Masudal
Chaudhary, Shri Rudrasen	Imchalemba, Shri
Chaure, Shri Bapu Hari	Islam, Shri Nurul
Chavan, Shri Prithviraj D.	Janarthanan, Shri M.R. Kadambur
Chavda, Shri Harisinh	Jangde, Shri Khelan Ram
Chavda, Shri Ishwarbhai Khodabhai	Jaswant Singh, Shri
Chhotey Lal, Shri	Jatav, Shri Bare Lal
Chinta Mohan, Dr.	Jena, Shri Srikanta
Choudhury, Shri Saifuddin	Jha, Shri Bhogendra
Chowdhary, Dr. K.V.R.	Jhikram, Shri Mohanlal
Chowdhary, Shri Pankaj	Kale, Shri Shankarrao D.
Dadahoor, Shri Gurcharan Singh	Kaliaperumal, Shri P.P.
Dalbir Singh, Shri	Kalka Das, Shri
Damor, Shri Somjibhai	Kamal Nath, Shri
Das, Shri Anadi Charan	Kamat, Shri Gurudas
Das, Shri Ram Sunder	Kamble, Shri Arvind Tulshiram
Dennis, Shri N.	Kamson, Prof. M.
Deora, Shri Murl	Kanithi, Dr. Viswanatham
Deshmukh, Shri Anantrao	Karreddula, Shrimati Kamala Kumari
Deshmukh, Shri Ashok Anandrao	Kasu, Shri Venkta Krishna Reddy

Katheria, Shri Prabhu Dayal  
 Khan, Shri Aslam Sher  
 Khan, Shri Sukhendu  
 Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra  
 Khursheed, Shri Salman  
 Koli, Shri Ganga Ram  
 Konathala, Shri Rama Krishna  
 Kotla, Shri Jaya Suryaprakash Reddy  
 Krishnaswamy, Shri M.  
 Krishnendra Kaur (Deepa), Shrimati  
 Kshirsagar, Shrimati Kesharbai Sonaji  
 Kuli, Shri Balin  
 Kumar, Shri Nitish  
 Kumaramangalam, Shri Rangarajan  
 Kuppuswamy, Shri C.K.  
 Kusmaria, Dr. Ramkrishna  
 Lakshmanan, Prof. Savithri  
 Lovely Anand, Shrimati  
 Mahto, Shri Shailendra  
 Mallikarjunaiah, Shri S.  
 Mandal, Shri Brahmanand  
 Mandal, Shri Sanat Kumar  
 Marbaniang, Shri Peter G.  
 Mathew, Shri Pala K. M.  
 Maurya, Shri Anand Ratna  
 Meena, Shri Bheru Lal  
 Mirdha, Shri Ram Niwas  
 Misra, Shri Janardan  
 Mukherjee, Shrimati Geeta  
 Mukherjee, Shri Pramothas  
 Mukhopadhyay, Shri Ajoy  
 Muniyappa, Shri K.H.  
 Murthy, Shri M.V. Chandrashekhara  
 Murugesan, Dr. N.  
 Muttemwar, Shri Vilas  
 Naik, Shri Ram  
 Nandi, Shri Yellaiah  
 Nawale, Shri Vidura Vithoba  
 Netam, Shri Arvind

Nyamagouda, Shri S.B.  
 Odeyar, Shri Channaiah  
 Padma, Dr. (Shrimati)  
 Pal, Shri Rupchand  
 Palacholla, Shri V. R. Naidu  
 Pandian, Shri D.  
 Panwar, Shri Harpal  
 Paswan, Shri Chhedi  
 Paswan, Shri Ram Vilas  
 Paswan, Shri Sukdeo  
 Patel, Shri Brishin  
 Patel, Shri Ram Pujan  
 Patel, Shri Uttambhai Haribhai  
 Patil, Shri Prakash V.  
 Patil, Shrimati Pratbha Devisingh  
 Patil, Shrimati Surya Kanta  
 Patil, Shri Uttamrao Deorao  
 Patnaik, Shri Sivaji  
 Pawar, Dr. Vasant Niwrucci  
 Pilot, Shri Rajesh  
 Potdukhe, Shri Shantaram  
 Prabhu Zantye, Shri Harish Narayan  
 Pradhani, Shri K.  
 Pramanik, Prof. R.R.  
 Prasad, Shri Hari Kewal  
 Prasad, Shri V. Sreenivasa  
 Prem, Shri B. L. Sharma  
 Premi, Shri Mangal Ram  
 Rahi, Shri Ram Lal  
 Rai, Shri Lall Babu  
 Rai, Shri Ram Nihor  
 Raj Narain, Shri  
 Rajaravivarma, Shri B.  
 Raje, Shrimati Vasundhara  
 Ram Awadh, Shri  
 Ram Babu, Shri A.G.S.  
 Ram Singh, Shri  
 Ramchandran, Shri Mollappally  
 Ramdew Ram, Shri

Rao Ram Singh, Col.	Singh, Shri Lakshman
Rao, Shri V. Krishna	Singh, Shri Motilal
Rathva, Shri N.J.	Singh, Kumari Pushpa Devi
Rawal, Dr. Lal Bahadur	Singh, Shri Rajveer
Rawat, Prof. Rasa Singh	Singh, Shri Ram Prasad
Raychaudhuri, Shri Sudarsan	Singh, Shri Ramashray Prasad
Reddaiah Yadav, Shri K.P.	Singh Deo, Shri K.P.
Reddy, Shri B.N.	Sivaraman, Shri S.
Reddy, Shri M. Baga	Sodi, Shri Manku Ram
Reddy, Shri M.G.	Solanki, Shri Surajbhanu
Roshan Lal, Shri	Soren, Shri Shibu
Roy, Shri Haradhan	Sukhbuns Kaur, Shrimati
Roypradhan, Shri Amar .	Sur, Shri Monoranjan
Sadul, Shri Dharmanna Mondayya	Swami, Shri Chimayanand
Sahi, Shrimati Krishna	Swami, Shri Sureshanand
Sai, Shri A. Prathap	Swamy, Shri G. Venkat
Saikia, Shri Muhi Ram	Syed Shahabuddin, Shri
Sakshiji, Dr.	Tara Singh, Shri
Saleem, Shri Mohammad Yunus	Thangka Balu, Shri K.V.
Sangma, Shri Purno A.	Thite, Shri Bapusahib
Saraswati, Shri Yoganand	Thomas, Shri P.C.
Satrucharla, Shri Vijayarama Raju	Thorat, Shri Sandipan Bhagwan
Sawant, Shri Sudhir	Tope, Shri Ankushrao Raosaheb
Sayeed, Shri P.M.	Topno, Kumari Frida
Scindia, Shri Madhavrao	Tripathi, Shri Lakshmi Narain Mani
Selja, Kumari	Tripathi, Shri Prakash Narain
Shakya, Dr. Mahadeepak Singh	Tripathy, Shri Braja Kishore
Sharma, Shri Chiranji Lal	Tytlar, Shri Jagdish
Sharma, Shri Rajendra Kumar	Umbrey, Shri Laeta
Sharma, Capt. Satish Kumar	Umrao Singh, Shri
Shastri, Shri Vishwanath	Urs, Shrimati Chandra Prabha
Shelke, Shri Maruti Deoram	Vandayar, Shri K.T.
Shingda, Shri D.B.	Verma, Shri Bhawani Lal
Stukla, Shri Astbhuja Prasad	Verma, Prof. Rita
Shukla, Shri Vidyacharan	Verma, Shri Shiv Sharan
Silvera, Dr. C.	Verma, Shri Upendra Nath
Singh, Shri Abhay Pratap	Yadav, Shri Chandra Jeet
Singh, Dr. Chatrapal	Yadav, Shri Chun Chun Prasad
Singh, Shri Khelsai	Yadav, Shri Devendra Prasad

Yadav, Shri Ram Lakhani Singh  
 Yadav, Shri Surya Narayan  
 Zainal Abedin, Shri

**Noes**

-Nil-

MR. SPEAKER : Subject to correction, the result of the division\* is:

Ayes : 355

Noes : Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 2 was added to the Bill.*

MR. SPEAKER: The question is:

"The clause 1, the Enacting Formula and the Long Title stand part of the Bill".

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

MR. SPEAKER : The Minister may now move that the Bill be passed.

[Translation]

MINISTER OF RURAL AREAS AND EMPLOYMENT  
 (DR. JAGANNATH MISHRA) : Sir, I beg to move:

"That the Bill be passed."

[English]

MR. SPEAKER : Before I put the motion that the Bill be passed, to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared—

MR. SPEAKER : Now, the Lobbies have been cleared—

The question is:

"That the Bill be passed."

*The Lok Sabha divided :*

**12.49 hrs**

*Division No. 3*

**Ayes**

Abdul Ghafoor, Shri  
 Adakalaraj, Shri L.  
 Advani, Shri Lal K.  
 Agnihotri, Shri Rajendra  
 Ahamed, Shri E.  
 Ahmed, Shri Kamaluddin  
 Aiyar, Shri Mani Shankar  
 Akber Pasha, Shri B.  
 Amar Pal Singh, Shri  
 Ansari, Dr. Mumtaz  
 Antulay, Shri A.R.  
 Anwar, Shrimati K. Padmashree  
 Arunachalam, Shri M.  
 Ayub Khan, Shri  
 Baitha, Shri Mahendra  
 Bala, Dr. Asim  
 Bansal, Shri Pawan Kumar  
 Barman, Shri Uddhab  
 Basu, Shri Anil

\*The following members also recorded their votes:—

*Ayes:* S/Shri P.V. Narasimha Rao, Balram Jakhar, A.R. Antulay, Mukul Wasnik, Ajit Panja, Tarun Gogoi, Eduardo Faleiro, Mallikarjun, R.L. Bhatia, Shrimati Basava Rajeshwari, S/Shri Paban Singh Ghatowar, Krishan Dutt Sultanpuri, Kumari Vimla Verma, S/Shri Prataprao B. Bhonsle, K. Ramamurthi Tindivanam, B.M. Mujahid, Sriballav Panigrahi, Hanilal Nanji Patel, Anwar Basavaraj Patil, Jangbir Singh, G. Made Gowda, A. Venkata Reddy, Narain Singh Chaudhri, G. Ganga Reddy, Santosh Mohan Dev, Paras Ram Bhardwaj, Shrimati D.K. Tharadevi Siddhartha, S/Shri Manikrao Hodlya Gavit, L. Adakalaraj, Satya Pal Singh Yadav, Dr. P. Vallal Peruman, S/Shri R. Jeevarathinam, Shrimati K. Padamsree Anwar, S/Shri Shrivani Kumar Patel, Praful Patel, Vishweshwar Bhagat, Datta Meghe, Shrimati Santosh Chowdhary, Dr. R. Mallu, Thakur Mahendra Kumar Singh, S/Shri Kewal Singh, Swarnu Upadhyay, B. Shankaranand, Shiv Charan Mathur, Shrimati Maragatham Chandrasekhar, S/Shri Nathu Ram Mircha, Inderjit, Oscar Fernandes, Govinda Chandra Munda, Udaysingrao Gaikwad, Dharampal Singh Malik, \*\*Ghulam Mohammad Khan, Gopi Nath Gajapathi, Thota Subbarao, Subhash Chandra Nayak, Harchand Singh, Ram Badan, Abhay Pratap Singh, P.G. Narayanan, Indrajit Gupta, Amal Datta, C. Sreenivasan, Surya Narayan Singh, Satya Gopal Misra, Suraj Mandal, Vijaya Kumar Yadav, Puma Chandra Malik, Yaima Singh Yumnam, Prof. Susanta Chakraborty, S/Shri Uday Pratap Singh, Tej Narayan Singh, S.S.R. Rajendra Kumar, Dharamabiksham, Prem Chand Ram, Jitendra Nath Das, Rupchand Mumu, Satyendra Nath Brohmo Chaudhury, Rajesh Ranjan Alias Pappu Yadav, Mohan Singh (Deoria), Rabi Ray, Hannan Mollah, Dr. S.P. Yadav, S/Shri Hari Kishore Singh, Ram Kripal Yadav, Santosh Kumar Gangwar, Shrimati Girija Devi, S/Shri Manjay Lal, Rajesh Kumar, Naresh Kumar Baliyan, Dr. G. L. Kanaujia, S/Shri Mohan Rawale, Surendra Pal Pathak, Ram Naresh Singh, Dr. Faiyazul Azam, Shiv-Raj Singh Chauhan, S/Shri Atal Bihari Vajpayee, Karia Munda, Shrimati Mahendra Kumar, S/Shri Satya Deo Singh, Bhagwan Shankar Rawat, Somabhai Patel, Ram Tahal Choudhary, Dwarkanath Das, Dattatreya Bandaru, Gabhaji Mangaji Thakore, Major D. D. Khanoria, Pandurang Fundkar, S/Shri Ram Narain Berwa, Arvind Trivedi and Dr. Gunawant Rambhau Sarode (111).

\*\* Vilasrao Nagnathrao Gundewar.

Basu, Shri Chitta	Dennis, Shri N.
Berwa, Shri Ram Narain	Deora, Shri Murlu
Bhadana, Shri Avtar Singh	Deshmukh, Shri Anantrao
Bhagat, Shri Vishweshwar	Deshmukh, Shri Ashok Anandrao
Bhandari, Shrimati Dil Kumari	Dev, Shri Sontosh Mohan
Bhardwaj, Shri Paras Ram	Devi, Shrimati Bibhu Kumari
Bhatia, Shri Raghunandan Lal	Dhumal, Prof. Prem
Bhattacharya, Shrimati Malini	Dighe, Shri Sharad
Bhoi, Dr. Krupasindhu	Diwan, Shri Pawan
Bhonsle, Shri Prataprao B.	Drona, Shri Jagat Vir Singh
Bhuria, Shri Dileep Singh	Faleiro, Shri Eduardo
Chacko, Shri P.C.	Farook, Shri M.O.H.
Chakraborty, Prof. Susanta	Fernandes, Shri Oscar
Chaliha, Shri Kirip	Fundkar, Shri Pandurang Pundlik
Chandrasekhar, Shrimati Maragatham	Gajapathi, Shri Gopi Nath
Charles, Shri A.	Gamang, Shri Giridhar
Chatterjee, Shri Nirmal Kanti	Gamit, Shri Chhitubhai
Chatterjee, Shri Somnath	Gangwar, Dr. P.R.
Chaudhary, Sqn. Ldr. Kamal	Gangwar, Shri Santosh Kumar
Chaudhary, Shri Rudrasen	Gautam, Shrimati Sheela
Chaudhri, Shri Narain Singh	Ghangare, Shri Ramchandra Marotrao
Chauhan, Shri Chetan P.S.	Ghatowar, Shri Paban Singh
Chhaure, Shri Bapu Hari	Giri, Shri Sudhir
Chavan, Shri Prithviraj D.	Girija Devi, Shrimati
Chavda, Shri Harisinh	Gogoi, Shri Tarun
Chavda, Shri Ishwarbhai Khodabhai	Gopalan, Shrimati Suseela
Chidambaram, Shri P.	Gudadinni, Shri B.K.
Chhotey Lal, Shri	Gundewar, Shri Vilasrao Nagnathrao
Choudhary, Shri Ram Tahal	Gupta, Shri Indrajit
Choudhury, Shri Saifuddin	Handique, Shri Bijoy Krishna
Chowdhary, Dr. K.V.R.	Harchand Singh, Shri
Chowdhary, Shrimati Santosh	Hooda, Shri Bhupinder Singh
Dadahoor, Shri Gurcharan Singh	Hossain, Shri Syed Masudal
Dalbir Singh, Shri	Imchalemba, Shri
Damor, Shri Somjibhai	Inder Jit, Shri
Das, Shri Anadi Charan	Islam, Shri Nurul
Das, Shri Dwaraka Nath	Jakhar, Shri Balram
Das, Shri Ram Sunder	Janarthanan, Shri M.R. Kadambur
Datta, Shri Amal	Jangbir Singh, Shri

Jaswant Singh, Shri  
 Jatav, Shri Bare Lal  
 Jeevarathinam, Shri R.  
 Jena, Shri Srikanta  
 Jha, Shri Bhogendra  
 Jhikram, Shri Mohanlal  
 Kale, Shri Shankarrao D.  
 Kaliaperumal, Shri P.P.  
 Kalka Das, Shri  
 Kamat, Shri Gurudas  
 Kamble, Shri Arvind Tulshiram  
 Kamson, Prof. M.  
 Kanithi, Dr. Viswanatham  
 Karreddula, Shrimati Kamala Kumari  
 Kasu, Shri Venkata Krishna Reddy  
 Katheria, Shri Prabhu Dayal  
 Khan, Shri Aslam Sher  
 Khan, Shri Sukhendu  
 Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra  
 Khanoria, Major D.D.  
 Khursheed, Shri Salman  
 Koli, Shri Ganga Ram  
 Konathala, Shri Rama Krishna  
 Kotta, Shri Jaya Suryaprakash Reddy  
 Krishnaswamy, Shri M.  
 Krishnendra Kaur (Deepa), Shrimati  
 Kshirsagar, Shrimati Kesharbai Sonaji  
 Kuli, Shri Balin  
 Kumar, Shri Nitish  
 Kumaramangalam, Shri Rangarajan  
 Kuppaswamy, Shri C.K.  
 Kusmarla, Dr. Ramkrishna  
 Lakshmanan, Prof. Savithri  
 Lovely Anand, Shrimati  
 Made Gowda, Shri G.  
 Mahendra Kumar, Shrimati  
 Mahto, Shri Shailendra  
 Malik, Shri Dharampal Singh  
 Malik Shri Purna Chandra

Mallikarjun, Shri  
 Mallikarjunaiah, Shri S.  
 Mallu, Dr. R.  
 Mandal, Shri Sanat Kumar  
 Manjay Lal, Shri  
 Marbaniang, Shri Peter G.  
 Mathew, Shri Pala K.M.  
 Mathur, Shri Shiv Charan  
 Meena, Shri Bheru Lal  
 Meghe, Shri Datta  
 Mirdha Shri Nathu Ram  
 Mirdha, Shri Ram Niwas  
 Misra, Shri Janardan  
 Misra, Shri Satyagopal  
 Misra, Shri Shyam Bihari  
 Mollah, Shri Hannan  
 Mujahid, Shri B.M.  
 Mukherjee, Shrimati Geeta  
 Mukherjee, Shri Pramothas  
 Mukherjee, Shri Subrata  
 Mukhopadhyay, Shri Ajoy  
 Munda, Shri Govinda Chandra  
 Munda, Shri Kariya  
 Muniyappa, Shri K.H.  
 Murthy, Shri M.V. Chandrashekhara  
 Murugesan, Dr. N.  
 Naik, Shri Ram  
 Nandi, Shri Yellaiah  
 Narayanan, Shri P.G.  
 Nawale, Shri Vidura Vithoba  
 Nayak, Shri Mrutyunjaya  
 Netam, Shri Arvind  
 Nikam, Shri Govindrao  
 Nyamagouda, Shri S.B.  
 Odeyar, Shri Channaiah  
 Padma, Dr. (Shrimati)  
 Pal, Shri Rupchand  
 Palacholla, Shri V. R. Naidu  
 Pandian, Shri D.

Panigrahi, Shri Sriballav	Ram Babu, Shri A.G.S.
Panja, Shri Ajit	Ram Badan, Shri
Panwar, Shri Harpal	Ram Singh, Shri
Paswan, Shri Chhedi	Ramchandran, Shri Mullappally
Paswan, Shri Ram Vilas	Ramdew Ram, Shri
Paswan, Shri Sukdeo	Rao, Shri P. V. Narasimha
Patel, Shri Brishin	Rao Ram Singh, Col.
Patel, Shri Harilal Nanji	Rao, Shri V. Krishna
Patel, Shri Praful	Rathva, Shri N.J.
Patel, Shri Ram Pujan	Rawale, Shri Mohan
Patel, Shri Shravan Kumar	Rawat, Shri Bhagwan Shankar
Patel, Shri Somabhai	Rawat, Prof. Rasa Singh
Patel, Shri Uttambhai Haribhai	Ray, Shri Rabi
Pathak, Shri Surendra Pal	Raychaudhuri, Shri Sudarsan
Patil, Shri Prakash V.	Reddaiah Yadav, Shri K.P.
Patil, Shrimati Pratibha Devisingh	Reddy, Shri A. Venkata
Patil, Shrimati Surya Kanta	Reddy, Shri B.N.
Patil, Shri Uttamrao Deorao	Reddy, Shri M. Baga
Patnaik, Shri Sivaji	Reddy, Shri M. G.
Pawar, Dr. Vasant Niwrutti	Rongpi, Dr. Jayanta
Peruman, Dr. P. Vallal	Roshan Lal, Shri
Pilot, Shri Rajesh	Roy, Shri Haradhan
Potdukhe, Shri Shantaram	Roypradhan, Shri Amar
Prabhu Zantye, Shri Harish Narayan	Sadul, Shri Dharmanna Mondayya
Pradhani, Shri K.	Sahi, Shrimati Krishna
Pramanik, Prof. R.R.	Sai, Shri A. Prathap
Prasad, Shri Hari Kewal	Saikia, Shri Muhi Ram
Prasad, Shri V. Sreenivasa	Sakshiji, Dr.
Prem, Shri B. L. Sharma	Saleem, Shri Mohammad Yunus
Premi, Shri Mangal Ram	Sangma, Shri P.A.
Rahi, Shri Ram Lal	Saraswati, Shri Yoganand
Rai, Shri Lall Babu	Sarode, Dr. Guntant Rambhau
Rai, Shri Nawal Kishore	Satrucharla, Shri Vijayarama Raju
Rai, Shri Ram Nihor	Sawant, Shri Sudhir
Raj Narain, Shri	Sayeed, Shri P.M.
Rajaravivarma, Shri B.	Scindia, Shri Madhavrao
Raje, Shrimati Vasundhara	Selja, Kumari
Rajeswari, Shrimati Basava	Shakya, Dr. Mahadeepak Singh
Ram Awadh, Shri	Shankaranand, Shri B.

Sharma, Shri Chiranji Lal	Tara Singh, Shri
Sharma, Shri Rajendra Kumar	Thakore, Shri Gabhaji Mangaji
Sharma, Capt. Satish Kumar	Thakur, Shri Mahendra Kumar Singh
Shastri, Shri Vishwanath	Thangka Balu, Shri K.V.
Shelke, Shri Maruti Deoram	Thite, Shri Bapusahib
Shingda, Shri D.B.	Thomas, Shri P.C.
Shukla, Shri Astbhuja Prasad	Thorat, Shri Sandipan Bhagwan
Shukla, Shri Vidyacharan	Tindivanam, Shri K. Ramamurthee
Siddhartha, Shrimati D.K. Tharadevi	Topdar, Shri Tarit Baran
Silvera, Dr. C.	Tope, Shri Ankushrao Raosaheb
Singh, Shri Abhay Pratap	Topno, Kumari Frida
Singh, Dr. Chattrapal	Tripathi, Shri Lakshmi Narain Mani
Singh, Shri Hari Kishore	Tripathi, Shri Prakash Narain
Singh, Shri Khelsai	Trivedi, Shri Arvind
Singh, Shri Lakshman	Tytler, Shri Jagdish
Singh, Shri Mohan	Umbrey, Shri Laeta
Singh, Kumari Pushpa Devi	Umrao Singh, Shri
Singh, Shri Rajveer	Upadhyay, Shri Swarup
Singh, Shri Ram Prasad	Urs, Shrimati Chandra Prabha
Singh, Shri Ramashray Prasad	Vajpayee, Shri Atal Bihari
Singh, Shri Ramnaresh	Vandayar, Shri K.T.
Singh, Shri Satya Deo	Verma, Shri Bhawani Lal
Singh Deo, Shri K.P.	Verma, Prof. Rita
Singla, Shri Sant Ram	Verma, Shri Shiv Sharan
Sivaraman, Shri S.	Verma, Shri Upendra Nath
Sodi, Shri Manku Ram	Verma, Kumari Vimla
Solanki, Shri Surajbhanu	Wasnik, Shri Mukul
Soren, Shri Shibu	Yadav, Shri Chandra Jeet
Sreenivaasan, Shri C.	Yadav, Shri Chun Chun Prasad
Subbarao, Shri Thota	Yadav, Shri Devendra Prasad
Sukhbuns Kaur, Shrimati	Yadav, Shri Ram Kripal
Sultanpuri, Shri Krishan Dutt	Yadav, Shri Ram Lakhan Singh
Sur, Shri Monoranjan	Yadav, Dr. S.P.
Swami, Shri Chimayanand	Yadav, Shri Sharad
Swami, Shri Sureshanand	Yadav, Shri Vijoy Kumar
Swamy, Shri G. Venkat	Yumnam, Shri Yaima Singh
Syed Shahabuddin, Shri	Zainal Abedin, Shri

**Noes**

-Nil-

MR. SPEAKER: Subject to correction, the result of the division\* is :

Ayes : 325

Noes : Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The Bill is passed by the requisite majority, in accordance with the provisions of Article 368 of the Constitution.

*The motion was adopted.*

**12.50 hrs.**

**SALARY, ALLOWANCES AND PENSION OF  
MEMBERS OF PARLIAMENT**

**(Second Amendment Bill)**

[English]

MR. SPEAKER : The next Bill is about Salary. If we have not taken up the Bill relating to disabilities and if we want to refer that to the Standing Committee, it will not be proper for us to take it up like this. And if all the members agree, we shall take it up in the next Session. So, this will be referred...

... (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Even before that I had drawn the attention at the introduction stage that the reasons and objects go in one direction ... (Interruptions)

MR. SPEAKER : Please, it is not necessary. We are referring it to the Standing Committee. Let it come back and then we will discuss it.

... (Interruptions)

MR. SPEAKER : We are not taking up item no.15 because we did not take up Disabilities Bill, Pension Bill and all these without referring them to the Standing Committee.

... (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE : Sir, which Standing Committee?

... (Interruptions)

MR. SPEAKER: I will go through the rules and decide as to which Standing Committee it is.

**12.52 hrs.**

**SIXTH SCHEDULE TO THE CONSTITUTION  
(AMENDMENT) BILL**

**(Application of Sixth Schedule to the State of Assam)**

*As Passed by Rajya Sabha*

[English]

MR. SPEAKER : Now, we shall take up the Sixth Schedule to the Constitution (Amendment) Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. M. SAYEED) : Sir, on behalf of Shri S.B. Chavan, I beg to move:

"That the Bill further to amend the Constitution of India in its application to the State of Assam, as passed by Rajya Sabha, be taken into consideration."

Sir, in recognition of the need to allow the tribal areas to be developed in the light of the genius of different tribes inhabiting hilly areas, the framers of the Constitution, after careful deliberations in the Constituent Assembly, provided for Autonomous District Councils (ADCs) under the Sixth Schedule of the Constitution. The Autonomous District Councils were an innovative constitutional arrangement for devolution of powers to the tribal people by giving them a decisive role in their development through the instrumentality of grassroot planning. The ADCs and Regional Councils created under the Sixth Schedule have powers to make laws in the fields of land, forest, shifting cultivation, irrigation, town and village administration and social customs like marriage, divorce, inheritance, etc.

The Sixth Schedule was earlier application to three districts each in Assam, Meghalaya and Mizoram. Subsequently, in 1984, the Sixth Schedule was also extended to the tribal areas of Tripura and the Tripura Tribal Areas Autonomous District Councils was constituted. Thereafter, the Sixth Schedule was further amended in 1988 in so far as its applicability to the areas of Mizoram and

\*The following Members also recorded their votes:

Ayes : S/ Shri Kamal Nath, Dr. Chinta Mohan, S/Shri Anwari Basavaraj Patil, G. Ganga Reddy, Ashok Gehlot, Vilas Muttemwar, Manikrao Hodiya Gavit, Satya Pal Singh Yadav, Kewal Singh, Udaysingrao Gaikwad, Motilal Singh, Ghulam Mohammad Khan, Khelan Ram Jangde, Surya Narayan Yadav, Anand Ahirwar, Subhash Chandra Nayak, Surya Narayan Singh, Suraj Mandai, Brahmanand Mandai, Uday Pratap Singh, Maj. Gen. R.G. Williams, S/Shri Tej Narayan Singh, S.S.R. Rajendra Kumar, Dharmabiksham, Prem Chand Ram, Jitendra Nath Das, Rup Chand Murmu, Satyendra Nath Brohmo Chaudhury, Rajesh Ranjan Alias Pappu Yadav, Shreesh Chandra Dikshit, Shrimati Saroj Dubey, S/Shri Rajesh Kumar, N.K. Baliyan, Dr. G.L. Kanaujia, S/Shri Braja Kishore Tripathy, Dr. Faiyazul Azam, S/Shri Shivraj Singh Chauhan, Rampal Singh, Dattatraya Bandaru, and Pankaj Chowdhary. (40)

Tripura was concerned. Through these Amendments, the Governors of these States were given more discretionary powers in respect of certain functions of the ADCs, with a view to minimising the overall control of the State Government on the ADCs. These amendments were, however, not applied to Assam and Meghalaya.

The representative organizations of Karbi Anglong and North Cachar Hills districts in Assam, which are governed under the aegis of the Sixth Schedule to the Constitution, have been feeling dissatisfied with the quantum of autonomy available under the said Schedule. They have, therefore, been raising demand for more autonomy. A series of talks were held between the State Government and the representatives of some of these organizations and finally on 1st April, 1995, a Memorandum of Understanding was signed between the Government of Assam and some representatives of these organizations.

In pursuance of the aforesaid MoU, it has been agreed to give additional executive and legislative powers to the two Councils. It was further agreed to redefine the exercise discretionary powers by the Governor of Assam in respect of matters specifically indiated or entrusted to the Councils in the manner provided for in paragraph 20-BB of the Sixth Schedule. The Governor of Assam will, under the proposed amendment, be required to consult the Autonomous Councils concerned before exercise of his discretionary powers in respect of matters identified.

The signing of the MoU has been largely welcomed by the tribal population of these two districts. The agreement was hailed as a step in the right direction largely by the tribals like Karbis, Dimasas, Hmars and Kukis of both the districts. Festivities were held at various places to celebrate the signing of the Memorandum of Understanding.

A major consideration in signing of the MoU has been to fulfill the aspirations of the tribal people of these two districts within the framework of the Sixth Schedule without affecting the integrity of the State of Assam. The Bill seeks to give greater autonomy to the two Autonomous District Councils in Assam. It provides for exercise of additional legislative powers. It further provides for exercise of discretionary powers by the Governor as in the case of the Councils in Mizoram and Tripura. And it provides for consultation with the Councils in exercise of such powers.

In the above background, I move for consideration and approval of the House, the Sixth Schedule to the Constitution (Amendment) Bill, 1995.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Constitution of India in its application to the State of Assam, as passed by Rajya Sabha, be taken into consideration."

SHRI DWARAKA NATH DAS (Karimganj) : Sir, I rise to support this Bill. These Autonomous District Councils were

created under the Sixth Schedule and I think this Bill will go a long way to develop the tribal people, particularly, the people of Karbi Anglong and North Cachar hills. I feel, these two districts are economically, educationally and culturally backward. I think, so far as their education is concerned, their percentage of education is not more than 30 per cent and of female education, it is not more than 15 per cent. So the Autonomous District Councils will go a long way to provide education among Karbis.

I understand, as for Karbis' culture, their dance and their song, all these things will be developed under these Autonomous District Councils.

Now regarding agriculture, previously we know these tribal people used to do *Jhoom* cultivation.

But now-a-days because of deforestation, in fact, at least 10 per cent of these tribal people have become landless. There is no *jhoom* cultivation and so more landless people are there in the autonomous tribal areas. They have to develop agriculture. There must be an autonomous council which can play an important role in developing agriculture in Karbi as well as North Cachar Hills.

I had been to Karbi as well as the North Cachar Hills. I found that particularly these Karbi people as well as the people of North Cachar Hills are much backward compared to other tribal people. So, I feel that this Autonomous District Council of Karbi as well as Cachar Hills will go a long way in developing education, culture, health and all those things.

I should mention their agriculture here. I find that at least 12 or 13 per cent are landless. So, I wrote to the Government of Assam on several occasions that these landless Scheduled Caste people as well as the tribal people should be provided with land. But till this date no less than 10 per cent Scheduled Caste or 12 per cent Scheduled Tribe people are landless. So, I feel that this Autonomous District of Karbi Anglong will definitely provide them their long cherished land to develop their agriculture.

Moreover, the North Cachar Hills area is also a most backward area in Assam. So, this autonomous district of North Cachar Hills will do justice to these North Cachar people. But I feel here also that only one thing is there, that is, so far as the financial affairs are concerned, these Autonomous Hill Districts are much worse than the others. I think that at present there are nine Autonomous District Councils. But out of them, the position of Karbi Anglong and North Cachar Hills is much worse than the other Autonomous Hill Districts. So, those Autonomous Hills Districts must be financially sound and that is why the Government of Assam should adopt a policy so that karbi Autonomous Hill District as well as North Cachar Hills District becomes financially sound. Otherwise it may not be financially sound. I feel that they are not doing anything for the Karbi people as well as the North Cachar Hill people.

Last of all, I should say only one thing because we follow the principle of integrated India. Here in Karbi Anglong

as well as North Cachar Hills the non-Karbi and non-Cachar Hill people are suffering very much. So, I appeal to this Autonomous District Council that these non-Karbhis and non-Cachar people should live there with respect because here, in Karbi Anglong there are several Kookis, Nagas, Bengalis and Hindustanis, all are there. So, I feel that this Autonomous District Council of Karbi should do justice to these non-Karbi people and at the same time, the North Cachar Hills District should do justice to Non-Cachar people.

So, with these words I support this Bill so that the cause of the Autonomous Hills Districts is advanced.

13.00 hrs

SHRI KIRIP CHALIHA (Guwahati) : Mr. Speaker, Sir, I welcome the initiative taken by the Government of India in resolving the long standing problem of autonomy in Karbi Anglong and North Cachar districts of Assam.

As you all know, for a long time, these areas have seen mass uprisings demanding greater autonomy for the tribal people who were at one point of time neither considered to be hills people nor plains people.

Karbi Anglong and North Cachar have been an integral part of Assam and the people of those areas including the tribal people have also contributed vastly for the development of Assamese literature, culture and Assamese ethos. There has not been any contradiction between the Assamese people and the Karbi Anglong and North Cachar Hills people. I take it that their desire for autonomy was more for participation in the Government, for their welfare at the grass-root level, which they felt was not taking place properly. It was more an assertion of their desire for decentralised governance than any desire to get separated from the mainstream of the Assamese people. In fact, I compliment the leaders of Karbi Anglong and North Cachar Hills that all throughout their agitation, they have been able to strengthen the points of unity between the tribals and the non-tribals living in that area as well as outside that area.

I am also thankful to the leadership of Karbi Anglong and North Cachar Hills that they have been able to evolve a kind of consensus in solving intricate problems, which may, at times, lead to division and bitterness among communities. But they have been able to resolve it in a very dignified and praiseworthy manner. In fact, our Member from Karbi Anglong, who is sitting in front of me, was one of the leaders of the movement and is still the Chief Executive Member of the District Council. There has been a complaint from organisations which I do not think is of every serious nature and which, I think, is more of a political nature. It is about justice to be meted out to non-Karbhis in Karbi Anglong and North Cachar Hills and non-Kachar Hills people. I think this can be resolved and I am very sure that the younger leadership which is coming up in North Cachar Hills and Karbi Anglong will do proper justice, as has been mentioned by Shri Dwaraka Nath Das.

My only last submission before the Government is that Assam is miniature India. The social and political contradictions which we are witnessing in Assam may one day overwhelm India also.

Autonomy and integration are both two sides of the coin and we have to be very careful in seeing that for shallow political interests, for short-term political benefits, we overlook the dimensions of the case. In this respect, I must point out that actions from various political authorities at various points of time lead to bitterness and division which could be very easily avoided with a little amount of sane application of mind and little amount of understanding and cooperation from various sides of the country.

Lastly, I welcome this Bill. I hope that through this Bill the people of Karbi Anglong and North Cachar Hills will be able to have a greater participation in the improvement of their people. I wish them well.

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, I rise to welcome the Bill as a step in the process of decentralisation to which we are committed under the Constitution.

The whole world today is at the threshold of the age of ethnicity and it is not surprising that many ethnicities which had been long suppressed are surfacing all over the world, as they are in our own country.

The desire to be accommodated, the desire to be given equality and the desire to be empowered in order that they can participate in Government and Administration, as pointed out by Shri Kirip Chaliha, so that they can take care of themselves, so that they can feel like masters in their own home. I am happy that these sentiments are being respected by all of us and we are trying to provide flexibility and accomodateness within the framework of our Constitution in order to satisfy these legitimate aspirations.

I have only two basic points to make. I have a feeling that we are still reacting to various situations and we do not yet have a global and a holistic vision of India as a whole. I think we are pledged to autonomy at every level, right down to the Panchayats and, therefore, depending upon the area and the population, each ethnic unit, in its own area of concentration, can be accommodated within a common pattern. Here, we are trying to devise special solutions for specific problems which, to my mind, can, at a later stage, lead to great complexities. Already the map of Assam has become like a quilt-patch and you cannot quite distinguish it, and the various levels of power between the various forums that we have adopted, whether you call them Autonomous Regional Councils or Autonomous District Councils or just District Councils or Panchayat Raj Institutions, they are likely to create some confusion. I would, therefore request the Government that they should apply their mind to this. We do not want to have micro units being weighed with an infrastructure which they cannot maintain.

I do not have to give examples. Therefore, we should have an idea where India is the union of States but each State should progressively become, under a constitutional frame, a union of districts, and each district should become a union of *prakhands* or blocks and each block should become a union of *panchayats*, and at each level specified powers should be given to the people at that level to be exercised so that each group in that area which is, say, the ethnic majority in that area, feels that they have got a say in their own affairs.

Having said this, that also brings me to the other aspect of the problem. The other aspect is, howsoever we draw the lines, there will always be some other ethnicities included within that area. While we are taking care of the claims of the major ethnicity in that particular domain, whether it is at the level of *panchayat* or whether it is at the level of block or whether it is at the level of the district, we have got to take care that the legitimate aspirations of others who are there are also fully protected and defended. The affairs under the Constitutional framework should be such. I find here, for example, that there is no mention of the other ethnicities which would form minorities in those districts. How are their interests to be protected? I hope that the Government will take care that in the Constitution of the District Councils and the various bodies, the other ethnicities are also represented as equal citizens so that they also have a sense of participation.

Like in Mizoram, we have non-Mizos, in Nagaland, we have non-Nagas, in Karbi areas also, we will have non-Karbhis, and while I plead that the karbis should dominate and run the governance of that area, the non-Karbhis should also have a legitimate place. That would be in accordance with the welfare of the country as a whole, in accordance with the spirit of our Constitution and also in accordance with the overwhelming international opinion that is emerging today all over the world through the United Nations and through other bodies.

With these words, I support Mr. Das very much and say that creation of these bodies would be meaningless if you only give them paper powers. You must give them sufficient resources in order that they can really do something good for themselves, in order that they can really feel that now they are in a position to do much more than what was being done for them in the past. Therefore, I would plead that some form of financial devolution must also follow this structural decentralisation.

With these words, I support the Bill.

DR. JAYANTA RONGPI (Autonomous District) : Mr. Speaker, Sir, through you, I, on behalf of one million tribal people of Assam in particular and the entire people of Assam in general, congratulate the Home Minister of the Government of India for bringing this Bill, amending the Sixth Schedule of the Constitution to upgrade the Karbi Anglong Autonomous District Council and the North Cachar

Hills Autonomous District Council with more financial and executive powers as well as increasing the role of the Governor so far as administration of this particular Schedule area is concerned.

Sir, I would like to briefly bring to the notice of the entire nation through this House about the background of this Bill in a very nutshell. This Bill has come as an outcome of nine long years of peaceful movement. The entire nation is not aware of this particular movement because generally when any movement of the North East comes to the national scene it usually comes as an armed movement, violent movement. But the people of Karbi Anglong and North Cachar Hills have peacefully struggled and demanded, in a very democratic manner, for upgradation of these Autonomous Councils. The entire House will remember, the entire nation will remember when the violent movement, armed struggle or secessionist movement in the entire Assam engulfed all the areas, whether it is by ULFA or other secessionist group, whether there was other armed struggle, it starts in the boundary of Karbi Anglong and North Cachar Hills. It is because we, the people of these Hill Districts adhere to certain valued ethos and democracy and peaceful mass movement. It is a very welcoming sign that the Government of India has also reciprocated to this peaceful movement and this Bill is a result of it.

I still remember that as a leader and one of the participants of this movement we first submitted a memorandum to the Government of India to the late Prime Minister, Shri Rajiv Gandhi on 17th of July, 1987. From then we took a long course of persuasions and negotiations and as a result of all those this Bill has come.

I also convey my support and also my thanks especially to the Home Minister and the Government of India and all the officers of the Home Ministry who have taken all the pains to bring this Bill and also we appreciate the support given by all the Opposition Parties and the national Parties to bring this Bill.

This Bill is a very consensus Bill and all political Parties in the Assam Assembly have supported it as a consensus and have ratified the Memorandum of Understanding signed between the Government of Assam and the movement organisations in the presence of the Union Home Minister.

I hope that the Memorandum of Understanding will be implemented properly because it is on the basis of this, the Constitution is amended. Some part of the Memorandum of Understanding is to be implemented by the Government of Assam. It is yet to be implemented. I hope the Union Home Ministry will see to it that the part to be played by the Government of Assam in implementing the Memorandum of Understanding will be done by the Government of Assam as expeditiously as possible. Otherwise we have the apprehension that this particular Accord, like the other Accords, whether it is Bodo Accord or Assam Accord, will also remain unimplemented. So we hope that the

Government of India will take all the action that is required and see that it is implemented fully and properly.

With these words I once again thank all the political Parties and especially the Government of India and the Home Ministry for their help in resolving this problem.

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Mr. Speaker, Sir, I rise to assure my friend, Dr. Jayanta Rongpi that the whole of this country starting from the deep South and right upto the North wishes to congratulate him on this remarkable achievement. Dr. Rongpi has been, in the course of the last nine years, a living example of Gandhian agitation. He deserves our congratulations. I am glad that he mentioned the presentation of this Memorandum to the late Prime Minister Shri Rajiv Gandhi because it is from that time onwards that we have been using this technique of Autonomous Council—regional, district or otherwise—to resolve local problems within a State without attempting to break up the borders of that State. This is a technique that has been used with particularly remarkable success by the Chief Minister of Assam Shri Hiteswar Saikia. I would commend it for use in other parts of the country, including Jammu and Kashmir.

Sir, I would like to end just by referring to one small incident. When I accompanied Shri Rajiv Gandhi to Darjeeling for the inauguration of the Darjeeling Hill Council and as we drove up from the helipad towards the town, Rajivji made an unscheduled stop first at the Tibetan Centre and asked Mr. Subhash Ghising whether he had been to that Centre earlier. Then he took him into there and there he said to him: "Just similar to the problems which you as Gorkhas had with the Bengalis, please ensure that this micro minorities, the Tibetans, do not have with you". And urging the same thing upon my friend Dr. Jayanta Rongpi I congratulate him and I congratulate the State of Assam. I congratulate the Union Home Ministry on fulfilling a major aspiration of the people of India that we should all remain united, while having the right to assert our respective diversities.

SHRI UDDHAB BARMAN (Barpeta) : Mr. Speaker, Sir, I welcome this Bill which is introduced by the hon. Minister, Shri Sayeed. It is said by my colleagues that this Bill seeks to expand the powers of the Autonomous Council existing in the North East.

Sir, the House is aware that in Assam there is a lot of struggle going on. Some people are taking the terrorist or the extremist path and some people are taking the democratic path of mobilising the people for their cause. In this case, the attempt of the Karbis is a welcome step. They did not take to the terrorist or the extremist path to solve their problem.

Sir, the House is also aware that Assam is a composite State. Different linguistic groups are living in the State and different tribal groups like the Karbis, the Bodos and others are also there. The Karbi Anglong and the North Cachar

Autonomous District Councils are functioning there. Various tribals are living there with their distinctive culture and languages. Now, these tribal people not only want to develop their own culture, but they also want to preserve their identity. As a result of this democratic aspiration, they are demanding more autonomy in different areas of the State.

I am very happy that this Bill has been introduced to expand the authority of the Autonomous Councils. We are all aware that since 1952 these Autonomous District Councils of Karbi Anglong and North Cachar are functioning well. During the course of development, now it is found that the powers vested with these Autonomous District Councils are not sufficient to meet the requirement of socio-economic development in those areas, particularly of the tribals living in those areas. With the experience of functioning in the Autonomous District Councils, the Karbis and the Dimasas are now coming to realise that the Autonomous District Councils should be given more powers. Initially, there was persistence to this demand. But now the people in the democratic movement are supporting this demand to expand the powers of the Autonomous District Councils in Karbi Anglong and North Cachar.

Sir, these people had to launch a long struggle to achieve their goal. But ultimately good sense prevailed and a Memorandum of Understanding was reached. And on the basis of the Memorandum of Understanding this Bill has been brought. So, I welcome this Bill and I hope that this measure will help a lot in the development of not only the Karbis and the Dimasas, but also help to build unity among the people living in that area.

Sir, most of the *karbis* are still economically backward and their literacy record is also not good. They are very poor people. Not only *karbis* but other tribals are also very poor. I hope that now the problems of the tribals will be properly attended to so that the extremists and anti-national forces do not take the advantage of the discontent of the people, particularly the tribals. Some methods should be evolved not only to deal with the *karbis* but also with other sections of the tribal people so that the peace and harmony could be created in that area and they could be brought to the mainstream of the national life. The culture and basic characteristics of the tribals should be preserved.

So, I hope that by giving autonomous power to this area the democracy and unity of the people will be strengthened. At the same time, I want to point out that since Assam is a composite State—*karbis* are 30 per cent of the total population of that area—every effort should be made to see that the tribals and non-tribals could work together for the development of this area.

With these words, I welcome and support this Bill.

SHRI BALIN KULI (Lakhimpur) : Sir, I rise to support this Bill through which the Sixth Schedule of the Constitution is going to be extended to two hill districts of Assam. This was a long standing demand of the *karbis* and *dimasas* of

that area. It is hoped that through the extension of Sixth Schedule to these two hill districts of Assam, the hopes and aspiration of the people of that area will be fulfilled. It is also hoped that the pace of development of that area will be speeded up and the long agitation launched there will be ended.

Sir, some of my friends here said that this agitation was in a Gandian way. It was not at all a Gandhian way agitation. It was a violent agitation. Many Congress men have been killed there. The leader of the agitation is present here. Under his leadership many Congress men of these two hills had to lay their lives. Even though the Congress man of that area supported this agitation. Even they supported it in a Gandhian way. So, Sir, the violent agitation of that area will end with the extension of Sixth Schedule.

Sir, one thing I shall plead to the leader of the agitation of that area, leader of the *karbis* as well as to the Central and the State Governments that it must be kept in mind that the interest of the non-tribals, minorities—both linguistic and religious—and non-hill tribals which are living there is safeguarded. There must be some provision to see that their culture is not thrown on the way through this Bill.

Sir, the third point is that the extension to Sixth Schedule will not automatically develop the people of that area. Abundant funds must be allotted for fulfilling the hopes and aspirations of the people as well as for the implementation of the programmes of that area. It is because power without money will not do. These two hilly districts are the earliest autonomous districts of Assam. Even then, these two hilly areas are not developed as compared to the two tribal areas uncovered by the District Council. These areas cannot be developed simply by conferring powers. The leaders of that area must lead the people in a right and clean way. Immediately after Independence, these two hilly districts are given autonomous district councils. Even then, they have not come up as expected. The reason for this non-development of the areas must be found by the leaders of the hilly areas.

I again appeal to the Central Government to allocate sufficient funds for the development of the two hill districts.

With these words, I support this Bill.

SHRI SATYENDRA NATH BROHMO CHAUDHURY (Kokrajhar) : Mr. Speaker, Sir, I rise to support the Sixth Schedule to the Constitution (Amendment) Bill, 1995.

In this context, I would like to mention that during pre-Independent era, tribals of Assam, particularly belonging to the hilly areas, enjoyed some special privileges. The hilly areas and frontier tracts were placed under the categories of (1) Tribal area, (2) Excluded Areas and (3) Partially Excluded Areas under Government of India Act, 1935. Under Section 92 (1) of the Government of India Act, no laws either Central or Provincial Legislature applied to these Excluded or Partially Excluded Areas. Only the Governor

with approval of the Governor-General of India extended the laws for peace and good governance to these areas. So, framers of our Constitution justly incorporated the provisions of the Sixth Schedule into the Constitution of India having due regard to the then existing legal framework for these areas.

Since long, it was felt that these arrangements had become inadequate to meet the aspirations of the tribal people. From time to time, we witnessed complaints of too much state interference in the day-to-day administration of the Councils. Agitations and protests were there. Then there were vigorous agitations and finally voices for separate States were raised. Lastly, North East Areas Reorganisation Act, 1971 divided Assam into parts carving out of it the District Councils. It was at that time Karbi Anglong and North Cachar Hills were persuaded to stay in Assam and were promised of better administrative Arrangements. So, by the promise given to them, the people of Karbi Anglong District Council and North Cachar Hills District Council demanded the status of Autonomous State under Article 244A of the Constitution. After years of agitations, discussions and talks since 1985, the leaders of Karbi Anglong and North Cachar Hills finally signed a Memorandum of Understanding and agreed on elevation of the District Councils into Autonomous District Councils with more legislative as well as administrative powers. As the movement leaders as well as Government have agreed to this elevated arrangement, I wholeheartedly support the Bill which the Government has brought in as a good gesture towards the tribals.

It was necessary because at one point of time, tribals of Assam became hostile to the basic philosophy of absorption of tribals into the social mainstream. They also began to doubt the notion that in the name of bringing them into the social mainstream, their language, culture and identity have been put at stake. They agitated for their survival.

I will take just a minute. So, this good gesture towards tribals by bringing forward this Bill would send a good message to the tribal people of Assam so that they feel that they are also as beautiful as flowers in the garden of Indian cultures.

Here, I would like to have your indulgence to express a few words that the Plains tribals of Assam were also feeling like that.

MR. SPEAKER: Your speech should be limited to the amendment itself. You cannot just go on narrating the history of these things. This is not permitted.

SHRI SATYENDRA NATH BROHMO CHAUDHURY : I will mention just one line. Several agreements were signed and the Bodoland Autonomous Council has been formed. The Bodo Accord is there. The Rabha Accord was signed by the Assam Government and the Movement leaders. The Missing Accord and some other Accords are there. All these

Accords are there but these Accords should be implemented properly and in the true sense of the word so that the tribals do not feel alienated; they do not feel that Delhi is far away from them and only the roars of gun can be heard in Delhi. This feeling should not be there. After all, Assam is a land of the tribals. If the tribals die, can Assam or the Assamese live?

MR. SPEAKER : This is a dissertation on Assam. This is not a speech on the amendment itself.

SHRI SATYENDRA NATH BROHMO CHAUDHURY : With these few words, I support the Bill.

MR. SPEAKER : Now, Prof. M. Kamson to speak. It is not necessary for the Members to repeat the point.

PROF. M. KAMSON (Outer Manipur): Thank you, Sir, I welcome and support this piece of legislation to improve the District Council of Karbi Anglong and North Cachar Hill District of Assam. Though these two Councils have been there for a long time, they have not been effective for materialisation of their aims because of lack of power and funds. So, to improve that, I think this Bill is very much an appropriate approach. I must thank the hon. Ministers concerned, Shri P. M. Sayeed also for bring forward this Bill.

Sir, the forum of the District Council is very important. The framers of our Constitution, the great leaders of our country once thought of these things and included under the Sixth Schedule in the Constitution particularly in the context of the North-Eastern tribal areas. At that time, they were known as Assam generally. So, till today we have to pursue further to fulfil and materialise the hopes, aspirations and ideas emphasised in the Constitution. Therefore, this Bill is one step forward in this regard. I congratulate the people who have got it and the Government which has given it. At this point of time also, through you, Sir, I would like to remind our hon. Ministers who have accepted this and the hon. Minister piloting this Bill, Shri P. M. Sayeed that similar cases are there in other places, particularly in my constituency, that is, Outer Manipur Hill Areas, which have been demanding the provision of Sixth Schedule for the last twenty years. Our hon. Prime Minister, at that time in 1984 when he was the Home Minister, was kind enough to give an assurance in this regard. The hill areas of Manipur constitute nine-tenth of the total area, that is, 20,000 sq.km., bigger in size than Nagaland or Tripura and those people are also asking for this type of autonomy. It is very important to note one thing. This area of Manipur hills is neither in the Fifth Schedule nor in the Sixth Schedule. It has been left out somewhere. Perhaps, we have to find out why it happened like that. It should not have happened because the tribal areas should be either in the Fifth Schedule or in the Sixth Schedule. So, I am taking this opportunity to remind the Government one thing. In the last Session also I tried to bring this matter up through Matters Under Rule 377. You had kindly put it on the last day at the last moment.

MR. SPEAKER : This happens to every Member. Now, you please come to the point.

PROF. M. KAMSON : Sir, through you, I take this opportunity to remind the Government, the Prime Minister and the Home Minister to kindly look into demand for the Sixth Schedule for Manipur hill areas also. (*Interruptions*)

MR. SPEAKER : I take the pleasure for everything that has happened. Now, come to the point.

PROF. M. KAMSON : I request the Government to kindly look into the demand for the Sixth Schedule for the Hill States of Manipur into one single Manipur Hill Areas Autonomous Council.

SHRI MUHI RAM SAIKIA (Nowgong) : Mr. Speaker, Sir, I thank you very much for giving me this opportunity to speak on this Bill. I welcome this Bill because it will go a long way in fulfilling the long standing aspirations of the people of Karbi Anglong and North Cachar Hill districts. This is my only point.

I request that the Government should not confine the Bill to the paper work. As the bill is introduced for a definite purpose, it should be implemented to fulfil that purpose. We have seen since long past that the Government had signed many Accords, like the Assam Accord, the Bodo Accord, the Mishing Accord etc. All these Accords remained on paper and were not fulfilled. The Assam Accord was signed nine years back, but what is the position of that Accord? Similarly, there is apprehension about this Accord in the minds of the people that whether it is going to remain in paper or actually it is going to be implemented. I request the Government to provide sufficient amount of finance for the implementation of this Accord. I appeal to the Government that they should never take the plea of constraint of finance for the implementation of the bill.

Sir, I think that this Bill provides an opportunity to the backward areas, including tribals to fulfil their long standing demands in different spheres—education, agriculture, culture and socio-economic development — so that they would feel themselves as a part of the national mainstream. I appeal to the Government to keep sharp vigilance in the implementation of the Bill.

With these words, I support the Bill.

[*Translation*]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Speaker, I rise to support this Bill. I congratulate the Government on its decision to create Autonomous District Councils by merging North Cachhar hills and Karbi Anglong under the Sixth Schedule but I also wish to draw the attention of the Government to one or two things. As the Government is aware, this agreement was signed on 1 April, 1995. The Central Government, State Government and Autonomous State Demand Council (A. S. D. C.) had discussed the

matter threadbare and thereafter this agreement was concluded. The Powers of the Legislative and the Governor under the agreement have been sought to be given in this Bill but the executive powers, as envisaged in the agreement have not found mentioned in the Bill. According to agreement, 30 additional departments were to be given on the executive side. But that part of the agreement has not been covered in the Bill.

Mr. Speaker, whenever any matter concerning the Scheduled Castes and the poor comes up, it is sought to be hushed up and the poor has to struggle at every level. As such, this tribal issue has got to be taken up in all seriousness because earlier also, about two and a half years back, you had signed Bodo accord.

MR. SPEAKER : Pāswanji, repetition is taking place.

SHRI RAM VILAS PASWAN : Sir, my submission is that the greatest problem is that of the land. Their land has been usurped. Encroachment has taken place and till we restore them their land, this problem cannot be solved. Whenever it comes to returning their land, the Government chooses to keep mum. Same is the position in the case of the issue of delimitation of constituencies. All these things have got to be given due consideration. The first and foremost thing is that the Government must ensure to have the elections conducted in time.

That is why I referred to the Bodo accord. Two and a half years have elapsed but the elections have not been conducted. Nor has that accord been implemented. I urge upon the Government to see that elections are conducted there and the said accord is implemented at the earliest. If it is done, this Bill will go a long way to remove the resentment prevailing among tribals and other people, particularly those of the North East and Assam. With these words, I support this Bill.

[English]

MR. SPEAKER : Mr. Suraj Mandal, Suraj Mandalji, please be very brief and please do not repeat the points.

[Translation]

SHRI SURAJ MANDAL (Godda) : Mr. Speaker, Sir, we welcome this Bill because it is after 8 years that the Government is feeling that there should be decentralization of power. When the country became free, Gandhiji's aim was ...

MR. SPEAKER : Please do not go so back in the past. Please speak on the present Bill.

SHRI SURAJ MANDAL : Mr. Speaker, many people speak in this connection but they act very late. If people are to be done justice, this should be done before they suffer any loss. I am told that in Assam, the State Government

had discussed the elected autonomous council in Carvilon. They had to go to the court and the court granted them the stay. The State Governments urged upon the Central Government not to violate their rights. So a national commission was formed to safeguard the rights of the State Governments. If the Central Government believes in the decentralisation of the power, it should ensure that the rights of the autonomous councils, whether they are in Assam or Jharkhand or elsewhere are not trampled upon.

Mr. Speaker, Sir, I demand the constitution of such a commission to safeguard the interests of the State Governments. If the Central Government, after forming the autonomous council, leaves all financial burdens on the State Government, the objective will not be achieved. Therefore, the State Governments should be vested with certain rights to enable it to augment its income and have a free hand in sources of income. If the Central Government does not provide funds to the State Governments, the schemes cannot be implemented. The question of matching funds often crops up. If the State Governments do not have their own source of income, the schemes of the Central Government cannot be implemented. Therefore, I urge upon the Central Government to provide funds to the autonomous councils direct, because if they are compelled to approach the State Government for funds, this will take time and the implementation of the scheme would be delayed.

[English]

MR. SPEAKER : Yes, please conclude now.

[Translation]

SHRI SURAJ MANDAL : Mr. Speaker, Sir, I thank the Central Government for bringing forward this Bill and providing legislative power, and hope that they will further liberalise their policy so that decentralization of power takes place in real terms and the tribal people are benefited. (Interruptions)

[English]

MR. SPEAKER : Yes, Mr. Yaima Singh. What Mr. Yaima Singh Speaks will only go on record

(Interruptions)\*

SHRI YAIMA SINGH YUMNAM (Inner Manipur) : Sir, I rise to support the Bill.

I shall not repeat all those points which have been made by the hon. Members. I would only like to point out that after the passage of this Bill, the role of the Governor will be great. Also, the part to be played by the Chief Minister will be very great. The Governor has to play a role of conciliation and accommodation and since the Chief Minister has been parting with many of his powers of legislation and other executive powers to this Council, he may not be happy

to execute it, to implement it sympathetically. That is what our apprehension is. So, through the House and through you, Sir, we are appealing to these agencies to try and implement it successfully.

The second point is this. I consider that this Bill is a stepping stone to the proposal of awarding the territorial status to the combined territory of North Cachar and East Karbi Anglong. Since we have given so many administrative and legislative powers to them, what is the difference in awarding territorial status to these two Councils, if they agree to combine? That will be my proposal.

I also support the view that it must be supported by financial facilities.

MR. SPEAKER : It is not necessary to repeat that, please.

SHRI YAIMA SINGH YUMNAM : I agree that the State Government or the Central Government must provide the funds as grants and not as a matching fund or just like any other thing.

Lastly, my point is that since the tribal areas are to be included in the Sixth Schedule, the tribal areas of Manipur, the State which I represent, also deserves for the extension of the facilities of the Sixth Schedule. So, I strongly support and strongly propose for the extension of the Sixth Schedule to the tribal areas of Manipur.

Before you ring the bell, I conclude.

MR. SPEAKER : It is very good; you are very clear.

SHRI INDRAJIT GUPTA (Midnapore) : Thank you Sir, I just wanted one minute, first of all to put on record my party's wholehearted support for this Bill and I congratulate the Government for this even though it is late. But there is a saying, 'better late, than never.' After so many years, a very extensive and traditionally troubled area of our country is being brought within the Constitutional ambit of decentralisation down to the local level.

Sir, the only point I wish to make is this. Firstly, I believe that out of a Council of 30 Members in Karbi Anglong and North Cachar Hills, 26 Members are to be elected and four are to be nominated. I do not know what is the purpose of this provision. One Member here was expressing an apprehension that the interests of non-tribal people may not be looked after adequately. But it is found in the Bill that these four nominated seats are not reserved. They are not reserved for non-tribal people, but they could have made some provision for reservation. If they want to reserve some seats specifically for non-tribal people, that could be done. But that is not being done. All the 30 seats are open seats. Anybody can be elected or nominated to those seats. The nomination is not also restricted to any particular communities or any particular type of people. So, I really do not understand, what is the purpose of this specific provision.

If they want to care for non-tribal people, they could make a provision for some limited number of seats to be reserved. Otherwise, it is preferable that the whole Council should be elected. That would be more democratic and that, I believe, was the demand for which the people of this area were pressing, but that is not being accepted so far.

Secondly, it is very good that there is going to be another list. We will now have four Lists of subjects — apart from the Central List, the State list and the Concurrent List, there will be this Council List. Naturally, there may be some dispute or some difference as to what subjects should be included in that. But law and order, we know, will not be included in it. They had very much wanted that. But the Home Ministry, I am sure, will never agree to law and order being put into the Council List. But, for example, a very important point was raised about this alienation of tribal lands. This is common to many areas in our country. The power of restoring lands to the tribal people, lands which have been taken away from them, I believe, has been given now under Karbi Anglong and North Cachar Hills new dispensation. This Council will have the power to go into the question of lands which have been taken away wrongly or illegally or forcibly from the tribals and the question of restoring them.

The only flaw in the whole thing is that even if they decide to restore certain lands, how will they implement that unless they have police forces to help them or some law and order agency to help them? This provision will remain on paper. They will not be in a position actually to implement it because the people who are already occupying those once tribal lands will not easily give them up. So, there are chances of some conflicts here which may lead to violence, may lead to tension and all that.

So, I think, the Government should look into this matter. It is very good that they have agreed to include this subject in the Council List and give the Council opportunity to identify the lands which have been taken away from the tribals. But how to restore them because they will have no agency of their own, no police force of their own and if the State does not provide the requisite police force, they will not be able to implement this provision at all?

There are one or two other points. I do not wish to take up more time. On the whole, this is a very very welcome step. I think that this is a beginning of a general kind of movement which is spreading now throughout the country. I hope it will spread more widely. What we have always been pleading for is that decentralisation of powers is the only way to keep this country together. And by forcibly trying to bring everybody into one common sort of straitjacket administration, it is not leading to more unity but to more disunity and more discord. Therefore, from that point of view of unity in diversity, we very much support the spirit behind this Constitutional Amendment. I am very happy for it. We support it wholeheartedly.

MR. SPEAKER: Mr. Minister, everybody has supported it.

SHRIMATI DIL KUMARI BHANDARI (Sikkim) : Sir, I rise to support the Bill wholeheartedly on my own behalf and on behalf of my party. As far as giving protection to the non-tribals residing in the area are concerned, I fully associate myself with the feeling expressed by honourable Shri Indrajit Gupta. Government should do something to protect the interests of those people also without hurting the sentiments of the tribal people. With these words, I support the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED) : Mr. Speaker, Sir, I am grateful to all the fifteen Members, including Shrimati Bhandari, who have wholeheartedly supported this measure. In fact, in its wisdom, the Business Advisory Committee had decided that it would be passed without any discussion. In the other House, we did the same thing. Here almost all the 15 Members have supported it wholeheartedly. They have given some suggestions.

Number one is with regard to finance. Regarding finance, according to the MOU arrived at on 1 April, 1995, on the basis of which this Bill was drafted, it is totally in tune with that. At the beginning of every budget year, the State Government will indicate the amount to the Councils. They will discuss it thoroughly and they will plan accordingly and then pass the budget. To a certain extent, 25 per cent of the finance is earmarked and that will be made available.

SHRI HARI KISHORE SINGH (Sheohar) : Will you agree to the proposal that the Centre will not insist on having matching resources for development from these Councils because you give money?

SHRI P.M. SAYEED : This arrangement of taking these two districts to the Sixth Schedule is in the harmonious relations that have developed between the tribal leaders and the Assam Government.

In fact, it is an arrangement and we have come to the picture only to bring these tribals together. Karbi Anglong and North Cachar district leaders and Assam Government were brought together and many such meetings and negotiations at the level of the Home Minister have taken place. It is primarily the responsibility of the State and the district concerned. The amount would be flown from the State Budget. Of course, for the tribals, the funds will go from the Central Government. So, that will also be there.

Without going into the details, the salient feature of the Bill is this. The Governor hitherto was not to consult the issues compulsorily with the Council but in this Sixth Schedule Bill, paragraph 20B is added and under that, it is mandatory for the Governor to have consultation with the Council. That is one point. Secondly, with regard to the interest of the non-tribals which have been referred to by many Members, nomination to that extent would be made from among the non-tribals. That also has been agreed to.

SHRI INDRAJIT GUPTA : But it is not specified.

SHRI P.M. SAYEED: It is not specified but we have made it reserved. I know that when Dr. Rongpi and other leaders had the MOU with the Assam Government, they had indicated it and they had expressed it to us when they had discussions at the central level. They will be given proper protection and regards and nomination from their communities would be taken care of. These are the points which I wanted to say.

My friend Prof. Kamson has raised some points.

SHRI HARI KISHORE SINGH: What about the police power?

SHRI P.M. SAYEED: You know that at the moment, police power is not agreed upon in the MOU. The Bill was drafted after the arrival of the understanding between the Assam Government and the tribal leaders. This Memorandum of Understanding was on 1 April, 1995. On this also, Dr. Rongpi will agree with me that it was not arrived at a consensus. But this is a vital issue and everybody has touched that aspect. This is a noble idea. More and more powers have already been given. Fifteen more subjects are going to be given to the Legislative and at the same time, 30 additional subjects are going to be given to the Legislative. This is the salient feature of the Bill. I request the House to pass this Bill.

[Translation]

SHRI RAM VILAS PASWAN : Please talk to the Bodo. Why don't they do it?

[English]

SHRI P.M. SAYEED : This is not within the ambit of the Bill. My friend, Mr. Paswan may not bring extraneous matters at the moment. In this good atmosphere, Sir, I would request you to adopt this measure and go in for this legislation.

MR. SPEAKER: The question is :

"That the Bill further to amend the Constitution of India in its application to the State of Assam, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. SPEAKER: The House will now take up Clause-by-Clause consideration of the Bill.

MR. SPEAKER : The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

MR. SPEAKER : The question is:

"That clause 1, the Enacting Formula and the Long Title Stand Part of the Bill."

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

MR. SPEAKER: The Minister may now move that the Bill be passed.

SHRI P.M. SAYEED: I beg to move:

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

[Translation]

AN HON'BLE MEMBER : Now please take up 377.

MR. SPEAKER: That will be taken up in the end.

**14.00 hrs**

[English]

What do we do now? Should we take up the discussion or break for lunch?

SHRI ARJUN SINGH: Sir, it is purely your discretion. I can hardly say anything. It is better to take it up at 6 O'Clock so that there will be continuity. Otherwise, after half-an-hour, there will be Private Members' Business and then if we take it up again, it will disturb the whole sequence. Moreover, there is nobody here to listen to what I have to say ... (*interruptions*) ... In this case, with all due deference to everyone, I am not going to speak unless the Prime Minister or the Home Minister be present in the House. This is not a light matter. I request you and beg you, Sir.

MR. SPEAKER: Then, should we take it up at 6 P.M.?

SHRI ARJUN SINGH: I have no objection.

MR. SPEAKER: Okay. Let us have it at 6 P.M. because, as you said, by discussing for half-an-hour and breaking the discussion, it will disturb the continuity.

SHRI ARJUN SINGH : Thank you, Sir.

MR. SPEAKER: The House will now adjourn for Lunch to meet again at 3.30 P.M.

**14.01 hrs**

*The Lok Sabha then adjourned for Lunch till Thirty Minutes past Fifteen of the Clock.*

**15.35 hrs.**

*The Lok Sabha re-assembled after Lunch at Thirty-five Minutes past Fifteen of the Clock.*

[Mr. DEPUTY-SPEAKER in the Chair]

[English]

MR. DEPUTY-SPEAKER: Now, we shall take up Private Members' Business. Shri Khagapati Pradhani.

COMMITTEE ON PRIVATE MEMBERS' BILLS  
AND RESOLUTIONS

**Forty-fifth Report**

SHRI K. PRADHANI (Nowrangpur): Sir, I beg to move:

"That this House do agree with the Forty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23 August, 1995."

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Forty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23 August, 1996."

*The motion was adopted.*

**15.36 hrs**

Resolution Re : STEPS TO PREVENT ATROCITIES ON SC/ST.—[CONTD.]

MR. DEPUTY-SPEAKER : Now, we shall take up further discussion on the Resolution moved by Shri Satya Deo Singh on the 16 December, 1994 on the steps to prevent atrocities on SC/ST.

Time allotted for discussion on the subject was six hours. We have already consumed 5 hours 42 minutes; time left is 18 minutes.

Yes, Pradhaniji, would like to speak on this?

SHRI K. PRADHANI (Nowrangpur): No Sir.

SHRI NITISH KUMAR (Barh) : Sir, please increase the time for discussion on this subject.

MR. DEPUTY-SPEAKER: Yes, Shri Satya Deo Singh.

SHRI SATYA DEO SINGH (Balrampur): Sir, I have already made my submissions on this. The response should come from the Government.

PROF. RASA SINGH RAWAT (Ajmer): Let the reply come from the Minister.

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V. THANGKA BALU) : Sir, if no other

hon. Member wants to speak on this, then I would reply to the debate.

SHRI SATYA DEO SINGH : If any other member is interested to speak on it, you may give them chance to speak. Perhaps, Shri Nitish Kumar wants to speak on it.

SHRI P.C. CHACKO (Trichur): Let Shri Nitish Kumar Ji speak on it.

SHRI NITISH KUMAR : Why only me, why not you?

MR. DEPUTY SPEAKER : Yes, Shri Nitish Kumar, would you like to speak on it?

SHRI NITISH KUMAR : No Sir. We want that the discussion on this should go on.

MR. DEPUTY-SPEAKER : Okay! Now, the Minister would reply.

SHRI K.V. THANGKA BALU : Mr. Deputy-Speaker, Sir, I am extremely thankful to all the hon. Members, who have participated in this important debate, in general and to Shri Satya Deo Singh in particular who has brought forward this Resolution and initiated the discussion. Sir, while initiating the discussion he has informed the House about the attitude towards SC/ST community in the country particularly in relation to Uttar Pradesh ...

*(Interruptions)*

*[Translation]*

SHRI NITISH KUMAR: This Bill had been moved by Mulayam Singh ji. Now Mayawati has become the Chief Minister. So they have lost interest otherwise they would have pursued it further.

SHRI SATYA DEO SINGH: Nitish Kumar Ji, such a change in Uttar Pradesh has become possible only after I brought forward this resolution.

**15.41 hrs.**

*[Shri SHARAD DIGHE in the Chair]*

*[English]*

SHRI K.V. THANGKA BALU : Sir, the hon. Members have drawn attention of the House mainly to incidents of rape, molestation, harassment of women belonging to the Scheduled Castes and Scheduled Tribes, and urged the Central Government to take necessary steps and remedial measures under the Constitution. Sir, it is most unfortunate that members of this community are still being subjected to various types of social oppression and also they are made victims of violence unleashed on them by dominant social groups.

Earlier, people belonging to Scheduled Castes and Scheduled Tribes suffered the trauma of humiliation and violence silently. However, with growing awareness among

the Scheduled Castes and Scheduled Tribes due to education and other programmes which are enunciated by the Government of India and various State Governments, they are today trying to assert their rights and resist the exploitative practices such as untouchability.

We all know that the major problem they face is with regard to land and another problem is nonpayment of wages to the majority of the agricultural community, the agricultural labourers in particular. The oppressors are from the land-owning community and the dominant castes throughout the length and breadth of the country. In every State, this is the phenomena. Sir, the Government fully shares the anxiety of the hon. Members over such incidents. Various measures have been taken to check crimes against Scheduled Castes and Scheduled Tribes. A special legislation, namely, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for deterrent punishment for perpetrators of atrocities. For providing speedy trial, special courts have been set up in almost all the States under the Act. This Act has been given wide publicity.

Training courses have been conducted to the officers, particularly to the enforcing authorities. Committees consisting of officials and non-officials have also been set up at various levels to assist the Government in implementation of this very important Act. Sir, provision has also been made for adequate relief and rehabilitation measures to the victims of atrocities. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1995 has been notified in the Gazette of India, after framing the rules, on 31.3.95. Among others, the rules also provide for enhanced norms for relief and rehabilitation of the victims of atrocities.

Sir, the procedure for payment of relief has also been streamlined due to our Court experience, we have streamlined the payment of relief in a systematic manner and it has been made obligatory on the State Governments to make part payment of relief within the specified time. For example, in case of insult, intimidation and harassment, 25 per cent of the relief amount is to be disbursed to the victims when the charge-sheet is sent to the Court and the rest on the conviction. Similarly, in case of outraging the modesty of a woman, 50 per cent of the amount is to be paid after the medical examination and the remaining 50 per cent after the conclusion of the trial or the conviction.

The Government of India provides assistance to the States on 50:50 basis, the matching grant, for this very purpose. During the financial year 1993-94, as against the total Budget provision of Rs. 6.50 crore, an amount of Rs. 7.06 crore was released to the States and Union Territories. For the year 1994-95, as against the Budget provision of Rs. 6 crore, we have released about Rs. 9.75 crore to the States and Union Territories. The provision made for the year 1995-96 is to the tune of Rs. 12 crore.

Sir, while maintaining constant vigilance, to safeguard the interests of the Scheduled Castes and the Scheduled

Tribes, we have requested the State Governments to ensure the following measures:

(1) Atrocity cases are disposed of on priority and reasons for delay are investigated and expedite disposal;

(2) Due protection is given and allowance is paid to the witnesses in the case of atrocities;

(3) Officers with proven integrity and sympathy towards the Scheduled Caste and the Scheduled Tribe community are posted in atrocity prone area cutting across the age level; and

(4) A watch may be kept on major areas of disputes between the Scheduled Castes and the Scheduled Tribes and the dominated groups through the District Officers and to ensure preventive action wherever necessary to avoid untoward instance.

These four measures are yielding results today and we are, time and again, getting the reports from various District Collectors and there is a mechanism in our Ministry that whenever any instance takes place, they have to report within twelve hours of the instance. The District authorities are directly in touch with our Ministry. My Ministry is having a separate cell. The moment we get the information, the information is being transmitted to the concerned State Chief Minister and the Chief Minister in turn takes a decision and they are trying to do their best in this matter.

As and when the instances of atrocities on SCs and STs come to the notice of the Ministry as I mentioned, Sir, we take immediate remedial measures, not only we just get information but also we take the follow-up measures. In a recent case, where a Dalit girl was blinded in Katnayakanpattu village in Salem District. The matter was taken up by me personally with the Chief Secretary and with the concerned District Collector and due to our personal approach, immediate action was taken against the concerned teacher. I personally visited the hospital and talked to the doctors and today, Sir, I am happy to inform that the girl has got her eyes back. At the same time, we have taken stringent measures against those officers. Likewise, my senior colleague, Shri Sitaram Kesri had rushed to Bihar, where six persons were massacred on 6th July. In the same way, recently he visited Bihar again where there was a case of atrocity against the Scheduled Caste people. He visited the place and he personally saw to it that the administration takes up a vigorous action against those culprits and immediately the people were arrested. And from our Department, we have sanctioned Rs. 25 lakh to the State of Bihar to give assistance to the victims, the widows' families. This is one of the examples. As I mentioned earlier, we do not want the occurrence to continue. That is why, we have been insisting the State governments to take appropriate and formal measures, whereby the Scheduled Caste and Scheduled Tribe communities are not subjected to atrocities. I would like to assure the Members of the House that our Government is committed to protect the

persons, the honour and the property of the Scheduled Castes and Scheduled Tribes as also their all round development.

Various schemes for their socio-economic development activities are being implemented with a substantial finance allocation over the years. To quote a few examples, under the IRDP, between 1985-86 and 1993-94, out of 281.76 lakh families assisted, 74.37 lakh families were Scheduled Castes and 59.14 lakh families were Scheduled Tribes.

Similarly, under the Indira Awas Yojna, between 1985-86 and 1993-94, an amount of Rs. 1957.67 crore has been spent to construct 16,45,952 houses which have been mostly handed over to the scheduled Caste and Scheduled Tribe families.

Again, under the Village Works Scheme, which was started exclusively for the Scheduled Castes and Scheduled Tribes, between the year 1988-89 and till date, about 6,97,819 wells have been constructed at a cost of Rs. 2189 crore and they were exclusively handed over to them. These are some of the illustrations I wanted to present to the House.

It is an accepted fact that historic and unfortunate process of subjugation of Scheduled Castes, as I mentioned earlier, agriculture remains one of the main areas of source of income. Therefore, the liberation should also start mainly from the field of agriculture related areas. It is due to this realization, that 48.87 lakh beneficiaries have been distributed surplus land of 50.58 acres in our country so far. Out of the total 48.87 lakh beneficiaries, about 36 per cent was chosen among the Scheduled Castes and 14 per cent was among the STs. It is due to all these relentless measures that have been continuously formulated and implemented by the Congress Party's Government at the Centre and also at the States, the Scheduled Castes and Scheduled Tribes have been, today, able to improve their position. From the Sixth Five Year Plan period to 1994-95, 3.32 crore Scheduled Caste families and 1.40 crore of Scheduled Tribe families have been provided assistance for the socio-economic development so that they can cross the poverty line.

In the year 1994-95 alone, the SCP outlay was to the tune of Rs. 4311 crore and TSP outlay was Rs. 3057 crore constituting 10.97 per cent and 8.37 per cent of the total State plan outlays.

Sir, the main objective of all these measures is to develop and bring the Scheduled Caste and Scheduled Tribe population at par with others so that they can also enjoy and occupy a dignified and a respectful place in our society.

The Government has also been ensuring reservations for Scheduled Castes, Scheduled Tribes and other backward classes in the educational institutions and Government jobs to enable them to have their due share in the governance of the country. Sir, recently the Parliament voted a Bill for the protection of Scheduled Castes and Scheduled Tribes.

In the Mandal case the judgment was against the SC/ST employees of the Government. But this hon. House unanimously passed an important milestone Bill and made them happy. It is not enough and we continue to do this kind of work for the welfare and development of the SC/ST people normally. We will see that our brothers in the SC/ST communities do not feel isolated or do not feel left out and they are also with us in our socio-economic development. They must be part of this. That is our main aim.

In the Sixth Five Year Plan about Rs. 27,127 crore was provided for SCP. In the Eighth Plan for SCP the provision is of the order of Rs. 36,799 crore. Similarly, for the TSP—Tribal Sub-Plan—Rs. 21,950 crore was earmarked in 1993-94. All these measures should lead to an atrocity-free society in the long run. That is our aim. Whatever money we earmark, whatever has been spent on the SC/ST population must reach them.

Recently, I know that a number of hon. Members made certain allegations that the Government of India is not doing so. But I must say that all these facts and figures establish that our interest is very clear. We are interested in seeing that the SC/ST population of the country gets all the power and it is not because of their belonging to SC/ST but because of their being part of us. If any hon. Member has any apprehension that we are not interested in the development of SC/ST people, it is wrong. We have been consistently helping them; not only helping but seeing that they get all the assistance from the Government. That is our duty.

As I mentioned in the beginning, our Government is constantly watching and constantly deliberating on this.

MR. CHAIRMAN: How long more will you take?

SHRI K.V. THANGKA BALU: I will take another five minutes or so.

This process will continue. Wherever the atrocities take place it is brought to our notice. My Ministry is taking care to see that a proper contact is made, proper action is taken and thereby we would like to stop the atrocities on a continuous basis.

Our Government has also been monitoring atrocity-prone districts. We have selected about 48 districts where atrocities are being committed very often in these districts. We have advised the State Governments to see that officers with proven quality, with proven track record and with a commitment to the cause of SC/ST or the weaker sections of the society are posted as Collectors and SPs and even inspector level or lower level so that they can work with a commitment and the atrocities do not occur time and again. Especially the community at large is not committing this kind of crime, that is setting one section against another. That is our commitment and we want a society where the SC/STs and other communities live together.

We would like to see that the SC/ST population gets every patronage from the Government and also from the

public. It is our duty to see that they should not be isolated, they should not get that kind of injustice. It is this House, the Members of Parliament and the public of the country, all of us must educate our people that they should not be treated like that.

In this manner if all of us work together with the same zeal and enthusiasm, along with the Government's efforts and interest, the money allocated will be properly utilised for the betterment of the community. We will do all our best to see that an atrocity-free society is established in this country.

With these words I would like to mention that there is no need for the hon. Members to press for the Motion.

**16.00 hrs**

I request him to withdraw it.

SHRI ANADI CHARAN DAS (Jaipur) : Sir, I want one clarification.

MR. CHAIRMAN: From whom? Technically speaking the time is over. We will extend the time by fifteen minutes more.

*(Interruptions)*

*[Translation]*

SHRI ANADI CHARAN DAS: When atrocities are perpetrated on these people they are killed and their houses are burnt, Government pays them Rs. 10,000/- by way of compensation. I would like to know from the hon'ble Minister whether Government propose to increase this amount and arrange to build a house costing Rs. 3 lakh for a person whose house is burnt and also pay Rs. 2 lakh in addition as compensation. This will merely go a long way to reduce the number of atrocities being committed on them. Secondly, the persons belonging to Scheduled Castes and Scheduled Tribes always look for their saviour. I would like to know the number of people who were really benefited by the person whose name and whose action you mentioned. I would also like to know as to what additional action Government contemplate to take to reduce the number of atrocities being committed on these persons.

*[English]*

SHRI K.V. THANGKA BALU: The hon. Member is right. Earlier, the compensation was Rs. 10,000. Now, we have raised it for which many hon. Members have been demanding for a long time. The Government is considering for enhancement of compensation.

The hon. Member is well aware and he has been fighting for this issue for the last so many years.

In every Consultative Committee meeting of the Ministry he will not sit without raising this issue.

I am happy to announce that our Government is serious about this issue. We must go with the trend and we also go as the wind blows. We will certainly come up to his expectation and in the coming days, we will be able to announce something quickly.

[Translation]

SHRI SATYA DEO SINGH: Mr Chairman, Sir, I would like to bring certain facts to the notice of the hon'ble Minister. It is a very serious matter and the hon'ble Minister must be aware of the sentiments underlying the resolution that I had moved on the 16 December. Today also, many Members tried to express their views on this resolution. All the Members are of course equally important but it was my heart-felt desire to hear the views of those Members who have genuine interest in this issue.

While initiating this resolution in the House on the 16 December, I had said that it was a great tragedy that in each session, the atrocities committed on Members of the Scheduled Castes and Scheduled Tribes as also on women are discussed and reported in the press but unfortunately these atrocities continue to be committed unabated. I from the bottom of my heart, thank all those Members who expressed their views on this serious issue and drew the attention of this august House to it quite emphatically.

As the hon'ble Minister knows, crimes have continued to be committed in the country in the past and will be committed in the future as well. Ever since the man was born, the crimes have continued to be committed. You may pat your back that the Congress Government have made a good deal of progress in this regard. You have also presented certain statistics in support of your claim but I feel that this House is not satisfied with your statement. Statistics cannot fill an empty belly. By presenting statistics here, you cannot mitigate the heinousness of the atrocities committed and the gravity of the crime. It is only the weaver who knows where the shoe pinches: Only the victim of the atrocities know his pain.

Mr. Chairman, Sir, crimes like murder, rape, burning of houses and crops are committed in a usual way. But there are other reasons also behind the commission of these crimes. Sometimes, spurt in crimes is dictated by economic needs. But the crime of atrocities on Scheduled Castes and Scheduled Tribes is being committed due to a dispensation which has no place in a civilized society and the society in which such a dispensation exists, will have to be able to progress. These atrocities are committed on them just because they happen to belong to depressed and backward classes. How sad it is that women belonging to these classes are paraded naked and raped! And these crimes become all the more serious when they are committed to pander to a strange perverted taste. Therefore, any punishment provided for such crimes would not be adequate. When such crimes come to light and the attention of the entire world is drawn towards them, this does not project any

good image of our country. Even after so many years of our independence we have not been able to remedy this state of affairs.

Mr. Chairman, Mahatma Gandhi took up the issue of upliftment of the Harijans in the country and he worked for it in right earnest. Sir, I feel that it was Mahatma Gandhi who was genuinely interested in them. Dr. Ambedkar also fought for them but Mahatma Gandhi, though not belonging to the depressed classes, understood their plight in proper perspective and he had a genuine concern for them. So, if we really want to do something for these underprivileged persons, we should follow the footsteps of Mahatma Gandhi. I wish to state it in categorical terms that the enactment of the legislation would not taken us anywhere. In fact, every Member sitting in this House should realise that it is his bounden duty to practice what he preaches in real terms.

Mr. Chairman, the Hon'ble Minister stated that in this resolution I had referred only to Uttar Pradesh but you will recall that while moving this resolution, I had mentioned Bihar also. Mr. Nitish Kumar said that I had ceased to have any interest in this issue. As such, I, through you, would like to inform this august House that I had not brought forward this resolution merely to seek a debate on it. The fact of the matter is that in the state or the district I come from such atrocities are committed, to the utter dislike of one and all. Leave aside the perpetrators of these atrocities. The persons living in the villages in the Mohallas where such atrocities are committed disapprove of them from the bottom of their heart. That was why I had made a particular mention of Uttar Pradesh and Bihar. Some Hon'ble Members stated that such atrocities were being committed in the entire country. I agree with them but then I have already clarified why I mentioned the names of Uttar Pradesh and Bihar. Now Ms. Mayawati's Government is there in Uttar Pradesh. She is a Dalit woman but prior to that such crimes continued to be committed there as also in Bihar under the political patronage and protection. The perpetrations of these atrocities were getting support and cooperation from the political parties which were in power. That was why I made particular mention of Uttar Pradesh and Bihar. By the grace of God, the rule of anarchy has come to an end there and Ms. Mayawati has come to power. (Interruptions)

Sir, please give me five minutes more.

SHRI ANIL BASU (Arambagh): Now Manu's Government is there.

SHRI SATYA DEO SINGH: You want to say that Manuvadi Government is there. Do you have any objection to Ms. Mayawati being in power there?

SHRI ANIL BASU: No please.

SHRI SATYA DEO SINGH: If you have no objection, please let it come on the record. By making such comments, please do not give the signals that you are opposing it. I know you oppose it and you are not happy with it. .... (Interruptions)

SHRI LAKSHMI NARAIN MANI TRIPATHI (Kaiserganj): Mr. Chairman, this reference of high and low should not be made here. (*Interruptions*)

MR. CHAIRMAN: You please address the Chair. Please continue your speech. Tripathiji, you please sit down.

SHRI SATYA DEO SINGH: I would request the Hon'ble Members to cooperate with me for five minutes keeping in view the gravity of the subject. I know more of the Members here feel inclined to agree with me.....(*Interruptions*)

MR. CHAIRMAN: You address the Chair, please do not talk to each other. You continue your speech.

SHRI SATYA DEO SINGH: Mr. Chairman, I am trying to continue my speech. They are all my friends. Some of them want me to speak and some want that I should not speak.

SHRI SYED MASUDAL HUSSAIN (Murshidabad): Mr. Chairman, we want to listen. But as far as the gravity of the subject is concerned, you please see for yourself that all the benches are lying vacant. Please have a look at the other side also. There are the Members belonging to Scheduled Castes and Scheduled Tribes and their Minister are sitting. In the centre, we all here are sitting. ... (*Interruptions*)

[*English*]

SHRI A. CHARLES (Trivandrum) : We are not Scheduled Caste M.Ps.

SHRI P.C. CHACKO: Mr. Satya Dev Singh, we do not belong to S.C. We are here ... (*Interruptions*)

[*Translation*]

SHRI SATYA DEO SINGH: Mr. Chairman, the hon. Members present on that side are there to support the second resolution that is to be taken up shortly. Some days back, the Supreme Court, giving his verdict against a judgement of the Madhya Pradesh Government, ruled that the section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not violative of Article 21 of the Constitution. This section has been incorporated for certain reasons. I wish to draw the attention of the House to this fact because this section applies to no other crime except the one concerning the Harijans. In this section, it has been stated:

[*English*]

Making a member of Scheduled Caste and Scheduled Tribe to forcibly eat or drink any obnoxious stuff.

[*Translation*]

This is exactly what is happening and hence this section is in the law. Today, even 45 years after our independence, Harijans are forced to eat or drink such obnoxious stuff as excrement or urine. The saddest part of it is it happens in

the police station. (*Interruptions*) For this we had to knock at the doors of the High Court and the Supreme Court because this matter cannot be discussed in the House. The Supreme Court said that the persons indulging in such excesses will not be granted anticipatory bail. I feel that the Government should welcome it and make necessary laws so that there is no scope for anticipatory bail in such cases. It has been further stated in it:

[*English*]

Removing his or her clothes forcibly and parading him is the second thing. The next is about wrongful disposition, making him bonded labour, forcing him to vote or not to vote according to his conscience.

[*Translation*]

I feel Marxist party people will agree there. They should be allowed to cast their votes in the next elections.

[*English*]

Outraging the modesty.

[*Translation*]

It often happens. But outraging the modesty of a woman just because she happens to be a Dalit Woman and that too in a savage manner is really something most despicable. I would request the hon. Minister to take necessary steps in the light of the said judgement of the Supreme Court. It must be a very small judgement as it pertains only to the anticipatory bail and its scope is limited to the judgement of the Madhya Pradesh High Court.

[*English*]

I feel that this is a high landmark judgement to prevent atrocities and such type of brutal behaviour towards any section of the society.

[*Translation*]

Sir, so long as bonded labour continues, agriculture labour and labour on brick-kilns continue, the rape of women cannot be stopped. The atrocities will continue to be committed on them. What steps do you propose to take to prevent them? I remember that when our old Bharatiya Janta Party had formed its Government, we were of the firm view that we would not be able to uplift the oppressed by doing small odd jobs sporadically. For the upliftment of these Dalits, the need of the hour is to give them proper education. By reserving certain posts for them in the services would not help much. They must get their due share in the wealth and property of the country as also in agricultural and commercial fields. That was why in the Economic Television Programme, we had demanded that if any Dalit wants to purchase a truck or a taxi, he may just arrange 7 per cent of the total amount of money required and the remaining amount should be guaranteed by the Government because

you want these Dalits to join the mainstream. By paying just a pittance of Rs. 10 or 12 by way of wages to a bonded labour or Rs. 100 or Rs. 50 as compensation to the victims of crimes like murder or rape, the problem of victimisation of Dalits would not be solved. This is only creating further problems. The Atrocities Act is being grossly misused to set people against one another and to implicate them in false cases. A very typical case was brought to our notice in our District in which the family members themselves killed one of their kith and kin as they were going to get more money. All these dangers are associated with it. You said that you were going to regulate payment of wages. You presented statistics with which you are satisfied. Besides, you also gave statistics regarding the atrocities. You had earmarked a sum of Rs. 6.50 crores for being paid to the victims of the atrocities in 1993-94 but you had actually to pay Rs. 7.07 crore. Similarly in 1994-95, you had set apart Rs. 6 crores for the said purpose but you had actually to pay to the States Rs. 9.75 crore for being paid as compensation. A sum of Rs. 12 crore in anticipated during the year 1995-96 for this purpose. Keeping in view the policies and the philosophy of the Government as enunciated by you as also the action taken by Government in pursuance thereof, these amounts of money ought to have come down but they are going up. Why? It is because the atrocities are increasing and you are forced to increase the amount of compensation year after year. If this amount had become zero during your term of offices, I would have thought that the Ram Rajya has returned to this country. Then you could have patted you on your back and we would have agreed that the Congress Party's Government was functioning in the right direction. You have been ruling this country for the last 45 or 50 years on the votes of Dalits giving them false hopes of eradicating their poverty. Despite all this, it is indeed a very state of affairs that today such a resolution has been moved and discussed in the House.

You referred to IRDP and Indira Awas Yojana. Mr. Chairman, even in your area, these must have been the talk of the town. You spent huge amounts of money in Indira Awas Yojana. What is the result? Very often it has been pointed out in this House that the corruption is on a very large scale in both these schemes. On paper it is shown that so much amount has been provided to so many Dalits, so many houses for them have come up, so many Dalits have been accommodated etc. etc. but in actual practice, nothing of the sort happens. As far distribution of land, it is being done in a very perfunctory manner. Possession of land is eluding in the case of 50 per cent of the leases. Persons with these pieces of paper run after the M.Ps and M.L. As to seek their help in Patna, the capital of Bihar. On the leases of 1982, 1984 and 1992, the ownership has not been transferred till this date. The harassed man does not go for his work but would run after the brokers, greases the palms of the brokers, Kanungo, Tehsildar, S.D.M. etc. to get the lease—a lease that does not get him the possession of land and even for this piece of land he is made to run from pillar to post. (*Interruptions*)

[English]

MR. CHAIRMAN : Please wind up. The time for this Resolution is over.

[Translation]

SHRI SATYA DEO SINGH: It is a very imotional issue. It reflects the political genius of the country as also the dignity of this House. If this sort of victimisation of Dalits and women continued, it would also deal a blow to the unity and sovereignty of the country. This will weaken our country. So, we have to give a very serious thought to this issue.

I appeal to the Hon'ble Minister and the Government to correct this distorted psyche and the mental observation of victimisation of Harijans. For this we may have to educate our people and follow the policy of adjustents and, if certain people still choose not to see reason, the provision for stringent punishment for them. Then only our country will develop along smooth lines. Presenting statistics and spending money will not yield the desired results.

I hope the entire House will appreciate the sentiments expressed by me on the issue. I pray God to grant the Congress Party the needed clairvoyance to take concrete steps in this behalf. If you are satisfied, I have nothing to say in the matter but our society is not satisfied, our country is not satisfied. Such atrocities, in whichever part of the country these are committed, whether these are committed in the Congress-ruled state or BJP-ruled State, are very shameful and should have no place in our society. Under whichever political dispensation these are being committed, they are disgraceful for all of us, and are an insult to our Constitution, to this House and the humanity at large. On the whole, it is an insult to our country.

With these words, I think you for giving me an opportunity to speak on this issue.

[English]

MR. CHAIRMAN: Are you withdrawing or pressing your Resolution?

SHRI SATYA DEO SINGH : Sir, of course, I am withdrawing my Resolution but I am not withdrawing my protest.

I seek leave of the House to withdraw my Resolution.

MR. CHAIRMAN: Is it the pleasure of the House that the Resolution moved by Shri Satya Deo Singh be withdrawn?

SEVERAL HON'BLE MEMBERS: Yes.

*The Resolution was, by leave, withdrawn.*

MR. CHAIRMAN : We shall now take up the next item, i.e., the Resolution moved by Shri Sudarsan Raychaudhuri on 26 May, 1995.

Shri Chitta Basu.

Resolution Re: REVIVAL OF SICK PUBLIC SECTOR  
UNDERTAKINGS—(contd.)

16.20 hrs

(SHRI PETER G. MARBANIANG *in the Chair*)

[English]

SHRI CHITTA BASU (Barasat): Sir, I rise to support the Resolution moved by Shri Sudarsan Raychaudhuri.

MR. CHAIRMAN: The time allotted for this item was three hours and we have already consumed 2.32 hours. The remaining time is only 28 minutes.

SHRI CHITTA BASU: Sir, then the time should be enhanced. This Resolution is very important. It has raised certain very strategic and vital issues. First issue is that the industrial sickness is growing in the public sector in our country. Second issue which has been raised in this Resolution is about the non-payment of dues to the public sector workers and employees. Third issue which has been raised is the revival of sick units and the fourth issue which has been raised is the interest of the nation as a whole.

Sir, so far as the growing sickness of the public sector is concerned, I want to be assured by the Government that the public sector has been built in our country for ensuring rapid economic and industrial progress. If we allow the public sector to become sick and if we allow the public sector to be dismantled then the progress of the country, industrial as well as economic, will be halted. Therefore, my earnest appeal to the Government is that the Government should make an open announcement or a policy statement that all efforts will be made for the revival of the sick public sector undertakings and there should not be any question as to when and how the public sector units are to be dismantled or allowed to be closed or allowed to be ended.

Sir, non-payment of dues is a criminal offence. Sir, if as a private Member you fail to pay the salary and wages to your maid servant or any employee working under you, you can be very well drawn to the court. There are specific laws for the punishment to be inflicted on the defaulter.

The Government should be an ideal employer. Other private sector employers should take a lesson from the Government as employer. If the Government itself being the employer fails to provide for the payment of the legitimate, justified wages of the workers, then I do not know who will punish the Government. But I am really surprised and shocked to find that the laws of the country are being violated by the Government itself. My plea is to find out whether this kinds of things happen in any civilised country in the world. No civilised country would allow this thing to take place.

I want that there should be a specific announcement that all the dues of all workers and peasants in all public sector undertakings be immediately paid. The Government has taken the policy of withdrawing all budgetary support to

these sick industries. The budgetary support is needed only to see that the interest of the country is served. If because of the mismanagement of the top management, there is some corruption, malpractices, embezzlement and the units become sick, it is not the workers who are to be punished.

I want that there should be a specific policy announcement that all public sector undertakings which were being provided with budgetary support for the current financial year are also to be revived expeditiously.

The present policy of the Government for revival of sick public sector undertakings is to refer the matter to the BIFR. Some of my colleagues qualify BIFR as the Board of Industrial Funeral Rights. I would not have raised this matter and I would not have been shocked and surprised had it not been taken by the Government as a policy strategy. Can the Government follow that kind of irresponsible and reprehensible policy that whenever there is sickness, they do not make any attempt for the revival of the unit? Today the workers are very much conscious. They work for the revival of the project. I am one of the trade union workers. The workers prepare themselves for the revival process. The workers even sometimes take less pay and are prepared to enter into agreement that they will be taking less wages for a few years, only to see that the unit where they work survives. And the Government has taken a policy stand that if you are sick, go to the burial ground. If the unit is sick, it is to be given to the BIFR which has been properly named as a Board of Fineral Rights. This is against the interest of the nation. If it is against the interest of the nation, we should also understand why it is so.

It is a part of that so-called new economic programme which has been accepted by the Government under the diktats of the IMF and the World Bank. What are the salient features of this new economic policy? I will mention only three or four salient features. One is, the dismantling of the Public Sector—that is their policy—to be followed by privatisation; then, there should not be any budgetary support to the Public Sector and if there is any support, it should be constantly and progressively reduced; no fresh investment should be made in the Public Sector. All taken together, it is to liquidate the Public Sector itself.

Sir, I have got no time. I know that you cannot allow me unlimited time. But have some sympathy for the workers. It is the Public Sector in which we have invested more than Rs. 1,46,000 crores. It is your money. It is not his money. It is my money. It is his money. These Public Sector Industries are our property, the people's property. And, you as the Government and as the Minister are required to protect the public property. But you are breaching the trust; you are breaching the faith mandated for. You are destroying, dismantling the Public Sector Undertakings consciously. This is what I emphasise. Your policy has been dictated by the agencies abroad. This is a sin that you have committed. This is a sin you are committing. This is a sin which leads to the sell-out of the country's interest. This cannot be

allowed to happen. You have brought about complete reversal of the economic policy which was formulated by this House in the past. I refer to the 1956 Industrial Policy Resolution. There is complete overhaul, complete reversal. This allows the big multinational corporations of the big imperialist countries to invade our country. The country is threatened with the prospect of economic enslavement. Economic enslavement brings or invites cultural enslavement and cultural enslavement in turn invites servility and it costs the Independence of the nation itself. I have got no words at my disposal to express my indignation and condemnation against this policy. Sir, please forgive me. I have got no adequately expressive words at my command.

AN HON. MEMBER: People have votes to express their indignation.

SHRI CHITTA BASU: That is the only way. They have already started it. They will do it also and that keeps us ready. What has been the result of the disastrous policy pursued by the Government? There has been increase in the volume of unemployment. Figures are with me. It is not required to be repeated. You know about it. This has led to the increase in the volume of retrenchment. This has led to the overall increase in poverty. This policy has also led to the deterioration of the industrial relations. To my great surprise, I find that this economic policy also envisages necessary changes in the Industrial relations.

And that too at the behest of some multinational corporations. This economic policy, as was pointed out yesterday, has invaded into our own legal system. They want to scuttle the land reforms project as such. They want to propose that the upper ceiling of the land should be abolished. There should not be any ceiling on land. Therefore, it is not merely a question of providing bread for several lakhs of people of our country. It is not that. Had it been so, I would not have so indignant in this matter. The question is of the independence, economy and political sovereignty of our country.

I conclude with making certain specific suggestions. I have got the figures but I am not going to repeat the statistics. There should be a revival process for each and every public sector undertaking which has fallen sick. This revival process should be made in consultation with the cooperation of the workers. That is a must. A new policy statement should be made wherein it should be stated clearly that every sick unit must have its own revival process. And all efforts are to be made to see that the revival projects are accepted by the Government. From the workers' side I say that we shall make every possible effort even to the extent of sacrificing the wage, even to the extent of diminishing our legal dues. We want to work in the factories, we want to save the institution; we want to save the public sector units because the death of a public sector means the death of this country's independence, economic self-reliance and the democratic progress. Together with this, we have got the Ministry of Industries to look after these sick industries. And the sick

industries are being looked after by the Ministry of Industries as at present. The Ministry of Industry should develop for the further expansion of the industry and for speedy industrialisation. But so far as sick industries are concerned, it must be dealt with by a separate Ministry, so that it can get the attention, so that it can draw the attention of the Ministry and the Government so that the sickness can be avoided and even the revival of that sick unit can become an urgent issue with the Government.

My second suggestion is that even the budgetary provision is there for the National Renewal Fund. I think, Rs. 500 crore or something more than that is there. But nobody knows how this fund has been utilised. Therefore, this House demands what has been the success or what has been the progress and how the money under the National Renewal Fund has been spent, is being spent or would be spent. What has been done with regard to the re-trade, re-employment and other objectives for which this fund has been created.

And the third and the concluding suggestion is that in the name of the VRS, the Government is forcing the employees and workers to get some relief under the Voluntary Retirement Scheme.

There is no guideline; there is no norm. The hungry worker of a small factory is forced to accept the VRS at a very low rate. Another factory where the trade union is a little strong, there is a higher rate. Therefore, if you consider that a unit cannot be revived at all, revival project cannot be accepted and if somebody goes out of a factory, then there should be a justified, legitimate compensation and that compensation should not be left to the employer and the management. Compensation quantum is to be determined on the basis of certain accepted norms, if need be; it should be a statutory provision.

Sir, if that is done, I think the workers of our country who are today unfortunate and have not been paid their wages for months together, there should be some relief which may be provided to them. Sir, I conclude and say that please bear in mind that what I say, I say on behalf of those suffering workers whose bread is being snatched away by you. Remember it. If you fail to take note of it, the people in the State will decide the fate of this Government. We are prepared to deal with the matter, take this matter in the street because that seems to be the only way out to get rid or to get justice from this Government.

Thank you and I again support the Resolution moved by Shri Sudarsan Raychaudhuri and I express my gratitude to him for raising these important issues at this very critical period of time.

[Translation]

SHRI MANJAY LAL (Samastipur) : Mr. Chairman, first of all I thank Shri Sudarshan Ray Chaudhury for having brought forward such an important resolution. It is very

serious matter. In the resolution, he has tried to highlight four things - Firstly the number of sick public undertakings is increasing, secondly, the workers are not being paid their arrears, thirdly these units are not being revived and worked and fourthly, how the workers will be able to get the arrears.

Government itself has not revived its sick units. Most of the Government-controlled units are sick. They are being run by private industrialists. These industrialists declare such units sick to usurp funds taken from public banks, to open other unit at some other place with the paraphernalia of the unit declared sick and to misappropriate the funds of the workers and thus they run other industries. The Central Government or the State Government take over the sick industries. The Central Government is not a hospital where they should take over the sick units of the private capitalists and run them. If the Central Government, while taking over such sick units also takes over other economically viable units of the private industrialists concerned, then no capitalist would dare declare a unit sick so soon. This will help workers get their money and no unit will be declared sick. Therefore, Government should change its policy and while taking over the other running units of the private industrialists and tell them that we do not run hospitals and take over their economically viable units as well. Thus, they will not declare their units sick.

Sir, we take over the sick units and run them at a loss. There are a good number of such private units in Bihar. Many of them have been taken over by the Government. But they are running at a loss. Such units should not be taken over at all. If units are to be taken over and then both types of units i.e. sick and the economically viable should be taken over. In the Central Government's Ashok Paper Mill in Darbhanga, thousands of workers used to work. Today that unit is sick. Government should revive that unit. Reference is often made of the National Renewal Fund, wherein crores of rupees are lying. The policy of golden handshake has been introduced for the workers. It is said that the workers are imparted training and engaged in other industries. But in actual practice, it is not so. There are many centres all over the country. It is said that persons whose services are dispensed with on the allurements of golden handshake, will be given training. For such training, aid-centres have been opened but in no centre, such workers have been trained and engaged in new units. I request that the sick units should be revived with the help of the funds from the National Renewal Funds.

Sir, units should not be allowed to be declared sick directly. We should try to run industries by ensuring workers due participation in management. The Union leaders are ready to takeover sick units but they are not consulted before declaring a unit sick. This puts the workers in serious trouble and the production of the country suffers, poverty as also the regional disparity increases. In our Dalmianagar, there are many industries belonging to big capitalists. All these units have been declared sick and lacs of workers have been thrown out of employment. Workers, farmers, Riksha-

pullars and other poor people deposit their money in Banks and with the money of these poor people, the capitalist run their industries by taking loans from the Banks and thereafter these capitalists declare their such industrial units sick. Thus they digest all the Government money and thereafter Government takes over such units and run them at a loss. The Unions and their leaders are not even consulted in this regard. The Government should not take over such sick units. Government should instead take over economically viable units so that the industrialists may not be able to declare their units sick. Keeping in view the interests of the country and of the workers and also for increasing production our friend has suggested that the Government should revive the sick units expeditiously on the said units can be run with less money in consultation with the unions. The workers would be ready to work with less wages because

[English]

'Something is better than nothing'.

[Translation]

Now-a-days the number of unemployed is increasing. These unemployed people should be given training under the National Renewal Fund and provided employment in right earnest. The sick units should be revived in the interest of the workers and their arrears should be paid to them. I find that thousands of workers in Bihar have been driven to the brink of starvation after the units have been declared sick. (Interruptions)...

[English]

MR. CHAIRMAN: Now, three hours have been consumed. There are nine more Members in the list.

[Translation]

SHRI MOHAN SINGH (Deoria): Sir, you please allow every Member to speak for five minutes each.

[English]

MR. CHAIRMAN: How much more time do we extend? Is it the wish of the House to extend the time by one more hour?

SOME HON. MEMBERS : Yes.

MR. CHAIRMAN: Okay. Now, you can continue.

[Translation]

SHRI MANJAY LAL: That is why I want that the four suggestions made in the resolution should be accepted and this resolution be passed. Government should address itself to these four issues with full responsibility.

With these words, I thank you for giving me an opportunity to speak.

[English]

SHRI HANNAN MOLLAH (Uluberia): Mr. Chairma, Sir, first I would like to express my support to this Resolution for the revival of the sick public sector undertakings brought forward by Shri Sudarsan Raychaudhuri. I also join all my colleagues in expressing the concern for the growing number of public sector units getting sick day by day.

Already out of 238 odd public sector units, almost 54 have been brought under this 'hit list'; and many more may be in the pipeline. Many things have been said by my colleagues who spoke earlier, about the details of the sick industries, their problems etc., and they have made suggestions also. I want to look at this problem from a different angle. Actually I would like to educate the hon. Minister-friend—not in the Enron way because Enron is educating in a different way in Maharashtra, but in a friendly way.

Now, my submission is this. If we look at the history of industrialisation in India during the British days and after Independence and if you look at the role played by the public sector and what should be our duty towards that, then we should see one more thing. We are Indian people and the whole world would be very much grateful to the mothers; and it is because of our mothers only, we are in this world. But can you say that when the mother is old, you can kill her? Can you imagine? It is inhuman, it is uncivilized; and it is beyond anybody's capacity to understand that we are taking such steps when dealing with those public sector units because public sector undertakings are the mother of Indian industry.

In those days we had our old industries, the traditional industries. When the Britishers came, that imperialist force wanted to exploit the cheap raw materials, cheap labour and maximise their profit. It is their real interest. When they came, they first found the properties and they wanted to exploit it. So, they destroyed our traditional industries. You know, Sir, how they have cut the thumb of our weavers. We once produced the best *Muslin* in the world. To stop that, the Britishers cut the thumb of those weavers in those days and also because they wanted to set up their own textile industries.

Our traditional textile industry was destroyed. They started it in that way. They came and started setting up the industry. They had no love for India. So, they set up the industry at certain places, like Calcutta, Madras, Bombay, around the sea ports and not all over the country, not in Shillong nor in the North eastern region. The imperialists cannot do that. The Britishers, with the imperialist interests in their mind, selected those places and industrialised certain areas. You have seen that this unevenness of industry started from that time. It is still going on. We are harping on unevenness of industrialisation. The Britishers started that. But they did it from their own interest. You know what had happened. The vast part of our country was left without industrialisation. Our traditional industries were also destroyed by those foreign enemies.

Next, what we see is that for linking those industrial zones, the Britishers put railways on the Indian map. Earlier, we had no railways. When railway lines were laid, one of the great thinkers of this world, Karl Marx, said:

"Railways is the forerunner of modern industry in India."

Wherever railways go, industry develops and it spreads all over the country. The industry will spread. Ancillary industries will also develop. With that understanding, he said so. But after seeing the results of spread of railways, the same Karl Marx said that railways became useless to India. He expected that industrialisation it would spread. But when he found that it did not spread, he said that it had become useless to Indians from the industrialisation point of view. This is the situation. But those were the activities of the imperialist forces. They had no love for India ... (Interruptions) Marx as a social scientist observed the society and after observation, he came to a conclusion. ... (Interruptions) Unfortunately, we continue with that tendency of unevenness during the British days.

You know that after Independence, we had accepted the policy of mixed economy. In our Constitution, the Government was not directed for industrialisation. In our Constitution and in the Directive Principles, the small scale cottage industries are there but not industrialisation. Initially, we thought that people will invest money and industry will grow. But what had happened? No big investment was made. Wherefrom will we get the money? So, the Government decided to invest from the tax paid by the people. That is the source of investment in India. After Independence, we thought that the private sector will grow but it did not grow. Then, Government was forced to take a decision that public investment was necessary.

This was the beginning of our industry. The Government taxed the people. A portion of that money was invested and public sector units started developing. Because of that, we had a dual policy—the private sector and the public sector. But the private sector will not go and only the Government will go for huge investment in infrastructural industry. Actually, the Government will invest in those areas where big investment is necessary and development of infrastructure is needed. For that, the Government invested the money. That policy was implemented by Pandit Jawaharlal Nehru. Now that name is allergic to the proponent of the new economic policy of this Government.

17.00 hrs

So, Pt. Nehru propounded and implemented the policy; the public sector developed and our energy, mines, steel and other public sector industries developed through that policy, namely, mixed economy. But after 45 years, now this Government had decided to give a go-bye to that policy. The public sector laid the foundation stone of our industrialisation and developed the country aiming at ending that unevenness. Now, we find that this Government has given a go-bye to that policy and that mother industry is

now the target. You know that we are accepting the advice from those who are not our friends. They know that if we develop our public sector industries, we will not be dependent on them; we will be independent and self-sufficient. So, those big foreign powers want to unarm us and make us totally dependent on them. This is their purpose in their business. That friendship is not their in business. They are teaching us to dismantle whatever we have built up. They say, "You run the Government. Why do you go in for business? Government's job is not to run business. You maintain army, beat the workers and people and you do whatever you like. But business is different. It is meant only for business men." They are selling this advice to the third world countries and the ruling party of the third world countries are buying this policy and destroying their own base. So, here is my criticism, Sir. It is like killing our own mother. Our mother industry, that is, the public sector is at the advice of our enemies outside our country. This is the situation. Therefore, I want to request the hon. Minister not to forget the history. No nation who forgets its history can survive in the world. We should not forget those 200 years of British age, how industrialisation developed, how after independence, we tried to stand on our feet and what our forefathers did. And now, we are going to give a go-bye to that policy. This is my concern. I request the hon. Minister to think over it and mobilise all the forces and resources at his command to strengthen and command the public sector and thus we strengthen the basis and foundation of our independence.

Sir, we have already seen the position of 54 public sector units. The list has been placed by several Members. I am not going into the details of those units. I only request the Government to reconsider the policy in the name of new economic policy before we destroy our own public sector and surrender before the IMF and World Bank and later on be dependent on them.

You know that after independence, in the field of heavy industry, 22-25 per cent of our machines were produced in our country and 75 per cent of the machines were imported from abroad. But after the role played by the public sector in the early 1970s, we saw that we produced 75 per cent of the machinery and imported only 25 per cent of the machinery. That means our public sector gave us the base. After the performance of the public sector, the situation became reversed. We produced 75 per cent of the machinery and imported only 25 per cent of them. But now, they are afraid that if we improve the performance of BHEL and HMT and other big units, we will develop and will not be dependent on them and by this, they will lose their market. So, they started advising us. Our Ministers visited and our bureaucrats visited and they educated us in a different way. They educate their family and children. Ministers' children and bureaucrats' sons get free education in America and London and they are paying in different ways. Their money is being deposited in foreign banks and in that way, they purchase the heads of our country. In that way, the unpatriotic forces who are in the Government and bureaucracy

surrender and ultimately, decide to destroy our public sector. Here is my complaint against this Government, Sir. So, I would request the Government to think over it again and come back to protect our public sector. I request them to develop and strengthen it because it gave us the maximum employment. Private sector did not give employment. Major employment is given by the public sector. Better wages and facilities are given by the public sector. But now, we will throw it into the unorganised sector. Unorganised sector means there will be no security and no right. Workers will be taken and thrown out at the sweet will of the management. So, this will be the situation if we surrender. I do not want to go into other parts. My friends have already placed their views about the industries and sick industries. Comrade Chitta Basu has placed his suggestions. So, I will not repeat all those suggestions. I think if those suggestions already placed by my earlier comrades are accepted, public sector will be saved and our country will be saved.

With these words, I conclude.

SHRI K.P. REDDAIAH YADAV (Machilipatnam): Hon. Chairman, many hon. Members have spoken on the Resolution about the revival of sick public sector undertakings under the control of Central Government. We have been debating this subject for the last three to four years. No citizen of the country desires that public sector undertakings should be handed over to private parties or that its importance should be undermined. Everybody is interested in the public sector. But so far, as some hon. Members alleged, during these four years, none of the workers in the public sector undertakings were retrenched. If they were retrenched, they were paid compensation according to the norms and trade union agreements. Our Prime Minister has seen to it that no public sector undertaking is made sick and wherever there are sick units, they were referred to the BIFR according to the wishes of the Lok Sabha. Sir, there is one main reason in finding a solution for such vital issues. One should not stick up to his own ideology; we have to identify and locate the actual lacunae and then we have to give solutions. As Mr. Hannan Mollah has said, it is a fact that when we achieved independence, we used to import most of our capital goods from abroad. But now, the situation is reverse. We are in a position to export sophisticated machinery. We are at an advanced stage in software technology, space technology and many other things. There is no dearth of efficiency or experts in our country. The only thing we are lacking is some sort of a political will and maintaining accountability. Such things will solve the problem.

The main problem is from the public sector undertakings. Suppose we have now switched over to liberalization inviting the multi-nationals or private parties to establish, to put their industries in all the fields viz., telecommunication, power sector and so many other important and vital sectors.

Now, we will analyse, 'why the public sector undertakings are running in red, going continuously incurring losses?'

One major thing is to fulfil major social obligations. Suppose, take the power sector. It has to fulfil major social

obligations of the society as decided by this House itself. Many Electricity Boards, in this country, have to forego nearly one crore of rupees by way of giving power to the agricultural pumpsets. But the Government is not making good of the losses sustained by the power sector. But you want to compete with the multi-nationals.

The second thing is that there are horrible labour laws and unionism. We have got over-employment, in almost all the public sector undertakings, which is eating away 50 per cent of its resources. It is we who have made all these losses. Therefore we cannot compare the 'profit and loss' of our undertakings with the multi-nationals or the private organisations.

So, the two main problems which our public sector undertakings are facing, are: 'social obligation' and 'over-loading of staff'. It is a fact.

The third main problem, in my opinion, is 'not observing the principle of accountability'. We have let loose the public sector undertakings by interfering with the unionism of political interference, thereby, there is no check over the public sector undertakings. No accounts are maintained, accountability is given up by the public sector undertakings, in the recent past. Earlier it was very good. But now, with the result of this, some people with vested interests have intruded into the public sector undertakings and made them to suffer sustained continuous losses. It is a fact and nobody has checked it. The lack of interest by the units, lack of interest by the union leaders have created such a situation that the persons managing the affairs of the public sector undertakings are not checked at any level. Had the unions been in a position to check the maladministration or corrupt practices in the public sector undertakings, this type of situation would not have arisen.

Therefore, Sir, there are three major problems viz., 'social obligations', 'over-loading of staff' and 'corruption' which are responsible for our public sector undertakings to sustain losses. We have to eradicate these problems.

Now-a-days, the budgetary support also have been withdrawn by the Government of India. It is natural that always, they cannot feed any public sector undertaking with the public money. Therefore, we are in such a situation that one the one side, the privatisation is taking place with rapid speed, and on the other side the public sector undertakings are sinking down.

So, what is the solution? The solution is that we have to make these two organisations at the level playing ground. These units should be allowed by changing the basic Memorandum of Understandings and Articles of Associations by making a corporate body—to have their own finances, to have the right to borrow the money from the IDBI, ICICI, World bank or from abroad, etc., Just like the private parties which are giving the public issues, entering the capital market. It can also attract the public money into the public sector undertakings.

Then only they could be self-sufficient with regard to their financial position.

Sir, one thing we have to understand very clearly. The process of liberalisation and the present laws governing the various labour unions cannot run parallel to each other. Either we have to do away with the public undertakings or we have to forego certain laws governing the labour unions in the country—both these cannot work together. On one side, the private companies—multinational or Indian—are not overburdened by such laws, and on the other, the public sector undertakings are over loaded with fulfilling social obligations, political interference and labour union laws. Therefore, if we amend the labour laws suitably then only we could hold the public sector undertakings thoroughly accountable for their functioning. I urge upon the government of India to bring forward a comprehensive legislation seeking change in the present laws governing the labour unions in the country. It should be amended on the lines of the laws that are applicable to the labour unions of the private companies. It would create a level playing field and help the public sector undertakings to compete with each other. It would also help in reviving as well as restoring the glory of the public sector undertakings. Otherwise, with the recent decision of the Government, of not giving any budgetary support to the public undertakings, they would sink down.

Sir, the other point is, by blindly going in for privatisation, by inviting multinational companies in this country, we would be doing serious harm to this country. Therefore, we have to strike a balance, otherwise history would not forgive us.

Sir, the Government has decided to give the contract for certain power generating units to the private companies—Indian or multinational, whatever it may be. What has happened? We, in our country have got giant public sector undertakings like BHEL and NTPC. The performance of these undertakings in terms of efficiency and cost-effectiveness could be compared with organizations of the advanced countries of the world. With an investment of Rs. 1 crore, they have produced one megawatt of power. Now, BHEL is prepared to produce one megawatt for Rs. 2.5 crore. A decision has been taken to give them Rs. 4 crore or Rs. 5 crore.

The companies to whom the contracts for the power generating units have been given, they are paying Rs. 1 lakh, or Rs. 50 thousand per month towards salary for the engineers of BHEL and NTPC. As a result of that the process of brain drain has already started.

After sometime there will not be anybody left to manage our thermal stations and BHEL units. Finally the alternative for the Government or for any country is to say, 'you are managing some already, you manage this also', and hand them over. Such a situation would arise.

We are not opposing privatisation; we are not opposing multinationals, but we want them to have accountability. Why did you overload the public undertakings first and then

ask for efficiency and profits? At the same time you are giving double the rates to the private sector than those that are given to the public sector undertakings and that too without insisting on the union laws and other things, and then you are comparing the public sector undertakings with the multinationals. This is very wrong. I challenge that the public sector undertakings will function more efficiently and will earn more profits than the private organisations, provided both of them are put on a level-playing ground whether it is in the case of getting funds, giving employment, or application of labour laws, unionism, bonus etc.

I do not want to go into things like who is accusing the Government and who is accusing the Opposition. I insist the Government to prove to Indians that they are not against the public sector undertakings, nor are they favouring the multinationals unnecessarily ... (Interruptions)... and that every facility is being given to them equally and that they are being treated on a par at level-playing ground. Then, and then only if our public sector undertakings do not come up to the required standards of the market, you declare them sick to which we will agree.

Sir, the problem in the country is, we are not assessing as to what is happening. We are simply accusing the Government and the Government in turn is accusing the Opposition. The people are in a confused state. They are unable to understand as to who is right and who is wrong. This is the situation that is prevailing in this country. India, with its population of 90 crore people cannot go all-out for privatisation. When the people feel that the public property is their own property, then only its safety can be ensured. When they feel that Indian Railways are theirs, then only Railways will run safely without the necessity of a single policeman. The moment they go into the hands of private people, you cannot control the thousand of lakhs of kilometres of Indian Railways, or the giant steel manufacturing factories, or any other public sector undertaking.

We might be incurring losses in some undertakings, but it does not matter. It is only a manipulation of accounts. The efforts that have been made by our leaders right from the days of Pandit Jawaharlal Nehru and Shrimati Indira Gandhi are cherished by the people even today. The intentions, the forethought, and the advanced thinking of Pandit Jawaharlal Nehru in respect of industrialisation of this country are cherished by the people even today. Therefore, Sir, we should not undermine all these things. If there is any trouble, explain it to the people in full detail. Then only people will listen to you.

I, therefore, urge upon the Government to provide more funds to the undertakings. The Government cannot provide more funds ... (Interruptions) ... Sir, the Jeypore Power Project at Kakinada in Andhra Pradesh has been given Rs. 800 crore. I will give you an example here to put it in simple terms. Let us suppose that I have been sanctioned a loan of Rs. 4 lakh to purchase a car which actually costs

Rs. 2 lakhs only. The Bank officer asks me to deposit 25 per cent of the amount i.e. Rs. 1 lakh in advance. I take a loan of Rs. 1 lakh from Shri Arunachalam and deposit that amount in the Bank. The Bank gives me a cheque for Rs. 4 lakh. Price of the car is Rs. 2 lakh only. I pay the price of Rs. 2 lakh and purchase the car. Then one lakh is there in my pocket after paying back Rs. 1 lac loan and Rs. 2 lakh, cost of the car. That is the type of privatisation that is going on in this country. This is there in case of some items but not in all, I agree.

Therefore, be careful; Indian masses are not in a sleeping mood that they cannot understand your manipulations. It is the self-respect of the Indians that is at stake. Taking all these things into account, come with accountability. Put the public sector undertakings on a par with the private organisations and I challenge that these PSUs will prove to be more profitable and more efficient than any other MNCs.

With these words, Sir, I conclude and thank you for giving me the opportunity for participating in the debate.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Chairman, Sir, I thank you for having provided me an opportunity to participate in the debate on the Resolution moved by our hon. friend, Shri Sudarsan Raychaudhuri, on the sickness of the public sector undertakings and also on the arrears, dues, etc. of the employees.

Sir, particularly the sickness in public sector undertakings is undoubtedly a matter of concern for all of us and also for the Government. It is something where politics should not come into play. This subject has a lot of bearing on our economy, not only on our economy but also on the concept of democratic socialism to which we are wedded to. The Congress Party had adopted this Resolution of democratic socialism much earlier. Sir, the reputation of Pandit Jawaharlal Nehru, who was our first Prime Minister, was worldwide. He was known as a socialist. Much before Independence also, Sir, you know, he was always associated with the Congress Party very actively and he was presiding over the Congress Sessions. He was the President of the Congress Party for several years and he enjoyed the Congress Party Presidentship for several terms. Before Independence also, the concept of planning, land reforms, socialism and all those things were very very dear to Pandit Jawaharlal Nehru. The Congress Party was having a Planning Committee with Pandit Jawaharlal Nehru as its Chairman in 1940s. Pandit Jawaharlal Nehru had also produced a document detailing all these socialistic programmes. And that way, public sector is not just a new idea or a post-Independence idea. It developed in the post-Independence days. Before that we did not have our say in our matters.

At the very outset of my intervention in this debate, I would like to pay glowing tributes to the memory of Pandit Jawaharlal Nehru, the great son of India and the world. As

you know, Sir, he was the chief architect of the modern India and also the public sector was given a commanding height during his time, not only a commanding height in our economy during his times but thereafter also it continued to enjoy this commanding height.

Today, there has been some criticism from the other side. I do not think, as I told you, politics has got anything to do with this. It should not be allowed to come into play in this discussion. I can only say in one sentence that no political party has any moral authority. I underline, I repeat and I emphasize that no political party has got any moral authority to blame Congress for this policy of mixed economy and for the industrial policy, that are being pursued right now by the present Prime Minister. I can say substantially this, because different political parties are in charge of Governments in different States. As for example, in West Bengal we have got a Left Front Government but it is a CP (M) Government. Dominantly they are the Party there. What has happened to the Great Eastern Hotel, which is a public sector company?

AN HON. MEMBER : Nothing has happened.

SHRI SRIBALLAV PANIGRAHI : You analyse that. Are you not selling it ?

SOME HON. MEMBERS : No.

SHRI SRIBALLAV PANIGRAHI: Are you not negotiating for it? For how many private entrepreneurs your Chief Minister is laying red carpet for them to come to West Bengal? Do not say that. I am trying to make it apolitical, keep it above politics. In Orissa, what happened? When the Janata Government was there, very good chrome mines, the best mines were handed over to Tatas for a song. So I say no political party has any moral authority to condemn. But this is a very serious matter. Let us realise it. We have placed ourselves in a very, very peculiar situation. (*Interruptions*) Please do not disturb me.

SHRI UDAY PRATAP SING (Mainpuri) : With regard to Orissa, there, at least, the party concerned is an Indian company. Tata is an Indian national and if he has got something for nothing, I do not think we should blame the Government.

SHRI SRIBALLAV PANIGRAHI : I am just exactly coming to that. (*Interruptions*)

Again coming to public sector vis-a-vis private sector, you see there are Indian entrepreneurs and foreign entrepreneurs. There are some public sector companies which are doing excellently. There are some public sector companies which are constantly making losses. So can you equate both these two? What will you do with those perpetual loss making public sector companies?

As I said, again coming to private sector, there are Indian companies and foreign companies. I will give you

one simple example with regard to fertilizer. It so happened that American fertilizer was used to be sold in the Indian market at prices less than that of our indigenous fertilizer. Now can you tell the farmers, that because this is Indian fertilizer, you should pay more, take it and just hate this American fertilizer? We have to encourage, very precisely I say, the public sector. This is number one.

But in public sector also, we have to create a situation whereby it becomes competitive with private sector. We have to create a climate in this country. When I say, 'we', I mean the political people, the Government, the work force, the trade unionists, the managements and the business people. All those people together can create a market wherein Indian private sector can be competitive, can stand in competition in the world market. Otherwise, in today's world, what will we do? Just look at former Soviet Union and look at China and tell us the real position. In this background, what we have got to do? I can tell you that I am an ardent supporter of public sector. But in today's scenario, we have also to be practical.

Again, so many demands are being made. We have to fight out poverty. We have also to invest lot of money on anti-poverty programmes and at the same time we have also to go in for rapid industrialisation. Wherefrom do we get the money? The condition of the people is such that we cannot go for heavy taxation. If there is taxation in the Budgets it is opposed tooth and nail by all of us.

So, in such a situation what I mean to say is, that we had 237 central public sector enterprises. An enormous amount of money has been invested in the public sector totalling roughly Rs. 1,40,000 crore! This is a very enormous amount. This has been invested in the public sector and naturally there is an expectation of a return. Where is people's money going under this public sector? If it is not properly utilised, if there is no expected return, say of a minimum of about 10 per cent — I do not say 20 or 15 per cent — what sort of effect or influence will it have on the economy of our country? May I mention what the return is? It is 2.4 per cent!

This, as I say, after the public sector having been assigned a place of commanding height in the Indian economy. The public sector did create a massive capital intensive infrastructure which the private sector could not have or might not have been able to venture in the post-Independence era. That is what I say. Pandit Jawaharlal Nehru was a visionary and he was also having practical wisdom. That is why a bid to industrialise India was there because at the time of Independence India was a country where even a pin or a needle was not manufactured. But today over the years, because of our Industrial Policy, because of our emphasis on public sector earlier private sectors were coming forward. At that time the MNCs were not coming forward. We had to invest money. What is happening today? We are one of the 15 most industrially advanced countries of the world. Is it a small achievement? Is it a mean achievement?

SHRI K. P. REDDAIAH YADAV: From one side, you are praising the public sector; you are confusing. During Pandit Jawaharlal Nehru's time it was achieving the maximum profits. Now it is not. Who is responsible for it? (*Interruptions*)

SHRI SRIBALLAV PANIGRAHI: I am coming to that. If you are determined to confuse yourself, I cannot help. If there are people who would like to confuse themselves I cannot help them. I say that I am an ardent supporter of the public sector. I say that because of the commanding heights achieved or the prominence attached to it we have come to this stage now. But at the same time I did not say that with the investment made in the public sector the rate of return was abysmal.

SHRI MOHAN SINGH (Deoria): Thank you.

SHRI SRIBALLAV PANIGRAHI: Yes, Thank you. I thank you very much. You go and try in your State also.

In this background what I say is that the concept of the private sector derives its roots from the freedom struggle. But what happened? According to a study, what are the reasons for the sickness of the public sector? About 52 enterprises are before the BIFR. I do not agree with the assessment of that study. They say that upgradation of technology was needed and our technology became outdated as many of our public sector undertakings had gone sick. That was the main reason.

The second reason is over-employment. At least one-third more workforce is there. This is also correct. At one time we thought that it does not matter whether public sector makes profits or incurs losses.

These public sector undertakings have to serve some social objectives. They have to provide employment and regardless of profit and loss aspect, people were employed in these public sector undertakings. But this is also bad.

But I say that there is a third reason also which is missing in that report and that is about mismanagement of the public sector undertakings. The Managers of the public sector undertakings—I am constrained to observe—have behaved in many places like Rajas, Maharajas and industrial princes, etc. There was a lack of belonging in the executives.

As far as public sector undertakings are concerned, I would say that in our colloquial terms they say :

[*Translation*]

“Let things belonging to the Government go to dogs.”

[*English*]

That means if something belongs to the Government they do not have any interest in it. So, let it go to dogs. (*Interruptions*). You have formed the Government in West Bengal. You were a part of two regimes here also and you were lending support from outside. So, do not say that. I

am taking it up above politics but you are trying to pull it down. I say that this is the background.

In West Bengal, there is a place called Haldia. There will not be a single instance parallel to the whole of the world. One unit of Hindustan Fertiliser Corporation is there. Do you know what is happening there? About fifteen to seventeen thousand employees are working there and about Rs. 800 crore have been invested there. That unit has completed a decade. However, the beauty is that it has not produced even a grain of fertilizer. (*Interruptions*). In spite of all these things, no responsibility has been fixed; no head has rolled. What is happening there? The workers are sitting idle there. But they are drawing salaries and they are getting a minimum bonus of 8.33 per cent. They also got two rounds of promotions. But this is the situation. I think, nowhere in the world such a thing has happened. But we are tolerating it.

17.42 hrs

(SHRI NITISH KUMAR *in the chair*)

So, if we are responsible, then you are also equally responsible. If the Government of India decides to close down that unit, then you will rise in revolt in West Bengal.

Sir, two days earlier, our hon Minister of Textiles, Shri G. Venkat Swamy, came up before the House with the Sick Textile Undertakings (Nationalisation) Amendment Bill. What was the spirit of the Bill? The spirit was to nationalise about 15 sick textile mills and that goes to speak in volumes about the objective of this Government. That shows that the Government is pro-public sector and pro-labour. So, the Government is not anti-labour and anti-public sector. (*Interruptions*). The Government could have said that we will close down all these public sector undertakings.

So, we have to collectively address ourselves to this challenging and peculiar situation wherein the public sector can be made competitive and can work satisfactorily. Again in the industrial scenario, be it public sector, be it private sector, the Indian entrepreneurs can stand in competition in the international market. So, this is the challenging situation which I want to emphasise.

As I said, our present Prime Minister also has categorically stated that the Government is for a mixed economy and we cannot just close down the public sector undertakings. But what to do with those public sector undertakings which have gone sick and which are not capable of revival? They have to be closed down.

As regards the workers, the need of the hour is to go in for a new work culture with accountability fixed. The public sector managers will have to be made accountable. At the same time, they should be given more freedom also. So, accountability should be there with some more powers and freedom. At the same time, there should be workers' participation also. There are both public sector units as well

as private sector units located in my constituency. But when I go to a public sector undertaking, whatever the status of the undertaking may be; the worker who is working there can say that it is his own plant. But however properous a multinational enterprise might be, it may be a Tata's concern or a Birla's concern, a worker there cannot say, with his hand placed on his chest, that concern belongs to him. That is the difference. In a democracy of our nature, where we are all wedded to democratic socialism, we have to encourage public sector. Take, for example, the Maruti Udyog. What sort of controversy was there when Maruti car was first introduced in Indian markets? But Maruti Udyog is a matter of pride now. Maruti Udyog has been instrumental to the modernisation of automobile industry in the country. Before Maruti, Ambassador, Fiat, Birlas and other industrialists were just making money.

Take the Public Distribution System. The entire requirement of the country is not catered through PDS, but, to a certain extent, PDS has a role to meet the requirements of the poor and the down-trodden people of the country. It influences the food markets also.

SHRI AMAL DATTA: Maruti is no longer in public sector.

SHRI SRIBALLAV PANIGRAHI : When it was in public sector, how critical all the Members of Parliament belonging to those benches were?... (*Interruptions*)

[*Translation*]

MR. CHAIRMAN : The time for this resolution is over. The time was extended for one hour. Should we extend the time further?

SOME HON'BLE MEMBERS : Please extend it for one hour more.

MR. CHAIRMAN : It is alright. The time is further extended for one hour more.

[*English*]

SHRI SRIBALLAV PANIGRAHI: So, I want to say that most of the public sector undertakings cannot be undermined. At the same time, public sector cannot be a sacred cow. We have to make it profitable, and for that, a new work culture has got to be evolved. In that context, workers' participation is a must.

The workers should have a feeling and sense of belongingness. If it is not there with the officers and workers it will be difficult. There should be some accountability and freedom also. They can get some monetary support and revival. if they like they can go to the market and arrange for funds by way of equity etc.

Sir, as you direct, I would like to conclude now. If we put money be it in private sector or public sector, and if an industry goes sick it is an overall loss leading to loss of production, loss of employment and loss of revenue. All

these will result in very difficult situation for the nation to bear with. Even lock-ups also are waste of funds.

With these words I thank the Government for having prepared very practical packages in respect of a number of sick units. There are cases of IDPL, Cycle India etc.

MR. CHAIRMAN : Please conclude now.

SHRI SRIBALLAV PANIGRAHI : Yes Sir. The other is a package on fertilizers. I can give one instance in this regard.

MR. CHAIRMAN : No more instances. Please conclude now.

SHRI SRIBALLAV PANIGRAHI: Yes, sir, I am concluding. Please allow me to conclude. ... (*Interruptions*)

MR. CHAIRMAN: I am only asking you to conclude.

SHRI SRIBALLAV PANIGRAHI: I know I have to conclude. ... (*Interruptions*)

MR. CHAIRMAN : Please do not argue with the Chair. You conclude your speech.

SHRI SRIBALLAV PANIGRAHI: I want to conclude now.

There are cases before the B.I.F.R. All the cases that are before it have to be expedited. There is a package for fertilisers. The F.C.I. has a unit in Talcher. There is another unit of Heavy Water nearby which comes under the Ministry of Atomic Energy. But it is linked to fertilizers. It should be revamped ... (*Interruptions*)

MR. CHAIRMAN : Why are you not concluding ?

SHRI SRIBALLAV PANIGRAHI: Sir, there is no justification for the closing down of this Heavy Water unit. The Government should reconsider about it and the B.I.F.R. has got to be speeded up. A lot of delay is taking place there.

MR. CHAIRMAN: Yes. Shri Syed Masudal Hossain to speak now.

(*Interruptions*)

MR. CHAIRMAN : Excepting what Shri Masudal Hossain speaks, nothing will go on record.

(*Interruptions*) .....\*

SHRI SRIBALLAV PANIGRAHI : With these words, I conclude.

[*Translation*]

SHRI SYED MASUDAL HOSSAIN: Mr. Chairman, a poet has said—We are maligned, even if we sigh; but none utters a word even when they murder. (Hum aah bhi karte hain to ho jate hain badnam, voh katl bhi karte hain to charcha nahin hota!) Mr. Panigrahi said that in the opposition, we have people who do not have moral authority even to

discuss. The industries, particularly those in the public sector, are in a sorry state because of the misdeeds of your Government. Whenever discussion takes place in this regard and when there is demand for saving the industries, then it is said that the needed work culture is not there. That is why all this is happening. I shall conclude after making two or three points.

Public Sector is in the hands of the Central Government and therefore it is the responsibility of the Central Government to keep it in good shape. The entire mess is attributable to their wrong policies. They pay no attention towards management. They have introduced new economic policy and new industrial policy. Now they are trying to close down units at random. It is the state of affairs everywhere. But I feel that if we try sincerely we can save at least fifty per cent units. The units that have become sick can be revived with your little support. The workers are not against modernisation and diversification. In fact they want modernisation and diversification. But what is your intention? Do you pay any heed to these things? You pay more attention to sell land belonging to the units. you have of late taken a decision about NTC, advising to undertake modernisation after selling land etc. Why could not you extend some cooperation to NTC? If even after selling the land, the unit again falls sick then what will you do ... *(Interruptions)*... You would then close it. That is exactly your intention. You try to put all responsibility therefor on workers. I would like to cite an example here. Shri Ajit Panja ji of my state is sitting here. The other day he was advising on top of his voice that you first bring work culture in West Bengal. Shri Bhatia is also present here who will bear me out. You know that there is a small Central Government undertaking known as Hindustan Vegetable Oil Corporation in Barasat. You very well know it because you have been the Minister of that department. When you were Minister of Public Distribution, Hindustan Vegetable Oil Corporation which was the Gons Mill at that time, had been lying closed for the last one year and had incurred a loss of Rs. 60 lacs. We approached Kamaluddin Saheb to intervene and had it opened. It worked for five months and not only made good the loss of Rs. 60 lacs but also earned the profit of Rs. 50 lacs. You have not so far confirmed the casual labour there. You are not prepared to give them any raise in their wages. To add insult to the injury, you deprived them of their uniforms. The agreement has expired. You are not paying them even their dress allowance. Bhatiaji is present here. The workers of the Hindustan Vegetable Oil Corporation should have been made permanent within one year. But you have been dragging them for the last five years. What work do you want to take from them? In the VRS, you say that the workers should be retrenched. You ask workers to take money and leave. You have retrenched 26 per cent workers in the Hindustan Vegetable Oil Corporation. May I ask how many managers have been given VRS? You have deprived workers of the uniforms but have you ever checked the telephone bills, STD bills, car expenses for the managerial staff? You are trying to shift all responsibility on the shoulders

of workers. Workers are prepared to work but you don't want to get work from them.

Sir, you mentioned about Haldia. There also this topic cropped up. It is a public undertaking of the State Government. It is the petro-chemical but of Haldia. It is a semi-Government undertaking. You say that there has been no production in that unit for the last ten years. Who was responsible for the production? In West Bengal, there is left front government. As such, it is the responsibility of the Government to get production there. You will not understand it, your total system is in disarray. There not a single grain of fertilizer has been produced for the last ten years. What was the reason behind it? Have you thought over it? We are also following your policy. You want to close the unit and retrench the workers. When private sector became sick you, while taking it over, had assured that you would not retrench workers. But you will retrench workers despite there being Government and trade unions including those of CITU and INTUC. What are these trade unions doing there?

**18.00 hrs**

The fact of the matter is that the Central Government has no policy in this regard. And wherever industrial units became sick you want to sell them; and send them back to public sector or to close them down. You want to sell their real estate and bring foreign companies in their places. You are welcoming foreign companies. Santosh Mohan Dev ji is not present at the moment. He says that even the West Bengal Government is welcoming the foreign companies. Yes, we, are also doing it but in a different way. The first difference between you and us is that you are acting arbitrarily whereas the West Bengal Government is doing it under compulsion, because West Bengal is not a separate state. It is also one of the states of this country and is obliged to follow your policies. We had asked for funds to set up industries but you did not pay us anything. So, will industries be not set up in West Bengal? The second difference which is the greatest difference, is that we take due care to see which company is coming from other countries—whether it manufacturers potato chips or computer chips. If a foreign company manufacturing computer chips comes and sets up industries, we will welcome it.

MR. CHAIRMAN: PMB time is over. You may continue next time.

*[English]*

SHRI SAIFUDDIN CHOUDHURY (Katwa): Mr. Chairman, Sir, before we take up the discussion under Rule 193, I have a statement to make. Yesterday, Mr. Rajesh Pilot assured the House that he will .....

*[Translation]*

MR. CHAIRMAN : You may make your statement later. First matters under rule 377 will be taken up.

## MATTERS UNDER RULE 377

18.02 hrs

**(i) Need to Declare Kerala as an Industrially Backward State.***[English]*

SHRI P.C. CHACKO (Trichur) : The Government of India in its budget for 1993-94, had declared some States as Industrially backward States. These include, in addition to the north eastern States, Goa, Himachal Pradesh and Union Territory of Pondicherry etc. In the Union Budget Speech, 1994-95, it was declared that the Government of India would consider declaring other States or districts as backward.

The States or Districts declared industrially backward by the Union Government have the advantage that the new industrial undertakings coming up in these States are exempted from payment of Income Tax for the first five years. All the districts in Kerala can be considered to be much less industrially developed than Goa, Pondicherry or Himachal Pradesh. Therefore, the Central Government should consider declaring the whole of Kerala as an industrially backward State. I request the Government of India to consider this suggestion favourably.

MR. CHAIRMAN : Dr. Vasant Pawar – Not present

Shri Shravan Kumar Patel – Not present

Shri Gopi Nath Gajapathi – Not present

**(ii) Need to Provide Adequate Funds for all Round Development of Border Area of Banaskantha, Gujarat.***[Translation]*

SHRI HARI SINGH CHAVDA (Bansakantha) : The northern part of my constituency is contiguous to Pakistan and Rajasthan border. There is very less rainfall in this district and this area faces the situation of famine every alternate year. There is no proper arrangement for education and the people there are economically and socially very backward.

Banaskantha is backward industrially as well. People are on the verge of starvation.

18.05 hrs

*(MR. SPEAKER in the Chair)*

I request the Central Government to make a provision of special financial assistance for the industrial, agricultural, health and educational development of this district. As this district is situated along the Indo-Pak border, this area should also get the benefit of Border Area Development Scheme, under which roads should be constructed, and educational and health facilities provided there.

**(iii) Need to Conduct Surveys for Generation of Hydro-Power in Hardoi and Adjoining Areas in U.P.**

SHRI SURENDRA PAL PATHAK (Shahbad) : Sir, Hardoi, Lakhimpur Khiri, Sitapur, Unnao and Farrukhabad districts of U. P. are economically backward districts. Despite huge industrial potential, no industrial development has taken place in this region due to acute shortage of energy resources there. This area has remained undeveloped owing to non-availability of electricity which is the main resource of energy.

Energy produced from small hydro-power is perhaps the oldest and most reliable sources of energy which can make electricity available in rural and remote areas at cheap rates. The water resources in this area are available in abundance. Besides rivers like Ganga, Gomati, many other small rivers also pass through this area. Besides, there is quite a sizeable number of canals in this area. As such, there is rich possibility of hydro-power generation in this area.

Therefore, the Central Government is requested to conduct a survey to find out this possibility of setting up hydro-power projects in this area so that social and economic development of this area could be ensured.

*[English]***(iv) Need to Release Adequate Funds to Jute Corporation of India for Commencing Minimum Support Price Operation.**

SHRI SANAT KUMAR MANDAL (Joynagar) : Sir, jute industry was at one time the mainstay of economy of West Bengal both in terms of employment and a potential foreign exchange earner. But somehow or the other, it has now fallen on bad times mainly due to the resources crunch of the Jute Corporation of India which is at present in charge of the procurement of raw jute. With the arrival of new jute crop in the market, mill owners and traders were preparing to reduce the price level to force the growers to opt for distress sale. Central trade unions have already urged the Central Government to immediately release funds to Jute Corporation of India for raw jute procurement. As things stand at present, on the pretext of raw jute shortage and high price, some mill owners had locked their mills. Operation hours of some mills had been reduced causing loss of wages and other statutory benefits to the workers. The Jute Corporation of India has not been provided any funds for its minimum support price operation for the last two years. It had helped the employer-trader combine. JCI had a large amount of dues from National Jute Manufacturers Corporation and the Government. Such dues remained outstanding for a long period.

I would urge the Central Government for the immediate release of adequate funds to the Jute Corporation of India for commencing minimum support price operation.

Government should also take early steps to clear JCI's outstanding dues.

[English]

MR. SPEAKER : Now, we take up Discussion under Rule 193.

(Interruptions)

SHRI SAIFUDDIN CHOUDHURY (Katwa) : Sir, I have got a point to make. Yesterday, during the Zero Hour, the Minister of State for Internal Security made an assurance that he would, today morning, lay on the Table of the House the Action Taken on the guilty about the 1984 riots. Where is that Report?

MR. SPEAKER : I have not gone through it.

(Interruptions)

SHRI SAIFUDDIN CHOUDHURY: It has been recorded in the proceedings. ... (Interruptions)

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar) : He stood up and intervened to say

[English]

That so far as the 1984 riots are concerned, killings are concerned, he would give a complete account of what the Government has done till now. ... (Interruptions)

SHRI GOPI NATH GAJAPATHI (Berhampur) : Sir, I may kindly be allowed to make the statement under Rule 377.

MR. SPEAKER : That is over.

SHRI GOPI NATH GAJAPATHI: My name was there. But I was not present here at that time.

MR. SPEAKER : We have gone to the next item. You cannot do it now. You can leave it.

(Interruptions)

MR. SPEAKER : I think we will take up Discussion under Rule 193. No other discussion will be taken up. I suppose it may not be necessary. As far as your query is concerned, I thought that you were asking me to lay it on the Table of the House.

SHRI SAIFUDDIN CHOUDHURY : No, you cannot do that.

MR. SPEAKER : At least, I have not received it. I do not know whether the office has received it.

SHRI SAIFUDDIN CHOUDHURY : I want to know what is the reply of the Government on this issue.

MR. SPEAKER : What do you want to know? From whom?

SHRI SAIFUDDIN CHOUDHURY : An assurance was made on the floor of the House. The Government must make it clear.

MR. SPEAKER : From whom do you want to know?

SHRI SAIFUDDIN CHOUDHURY : I want to know from the Government, through you, Sir.

MR. SPEAKER : Yes, ask the Government.

SHRI SAIFUDDIN CHOUDHURY : That is the common practice\* ...

MR. SPEAKER : You follow the procedure, please. Please do not talk like that. I thought that you were asking me to lay it on the Table of the House.

SHRI SAIFUDDIN CHOUDHURY: How can you do that ?\* ... You cannot lay it on the Table of the House.

MR. SPEAKER : You should understand how to use the language also.

SHRI SAIFUDDIN CHOUDHURY : The point is that he made an assurance. We want to know what they are going to do about it.

MR. SPEAKER : You ask the Government about it.

SHRI SAIFUDDIN CHOUDHURY : I cannot ask without going through you, Sir.

MR. SPEAKER : Is there anyone who wants to reply on behalf of the Government?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : Sir, I will convey this matter to the Minister concerned ... (Interruptions)

PROF. PREM DHUMAL (Hamirpur) : Yesterday, the Minister has promised to lay it on the Table today morning... (Interruptions)

MR. SPEAKER : You find out from the Minister whether he is complying with the statement which he had made yesterday on the floor of the House. Let us know about it.

SHRI MALLIKARJUN : All right, Sir.

#### DISCUSSION UNDER RULE 193

#### Position/status of Jain Commission

18.13 hrs

[English]

SHRI ARJUN SINGH (Satna) : Hon. Speaker, Sir, at the very outset, I would like to place on record my deep

\* Expunged as ordered by the Chair.

gratitude for having permitted this discussion at some inconvenience perhaps to everyone and I apologise for that inconvenience. Hon. Shri Chidambaram is sitting here. Since he can answer only for 90 days, since he became in-charge of the subject, I think I can legitimately request through you, hon. Sir, as to who is going to answer for the balance of the four years.

AN HON. MEMBER : Including yourself!

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : If he is directly in-charge of that only now, it does not mean that he does not know about the past events, whatever the Inquiry Commission was doing. He does know about it.

AN HON. MEMBER : He is here. He can say this.

SHRI ARJUN SINGH : I only preface my remarks to get the response which the hon. Minister has given. So, at least then, afterwards, it is not said that he will only answer for 90 days and for the rest I will have to look elsewhere.

Sir, I am going to, in my own limited knowledge and ability which is less limited, place on record what I know and what I think many of us know and also what many of us do not know because of reasons which I think one has to ask and I am quite sure the hon. Minister will enlighten all of us.

Before I go to the points, there is one central question, one crucial question which I want to pose because in the answer to this question will lie or what I would rather say not lie, the sincerity to really pursue all the ramifications of this tragic event, the sincerity of that purpose will be defined. If there are some other considerations which do not allow this single-minded pursuit to take place or which pose a problem for some one or the other, some agency or the other, then within the bounds of propriety and legal necessity, I think, this House and this country is entitled to know. We cannot fudge matters, we cannot slur over matters, we cannot prevaricate and we cannot disseminate.

I am saying this because the overall impression is and not only mine, but of eminent judges—Justice Verma headed the Verma Commission, one of the senior most judges of the Supreme Court, Justice Jain about whom Shri Chidambaram spoke yesterday, a very eminent Judge and the former Chief Justice of the Rajasthan High Court—that now if they have some misgivings, and if there were those misgivings, I think, ordinary people like us have every right to ask : Why such misgivings are being poisoned and what this Government is doing to answer those misgivings.

I will begin with Justice Verma. In this very very learned Report of the Commission which he headed. I do not want to go into the details or in many other aspects, but one important sentence out of that which forms one of the conclusions must be mentioned here and the attention of

this House drawn to it. He was referring to the deposition of Shri Narayanan, the Director of Intelligence Bureau. And this is what he had to say and I quote:

“Shri Narayanan did not appear to be satisfied with the security arrangement for Shri Gandhi and was apprehensive about his safety. But for some undisclosed reason, he was ineffective and has chosen to maintain silence even during his deposition before the Commission. Such disability in the holder of a high office is disturbing and its cause needs to be discovered and eradicated for the health of the polity.”

The sole sequence follows one of the most tragic events in the post independent India.

When a young leader, a leader who was the Prime Minister of this country—was cut down in his prime—some people may differ with his politics, some people may not even like his face, that is quite immaterial—but the fact remains that he served the nation devotedly and the nation had some more promise from him for the future.

The first thing, naturally which had to be inquired into diligently was about the threat perception to Shri Rajiv Gandhi at the time when he was assassinated. As I said, I do not want to go into the details, but the threat perception, Sir, you know—both as the Speaker of this hon. House and because you have held high office in Government—that the Intelligence Bureau is the Central agency which has the primary responsibility to evaluate, deliberate all the evidence that is available and decide on the threat perception to VVIPs. That responsibility rested on the shoulder of Mr. Narayanan and it is with respect to that responsibility, about which this is the conclusion of Justice Verma. In fact, if we look at the entire Verma Commission Report, one gets the impression that he was ultimately stymied by silence, not by information. We know this not only by the Commission's Report, but a unique thing has happened, Sir. I think may be for the first time in our judicial history, a senior judge of the status of Justice Verma gave an interview on 15 August, 1993 in a reputed weekly of the country, *The India Today* I know that there are certain limitations in reading out, but with your permission, since the matter is so serious, I will crave your indulgence to allow me to read out what Justice Verma had to say. In an exclusive interview to *The India Today* Supreme Court Judge, Justice J.S. Verma—of course, this is what the paper says—I would not say—accuses the Government of covering up. Excerpts:

**Question:** How have you substantiated your finding that the IB had withheld information?

**Answer :** It is too sensitive a matter to be spelt out in public report. The Government however knows what I am talking about. It is all there in the documents we returned.

**Question :** Is your finding based on the affidavit filed by senior RAW official, Shri S.A. Subbaiah?

**Answer:** Yes, Subbaiah's affidavit read with the one filed by the then IB Joint Director, Shri K.N. Thakur.

**Question:** Are you sure you have not read too much into those affidavits?

**Answer:** Being a Judge, I have used very restrained language throughout the Report. I have used a mild word where a stronger word was probably warranted. But if I still chose to say that IB had 'pointed and eloquent' information, you may rest assured that I used those words with care.

**Question:** The Government has rejected your findings?  
... (Interruptions)

This is the gist. This is a very big interview. I am only quoting those questions which are directly relevant. Only two or three questions remain, Sir... (Interruptions)

MR. SPEAKER: Because the authenticity cannot be checked and all those things. You can give a gist and nobody can object, but verbatim or the quotation probably complicates the issue.

SHRI ARJUN SINGH : In these things I do not want to say what I feel because that would be much worse, I would rather not say anything about it from my point of view. If that has been said by an eminent person like a Judge of the Supreme Court. (Interruptions)

MR. SPEAKER : You can say what he has said. You can give a gist of what he has said without quoting.

SHRI ARJUN SINGH: That is a question I will answer subsequently.

**Question:** The Government has rejected your findings.

I am very sorry, an hon. Member from this party wants me to stop. Let the Leader say so.

**Answer:** You may have noticed that they did not give any reason. They said my finding was not based on facts. If that was really so, they would have given reasons for rejecting it. Their silence indicates that my finding was correct. Instead of indulging in a cover-up, the Government should have taken note of my findings and carried out corrective steps.

There is only one thing which I want to say about this. The question was:

**Question:** What did Mr. M.K. Narayanan say on the charge that the IB had withheld information?

**Answer:** He gave evasive or otherwise unsatisfactory replies.

The findings I have already quoted is part of the Verma Commission Report.

Sir, I had to mention this as a backdrop because that Commission was entrusted with the task of going into all

the security arrangements with regard to that event, whether there was any default, mistake or inadequacy. How can a Commission come to a conclusion when the primary person on whose shoulder the responsibility for security rests prefers to keep quiet for no obvious reason and is not ready to speak even before the Commission? This is actually symptomatic of the approach to this most tragic event.

My friend there and also some friends here say, 'you were a part of this Government'. Yes, I cannot deny that I was a part but I would also want to say with all humility that the task was entrusted to me as a member of a group of Ministers to go into the follow-up action on the Verma Commission's Report. I would like to remind the House that on two occasions this follow-up report on the action taken on the Verma Commission Report—twice, I think, if I am not wrong came to the House. The House did not accept it. It was asked to look into it again and it was in that background that, by a Cabinet decision, a group of Ministers was formed to go into the whole thing and prepare a follow-up report which would satisfy this august House. This meeting started in 1994, I think, June or July. I do not want to quote those letters because now they are part of public record having been appended in my reply to Shri Reddy, on a show cause notice which was served on me for my expulsion from the Congress party. If anybody is interested, he can go through them... (Interruptions) He is Shri Vijaya Bhaskar Reddy, the former Chief Minister of Andhra Pradesh and the Chairman of the Disciplinary Action Committee. ... (Interruptions) Well, you see, we do not believe only in discipline, we believe in duty also. So, discipline can only follow duty, it cannot precede duty.

SHRI SOMNATH CHATTERJEE (Bolpur) : In this Congress?

SHRI ARJUN SINGH : I do not want to go into all this. (Interruptions)

[Translation]

Who outs whom will be decided by the people.

[English]

Let us not fight over that.

In any case, that is not the subject matter of this debate.

I can only say this much that the silence of Mr. Narayanan was pointed out by me as the crucial issue which the GOM as they are called, 'Group of Ministers' must address itself, find out ...

SHRI JASWANT SINGH (Chittorgarh) : One minute Shri Arjun Singhji, if you do not mind. Mr. Speaker, Sir, I do not wish to dispute the essential point that the hon. Member is making. He referred to a former civil servant. I do believe that the political head of the civil servant is answerable to this House. But the silence or loquaciousness of a former civil servant is not certainly a question that we can address.

But if the hon. Member were to say that the former civil servant, the head of the Intelligence Bureau or whatever, is part of such and such Ministry and therefore, his silence is the responsibility of that Ministry, certainly we will then be a part of your concern. But if the concern is focussed about just one civil servant, I will have a real difficulty on that.

SHRI ARJUN SINGH : Well, I am happy that you intervened in the manner you did. I think, I am not as expert as you are in these matters. It is good that you have sharpened the focus. I was referring to the same thing. I think, the IB, ...

[Translation]

SHRI NITISH KUMAR : Is it romanticism?

SHRI ARJUN SINGH : It is not romanticism. The question is that I am quoting certain things.

[English]

I am quoting from the report.

[Translation]

SHRI SAIFUDDIN CHAUDHURY (Katwa) : He has helped you.

SHRI ARJUN SINGH : Yes, he has helped me. You will know at the end what I am saying.

SHRI SOM NATH CHATTERJEE (Bolpur) : What did Chavan Saheb say yesterday?

SHRI ARJUN SINGH : I will come to that later. It pertains to today. I do not know where Mr. Chavan is but now he has taken full responsibility.

[English]

Thanks to our Mallikarjunji. So, I do not have to go behind anyone. All I can say is that the Government as such, of which Shri Narasimha Rao is the Prime Minister is answerable to this House through the eminent person of Shri Chidambaram.

Sir, the whole thing stopped there because the point was that if there was an evidence factually available about the threat perceptions to Shri Rajiv Gandhi and if those who are responsible to calibrate and evaluate it, came to know about it, then they should have answered at least to this Commission; and they did not answer to the Commission and the Commission ultimately had to record as I have just read out; and then it is for the political leadership to go into it and see as to why it was not answered. And they have to answer it in the House also and outside also.

But the point is that all the information that was available in the entire set up of the IB in Madras up to Delhi, the communications that were exchanged, the letters that were sent, the information that was given—all these are clearly

indicative of a tragic event in the making. Yet this is ultimately what was placed before Justice Verma. That is what I want to say as the backdrop; and now I am coming to what has been suggested as the purview of Justice Jain Commission for Inquiry.

Sir, Justice Jain Commission was set up in June 1991; 23 June, to be exact. Since then, it has been labouring with utmost consciousness, diligence and judicial probity. There were many hiccups to which Justice Jain himself gave much more eloquent voice than I can do. He even went to the extent of saying that there is practically non-cooperation from the Government. All these are reports which have been reported in the Press as having been said in an open meeting of the Commission. I do not want to go into that.

Yesterday, hon. Shri Chidambaram said that all the information that has been asked for has been given and will be given subject to conditions, as he mentioned as an eminent lawyer also, about claiming privilege and also whether some documents affect other factors which should not be made public.

With Shri Chidambaram's permission, I would like to inform this House that though he has given himself these 90 days of acquaintance with this matter, in fact, this is not so. I have here an application which was made on behalf of the All India Congress Committee, signed by Shri Ahmad Patel, the General Secretary, filed in the Commission listing out, I think, about 25 specific issues on which information was asked for. Specific documents were asked for. All these things are listed in this letter. I do not want to read out. And I know you will not allow me to place it on the Table of the House.

SHRI HARI KISHORE SINGH (Sheohar): Why?

SHRI ARJUN SINGH: If you permit, I would very much like it to become the record of this House.

MR. SPEAKER: 'Why' has come from him, not from me.

SHRI HARI KISHORE SINGH: You can make a request for this.

SHRI ARJUN SINGH: I not only make a request but to the best of my information, this is an authentic copy. And I can authenticate it that it is a copy of a letter which was filled by the AICC. The entire draft of this letter, to the best of my knowledge—I would like to stand corrected if I am saying something wrong—was drafted and approved by Shri Chidambaram.

SHRI MRUTYUNJAYA NAYAK (Phulbani): Who is the signatory of this letter?

SHRI ARJUN SINGH: I said, Shri Ahmad Patel, General Secretary of the AICC.

AN HON. MEMBER: Please give us the date.

SHRI ARJUNG SINGH: 28 October, 1993  
(Interruptions)

SHRI ARJUN SINGH: Well, Jaswant Singhji, this was not a Congress office document.

SHRI JASWANT SINGH: You said, it is from 'AICC'. It is only for that reason.

SHRI ARJUN SINGH: AICC is a party.

SHRI JASWANT SINGH: This much you uttered; the difference lay between the tables of the two Congress.

SHRI ARJUN SINGH: No, Sir. I think, you are trying to divert this discussion. And I would humbly request you that this is a prayer made to the Jain Commission, not to one another. And a prayer made to the Jain Commission is a document of the Commission.

SHRI SAIFUDDIN CHOUDHURY: What is the content of this document?... (Interruptions)

SHRI ARJUN SINGH: The Congress party is a party before the Commission.

[Translation]

SHRI NITISH KUMAR: Please tell us what is specific, by way of sample.

SHRI SOM NATH CHATTERJEE: What wrong Shri Chidambaram has done?

SHRI ARJUN SINGH: No wrong has been done.

[English]

The information that was asked for in this letter, as I said with the approval of Shri Chidambaram, is the same thing which is now being denied to the Commission by the Government.

Now, Sir, I can understand that in that request many things were written, which perhaps, on further inspection or further thinking it has been found that these need not be given. But, then, there has to be a cogent reason for this. We cannot prepare a document for the Commission and then ourselves go behind it and say that we cannot give these documents.

There is a long list. If you do not mind, I can read it out or place it on the Table ... (Interruptions)...

(i) Principal Secretary to the Prime Minister, Cabinet Secretary, Foreign Secretary and the Home Secretary, Government of India may be summoned to appear and produce the following documents :

(a) Rajiv-Jayawardane Accord dated 29 July, 1987

(b) Records including request by Sri Lankan Government to Indian Government to depute peace keeping force for restoration of peace in Sri Lanka.

(c) Report of various Central and State Agencies (RAW, CBI, IB, etc.) in respect of threat perceptions to Shri Rajiv Gandhi from the year 1988 to 21 May, 1991.

(d) IB/RAW records relating to meeting of Shri M. Karunanidhi with Shri Nateshan and Shri Kasinandan and the confidential information of Central Government which were conveyed to him and were leaked to LTTE by him.

(e) The decision of the Janata Government headed by Shri V.P. Singh in 1989 to withdraw SPG from protection to Shri Rajiv Gandhi and the alternative security provided under his orders.

(f) Various representations made to him and received by him from President of India, namely from Shri Kamalapati Tripathi, Shri P. Chidambaram, MP, AICC office-bearers, group of legal cell lawyers, women's wing and others with orders on them and replies, if any.

(g) The report submitted to the then Prime Minister from 1989 to 21 May, 1991 by various intelligence agencies like RAW, CBI, IB, State Intelligence from different States, Interpol and other national and international agencies with orders passed by the then Prime Ministers.

(h) Various statements made by Shri V.P. Singh or by the Home Minister in Parliament or outside Parliament in connection with security to Shri Rajiv Gandhi including where he gave details of expenditure being incurred by the Government.

(i) The reports with IB, RAW, CBI, State Intelligence agencies in connection with and activities of LTTE particularly in Tamil Nadu in period of 1989 to 1991.

(ii) The Secretary to President of India to produce the representations received from various delegations regarding reduction of security of Shri Rajiv Gandhi by Shri V.P. Singh's Government in 1989 to 1990 orders/actions thereon and correspondence, if any.

(iii) The Secretaries-General, Lok Sabha and Rajya Sabha be requested to produce Parliament proceedings in respect of discussion on question of security of Shri Rajiv Gandhi.

(iv) The Defence Secretary be requested to produce the following documents: ... (Interruptions)

(1) Records from Secretary, Tamil Nadu Government/ Home Secretary, Tamil Nadu Government regarding following:

(a) Records of installation of DMK Government in 1989. Agencies reports regarding their relations with LTTE.

- (b) Agencies reports from 1989 to 1991 about security risk to Shri Rajiv Gandhi for the period of 1989 to 1991.
- (c) Report on LTTE activities, during the period of DMK Government, of the Intelligence agencies regarding smuggling, running of Arms factory, drug trafficking, setting up of camps by LTTE, wireless sets communication centres. Tamil Nadu Government's decision for providing them funds in the name of rehabilitation schemes or otherwise from State Exchequer.
- (d) Records of killing of Shri Padmanabha, leader of EPRLF in Madras City in June, 1989. The investigations conducted by the State Government.
- (e) Records of Shri Gopaldaswami, MP having gone to Sri Lanka and met LTTE leader in violation of law without visa and permission. Records of their discussion and action of Shri Karunanidhi and Central Government thereon.
- (f) Exchange of reports between Tamil Nadu and Central Governments agencies particularly of May 1991 and actions thereon in respect of LTTE activities and security of Shri Rajiv Gandhi and actions thereon.
- (g) Reports regarding DMK-LTTE links in 1989 to 1991.
- (h) Records regarding registration of Sri Lankan nationals in Tamil Nadu and orders to house owners to notify renting out of houses to Sri Lankan nationals and its implementation, records of this scheme.
- (i) Records of various crimes committed by LTTE personnel in the Tamil Nadu and records of arrest, if any.

Sir, if you want, I would prefer to place it on the Table and not take up much time of the House ... (*Interruptions*) ... It further says:

"The State Government to produce records, whether there was any bomb squad or sniffer-dog squad brought to Sriperumbudur on or about 21 May, 1991 or that it was taken deliberately to Madras Airport."

These are some of the important things, and with your permission if it is allowed, the hon. Members can see it.

The complaint that I am trying to make is that these requests were made so that the Commission was in a position to come to a certain clear-cut decision. Now, if, after having made the requests those very documents—on one pretext or the other—are not supplied to the Commission, that is the real subject of my complaint.

SHRI HARI KISHORE SINGH : Who was the President of the All India Congress Committee at that time?

SHRI ARJUN SINGH: I think that let us not divert ourselves to something which is not relevant.

SHRI HARI KISHORE SINGH: You are quoting the document supplied by the General Secretary of the All India Congress Committee. Who appointed him as General Secretary of the All India Congress Committee? You were the President.

SHRI ARJUN SINGH: Sir, the President appoints the General Secretary. It happens in the case of your party also unless you get appointed by yourself ... (*Interruptions*)

SHRI HARI KISHORE SINGH: Why are you shy?

SHRI ARJUN SINGH: I am not shy. I am only saying what I need to say.

[*Translation*]

SHRI NITISH KUMAR : Arjun Singh ji, you are tired.

SHRI ARJUN SINGH : I don't get tired, Nitish Kumar ji.

[*English*]

SHRI SAIFUDDIN CHOUDHURY: What was the date?

SHRI ARJUN SINGH: It was 28 October, 1993.

Sir, this request, to the best of my knowledge, was granted in substance. It concerns the records of the Commission. So, I cannot say, what orders have been passed with regard to each and every request. But in substance, it was done.

The question of privilege comes, as has been mentioned by Shri Chidambaram. I know, though I am not a lawyer—I studied law but I did not practise—and certainly the eminence of Shri Chidambaramji is something too high for me to even understand the question. But from the little that I know of law is I can say that 'yes, a privilege can be claimed'. That is the prerogative of the prosecution or the defence or whatever it is, in any court. But the right to grant privilege does not lie with the person who requests for it.

Here it appears that both those roles of claiming privilege and deciding, what is privilege has been assumed by the Government itself. Otherwise, why would the document requested to be placed before the Commission not be sent there at all? I am not talking about those documents that have been sent. But not being sent at all arrogating to oneself that right which I do not think exists; and I do not think that Shri Chidambaram will say that it exists.

Sir, ultimately when the Commission began its hearings after a lot of hiccups—as I have already said, which are well documented in the Media—on 10 February 1994, a proposal came before the Cabinet which is also now well known to every one—to wind up the Jain Commission.

It was not agreed to; for reasons, I cannot say it here; but it was not agreed to. Within a month, one Shri Mustaq Ahmad filed a public interest petition in the Delhi High Court

requesting - *inter alia* on so many grounds - that the Commission be wound up. That petition came up for hearing and the High Court in its wisdom laid down certain conditions while not accepting straightway to the request to wind up the Commission. The High Court laid down certain very clear guidelines—that all matters prior to July, 1987 could not be looked into by the Commission; and all matters post-1987 July would be the area in which the Commission could look into. It was accepted all round—by the Commission, by all the Councils and obviously by the Central Government. I do not want to go into the question of what was the *locus standi* of Shri Mustaq Ahmad. That question has not been answered. But the answer is also not relevant today because the Order of the High Court has been accepted.

SHRI SOMNATH CHATTERJEE: Who is he?

SHRI ARJUN SINGH : One Shri Mustaq Ahmad.

[Translation]

SHRI NITISH KUMAR : When you have mentioned the name and know him, please tell us something about him.

[English]

SHRI AMAL DATTA (Diamond Harbour): Do you know him?

SHRI ARJUN SINGH : Well, it is not my responsibility to go after everyone and find out.

Sir, the point is, after this Order was passed by the High Court, an application was made to the Jain Commission by the Government lawyer that the Commission should stay its proceedings till the final judgement in this petition is made; which means whether the Court wants to order the winding up or not, after this order of the Court, the Government advocate's application was made in the Jain Commission.

Sir, I think, I am quite sure and I fully concur with the view, that the Commission should only look into the post-1987 July events. There is no dispute on that now—for reasons of State, which we all understand. But why should everyone try to persevere in the effort that in spite of that order the Commission should be wound up. The matter became so serious that some hon. Members of this House had to plead to be made intervenors in that case and they are intervenors in that case. But the fact remains that today investigations before the Jain Commission are going on and this dividing line has been strictly observed.

Sir, now I come to the 90 grace days—days of grace—of Shri Chidambaram. He, I agree is a man of great conviction, competence and he would always do any job given to him with great alert. But the point is that there are certain events which took place in those 90 days.

[Translation]

SHRI SOM NATH CHATTERJEE: If you give them more certificates will it not create trouble?

[English]

SHRI ARJUN SINGH : Sir, after the discussion is over, I will withdraw all those certificates to ensure his safety.

[Translation]

SHRI SOM NATH CHATTERJEE: Well said.

[English]

SHRI ARJUN SINGH: Sir, the Commission fixed 27, 28 and 29 July for the appearance of the Heads of the Central Agencies for evidence before the Commission.

They had also filed affidavits. But naturally the parties there and the Commission felt that they should also come and give evidence. It was agreed to. Subsequently—now that is what Shri Chidambaram has to elaborate as to on whose suggestions and orders—it was given out that they will not come for oral evidence and their affidavits which have been filed are enough. When this intimation reached the Commission, naturally the parties were agitated that why is this being done when an order exists, that they have to be examined on these three days. They filed objections in the Commission; argument was held and ultimately the Commission ordered that they have to come and present themselves to the Commission for cross-examination. Now, Sir, that cross-examination, as the Commission has decided, has to proceed *in camera* and, therefore, I can hardly say anything about that. We would like to know as to why this order of their appearance was changed, and by whom.

There is a slight inconvenience that started to be caused to the Jain Commission because the Counsel of the Commission hon. Shri Arora, a senior Advocate, resigned for certain reasons. For some time—I think for about a couple months or some more than a month—there was no Counsel for the Commission. Anybody who is conversant with the proceedings of a Commission of Inquiry understands the crucial role that the Counsel for a Commission has to play in assisting the Commission. I am sure Shri Chidambaram was aware of this fact. An appointment was made and eminent lawyers were appointed, but, Sir, this appointment was only made on the 24 of August, 1995. ... (Interruptions)... Yes, Sir, I have taken the date, this cannot be retrospective; it has to be the day before yesterday.

Now, I do not know why it had to be made on the 24th to be exact, but it was. Now, this was something which was done normally in the process of helping the Commission, but the delay was there. Justice Jain is enquiring into a subject matter. Sir, which is of grave importance and also opens him up to a lot of security risks. All of us will concede that. There was a need and it has been accepted and previously, perhaps, there was on security advisor to the Jain Commission, or to Justice Jain. That post is lying vacant for a long time. I am sure Shri Chidambaram would like to see that all the achievements that he has described, this would also be included in that.

Sir, I would now come to some of the documents which were asked for and did not come to the Commission. Sir, I have here a letter addressed to the Commission by Dr. Subramaniam Swamy. ... (*Interruptions*)... I think you know Dr. Subramaniam Swamy. ... (*Interruptions*)...

[*Translation*]

AN HON'BLE MEMBER: Add some spice into it.

SHRI ARJUN SINGH: I am not in the habit of adding any spice. I speak and draw inference on the basis of facts.

[*English*]

SHRI SOMNATH CHATTERJEE: You know Dr. Subramaniam Swamy. That itself is sufficient.

SHRI ARJUN SINGH: That is sufficient mirch-masala. ... (*Interruptions*)... No, Sir, but I am very sorry, hon. Member, that I had to do this much to your dislike but the subject matter is such that I would not like to ignore.

19.00 hrs.

In this, he has, of course, said that he would like to appear before the Commission and help the Commission and all that. He has said:

"I am enclosing with this letter a transcript of interception between the LTTE personnel in Tamil Nadu and Jaffna which I have already released in a Press Conference."

It is not a secret. It has been released in a Press Conference. *India Today* had also published this about a year-and-a-half back. But, Sir, these interceptions are privileged documents. I would like, with your permission, to read out some excerpts from these interceptions.

MR. SPEAKER: You can read out but not as quotations.

SHRI ARJUN SINGH: I will not read out as quotations.

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): I would not, normally, interrupt a senior Member like Shri Arjun Singh.

These interceptions were interceptions made by Intelligence Agencies of secret wireless transmissions between 'A' and 'B', and I cannot mention who these 'A' and 'B' were. They had been de-coded and have been marked as 'exhibits' in the trial before the designated Court at Poondamalli, Madras which is trying the case of assassination of late Shri Rajiv Gandhi. The Jain Commission summoned copies of these intercepted messages. They had been produced before the Jain Commission with the claim, of course of privilege, which I am sure everybody understands. It is completely beyond my understanding—I say with great respect—and completely beyond my comprehension how a secret intercepted message which is a vital prosecution document filed before a Trial Court, a judicial case which is *sub judice*, and also the Jain

Commission, the proceedings of which are judicial in nature and which is also *sub judice*, how this debate is unfolding and how Shri Arjun Singh, who has a sense of responsibility, wants to read this vital piece of evidence before this hon. House? I do not know how it is available to him. I am not in a position to say, now. Even if I have the knowledge or not, whether what had been published in a newspaper is a correct message or not, I am not in a position to say that. It is a document in the court.

SHRI HARI KISHORE SINGH : Shri Subramaniam Swamy may know many things. He is also enjoying the Cabinet status given by this Government. So, he is not an ordinary person. After release of these documents, he was given the Cabinet status. This is what he means.

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): I would like to appeal one thing to you. I am speaking with a reason. Rajiv Gandhi was dear and respectable to us as for everybody. Nothing should be done here which harms the prosecution evidence.

MR. SPEAKER : That is exactly what I am trying to say.

SHRI SONTOSH MOHAN DEV: I am not against producing any document but I am humbly appealing to you that we should not do anything here which can harm prosecution, and which Shrimati Sonia Gandhi is asking for. She is asking for justice which the whole House, irrespective of any Party, shares with her. So, kindly do not do anything which harms the prosecution.

MR. SPEAKER: Let me understand what Shri Chidambaram was trying to say. He was saying: "This cannot be read out. This is a privileged document."

SHRI P. CHIDAMBARAM: If Shri Arjun Singh claims that that was an intercepted message, then I wish to point out that the document marked as "Evidence" before the Trial Court and before the Jain Commission, had been claimed as a privileged document.

SHRI SOMNATH CHATTERJEE : What had been decided by them?

MR. SPEAKER: I have to understand this. This is very important. Is it exhibited or exhibited with a condition that the Judge will take the decision on that document at a later stage?

SHRI P. CHIDAMBARAM: It is exhibited in the Trial Court.

MR. SPEAKER: Then, it is an evidence.

SHRI P. CHIDAMBARAM: It cannot be disclosed because that is *in camera* trial under TADA.

MR. SPEAKER: This is exactly what I am saying. You shall have to tell me that the Judge does not want it to be disclosed.

SHRI P. CHIDAMBARAM: It is *in camera* trial, TADA court proceedings.

MR. SPEAKER: Is everything *in camera*?

SHRI P. CHIDAMBARAM: This is *in camera* proceeding. Nothing can be published. There is an Order of the Trial Court.

MR. SPEAKER: Shri Arjun Singhji, I would like to see that document first before taking a decision. The proceedings were *in camera* and they were exhibited. If the proceedings were not *in camera* and they were exhibited, I would have allowed you to read that document. But if the proceedings were *in camera*, before you refer to that particular matter, I would like to see what is it that you are trying to bring on the record.

... (Interruptions)

SHRI ARJUN SINGH: Sir, I will neither dispute what my hon. friend, Shri P. Chidambaram, has said nor certainly defy what you have said.

MR. SPEAKER: It is not defying. We are trying to be very correct.

SHRI ARJUN SINGH: Please bear with me, Sir. It is not a question of defiance in that sense. It is your wish, which I will certainly agree with you ... (Interruptions)

MR. SPEAKER: Shri Arjun Singhji, supposing what Shri Chidambaram is saying, I did not really realise that everything which is going on before the Jain Commission is *in camera*.

SHRI P. CHIDAMBARAM: Sir, it is not the Jain Commission. The trial in the designated court, which is trying the case against 41 accused into the assassination of late Shri Rajiv Gandhi, is completely *in camera* proceedings.

MR. SPEAKER: If that is *in camera* and even if it is exhibited, I shall have to have a look at it before I allow that to come on record.

SHRI ARJUN SINGH: Sir, as I said very clearly and I said this with a sense of responsibility that I accede and agree with what you say. Obviously I do not even have to say something about this kind, as far as you are concerned. I am asking only one question, which you must also, in all fairness, ask the Government about this document. I will not read one sentence out of it ... (Interruptions)

MR. SPEAKER: Before I take any decision, I should know what is that you are trying to read.

SHRI ARJUN SINGH: That is why I am saying, Sir. I am not reading it. I will not read it. I am only requesting you that you must have asked them...

MR. SPEAKER: About what?

SHRI ARJUN SINGH: ...about one central fact that whether this document (Interruptions)

MR. SPEAKER: But, which document, I should know.

SHRI ARJUN SINGH: Sir, you will know it. I will submit it to you. I will give it to you.

MR. SPEAKER: Now, leave that aside. Please give it to me. Let me read it and then I will take a decision.

SHRI ARJUN SINGH: Sir, I do not know how to use the word. But you are the most appropriate person to decide it. How can anybody else decide it?

MR. SPEAKER: Shri Arjun Singhji, it is not like that. Supposing you say something and it becomes a matter of record, if it is disclosed, then there is no point in saying that it cannot go on record, this and that, at least it is disclosed in the House.

SHRI ARJUN SINGH: Well, Sir, I will abide by that. But there is one thing which I must say, as part of my duty, that facts in this document, which I will not refer to ... (Interruptions)

[Translation]

SHRI NITISH KUMAR: It is 'India Today'.

SHRI ARJUN SINGH: Leave aside. 'India Today'. It pertains to the House.

SHRI NITISH KUMAR: It is published in 'India Today'... (Interruptions)

SHRI LAL K. ADVANI: Mr. Speaker Sir, your ruling is quite correct. There is another aspect also. As Arjun Singhji said, it is published in 'India Today'. If he mentions what has been published in 'India Today' I cannot say anything about its authenticity but it has become quite clear to us as to what things he is now a day interested in.

[English]

There is nothing secret about it even though the trial may be going on *in camera*, at least what the *India Today* has published as being an intercepted message; whether it is true or not, I do not know; we have no way of knowing it ... (Interruptions)

MR. SPEAKER: We are not for shutting out anything which can certainly come on record.

But at the same time we have a responsibility to the country. If anything is said on the floor of the House or disclosed by the Minister or a Member, whether it is correct or not, that has to be judged later on. But then it has some sanctity and that sanctity is little more than what appears in the newspapers. I shall have to be careful if it is a matter between two countries. If it is a matter relating to something of that nature, I shall have to look into it. I am not saying that I am saying 'yes' or 'no' to it. I am saying, let me read it what it is and then, I will decide whether it should go on record or not.

If the Court was not sitting *in camera* and if it is exhibited, I would have just said that it is an exhibit in the Court record and so it is a sort of public document and it should be allowed. Because it is *in camera* I shall have to be careful and I hope Arjun Singhji, you will agree with me.

SHRI ARJUN SINGH: I have acceded to your ruling in the very beginning.

MR. SPEAKER: Thank you.

SHRI ARJUN SINGH: What I am trying to say is that apart from what you come to the conclusion after seeing it, the information—I am not referring to the document - clearly indicates that as far back as in March 1991, knowledge had come to the Government that an effort was on to assassinate Shri Rajiv Gandhi. What was the kind of preparation that was being made, how it was being organized and whether the assassination was to be in Madras or in Delhi—now I am at a loss to say anything. Because of your direction, I am sitting quiet. I will not read it.

MR. SPEAKER: What we are all interested is, in knowing; as well as knowing rightly and correctly.

SHRI ARJUN SINGH: All right. I just close it like this. But I will say one thing that these questions will haunt all of us, much more the country and in times to come, posterity also; all of us will have to answer it in our own way. With that I close my reference to it.

MR. SPEAKER: Arjun Singhji, let me have a look at it. You please be there. Somebody will collect it. You can go on to the next point and then come back to it.

SHRI ARJUN SINGH: Sir, yesterday, the subject was brought up in the Upper House also and I think it would be of relevance for me to point out two or three very relevant features of the statement of the hon. Home Minister of India.

SHRI SONTOSH MOHAN DEV: Sir, I would like to know whether the debate of the Upper House can be quoted here. I do not know. That is why I am asking. Is there a precedent?

MR. SPEAKER: Either you put it in the form of a point of order or you read the book.

SHRI SONTOSH MOHAN DEV: You are helping him. You help me also. You kindly help me. This is the only point I want to know.

MR. SPEAKER: This is exactly I am doing. If you are sure that it cannot be quoted, you read the rule and say that it cannot be quoted and put it in the form of a point of order.

SHRI SONTOSH MOHAN DEV: Then you have to give me time to study it also.

MR. SPEAKER: I think I will have to supply the book also. Generally we do not quote this discussion in that manner.

SHRI ARJUN SINGH : Generally we do not quote it and I would not have quoted it generally.

SHRI LAL K. ADVANI: So far as Ministers are concerned, it is a different matter.

MR. SPEAKER: That is exactly why he is putting in. I am reading this.

SHRI ARJUN SINGH : I will not quote any hon. Member. Sir, he says two things:

“There is another case which is of conspiracy. Justice Jain is dealing with the matter which, in fact, involves the conspiracy of other countries and even some persons in the country”.

Then, I will not quote what an hon. Member asked. But the reply of the Home Minister was:

“Yes. Some persons in the country and also outside. I won't be surprised if other agencies are also involved in a matter of conspiracy; and in a matter of conspiracy there are certain issues which we have to consider, whether it is worthwhile revealing certain documents and so on.”

Sir, this is the question I put in the very beginning. How serious are we in unravelling the conspiracy behind the assassination of Shri Rajiv Gandhi? What is going to come in the way? What are those extraneous considerations which will make it worthwhile just because some agency is involved or some person is involved? Whom are we going to protect? Why are we evading this basic issue? And if it had not been said by a person of Home Minister's eminence, I would not have referred to it at all.

Also, he had something to say about Shri Chidambaram:

“So far as the Home Ministry is concerned, at least Mr. Chidambaram has never told me, ‘This document is required. Please supply this document’. I am prepared to supply.”

That is between him and Shri Chavan. I do not want to get into that matter at all.

The second point which he has made — and which has been widely reported in the Press is this: I am sure that Shri Chavan made this reference to events relating to the post-1987 events, because that was the subject matter which was before the Jain Commission and nothing can be gone into the pre-1987 period. So, actually he must have been referring to this; and he says,

“We did not want the name of the family also unnecessarily to be maligned by different countries and that is why I had personally gone to see Shrimati Sonia Gandhi.”

Does this mean that in the post-1987 scenario which is under investigation, there is something which the Home

Minister does not want to share which, after this he should share with us. (*Interruptions*) There was nothing.

'Sir, purposely today I had no intention to mention that name and yesterday I had no intention to say anything else except the sentiments which we had all shared. I did not want to go into any controversy. But this is not the way to do it. This, unfortunately, creates a very bad taste in the mouth. I can only say that from A to Z this is only the tip of the iceberg. There is no time for me to go into all the documents and details. But the unerring impression that is created is that people do not want to speak up where the security scenario is being reviewed. They do not want to say why they could not protect. The Verma Commission is stunned. Now the Jain Commission is going into something. Privilege after privilege is being claimed. I do not know, at the end of everything what will happen.

This is not the way to deal with a matter of such a serious import and I add, I want to repeat the words "of serious import" to this country which involves the tragic assassination of a leader of this country.

If this is the manner in which we are going to approach it, then questions will be raised: Are we trying to protect somebody? Is a cover up operation in operation?

Even an eminent judge of the Supreme Court has mentioned in his interview the word 'cover-up.' Is this the attitude that we want to demonstrate to the country, to the nation? And how does it fit in to our sense of outrage, our sense of total utter sorrow, which brings us to the words of tears?

With these words, I would like these questions to be answered in this House and with your permission I will sum it up, if I have to say anything more in my reply.

SHRI R. PRABHU (Nilgiris) : Sir, I am on a point of order before the hon. Member speaks. The Secretary-General of Lok Sabha rang me up at 3 O' clock today since I had written a letter to you at 1 O' clock...

MR. SPEAKER: Under what rule you are on a point of order? It is because I will refer to it and take a decision.

SHRI R. PRABHU: He rang me up and said, "the hon. Speaker had received your letter and he would give you permission to speak". But I find now that my name is not in the list. Is it a change of heart because I moved a privilege motion against Mr. Chidambaram for a statement yesterday?

MR. SPEAKER: What is it you are saying? You repeat it.

SHRI R. PRABHU: I am saying that the Secretary-General of Lok Sabha rang me up at 3 O' Clock today and said that the hon. Speaker had received my letter which I wrote to him at 1 O' clock. The letter says that I have been raising and requesting for a discussion under Rule 193 for many a time during the last few Sessions and it has never reached and in this Session also under Rule 193, Shri Arjun

Singh has given a notice. I am the first co-signatory to that and I have requested you for permission to speak. Now, I find that my name is not in the list of speakers.

MR. SPEAKER: Which list? Who has that list?

SHRI R. PRABHU: Sir, I found out from the Marshal and he said that my name is not there. If I am allowed to speak, then I will sit down.

MR. SPEAKER: No, no. Let me know it because you have said something which you should not have said.

SHRI R. PRABHU: I did not say anything.

MR. SPEAKER: Which list do you mean? Where is that list?

SHRI R. PRABHU: The list is there.

MR. SPEAKER: Where is that list? Who has prepared the list?

SHRI R. PRABHU: The list of speakers is there.

MR. SPEAKER: Your statement is irresponsible. I am going to allow you afterwards. There is no list about it and you refrain from making an irresponsible statement.

SHRI R. PRABHU: I apologise, Sir, if I have made any aspersions against the Chair.

MR. SPEAKER: Thank you.

SHRI JASWANT SINGH (Chittorgarh): Before I come to today's discussion, may I, Sir, with your permission, quote from the Lok Sabha proceedings? This is an assurance given by the hon. Minister of State in the Ministry of Home Affairs.

"Something has been said about Delhi riots. I was listening very carefully about what the hon. Member said about the 1984 riots. Tomorrow morning—that is, this morning—"I will lay on the Table of the House the whole report. ..."

I would not read out the whole thing. I said that before I proceed with today's discussion, as the hon. Minister of State in the Ministry of Home Affairs is here and as he had given as assurance that details about 1984 riots would be laid on the Table of the House this morning—perhaps he had some other things to do and even if he does it now—then we can proceed further. I am ready to yield to him.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): I have said it yesterday. I have said that I am ready to report or inform the House as to what all actions the Government has taken. I have said that. I have got this. The Lok Sabha proceedings came to me today for correction. I have read that. I reached me today for correction. In that when Shri Jaswant Singh had raised the point yesterday, I said that "we have taken action against those found guilty and I am ready to inform

the House what action the Government has taken." I have brought the list with me. After the debate is over, if I could be permitted, I will read out as to what all actions we have taken.

SHRI JASWANT SINGH : There must be an error. In my understanding there must be an error. I did not want to quote the whole thing. I am sure I am in error. But may I, with your permission, read the proceedings of the Lok Sabha?

SHRI SOMNATH CHATTERJEE: What is your error?

SHRI JASWANT SINGH: It is because that is what the hon. Minister has said. This is what he has said. So, I am starting on the presumption that I am referring to what the proceedings of the Lok Sabha contain. This was when the hon. Minister asked me to yield when I was on my legs. Then, he said and I quote:

"Something has been said about Delhi riots. I was listening very carefully about what the hon. Member said about the 1984 riots. Tomorrow morning I will lay on the Table of the House the whole report as to what action we have taken against those who were found guilty.

The whole report about what action he has taken, would be laid on the Table of the House. He further said:

"Even we have ordered an enquiry against one of the M.Ps., who belongs to our Party, and we have cleared the Court to go ahead as per the law to take its course. We will put it on the Table of the House."

SHRI RAJESH PILOT: Sir, I have received this copy for correction from the Lok Sabha Secretariat. There was a lot of noise going on. I think what I had said was that 'I shall inform the House about what action Government had taken. I have brought the details because I had said it yesterday. I had checked up that in between the Private Members' Business, I shall not be permitted. The moment this is over, I shall be readily available. If the hon. Speaker permits me, I shall speak out what all actions have been taken and what the Government has done about it.

SHRI LAL K. ADVANI: This is not fair, Sir. After all, we know that a Minister can, on the spur of the moment, stand up to say: "I shall clarify the situation tomorrow. I shall inform the House of the action taken". But here it is a categorical statement. It is not an error. Now he is trying to say that he did not mean this. When he says that he will lay the report on the Table of the House, it has a very specific meaning.

SHRI RAJESH PILOT: Action report.

SHRI LAL K. ADVANI: This means that he will not only lay the report, he will convey it to the Lok Sabha Secretariat and give a copy of the Report, and that would be available to any Member, the moment he asks for it.

SHRI RAJESH PILOT: Yes, that is the right procedure.

SHRI LAL K. ADVANI: I say that a Minister can always say that in this regard he proposes to inform the House of the action taken. If he had said only that, he would be perfectly valid in doing what he is doing. But having made a statement of this kind, it is going back upon the statement. He could, with your permission, tell you that he has not been able to prepare the report but he will make a statement. And that too should have been incorporated in the List of Business that he would make a statement in regard to the action taken about the 1984 killings. This is wrong, Sir. I wish you should point out to the Government that this is not the way in which they handle the Parliament.

SHRI SOMNATH CHATTERJEE: Obviously he had some desire yesterday. He has been made either to change his statement or ... (*Interruptions*)

SHRI RAJESH PILOT: That is not the point, Sir. My intention was very clear to inform the House because the impression I had got yesterday was that nothing had been done on 1984 riots. In reply to questions, we had told this. So, my intention was to tell what all actions we have taken. I am ready to inform the House that... (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, it is not that the words will mean what he wants to them to mean. It is in 'Alice in Wonderland' that words will have that meaning what he wants them to mean. That cannot be. Words have their own meaning.

SHRI RAJESH PILOT: Sir, if the hon. House feels that there should be a statement, I have brought the details with me and whatever direction of the Chair would be, I shall follow that.

MR. SPEAKER: Well, I think some of us who are in the Parliament, are enthusiastic that he makes a statement. Let us make some amends to it and let us leave it at that please.

SHRI JASWANT SINGH: Sir, I am really not on the issue of scoring points on that. 1984 riots is central to what we have to say, and I had referred to 1984 riots earlier also. Anyway, it does not matter. I am not on the technicality of the matter. I shall proceed further.

MR. SPEAKER: I think whatever information is there, he will just pass it on to you.

AN HON. MEMBER: To all the Members, Sir.

SHRI JASWANT SINGH: It is the end of the matter, as far as I am concerned, Sir.

For one, I shall be much more brief. That I can assure you. I have tried to graph as to what is the core of all these veiled illusions, these cloaked references and all varieties of insinuations. The hon. Mover of the discussion used a word 'dissimulation'. At the end of it, I am really left completely confused as to what is the hon. the initiator of the discussion's charge against this Government.

[Translation]

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): Today you are speaking English like Shri K.K. Tiwari.

[English]

SHRI JASWANT SINGH: We have no hesitation in charging this Government with delay. When we charge this Government we say this Government is an inefficient Government; it is tardy; it is a lax Government and it is pathologically prone to letting things drift. ... (Interruptions)

SHRI SOMNATH CHATTERJEE: Your use of the dictionary is very good. ... (Interruptions)

SHRI JASWANT SINGH: Sir, they do not want me to be so harsh. ... (Interruptions)

I, therefore, say that tardiness and inefficiency in whatever they do shows up in all matters and at all times. Delay, therefore, is the inevitable outcome. Delay has been so in all cases. And I do not have to list all the cases because I have done so earlier on numerous occasions. ... (Interruptions)

SHRI SOMNATH CHATTERJEE: It is despite day-to-day monitoring.

SHRI JASWANT SINGH: Yes. It is despite day-to-day monitoring, in Bofors for example, we are still to unravel the unsolved mysteries of Bofors.

Thus, the House, therefore, does have reason to be concerned and, therefore, we express our concern ... (Interruptions) Here my point is they are pathologically prone to delay. Delay is the nature of this Government. Indecisiveness is the characteristic of the Government.

Now what thereafter? If this delay is deliberate — that I believe is the charge that is levelled against this Government

SHRI SOMNATH CHATTERJEE: And also suppression of facts.

SHRI JASWANT SINGH: I try to say. There are three things that the hon. the Mover of the Motion and a very senior parliamentarian and as I said yesterday also, a one-time number-two of this Cabinet, has charged this Government with delay. He has charged this Government with a cover-up which is far more serious. He has charged this Government of protecting somebody. Now this is very mystifying because protecting somebody in a criminal case, a criminal case involving a very high crime of the assassination of a former Prime Minister is a very big charge and you have to answer it. And he has charged about lack of cooperation with the Commission.

Now I must and I will be very brief in what I have to say. Today I am left mystified. I am really left mystified by the

context and the relevance and the timing of this discussion. But, nevertheless, when you decided that it will take place, we said: 'Fine, we will discuss it' because we will never shy from discussing issues of high public importance, though after this and what I have said yesterday, I am still left with an overriding impression that the timing and context of this discussion is primarily yet another example of a disintegrating political Party and it is tearing apart. It is really tearing apart. It is yet another example of a political organism attempting to eat its own inerts. And I really cannot call it anything else because if you wish to discuss this very issue, if you had concern about the delay and lack of cooperation and protection—protection is a very serious charge—...

SHRI SOMNATH CHATTERJEE: Waited till the end of the speech in Amethi. ... (Interruptions)

SHRI JASWANT SINGH: I do not wish to refer to it. But, nevertheless, I am left with yet another example of the Congress Party's inner turmoil and if it is yet another example of the Congress Party's inner turmoil and if it is yet another example of the Congress Party's inner turmoil, we certainly do not want to have anything to do with your inner turmoil or your political indigestion. ... (Interruptions)

Now, Sir, I also reflected on the fact of the discussion under Rule 193. I am informed that the synopsis of what references were made yesterday contained no reference to what I had said, for example, or what others have said.

[Translation]

SHRI LAL K. ADVANI: Even the name of Arjun Singh ji has not been mentioned.

[English]

SHRI JASWANT SINGH: I am given to understand that even hon. Arjun Singhji is not mentioned in the Parliamentary Synopsis and the reference is only to hon. Shri Chidambaram, who had got up on behalf of the Government to respond something, and all that it says is that hon. Shri Chidambaram got up and responded to what some Members had to say. I am left somewhat bewildered by that. Is that how the Synopsis are prepared? Perhaps, that is how they are prepared—I do not know.

SHRI SOMNATH CHATTERJEE: Is it the Zero Hour Synopsis?

SHRI JASWANT SINGH: Yes, it is the Zero Hour Synopsis. Well, anyway that is a different matter altogether.

SHRI LAL K. ADVANI: May be, because it is the Government's view-point therefore it is included. The private Members' statements are not included.

SHRI JASWANT SINGH: But, Sir, I must say and I have said so yesterday and I have no difficulty in saying so that personally I found that hon. Shri Chidambaram's intervention of yesterday's voicing of concern was a carefully worded intervention. And he is piloting the whole matter now in his responsibility it was very carefully worded. It was limited and confined to what his immediate charge is and, I think, he

managed with his characteristic ability to tread the path on an issue of sensitivity, which is an issue of personal sensitivity as, indeed, also of public sensitivity. After that, for a discussion to arise from what he had said in the House leaves me somewhat confused. However, now that the discussion has started...

SHRI ARJUN SINGH: Mr. Speaker, Sir, I think, the hon. Member is aware that this is not a decision of mine that this discussion should take place. This is the decision of the hon. Speaker.

SHRI JASWANT SINGH: Yes, Sir. I am very well aware of that. But the Speaker does not decide independently. He does not pluck out subjects from the air.

SHRI ARJUN SINGH: We all helped him to take this decision yesterday and the hon. Member was also present.

SHRI JASWANT SINGH: Yes; I was there. The point that I am trying to make is that the Speaker does not initiate a subject.

SHRI ARJUN SINGH: No, I am not saying that.

SHRI JASWANT SINGH: We certainly and I said so in the meeting also that if you want to have a discussion, we, certainly, want a discussion. But I am referring to the discussion under Rule 193 and I am referring to the timing and the context of the discussion. Of course, I said and I reassert that I said, Sir, that if everyone wanted a discussion, we would go along with it.

Sir, the questions that have been asked are really for the Government to answer. They are not for me to answer. But I am really observing that as far as the Jain Commission's functioning is concerned, we really do not have any knowledge of how the Jain Commission is functioning or not functioning. It still leaves me bewildered. Whatever Mr. Chidambaram had to say, he said and I found that they are carefully worded.

But the question that I am left with, Sir, is this whole matter of the politics of Commission, then politics through Commissions — the Thakkar Commission, for example with regard to Thakkar Commission, to my mind, after a long time we, finally had to egg it out of the Government's mouth that we must have a discussion on the Thakkar Commission. I have said so earlier in the House, Sir, and therefore I have no difficulty in observing that it is one of the most illiterate documents on a crime of such enormity. Certainly, the crime must be investigated. There have been Commissions. But the Commission must not become an issue of politics.

Sir, what is the other issue. I think, the other issue is—no doubt, and I fully share the sentiment expressed by hon. Arjun Singhji—early justice, visible justice and then the aspect of a compassionate and a caring Government. Now, we do not expect this Government to be a compassionate and a caring Government.

We also do not expect early justice because the judicial system itself is now so clogged up and we—collectivity of all of us—have practised politics through Commission and the politics of Commission. Therefore, when a distinction is

made about the concern relating to the assassination of a former Prime Minister the timing and context become important. We too, in this Party, have past our many political colleagues to assassination and to murder. We have also lost Party Presidents—late Shri Shyama Prasad Mukherjee and late Pandit Deendayal Upadhyaya. Their cases too remain unsolved till today. But we do not hear, on a daily basis, the badge as a mark of our sorrow — as a kind of badge of political fidelity — or raise this issue on a daily basis simply because it is a domestic issue of the BJP. We certainly do not subscribe to the political theory of the Congress Party. If I have accepted it I would have sat with them. But because I do not subscribe to their political theory, I sit here and I would always sit here. We do not use personal tragedies. There are two of my most illustrious leaders who were personal colleagues to both these late leaders of ours sitting here with me. But they do not wear their sense of personal loss as a kind of badge to be forever worn and displayed in public without which our credibility is there or not there. I say so with great hesitation. But I am compelled to say so.

Sir, I have a political colleague who sits here on these benches. Her late husband, a distinguished and a gallant police officer, was killed in a direct encounter with terrorists. It was because he, while fighting for his country, had the sense of commitment to his job and bravery and he went up knowing the danger, but she do not raise this issue on a daily basis despite the fact that she is a Member of Parliament. The causes and the circumstances relating to the death of that gallant police officer remain unsolved. Does it mean that we raise it, on a daily basis here that the Central Bureau of Investigation is not functioning satisfactorily? That is why yesterday also I had said this. How to treat this whole business of personal grief and public grief and the grief of one being heavier than the grief of another and on which scale do I weigh that the grief of my companion and a colleague here in Parliament is less than the grief of another? How am I to do this? I have to meet on a daily basis the widows whose husbands were either soldiers or who had lost their lives in the North-East or Kashmir or wherever it is. Should I tell you, Sir, that this very Ministry of Defence had been despaired and tired of writing to your Ministry of Petroleum that you have the freedom to give petrol pumps to your maidservants, to your drivers and to your drivers' brother but you have not the freedom or the sense to give those petrol pumps or gas agencies to the widows of ex-servicemen who have given up their lives for the sake of the country? Am I, therefore to judge that the grief of my ex-servicemen companion and the widows that they have is less than the grief of another Indian citizen? I cannot make a distinction between the grief of one human being and another human being. I have not that ability and I have not that scale in which to weigh it. That is why again, Sir, I point out that I am amazed if this is to be yet another example of the manifestation of a disintegrating Congress Party eating its own innards, then, we certainly do not wish to be a party to this kind of constant rubbing on an issue which is a matter of personal and public tragedy.

This nation has lived through many tragedies. This nation did not start in 1947 and this nation will not end. The

graveyards of the world are full of those who thought that their lives were indispensable to their countries. No one is indispensable to this country. Every single individual that is lost to India is a loss to India and certainly I am not able to share great many of the concerns that have been voiced for the last two or three days.

I do not wish to proceed further on the questions and clarifications that have been asked. It is for the Government to answer. You stand charged by a very senior Member of your Party, a one time number two of your Cabinet, you stand charged with delay, you stand charged with cover up, you stand charged with protecting the guilty and you stand charged with lack of cooperation. It is for you to answer these charges.

SHRI R. PRABHU: Sir, let me at the outset apologise to you again, if I have hurt your feelings. It is not my intention.

MR. SPEAKER: No. There was some misunderstanding. I am not carrying that in my mind. Please continue.

SHRI R. PRABHU: Thank you. The hon. Minister made a long statement yesterday. My perception was that in that statement he made some capacity assessments of some judges who are dealing with the Jain Commission and the designated court. I am not sure whether it has formed part of the record. You would look at the record. But I would like to say that, being a senior advocate who has got a lot of experience in court, he knows the judicial prerogatives and judicial system and he should not make character assessments of judges lest it be misconstrued that he is trying to influence them in any way. I am not sure it has formed part of the record, but if it has formed part of the record, I would like my statement also to go on record. If it has not formed part of the record, my statement also need not go on record. I do not want to repeat the sentences that he has said.

MR. SPEAKER: I do not remember them.

SHRI R. PRABHU: Can I quote the sentences with your permission, even though I would not like it to go on record?

MR. SPEAKER: All right. You can quote it that will not be recorded and if I find that there is anything, that will also be removed from the record. Please note it.

SHRI R. PRABHU: With your permission, I just quote that sentence:

"Nevertheless, the judge whom I believe to be very courageous, straight forward and honest judge has conducted 212 days of hearings etc. etc.

This is the statement about the judge of the designated court. Another statement is there about Justice Jain:

"Justice Jain is a respected judge. He has been Chief Justice of Delhi High Court. I believe he knows what he is doing and what he likes to do and what he would like to do etc. The Judge would, no doubt, sift the grain from the chaff."

MR. SPEAKER: I do not find it derogatory. All the same. I will go through the entire record and then I will take the decision. If there is slightest doubt in my mind that it may hurt and that it will go against his dignity, I will put it off the record.

*(Interruptions)*

SHRI R. PRABHU: It is unfortunate that they can leave the place and charge the parties and come and sit here. *(Interruptions)*

I was pained that such a senior Member like Shri Jaswant Singh was saying that the discussion today is an internal matter of the Congress Party.

The assassination of a former Prime Minister of India, especially when the elections were going on and in the few days he would have become the Prime Minister of India, the darling of the masses of India from North to South, East to West, is not the internal matter of the Congress Party. Yes, yesterday, the whole House unanimously—I thank every Member for that—shared the anguish and grief of Madam Sonia Gandhi. But we are not discussing this.

AN HON. MEMBER: Including 1984 riots ... *(Interruptions)*

SHRI R. PRABHU: Please let me finish. You can talk, if you want. If you want me to interrupt also when you people are speaking, we can do it ... *(Interruptions)* Telugu Desam Party has now come to the Congress Party. Telugu Desam is split. Please, you sit down. ... *(Interruptions)*

SHRI K.P. REDDAIAH YADAV (Machilipatnam): ...\*

SHRI R. PRABHU: I never said that I am a courageous man. ... *(Interruptions)*

MR. SPEAKER: This is not going on record. This is uncalled for. Please do not interrupt like this.

*(Interruptions)*

SHRI K.P. REDDAIAH YADAV: Sir, he has told me that ... *(Interruptions)*

SHRI R. PRABHU: I never talked to that Member in my life.

MR. SPEAKER: Up to this time, he has not used it. If anybody uses it, I will put it off the record.

SHRI K.P. REDDAIAH YADAV: He has used it. That is why I was provoked. ... *(Interruptions)*

SHRI R. PRABHU: We are talking about the assassination of the former Prime Minister of India. He has been dear to a lot of people in this House, be it in the Congress or Members of the Opposition also. Besides being a Prime Minister of India, as a man, he was a very generous, kind man. Everybody knew that. We are not talking about that. We are not talking about the person or the husband of any lady. We are talking about the assassination of the

Prime Minister of India and the man who stood for secularism, a man who stood for socialism, a man who stood for the unity and integrity of this country, a man who believed that development has to be done by taking along the poor masses of this country. I had the privilege of being a Minister in his Cabinet and I worked very closely with him in certain matters. I know how the liberalisation process was started. But his main concern was the poor people of this country, the rural masses should always be protected. This is also what Madam Sonia Gandhi had said in Amethi but nobody said that yesterday. These ideals have been given a go-by. We are not talking about politics here. But we are talking about, like hon. Member Shri Jaswant Singh said it, cover up. There have been so many assassinations before. But there were no allegation of cover up in Inquiry Commissions. Yes, delays were there. I am not going into all the points Shri Arjun Singh made because he has covered most of the points about the various Inquiries. But I would like to add a few things and if I skip any, I seek your indulgence because I do not want to repeat anything.

We all know that there are three proceedings. One is the Designated Court in Madras. The SIT has filed a chargesheet after two years; the second, the Verma Commission which submitted the report on June 15, 1992 and the third, the Jain Commission which was constituted in August 1991 to go into the conspiracy behind the assassination.

Sir, the hon. Minister yesterday said he was directly responsible for post-May 24, 1995. When Shri Arjun Singh was speaking, an hon. Minister from there, probably he is in-charge of Parliamentary Affairs, responded that he also knows what happened before. Now, Sir, whether he knows or whether he does not know, is not the point. But when a man takes charge of a certain portfolio or a certain matter which is so sensitive and being a senior Advocate that he is, he should have probably seen the status of all the inquiries on the date he took over. So, he knows what has been going on for the last four years. He did not share that information with this august House. I wish he had.

I will first go to the Jain Commission. The Jain Commission was to take the Verma Commission Report as its basis and then work up from there. But the Government did not even make an official copy of the Verma Commission Report available to the Jain Commission for a long time.

And I do not think, it ever made it available. It came from some other sources and Justice Jain had a look at that Report. No lawyer was appointed in the Jain Commission when the Jain Commission was constituted for a long time. The then Attorney General of India comes to the Jain Commission and says, 'you do not have the jurisdiction, you do not have the *locus standi*. The Jain Commission should be wound up.' Then a lawyer is appointed to assist the Jain Commission. He resigns and so on and so forth. Then like Shri Arjun Singh said, the paper came before the Cabinet to wind up the Jain Commission. A petition was filed in the Delhi High Court to wind up the

Jain Commission by a lawyer called Mustaq Ahmad. He is a junior lawyer. I know these details because I was one of the Members of Parliament who had to intervene in that petition to see that the Jain Commission was not wound up. As a public interest litigant, normally a lawyer argues his own case. He tries to become big. But in this case, the same lawyer who was appearing before the Jain Commission for the Government had appeared for Shri Mustaq Ahmad in the Delhi High Court. And I am sure, the hon. Minister knows because he has been his colleague for many years and they are both from probably the same generation and same State. The Jain Commission have had seven extensions till now. And like Shri Arjun Singh has said so many other things, I would not like to repeat them.

As far as Verma Commission was concerned, Justice Verma has himself said, 'there is a cover-up.' I brought up this matter in this august House on 5 August, 1993. I quoted from the same document, Shri Arjun Singhji has quoted today. And I requested the Government to respond to it on 5 August, 1993. There has been no response from the Government. I have not accused the Government. Justice Verma has said, 'there is a cover-up in as much as certain reports which the RAW had passed on to the intelligence agencies were not passed on to the Tamil Nadu Government and the local authorities when Shri Rajiv Gandhi was supposed to visit Tamil Nadu.

The SIT had filed a chargesheet after two years in Madras. In two years normally the CBI or any branch of the CBI could have interrogated more than 1000 witnesses but not even half of those witnesses have been interrogated in this case and they filed it after two years. Any way, I will not say more on these delays, there are certain aberrations in case of certain officers. I do not want to mention their names. One IG is given Padmashree, a man who was present when Shri Rajiv Gandhi was assassinated. Trial is not over, the conspiracy angle is not yet gone into; but somebody is given Padmashree. Recently another DIG from the SIT has been awarded a President's Medal. And the meritorious service that he has done, besides others was that there was a gentleman called Shanmugham who was a link between the LTTE and certain people in Tamil Nadu. He was the supplier of arms. He was detained in the jail in one of the districts in Madras. He committed suicide. Now this DIG was the man incharge of that Camp. Later on this DIG went on a roving inquiry all over the world to collect some information. He had the unique distinction of losing a whole suitcase full of documents in London. Now this DIG has been given a President's Medal. These are aberrations which the House can themselves understand what is happening here.

I am coming to the post-24 May, 1995, the cut-off date, Mr. Chidambaram said yesterday, from which he took charge. In his statement, if you read it, you get to understand that he vaxed eloquent yesterday saying that all cooperation was being given to the Jain Commission and he would take all steps to see that all the enquiries were immediately gone into and he would give full cooperation. But Justice

jain himself had said on June 26, that there is non-cooperation from the Government. If you allow me, I would just like to probably give a gist of what he has said. I am not quoting anything.

**20.00 hrs.**

Sir, Justice Jain has said that he expects the Central Government to come out voluntarily and give information and documents but they are not coming out. Nothing comes out from them, unless they are insisted upon. The AICC Advocate, Mr. Mittal is on record saying that the Central Government was being obstructed by not providing documents and records. I do not know why the Government is trying to conceal documents and whom they are trying to protect? I am not making any allegation. This is after the first cut off date of Mr. Chidambaram. I am just putting the facts as I know them. It is for the House to decide for itself what is happening.

Sir, much was said by the Home Minister yesterday in the other House and today we have read it in the newspapers also that there have been delays in the judicial processes. When you talk about judicial process, why delay is there? Delay is there because the client wants to delay the case, may be some small judicial officers want to delay things. Here, who are the clients? Who are the parties in Designated Court? Who are the parties in the Jain Commission? Why are they being delayed? Why those judicial delays are there? Things cannot just be explained that the judicial system is like that, so there is delay. This is not acceptable to any of us. As I have the greatest respect for the hon. Minister who has given the Statement yesterday, for his legal acumen, because he is on record also advising the international companies like Enron and others. But, Sir, for the last four years ... *(Interruptions)\**

MR. SPEAKER : All these things, the interjections and Interruptions do not form part of the record. You please continue.

SHRI R. PRABHU: (Nilgiris): He made out very eloquently that he had some private conversation with Madam Sonia Gandhi. Though I would say that the etiquette demands that we do not reveal private conversations.

But, for the last four years, we have been raising this issue in this august House. I have raised it many times about the delay in the Jain Commission; the delay and no action being taken on what I have said about the Verma Commission; on what Justice Verma said? I have never in this House or anywhere else made any statement by myself. I was only conveying to this august House what Justice Verma said and what Justice Jain said. What was our friend doing for the last four years when he was not a Minister for two years? What was he doing? Could he not have come to this august House? Could he not have gone to the Prime Minister? I have been in correspondence with the Prime

Minister from August, 1993. I have written many letters on this issue. If you allow me, I would like to place the correspondence on the Table of the House. I have not heard your response, Sir.

MR. SPEAKER: You shall have to follow the rules. Before you ask for my permission, I should know what you are laying on the Table. You should give notice; you should give copies; and then you should ask for the permission. I am not very capable of taking the decision instantaneously, even without going through the document.

SHRI R. PRABHU: It is regarding the correspondence with the Prime Minister of India on the delay in the Jain Commission and the delay in various probes. There is no other subject. This is the only subject.

Sir, lastly, before I conclude, I would like to mention here that I was constrained—even though I did not want to do it, I was constrained—to move a Motion of breach of privilege against the hon. Minister for his statement yesterday, for misleading this august House, for concealing information from this august House. I request you to give your decision on this Motion of breach of privilege at the earliest and I join Mr. Arjun Singh in demanding that the Government apologise to the nation through this House for any cover-up, any deliberate delay in any of the enquiries in the Rajiv Gandhi assassination case.

With these words, I thank you for giving me time to speak on this.

MR. SPEAKER: Mr. Mani Shankar Aiyar, please, Mr. Aiyar, why do you not come to one of the front benches?

...*(Interruptions)*

SHRI MANI SHANKAR AIYAR (Mayiladuturai): I think it is appropriate that I should speak from Mr. Kumaramangalam's seat ... *(Interruptions)* Mr. Speaker, Sir, yesterday when Shri Arjun Singh initiated the discussion here during Zero Hour on the question of delays with regard to the Rajiv Gandhi assassination case as well as the Commissions of Inquiry, we were witness to something that I, as a first term Parliamentarian had never seen before—a unanimity of opinion all around this House about the need to deal with this problem in a very serious manner and then, during this unauthorised part of our proceedings in Zero Hour, the Speaker himself expressing the will of the House and that being recorded in the documents that are now being circulated. ... *(Interruptions)* The Speaker has told us more than once how Zero Hour is an hour that is never in order... *(Interruptions)*

SHRI SOMNATH CHATTRJEE: A lawless hour... *(Interruptions)*

SHRI MANI SHANKAR AIYAR: Yes, it is a lawless hour. In that hour, there is unanimity in the House. There is then

an expression from the Chair of the highest significance and thereafter we schedule a discussion on this subject. I had thought that perhaps there was going to be information made available to us, which was necessary for us to have and in the absence of which, the expression of an opinion from the Chair was not in itself enough, something more needed to be done. I, therefore, came to the House today with a considerable sense of anticipation and very great concern on my part because I need not labour the relationship I had with our former Prime Minister. I have not been able to understand at all, despite the interventions of Sarvashri Arjun Singh and Prabhu, as to why we had to take this issue up again under Rule 193 after what was decided yesterday. For what did we decide yesterday?

Mr. Speaker, Sir, you said and I quote, from the synopsis that is being circulated:

"We should do our best to book the culprits and punish them as per the law of the land expeditiously."

In other words, you accorded primacy to the trial that is going on, in camera, in Madras. That is our first and foremost priority and it is in the light of that priority and the circumstances of that trial that we have to evaluate whatever else is being taken up for consideration. That is the place where we are going to book and punish, as per the law of the land, the culprits, who were responsible for the assassination of Shri Rajiv Gandhi.

We have decided very wisely; and I think, every section of the House agrees with this, that in order for that trial to reach a conclusion expeditiously and correctly—the other word that has been used by you, Sir— it is necessary for it to be conducted *in camera*; and that nothing should happen in any other form, be it another Commission of Inquiry or be it even the floor of this House, which stands in the way of that trial in Madras coming to, what you call, a correct and speedy conclusion.

That is our primary responsibility and for the first time since 1991, yesterday, a Minister of the Government of India, speaking on the floor of this House in his capacity as a Minister, assured us that every nerve of this Government would be strained to ensure not merely a decision by that court by the end of this year, but the conviction of these heinous culprits. That is what we should attach the highest importance to.

The issue of whether things have been delayed in the past or not, was I think, admitted by inference when Shri Chidambaram, who has no responsibility in the Ministry of Home Affairs or in the Ministry of Law, was asked to take upon himself as his special responsibility of expediting this issue; therefore, the action that needs to be taken, granting delay, and I for one, agree that there has been unconscionable delay, the action necessary to prevent that delay from afflicting this case in the future, has already

been undertaken by the appointment of none other than Shri Chidambaram. I say 'none other than' because both in a public capacity as the most distinguished lawyer that we have in the ranks of the Congress party and in a private capacity as one of the close associates of Shri Rajiv Gandhi. We have a competent and an able person being asked to expedite matters. That is his charge and that is his responsibility. The statement that he made here yesterday, was very kindly endorsed by Shri Jaswant Singh. I say 'kindly' because it is difficult for a Member of the Opposition to be kind about a Minister of the Government. I also endorse it entirely, that the statement made yesterday showed the seriousness of intent which we now see. In the middle of this, for us to do anything in the Jain Commission or here on the floor of the House that might jeopardise the outcome that we look forward to from the special court in Madras, an outcome which must not merely be a decision, but it must be the conviction of these people who were responsible for this heinous crime. That must be strictly avoided with a deep sense of responsibility. And it is in that light, then I ask as to whether any useful purpose has been served by the discussion which has been initiated here. We have to distinguish I think, between the Verma Commission, the Jain Commission and the trial.

In regard to the Verma Commission, there is no allegation and there has never been an allegation about any delay in its proceedings. The Verma Commission was constituted in June 1991; and within eleven months its report was ready and it was in the hands of the Government. The Government took six months to study that report and it was after the Cabinet had cleared the Action Taken Report that - as per the practice of this House—the Verma Commission Report and the Action Taken Report were jointly presented here in December 1992, if my memory is right, it was the 23rd of December 1992 that we had the Verma Commission Report. I am not a Member of the Government; I have never been a Member of the Government. So, I have no responsibility whatsoever, I repeat, I have no responsibility whatsoever for the decision taken by that Government in December 1992. I profoundly disagreed with a very important element of the Action Taken Report, the element which exonerated ... (*Interruptions*)\* of his own responsibility, despite the indictment in clear and in no uncertain terms by the Verma Commission in paragraph after paragraph of that Report.

I expressed my concern here when I moved a motion. And you kindly admitted it. You gave me the privilege of moving it here in which I expressed my total disagreement with the conclusion of the ATR which should have been 'endorsed' by the Cabinet of which there were several Members then, who are no longer Members of the Government. Therefore, my charge against that Government decision on the ATR applied as much to the Members who are no longer Members of the Government but who are there. I was supported by the same gentleman who today

is the Minister in charge of the Rajiv Gandhi case and who was there—back-bencher like me—Shri P. Chidambaram.

The two of us pleased on the Floor of this House that we must take cognisance of what the Verma Commission itself says especially with regard to what we called the root-cause of the assassination which was the withdrawal of the SPG and the failure of the then Government to provide an adequate alternative security cover especially because the Government of the day had in its ATR said that adequate alternative arrangements had been made. And as a result of the intervention made by myself and Shri P. Chidambaram, we were able to secure the following day a statement by the Home Minister.

[Translation]

SHRI SHARAD YADAV (Madhepura): Mr. Speaker, in the question that he is raising, ATR has been mentioned. But in the question about our government and Shri. V. P. Singh, the word 'negligence' is there. We want that what he is saying be accepted. At present he is speaking. I will speak after him.

[English]

SHRI MANI SHANKAR AIYAR: We pleaded that there should be some identification of that and there was a statement by the Home Minister which went some way, if not all the way, towards the satisfaction of what we were demanding.

I would wish to stress that the expression of dissatisfaction, which Justice Verma made, had a contractual relationship with that discussion. I do not see what the connection is with this discussion. The work of the Justice Verma Commission is over. It was over very quickly. This Report has been presented. It has been discussed in this House. And there has been, as a result of action taken from the Congress benches, a modification of the Government's position. Let us see how it proceeds in that. In the Action Taken Report and in a subsequent statement made in this House, one of the persons who has been asked to show-cause why he should not be proceeded against is the same Shri M.K. Narayanan to whom Shri Arjun Singh made a reference.

I have had a very long association with Shri M.K. Narayanan. I know and anyone who was associated with Rajiv regime knows that this was an officer who was very closely associated professionally with the work of the Prime Minister. He enjoyed the respect and the affection of the Prime Minister. And because the profile of his relationship with Prime Minister Rajiv Gandhi was as high as it was, one of the first things that the successor Government did was to remove him from the sensitive post to which he belonged. And he returned to it only after the fall of the V.P. Singh Government. And while he was in office as Director of IB in the second round, there are few cries of agony which are louder, more sincere or more anguish than those which Shri

M.K. Narayanan is uttering as per the Report of the Verma Commission for this even on the 20 May, 1991 with the clock of fate ticking away to 10.20 p.m. at Sriperumbudur that this same Shri M.K. Narayanan begs and pleads that at least NSG cover be provided to Rajiv Gandhi even if, for legal reasons, SPG cover cannot be given.

It is about this officer's silence that mention has been made by Justice Verma. He has his reasons for being silent. I do not know what they are. The Government has written to him asking him to explain why he is persistent in being silent but I am unable to understand why Shri M.K. Narayanan's silence is, in any way, as Shri Arjung Singh said, symptomatic of the approach of this Government. It seems to be symptomatic of his conception of his duties. He was a police officer who went into Intelligence as an Intelligence Officer.

Here, I may strike a personal note, Sir. The Desk Officer responsible refused me entry into the Indian Foreign Service on security grounds because I used to be a student activist of Shri Somnath Chatterjee's persuasion. So, I was rejected from all civil services for several months until I was able to prove that I had grown up and no longer dependent. These were the opinions that I used to have ... (Interruptions)...

He was the Desk Office then. He believes that, as a police officer dealing with Intelligence matters, there are things that he should not say and reveal. Here, we have attempted to get him to say it and the Government has taken that action to the extent that it can take action to fill lacunae. I do not just understand the charge that Shri M.K. Narayanan's silence is symptomatic of the approach of this Government. I do not understand that. What is symptomatic is that when we established the Verma Commission and the Jain Commission in quick succession, we seemed to have failed at that time to understand that the Jain Commission could not really get going until the Verma Commission Report was available. It is Shri Prabhu himself who has said on the floor of the House that the work of the Jain Commission would necessarily have to be based on the work of the Verma Commission. So, we know that the first one-and-a-half years of the existence of the Jain Commission was overshadowed by the work that was taking place in the Verma Commission and that the Jain Commission could not really get going until, in 1993, after the Verma Commission Report became a public document. When the Jain Commission got going, at that time, immediately, a question arose. The question arose as to how far back in time do we go in order to discover the roots of the international conspiracy, if any, which existed round the death of Shri Rajiv Gandhi and that issue of whether the inquiry should stretch beyond July 1987 or should take off from 29 July, 1987 was not, in fact, resolved till the middle of 1994. The root cause of the delay that took place was the initial argument within Government, between the Commission and the Government and subsequently, before the legal authorities as to how far back should this issue stretch. The issue was resolved by a court of law in the

middle of 1994. We did waste one-and-half years further on the resolution of this issue. But I do not know whether 'waste' is the right word to use or not. I think all of us here have agreed that 29 July, 1987 was truly the appropriate cut-off date but obviously, until that cut-off date was established and accepted—now it is accepted by everyone including Shri Arjun Singh—it was not till then that we could really get going. And I do agree with Shri Arjun Singh and I do certainly agree with Shrimati Sonia Gandhi that between June 1994 and May 1995, we could have gone faster than we had gone and it is because I personally was sensitive to this issue, like Shri Prabhu took it up with the Prime Minister, I even suggested that the right man to handle this matter was Shri P. Chidambaram—if I may reveal a privileged communication between myself and the Prime Minister. I am glad now that a really competent person is in charge of this matter.

I am glad now that a really competent person is in charge of this matter. In other words, this discussion should have taken place sometime in the past. It could not take place in the past partly because the gentleman who has now brought it—was then the Member of the Government. He obviously could not bring it in discussion under Rule 193 at that time. In these circumstances, I do not know, what is the purpose that is being served by bringing up issues of delay in the Jain Commission all of which are true and all of which are palpable and all of which took place when there was a Group of Ministers which included Shri Arjun Singhji who, as the Number Two in the Government of India, was necessarily in some sense, was the Chairman of the Group of Ministers. It was at that time that all these... *(Interruptions)*... I am sorry.

SHRI ARJUN SINGH: I would like to clarify before you continue. Otherwise, a wrong impression may be created.

I know, not only the Home Minister was the Chairman but the group of Ministers that was constituted, had nothing to do with the Jain Commission.

SHRI MANI SHANKAR AIYAR: Okay, thank you for the clarification.

But the Government did and the Government of India was seized of this issue as is seen by the fact that a proposal came on the 10 February, 1994 for winding up the Jain Commission. A very significant step, a more significant step is that the Government of India turned it down. Yes, there was somebody in the Government of India who thought it would be a good idea. But what the Government of India did, was to turn down that proposal and say 'we must persist with the Jain Commission'. And, I think, the germane fact is that. That fact of the 10 February, 1994, a paper coming before us is not significant as the decision that we took, which was the right decision 'not to wind up that institution.'

So, the delays that have taken place—how serious they were—I am giving an outside view—that it seems to me

that there were delays, it seems to me that many of the delays were unconscionable and it seemed to me—as a backbencher, with certain personal relationship with Shri Rajiv Gandhi—to agitate for something to be done about it and that 'something' has been done. But perhaps there was a scope in 1991, in 1992, in 1993 and in 1994 for more dramatic action to be taken by those concerned in the Council of Ministers.

I honestly say, Sir, that if I had been the Member of the Council of Ministers, on the day that ATR on the Verma Commission was tabled in this House, I would have resigned. I would have resigned on the ground that ... *(Interruptions)* ... was not indicated. But as far as I know, no Minister resigned. They were powerful...

SHRI HARI KISHORE SINGH: You could have resigned from the Congress party.

SHRI MANI SHANKAR AIYAR: No. It is because I know that you lot are even less interested in finding an answer than my lot is. I have, therefore, no question of resigning from the Congress party. What I would have done, 'had I been made a Minister, it is good reason for not being made. The point is, there were two backbenchers—Shri P. Chidambaram and myself—who actually took concrete action on the floor of this House and Shri Chidambaram, as an ex-Minister, may be, he has certain amount of seniority. I really put my neck on the line in being the person who put it out because I disagreed and fortunately, my party is a democratic enough party to allow me to express my point of view on the floor of this House. If a mere backbencher could raise this issue on the floor of this House, how much more, could a Member of the Government, the Number Two Member of the Government have done, or the Minister of State who was personally in charge of negotiating with the VHP could have done. And, these were the people who were entirely capable of having raised the issue in the Cabinet at the right time, instead of which they wait until the Speaker...

SHRI RANGARAJAN KUMARAMANGALAM: Can I intervene?

SHRI MANI SHANKAR AIYAR: One second, let me finish, I am just going to yield ... *(Interruptions)* ... They wanted until the Speaker has expressed the view of the whole House and having raised an issue under Rule 193.

SHRI SOMNATH CHATTERJEE: He has yielded and concluded.

SHRI MANI SHANKAR AIYAR: I have only yielded and not concluded... *(Interruptions)*...

SHRI RANGARAJAN KUMARAMANGALAM (Salem) : I was never responsible for any negotiations to be held with the Vishwa Hindu Parishad. To say that I was, is a little unfair and uncalled for. Secondly, I must say that when Mr. Mani Shankar Aiyar as backbencher, as he put it—of course

now, he has moved forward and decided to take my seat and occupied my seat—did he raise it at that particular period of time? I did join within the Government, I could not have joined on the floor of the House, obviously and did join forces and in voice to say that the ATR did not meet the issue and was not correct especially with regard to... (Interruptions)... and his involvement and the Verma Commissions's remarks on that.

I am saying this because this is a fact that within the Government also there are very strong feelings. It is not that it is limited to two backbenchers only.

SHRI MANI SHANKAR AIYAR: I would like to conclude because I agree with Shri Somnath Chatterjee that this matter needs to be concluded.

Sir, the essential matter here now is, we have got the Jain Commission going along with the Trial Court and since the priority is to obtain a conviction in the Trial Court—we have to understand, whereas the Trial Court proceedings are *in camera*, Jain Commission's proceedings are in the open. Consequently, a decision has been taken that documents which are essential to securing the conviction of the culprits should not be compromised in that trial by according a different status in a different organisation. But as Shri Chidambaram explained to us yesterday, an additional decision that has been taken is that if Justice Milap Chand Jain wishes to see any particular document because it has been asked for by himself or asked for by the Counsel but is not being presented on the grounds of privilege, that document 'is shown to Justice Jain' if not made available to everybody at this stage.

So, the information as it comes forth or the information as it is demanded is not being hidden from the Commission even now, even if it is true that it is not being given in a manner in which it can be usefully processed by Counsels attached to the Commission.

SHRI SOMNATH CHATTERJEE : See the *India Today* publication.

SHRI MANI SHANKAR AIYAR: I will come to that in a minute. But let us take this key issue first. We do have an inherent contradiction between the nature of proceedings in the Trial Court and the nature of the proceedings in the Jain Commission. It is obvious that it is feasible to wind up the trial quicker than it will be possible to wind up the Jain Commission proceedings. It is also clear from the Speaker's statement that the House itself desires that the trial be given priority. That trial, we have been assured, will be completed within the next 3 or 4 months, that is by December, 1995. I think, every effort should be made to ensure that it is so done and the convictions are obtained within that time, especially given the record of the Tamil Nadu Government, which is unable to ensure the security...

SHRI BHUPINDER SINGH HOODA (Rohtak): Shri Chidambaram has said that the evidence would be completed by the year end.

MR. SPEAKER: Shri Chidambaram himself is sitting here. Why should we...

... (Interruptions )

SHRI MANI SHANKAR AIYAR: It seems to me that following the presentation and completion of evidence, we should be in a position to get the conviction very soon thereafter. Therefore, I am not going to assume any very major hiatus between presentation of evidence and judgement being given...(Interruptions) Thereafter, the constraints that apply to the proceedings in the Trial Court will no longer apply to the proceedings before the Jain Commission and that will enable us to expedite the work of the Jain Commission which is of the highest importance. I do hope that we will be able to get a satisfactory conclusion before the Jain Commission and that the action taken by the Government on the Jain Commission's findings will be more satisfactory than they were with respect to the Verma Commission's findings.

Having had, therefore, this opportunity of once again ventilating my grievance with regard to the action being taken by the Government on the Verma Commission findings, I would plead with them once again to understand and underline that Rajiv Gandhi would never, never have been killed if ...\* had not utterly arbitrarily decided to withdraw SPG cover from him on the 30 January, 1990 and further that the letter addressed by Shri P. Chidambaram—as the Security Advisor to the Leader of the Opposition—to the Government of India at that time had been replied to, 'even replied to', by the Government then. There was a total lack of any sense of responsibility with regard to Shri Rajiv Gandhi's life—first, on the part of the ...\* Government; and second on the part of the Chandra Shekhar Government whose Minister-in-Charge of these affairs was none other than...\* who has been mentioned by Shri Arjun Singh.

I wish to underline, on the floor of this House in conclusion, Sir, that while Shri Chandra Shekhar has had the grace to state here on the floor of the House that he does not abdicate any of his responsibilities as Prime Minister for what happened, there has been no similar expression of regret by ...\* or any of the members of his Party. Therefore, it remains an even greater duty on the part of the Government of India to properly indict...\* for the basic wrong decision and to ask itself why the Minister in-charge of these matters on the 21 of March, 1991, one...\* ... has not been further investigated with a view to discovering what was his role in this conspiracy. I trust the Jain Commission will address itself to this matter as well ... (Interruptions)...

SHRI SRIKANTA JENA (Cuttack): I am on a point of order, Sir.

MR. SPEAKER: Yes.

SHRI SRIKANTA JENA: Can a Member raise an issue about an action taken by...\* the then Prime Minister, charging that in the Verma Commission Report...\* ... and his Government were indicted and, therefore, then action taken by the present Government is not sufficient? His view and Mr. Chidambaram's view seem to be the same. He was a Member in the House then but he is a Minister now. The Member said that if he had been in the Cabinet then, he would have resigned immediately on the very day when the Action Taken Report was approved in the Cabinet. It seem Shri Chidambaram is also of the same opinion. He is now the Minister in-charge of the Jain Commission proceedings and the Rajiv Gandhi murder case and he was in the Government which had accepted the Action Taken Report... (Interruptions)... I do not know, when Shri Aiyar was expressing his view, Mr. Chidambaram was nodding his head. It means that he was accepting the view of Mr. Aiyar.

The point I would like to make is: ...\* is not here and so, he cannot defend himself even as a Member in this House. The first question is ... (Interruptions)... because the point has been raised ... (Interruptions)... by a senior Member from the Congress party and it is being accepted by Shri Chidambaram who is the Minister in-charge. I would request you to in all fairness direct the Government to ask the Prime Minister to be present in the House because it is only the Prime Minister who can clarify the position as to why in the Action Taken Report...\* was not charged. It is ...\* the then Principal Secretary of the Government... (Interruptions)...

SHRI MANI SHANKAR AIYAR: He was also a collaborator in that decision.

SHRI SRIKANTA JENA: Mr. Chidambaram read out a letter of the then ... (Interruptions)...

MR. SPEAKER: I think the names of all those people who cannot defend themselves on the floor of this House will go off the record, and designations may continue.

SHRI SOMNATH CHATTERJEE: It goes for collaborator even.

MR. SPEAKER: Collaborator is not a designation.

SHRI SRIKANTA JENA: The point is this issue of Verma Commission Report was discussed in this House itself. Then also a caution was given to him, and certain references were removed from the proceedings even at that point of time. In spite of that he is repeating it time and again only to cover up the real culprit.

MR. SPEAKER: Is this the point of order.

SHRI SRIKANTA JENA: By taking the name 'of ...\*' he is only trying to cover up the assassins and culprits, He is politicising the whole issue.

MR. SPEAKER: Now, it is not going on record.

(Interruptions)...

SHRI SOMNATH CHATTERJEE: Sir, now, the whole direction has been changed. It is because, they are saying that one part of the Verma Commission's comment was very good viz., indictment of Shri V.P. Singh and not the Verma Commission's comment about the cover-up. You have not made any comment on that. Sir, where should we go from here? We are trying to find out whether we can really give some direction from this debate so that in the interest of the country, it can be expedited or what you had observed can be achieved. That, Sir, was the objective of this discussion.

(Interruptions)

SHRI SRIKANTA JENA: Let Shri Chidambaram, resign right now.

MR. SPEAKER: What is this Shri Jena? All this is not going on record.

(Interruptions)...

MR. SPEAKER: Please, let us understand this. The simple point which could have been raised as a Point of Order is this. Can the names of the persons who are not here to defend be mentioned? That would have been the end of the matter. If you make a long speech on that and take it in all directions, it becomes difficult for me also to decide. So, it should end here only. Culprits include conspirators.

[Translation]

SHRI SHARAD YADAV (Madhepura): Mr. Speaker, Sir, the focus of today's debate is the assassination of Shri Rajiv Gandhi. Shri Arjun Singh raised many questions here. The criminals who assassinated Shri 'Rajiv Gandhi' have not so far been punished. It is a fact that considerable delay has taken place in this matter. Rajiv ji was the ex-Prime Minister and an eminent personality of the country. He commanded love and respect of a larger section of our people. Delay has occurred in resolving the question of the death of such a great personality. It is the central point of today's debate. I feel that delay has been caused in this matter deliberately. Government is enable to do justice in this case because it has assumed political overtones. The internal manoeuvrings of the Congress Party are also involved in this issue. Delay took place in booking the culprits who committed this crime. I feel that some cover-up has also been attempted in this case.

20.44 hrs

[SHRI NITISH KUMAR in the Chair]

India is a very helpless and hopeless country. The assassination of Rajiv Ji is widely under discussion

throughout the country. When Smt. Sonia Gandhi speaks in the Amethi ground the debate assures the form of an earthquake. A very heated discussion is often sparked off on this issue in and outside the House. The representative representing a population of 90 crores are sitting here. This subject is on the fifth page of today's agenda. Since the day Sonia Gandhi spoke on the issue in Amethi, a spirited debate has ensued throughout the length and breadth of the country.

Besides big men, poor people should also be discussed at times. Jaswant Singh ji and Som Nath Ji wanted to know the details of other murders in which such delays occurred. Nagarwala was too murdered in the same manner and his assassing have also not been traced till today. Many persons were killed in Maliana, Bhagalpur and in 1984 riots. We saw the tragedy as silent spectators.

20.46

[Mr. SPEAKER in the chair]

We saw people being burnt after dousing them in oil or putting tyres around their necks. Section 302 of the IPC applies to all equally. At times when feelings are aroused, we become more vigilant. There is nothing unnatural about it. But I regard the death of Rajiv Ji as unnatural. We had our differences with Rajiv Ji but bore no ill-will in our hearts. We were really feeling aggrieved by this assassination. But before law all are equal. In 1984 riots people were locked in their houses and burnt. In our neighbourhood a man was burnt alive. Shri Mani Shankar Aiyar referred to Verma Commission Report which was submitted to the Cabinet. I would deal with it later but the CBI in its report said that there are two big persons of the Congress party. About one of them Shri Pilot said very rightly. Yesterday he spoke from the bottom of his heart. He might have been on the point of submitting the report. There must have been some rebukes in it. That was why he did not lay it.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): Mr. Speaker, Sir, I tell you honestly, you kindly recollect that yesterday after the speech you gave a Ruling that actions to be taken on this must be expedited. So, I took it as a Ruling and the Speaker wants that the actions must be expedited. Still, as a precautionary step I have brought all the details with me. Whenever the hon. Speaker permits me, I will lay, I will give here whatever information you want ... (Interruptions)

MR. SPEAKER: I think, you lay it now itself.

SHRI RAJESH PILOT: I have brought the information. I do not mind in doing so... (Interruptions)

[Translation]

SHRI SHARAD YADAV: I felt that yesterday he was speaking from the love of his heart but today he is looking

somewhat disturbed. How can we understand what he has in his mind? But I know him that yesterday he spoke from his heart and today he is looking a bit upset. Rajiv Ji was assassinated in a very brutal manner. In our country whether those were Maliana riots or Bhagalpur riots or the riots of 1984 in Delhi where as many as 3000 people were murdered most cruelly—it was not like the Tandoor case where a person was just killed and then her dead body was burnt in a Tandoor in these riots, people were burnt alive most seriously and the most unfortunate part of it is that we have not so far been able to book even a single killer. We become careless while looting ordinary people. I remember when I was in University the Late Lal Bahadur Shastri Ji died of heart attack. Through newspapers, we came to know that he went on ringing the bell but the doctor did not turn up. When we get used to being so careless in the treatment of a poor person in the hospital, such negligence becomes our second nature. And then even if a person like Rajiv Gandhi is assassinated we are unable to fathom the reason therefore. The reason obviously is our habit of negligence.

When Sonia Ji raised this matter in Amethi, it was also raised in this House soon thereafter. Some people became very sentimental and in the Rajya Sabha some members wept bitterly. I agree all of us were filled with anguish to hear this unfortunate news. People in our country are famous for weeping. When someone dies we weep in our houses and when some guest from outside comes, we all weep very loudly in a chorus. We have a very wonderful capacity for weeping. We can laugh and weep at any time. Yesterday many people were weeping.

MR. SPEAKER: Your second opinion that we can laugh at any time is perhaps not correct.

SHRI SHARAD YADAV: You are right Sir, you have told me the right thing. Our country is matchless and an expert in weeping. We start weeping even over a trifle. We are for ahead in this respect because our country is sad, helpless and poor. That is why sas songs become so popular in our country ..... (Interruptions)

Mr. Speaker, I have a very interesting story to tell. When we were defeated by China, a song was sung in our country — 'Aye Mere Watan ke logon, Zara Ankh Main Bhar Lo Pani; Jo Shaheed Huyen hain Unkee Jara Yaad Karo Kurbarani'. This last line is alright. At that time I was 13-14 years of age and my father was a Congress man. He was listening to the radio. Hearing this song, he began weeping bitterly. I also burst into tears. The second day I came to know that the late Jawahar Lal Ji had also wept very bitterly. Oh, my countrymen, weep because we were badly defeated. We are experts in weeping.

Mr. Speaker, I was in Lucknow when Sonia Ji went there. I too had my programme but not so grand as was hers. There I saw wonderful things. I also respect Sonia Ji and Rajiv Ji and also remember the sacrifices of Jawahar Lal Ji but there I saw that all limits of sycophancy and servitude had been crossed. I saw in a photo that Jitendra

Ji and Tiwari Ji were standing side by side glued to each other. They were at loggerheads but were standing glued to each other thinking that if Sonia Ji, chanced to have a look at them this would also appear in the Press the next day and the whole country would know it. Tiwari Ji was garlanded and this became a subject for editorial in the newspapers of the country. Leave aside the persons inside, persons on the roads of the country are more scared.

Yesterday Arjun Singh ji had hinted that if this proposal was made from your side, it would be better. For ten seconds, it looked as if all was quite and I had no regrets but scare was there on this side as well. People were stunned for ten seconds and there was the silence of the graveyard. I, seeing this scenario, said as to what has happened to all of you and why don't you speak?

Mr. Speaker, Sir, delay has positively taken place in investigating the causes of the death of Rajiv Ji and it is because of the manoeuvring of the Congress Party. Shri Chidambaram has arrived. He is a very competent person and his mind is quite clear on the issue. I feel that his relations with Rajiv Ji were very honest. The pace of investigation must have picked up since he joined. I appeal to the Government to accelerate the pace of investigation in the matter because Rajiv Ji was our former Prime Minister and his assassination was something most unfortunate.

All the ministers sitting here are looking very tired because it is going to be 9.00 by the watch. I request them as also the Government to move swiftly even in the cases of murders of other people. Whatever may be the status of a person, death is the same for all. All human beings high or low are important just as the fingers of our hands irrespective of their size because they help each other. Rajiv Ji may be compared with the biggest finger but the other fingers should not be so short that the hand stops working. Therefore all heinous crimes should be treated on equal footing and the delay that has been caused in booking the killers in the 1984 riots or in Maliana and Bhagalpur riots is equally sorrowful. It is not an ordinary thing. The killers have not so far been punished. One delay in the case of the assassination of Rajiv Ji has taken place due to our habit of not pursuing the cases in right earnest.

Shri Mani Shankar Aiyar in his speech, raised the question of the Government of National Front and Shri V. P. Singh. He raised the question of ATR. His anger was justified. On ATR, Verma Commission referred to our Government and V.P. Singh Ji and desired that action should have been taken thereon. During our time Chidambaram Ji was responsible for ensuring the security of the People and it was Rajiv Ji's Government which had recommended for removal of SPG cover up. That law was not in force during his time. If we need more time for this debate, we should not mind it. As you had also suggested, no culprit should be allowed to go scot free. I would like to submit that from our side as also from the side of Shri V.P. Singh, his security was ensured with full responsibility. There was no slackness in this regard.

## 21.00 hrs

If there was any slackness attributed to us, I would request you to implement the ATR in full. You have a resolution passed on ATR. If there is anyone in the wrong from amongst us, you have us punished positively but if there is anyone in the wrong from your side he should also be punished.

You are in the habit of putting off things. The names of the persons found guilty in the Bofors case are yet to be declared. The Prime Minister had said in the House that this matter was under his consideration. My submission is that whatever matter rested with him, was doomed. He took over Kashmir issue and Charare-Shariff was doomed and when he took over the Railways, passengers in Ferozabad were doomed. We have reached the present impasse because of our following the policy of procrastination.

Mr. Speaker, our Prime Minister has been assassinated and we are unable to trace out the assassins. The persons who were very close to Rajiv Ji had no political base and were non entities at that time, but they had got high positions because of Rajiv Ji. They are also sitting here and have not succeeded to find out any clue of the assassins. Even today you are continuing with your manoeuvrings. You are not sparing even the officers of our time.

Mr. Speaker, Sir, I, with malice towards none and with all the force at my command, submit that no slackness was shown in the security of Rajiv Ji during our time. I say it because I know it very well. I am in the know of all the things since the time of Shri Kamalapati Tripathi. I would not like to go into the details. Shri Mani Shankar Aiyar today said certain right things. Today all the members spoke in a balanced way as if they were walking on the edge of a sword. No one dared to differ as if all were taking precautions to see that in the countries where there is dynastic rule, the people of a particular dynasty may not be able to enter politics. That is why all of you were speaking in a very balanced manner. I mentioned the word dynasty because in our country we have dynasties ruling at the national level, state level and district level. In our country also, dynastic rule is gaining ground. Mr. Speaker, some people are apprehending danger. That is why the people who spoke today, spoke in a balanced way. Today none indulged in any abusive language and they spoke in a very balanced way. Mani Shankar Aiyar ji had best of both the worlds. That is why he spoke ill towards none and when he realised that we could do him no harm, he gave us a jolt. Today he gave a jolt to the National Front and to a person like Shri V.P. Singh who has a clean political image.

**SHRI MANI SHANKAR AIYAR:** The person sitting beside you will give you a push. His slogan is, 'Give one more push'.

**SHRI SHARAD YADAV:** When he gives a push, we will see but today you were giving us a push because you did not get any push from persons sitting beside you. That is why you gave us the jolt.

SHRI MANI SHANKAR AIYAR: Please excuse me, I have not given you any jolt or push. I am charging that *\*(Interruptions)*... have committed a sin. As they are not present here to tender apology. You please do so on their behalf.

SHRI RAM KRIPAL YADAV (Patna): What sin have they committed? Why should they apologise? The law had been enacted at that time. They have acted in accordance with that law.

SHRI MANI SHANKAR AIYAR: Their sin was that they had removed SPG cover-up and it is because of that Shri Rajiv Ji today is not in our midst. That is the basic reason.

[English]

SHRI SRIKANTA JEA (Cuttack):\*...

MR. SPEAKER: No, no. This is most objectionable. You should not have used that word.

...(Interruptions)

SHRI SRIKANTA JENA: In spite of your directions, he is behaving that way.

MR. SPEAKER: No, no, You have no business to get up and speak like that.

SHRI SRIKANTA JENA: Who? (Interruptions).

MR. SPEAKER: You are not the controller of the House.

...(Interruptions)

MR. SPEAKER: You are going beyond your limits.

...(Interruptions)

[Translation]

SHRI SRI KANTA JENA: Mr. Speaker, Sir ...

...(Interruptions)\*

[English]

The way he is behaving, I have every right to express my opinion.

MR. SPEAKER: You have to express it in parliamentary language.

...(Interruptions)

SHRI SRIKANTA JENA : I have the right *.(Interruptions)\**

MR. SPEAKER: I will send this matter to the Privileges Committee to take proper action.

...(Interruptions)

SHRI SRIKANTA JENA: OK Sir. You can send it, You send it right now.

MR. SPEAKER: I have said this. It is going to the Privileges Committee and they will take proper action.

...(Interruptions)

SHRI SRIKANTA JENA: OK Sir, You can send it ... *(Interruptions)*

MR. SPEAKER: It is no good flouting rules all the time. You sit down now.

...(Interruptions)

SHRI SRIKANTA JENA: I do not mind. I will fight. You must also ...

MR. SPEAKER : You sit down now.

...(Interruptions)

MR. SPEAKER: I am not going to withdraw these comments from the Privileges Committee. I am sending it to the Privileges Committee.

SHRI SRIKANTA JENA : You please send it Sir. I also mean it.

MR. SPEAKER: I am sending it.

...(Interruptions)

SHRI SRIKANTA JENA: I also mean it. You are a spectator to the way he is behaving right from the beginning. You have to control him. ... *(Interruptions)*. You have to control him. This is not the way he should behave here ... *(Interruptions)*

MR. SPEAKER: It is a little too much.

SHRI SRIKANTA JENA: Sir, it is also too much for him to behave in this fashion ... *(Interruptions)* I am prepared for action.

MR. SPEAKER: I am sending it. You have wanted it. I am sending it and I am asking for a decision.

...(Interruptions)

SHRI SRIKANTA JENA: I am prepared to face it ... *(Interruptions)*

I am in the Parliament for the last ... .. *(Interruptions)*

MR. SPEAKER: You are not beyond law. You are not beyond rule.

SHRI SRIKANTA JENA: Who is beyond rule?

MR. SPEAKER: Nobody is and you should understand that.

...(Interruptions)

MR. SPEAKER: All these things are going to go to the Privileges Committee.

...(Interruptions)

MR. SPEAKER: Mr. Sharad Yadav, please speak if you want to.

...(Interruptions)

MR. SPEAKER: He had not said anything. I had removed it from the records and it is unnecessary for any Member to use language which should be used on the floor of the House. This is Parliament. Let us understand it.

SHRI SRIKANTA JENA: What is objectionable in what I have said? I have only referred to him\* ... (Interruptions)

MR. SPEAKER: It will be decided by the Privileges Committee.

SHRI SRIKANTA JENA;\*...

MR. SPEAKER : Let it be decided by the Privileges Committee.

...(Interruptions)

[Translation]

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur): Mr. Speaker, I want to know it.

MR. SPEAKER: You need not know.

SHRI DEVENDRA PRASAD YADAV: I want to know because he has categorically stated whereas .....\*\* is not in the House.

MR. SPEAKER: That will be expunged from the record. You are bringing in his name time and again.

[English]

You have said dozen things against others.

[Translation]

SHRI DEVENDRA PRASAD YADAV: He has said that .....\*\* has committed a sin (Interruptions) .....\*\* could not commit such a crime ..... (Interruptions). The business of the House is conducted as per the rules... (Interruptions) Chair is Supreme. You cannot ignore our feelings ..... (Interruptions).

MR. SPEAKER: That is why it has been expunged from the record. You are bringing his name on record over and over again ..

(Interruptions)

[English]

SHRI SRIKANTA JENA: I do not mind for this. will resign from Parliament if I am wrong. What business has he to say like this? I can resign from Parliament. (Interruptions)\*

[Translation]

SHRI DEVENDRA PRASAD YADAV: I want to know whether Mani Shankar Aiyar Ji has the liberty to say anything he likes deliberately ..... (Interruptions)

[English]

MR. SPEAKER: Do not think that this House is not in a position to take action against a Member. If we do not take action against a Member it is because we want to keep camaraderie and friendship here.

...(Interruptions)

[Translation]

AN HON'BLE MEMBER: Is there any precedent to say things about a Member who is not present in the House?

MR. SPEAKER: We shall see.

SHRI SHARAD YADAV: Mr. Speaker, I conclude my speech but I would certainly like to say not ..... \*\* is not here.

MR. SPEAKER: Sharad Ji, his name has been expunged from the record. You are bringing that name repeatedly

... (Interruptions)

MR. SPEAKER: His name, wherever it occurred, will be deleted from the record.

[English]

Please do not repeat it. I had said that it will be removed.

[Translation]

SHRI SHARAD YADAV: Mr. Speaker, Sir, my submission is that what Shri Mani Shankar Ji said, he has said in all seriousness. You please order for its expunction from the record. Shri V.P. Singh is very truthful and clean. We have full faith in his honesty and he discharged his responsibility. Therefore, you please permit a debate on the suggestion made by me as I have to say a lot on it. The day this suggestion was to come up for discussion here, it was discussed in the Rajya Sabha and, therefore, I could not express my views on it.

\*Expunged as ordered by the Chair.

\*\*Not recorded.

Mr. Speaker, certain Members made some uncharitable remarks like lost equilibrium, balance, control out the mind etc. etc. Shri Srikant Jena Ji reacted so strongly only because Shri V. P. Singh is the leader of our Party. In the end, I wish to submit that we too can have so strong feelings as he had. He said in a very authentic way that the assassination of Rajiv Ji took place because of the negligence of our Government. It is a very serious accusation. You have rightly expunged it from the record.

MR. SPEAKER: Anything which is not fit to become part of the record, will be expunged.

SHRI SHARAD YADAV: But so many people have heard it. So it is a serious matter. I, therefore, want to submit that there should be a debate in this behalf in the next session, so that we may put forth our point of view also. Today is the last day of the session and you have also to go to U.S.A. I request you ..... (*Interruptions*)

MR. SPEAKER: I shall talk to you in this regard in my chamber. I have only this much to say that our treatment here is better but that does not mean that action cannot be taken.

[*English*]

We are not interested in action. We are interested in friendship.

[*Translation*]

When we have not to do a thing, we apologise also. But it does not mean that action cannot be taken. Such feelings should not be harboured. I only want to tell this much to you.

[*English*]

But I will talk to you later on.

SHRI AMAL DATTA (Diamond Harbour): Mr. Speaker, Sir, we all share the anguish of the widow of the late Prime Minister, Rajiv Gandhi and because of her speech in Amethi two days ago, the House is discussing the matter today. It has discussed the matter once yesterday. That discussion, perhaps, was not found to be adequate by some parties and probably you have given the consent for the discussion today, because of that dissatisfaction.

Sir, the course the debate has taken so far and the acrimony it has raised, is quite different from the spirit in which the discussion was conducted yesterday. I think that when the discussion was raised today, there must have been some hope that today's discussion will lead to some action by the Government, something which will secure the Prime Ministers in future or the Opposition Leaders in future, so that the VVIP security is properly spruced up and things of that sort. But I am afraid that no such constructive suggestions have come, not even queries have come as to what has been done by the Government, pursuant to the

Verma Commission's Report except that we are told—and which we know—that an Action Taken Report was laid on the Table of the House. That was done in December or later than December, 1992. But since then, more than three years have elapsed. What has happened? Has any action been taken by the Central Government or the State Governments? This is a main recommendation of the Verma Commission's Report. This is not stated in that Action Taken Report and I am surprised that nobody has asked this question.

Sir, the Jain Commission and the TADA Court, where the trial of the culprits who have been charge-sheeted are being carried out, are very important, no doubt. We have been told here that the conviction of these people who are being tried in the TADA Court is the most important thing. Sir, I do not agree with it. It is true that there is a criminal justice and justice must be done so that the criminals are punished. But it is also important and—in this case because of the enormity of the crime and the future security of people of that stature—it is necessary that the Jain Commission also completes its report as quickly as possible. There should be and there ought not to be any disharmony between the functioning of the two. We have been told by Mr. Aiyar that it is the prime necessity that this TADA Court functions properly and brings these culprits to conviction which is assured by December or something like that.

Sir, let me take that a little bit in depth. Sir, what has been happening is that we are told by yesterday's statement of Mr. Chidambaram that for 212 days, the trial court has sat and it has already examined 190 to 193 witnesses. I do not remember the exact figure. Sir, another 100 witnesses are there to be examined. So, the procedure of trial, as it is now contemplated will take much more time than December of this year. But apart from that there has been either lack of coordination or foresight or deliberate attempt to delay. Initially they were going to produce more than 1000 witness and it is only much later that the wisdom dawned and they reduced the number of witnesses to around 250. This is what I read from the reports in the Press because the TADA court proceedings are in-camera that is why nobody exactly knows what is happening. Now, the thing is that in a debate of this kind if we are to debate on some accurate facts, some basic and correct facts should have been supplied by the Government. The Government has not seen fit to do any such thing in spite of the fact that the debate was consented to by the Government definitely and they are here to reply. But they have not seen it fit to make the Members of this House—who are debating on this issue—to see what is the exact current position of the TADA Court proceedings. There are, I am told, more than 700 documents which have been submitted to the TADA court and these documents were wanted by the Jain Commission. The TADA court has said that we cannot give these documents to the Jain Commission because the Special Investigating Team have objected to it. They have objected to it and upholding their objection the TADA court has said, 'sorry we cannot give these 700 documents'. I am sure that the Commission of Inquiry can carry on the inquiry with the

xerox copies authenticated by the Court Officer of the TADA Court. Is it not important to find out the people who are involved in the conspiracy? And if there is a conspiracy who are involved in it and what is the ambit and extent of that within the country and outside the country? Is it not as important or perhaps more important in the public interest and in the interest of the future security of the Prime Minister, ex-Prime Ministers, Opposition leaders and other VVIPs of this country to punish, as quickly as possible, the 26 accused people who are now being tried; and the other three persons who are still at large to be convicted. Conviction does not mean that they will be immediately punished or they can be immediately punished because there are appeals available to them. Sir, unfortunately, it appears from what has been said from their side — both main Congress and ex-Congress leaders—that they want to bring out a domestic quarrel and fight it out in the Parliamentary forum. I think, it is an abuse of Parliament forum the way the debate has proceeded so far. This is a personal fight being fought out without adding an inch to the interest of the nation. Dirty linen has been washed out by their speeches and innuendoes. From their speeches, one has to know exactly what is the Congress politics to be able to understand who is being blamed and who is sought to be protecting whom and that kind of things. The questions have been asked by Mr. Jaswant Singh, I do not know whether Mr. Chidambaram will be able to answer that. The Commission has definitely said that somebody is being covered up, somebody is protecting somebody and that the delay is deliberate and there is no cooperation. So, there are a lot of things and questions one can ask. These questions could have been culled out and they could have answered themselves and then the debate could have taken place for constructive solution as to what is going to be the course in future. Sir, in the Action Taken Report on the Verma Commission's recommendation, the Government has said that we have asked the State Government to do this and that, we have asked these people but what has happened after that? Now, a few days ago, we saw in the newspapers that for the security of VVIPs, the Government is going to send police people abroad for special training for use of weapons and other Defence equipments and things like that. Three and half years have passed and now the Government is going to do that. So, what do we gain by this kind of debate?

This debate means nothing. It is a barren debate. What is the public interest involved in this, if we are not going to learn a lesson and if we are not able to tell the executive what action they take and make them accountable to this body?

We are all very sorry that this has happened in the case of an ex-Prime Minister. Some people say that it is because of the next Prime Minister. I do not agree. I think that things happened much later. The threat assessment cannot be a static affair. It is dynamic. It can fluctuate from day to day. It can definitely fluctuate from month to month. Non-election and election time, all this will make changes in the threat perception. Somebody should have got the threat

perception before assessment of the actual requirement of security needed before the election came. Who was there at that time? I do not know what the Verma Commission said. I have been the recommendation which is somewhat in the line but not quite in the line because he said that approximates Tamil Nadu police's negligence and lapse and they had no idea. They did not send it either to Tamil Nadu Government's Intelligence Branch, and the Central Government's Intelligence Branch did not disclose the information at their disposal in the proper way to the Tamil Nadu Intelligence Branch. That kind of things are all there. A lot of coordination is necessary. That is Verma Commission report. They said that 'we are arranging for it'. But what coordination has been arranged and in what way, so that this House can be assured that in future this is not going to be the cause for another such miracle? I think that nothing is gained today by this kind of debate.

This is most unfortunate that when it is a case of ex-Prime Minister, we should definitely debate. The credibility of the country is affected if we cannot find what was behind this. But this has happened before also. This has happened in case of Mrs. Indira Gandhi's assassination. What has happened to other cases of riots following the assassination of Shrimati Indira Gandhi? Three thousand people died. What has happened to book those people? Nothing has happened? What has happened to those people who have demolished the mosque at Ayodhya? People were killed. People died. If the judicial system is not attended to properly and if these matters are discussed in the House, only at this time, for personal or factional advantages, then nothing will be gained. We have to address ourselves to this fundamental thing. Why people say that judicial delay is inevitable? Is it inevitable in other countries? If it is not inevitable in the judicial system itself, if it does not happen in other countries from whom we have borrowed and we have imitated the system, why it happens here? Has anybody addressed himself to this problem? In connection with kind of thing only, the question of delay is discussed. Why is it not discussed when ordinary criminal trials do not take place for seven, eight or ten years? When we appeal, the criminal trials carry on for 20 or 25 years. That is happening. But in this particular case, when four years have elapsed, people start shouting. I do not mind shouting. But let something concrete come out for the benefit of the people of this country. The litigants of this country are afraid of going to court. They do not think that they will get justice because justice so much delayed has no meaning at all. This is the current position of the judicial system.

So, in that case, this debate should have been channelised into more constructive channels as to understand what is deficient in this country and not to lay blame and say that this Prime Minister was responsible or that ex-Prime Minister was responsible and all that.

MR. SPEAKER: You have made that point.

SHRI AMAL DATTA: I have made that point but that point needs hammering because these people do not

understand the lesson. It is easy to see that a report has been laid and it is very difficult to take a lesson from the report and to apply it. I am afraid that in not a single case where such judicial inquiries have taken place, we have been able to take the report and to apply that. *(Interruptions)*. You are now controlling the House. Is it?

MR. SPEAKER: We have discussed for three-and-a-half hours.

SHRI AMAL DATTA: I am very much out of tune with what is happening. But this acrimony today in the House has really shocked me and I hope that in future you will not allow a debate of this kind where this kind of personal acrimony takes place and where the House is used for factional battles to be fought out.

*[Translation]*

SHRI MOHAN RAWALE (Bombay South Central): Mr. Speaker, Sir, it has been stated before the Jain Committee that the Government would submit the required documents. Just now, Shri Mani Shankar Aiyar has said that the documents are being shown to them. But the Chairman of the Committee, Shri Jain, has given a statement that

*[English]*

So far, only ten per cent of the documents the Commission had asked for have been made available to it.

*[Translation]*

Moreover, the advocate of the Congress Party has also said that he has not been receiving the said documents. The Government does not want to make public these documents. He has further said:

*[English]*

They have got vast machinery and resources. Everything is with the Government. It is not in common man's hands.

*[Translation]*

It means that what Shri Mani Shankar Aiyar and the Commission have stated is true. It is very unfortunate that the things are moving at a Snail's pace. Death of a former Prime Minister or the husband of a woman is the most unfortunate incident. Even Smt. Sonia Gandhi, wife of our late Prime Minister, has also expressed her concern over the slow progress of this case.

It is very good that Shri Arjun Singh has raised this matter. But it seems that he has raised it so seriously with political purpose. He could have expedited this matter when he has a member of the Congress Party as well a minister in the Union cabinet. But it is unfortunate that he did not do so at that time. I feel that he has raised these points to put the Government in the dock. The Chief Secretary, Shri

Deshmukh had also said this. When Rajiv Gandhi was assassinated, Shri Chidambaram had given a statement.

*[English]*

It expressed satisfaction over the security provided to Mr. Rajiv Gandhi following the withdrawal of the Special Protection Group. It was satisfactory.

*[Translation]*

Therefore, it should be revealed whether the statement of Shri Chidambaram was true or not.

I do not want to take much time of the house. My submission is that Shri Deen Dayal Upadhyaya and Shri Shyama Prasad Mukherjee were also killed. When a person dies, people expressed apprehensions and demand setting up of a Commission of enquiry. Allegations are being levelled against Shri Chandra Shekhar for security lapse. Therefore, Commission's report should come out at the earliest. The way our former Prime Minister was killed and Shri Chandra Shekhar has been ... *(Interruptions)* ... I want to submit that report should be made public at the earliest. I do not know whether it will tarnish their image or not, but the names of the people actually involved in it, should come out.

*[English]*

Dirty political game played by dirty people.

*[Translation]*

This is the feeling of the people when Shri Lal Bahadur Shastri had expired. I had read a statement of his wife Smt. Lalita Devi Shastri which had been published in the 'Dharmayug' magazine. She was not allowed to have a glimpse of the dead body. I am not making any allegation but people feel that perhaps, behind this ... *(Interruptions)*...

*[English]*

MR. SPEAKER: This is going out of record.

*[Translation]*

SHRI MOHAN RAWALE: Therefore, I want to submit that if people feel so, an inquiry should be conducted and a clarification should be given.

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, Sir, we have already taken a very long time. It is not proper to take more time. Some friends, particularly Sharadji said and Shri Amal Dutta also said and I wanted to dig out something new but could not do so. I am afraid, the unanimous decision that we took yesterday is not dimmed by today's discussion. There would not be any new resolution today. But we should not allow yesterday's resolution to be dimmed by today's discussion. That resolution should be implemented in its better spirit. The House passed that

resolution unanimously and the hon. Speaker had brought it forward in deference to the feelings of the Members. In the light of today's debate, that resolution should not be relegated to the background. Sharadji rightly said that our mass media are postmasters in exaggerating things and misguiding people. For many years, through All India Radio and the press, it has been propagated that Sinhalese are our enemies and the persons belonging to LTTE are our friends. At that time I used to tell that they all had gone from India and they were not our enemies. At that time Government and the mass media were of the same view. We are witness to the later developments and murders that took place there.

Sir, our friends rightly said that at that time there was no law to provide SPG cover to the former Prime Minister or the Leader of the Opposition. But the Government can formulate new law. This point had been raised during discussion at that time. When a Government officer was repeatedly demanding, we could enact such a law at that time but we did it much later when we actually felt the need for it. But the way Ayyarji called it a sin, it snacked of mal-intention. By doing so, Ayyarji has done a very wrong thing. I too can use the word 'sin' because

"Patyati Iti Papam, Papaya Parpitam".

(The action that results in loss to some one and is against the public interest is sin.)

But the intention was not involved. There was no law to that effect at that time. Sharadji was then in Government I feel that the Government could make the law and implement it. But after the unfortunate event, we cannot say that there was no need for such a law. But by the way he has tried to raise an accusing finger, he has indulged in a sort of factionalism. I would not call it politics because I regard politics as something sacred and pure and not something unholy and impure, requiring a person to steal here and worship there. But Ayyarji has, by his action, left a bad taste in the mouths of all of us here and has spoiled the atmosphere of the House.

Mr. Speaker, Sir, Shri Chidambaram had assured the House yesterday I need not repeat that all the evidences will be placed before the House by December. If he worked in right earnest, he may perhaps succeed. Since 1939, we have been referring to this legal system about which our friend Shri Amal Datta said that in other country, such a system did not exist ... (Interruptions) In the British Legal system, it is mandatory and that is why they have a dictum—

[English]

Justice delayed is Justice denied.

[Translation]

It is not our dictum; it is theirs. Therefore, it is natural in the British judicial system, that if one has the sources and capacity to fight, one can continue to fight for an

indefinite period. We all want that no guilty person should go scot free and no innocent person should be punished for the life once lost will not come back. We can spend a little more on security but the Government, in order to cover up their failure or negligence, should not have an innocent person punished and claim that the guilty has been punished. This should not happen. Law will undoubtedly take its own course but I will request Chidambaramji to ensure that any more serious mistake is not committed in haste or due to any slackness. Yesterday also, the issue of murders of some innocent persons was raised. Some people were very angry with Rajivji. That was why he was assassinated after a conspiracy. But in riots in Delhi in 1984 and in Bhagalpur in 1989, anger was not directed against any particular guilty person; it was against a particular group. If we do not discuss the massacre committed in these riots—it could not figure in yesterday's resolution as it was not the subject of the resolution and today also Shri Arjun Singh has placed before us this proposal—this House will be guilty of acquiescing in the inaction of this Government in respect of the mass killings in those riots. We will give the impression that despite change of Governments, we are crippled. If we do not raise voice in this House, we will be compounding our guilt. Shrimati Soniaji is the citizen of our country. She is aggrieved. But she gave vent to her grief in Amethi and not in Delhi and that too after 4 years and before the Lok Sabha elections. So it appears to be a case of politics and of factionalism. At this time, she has the right to express her grief. She controlled herself for 4 years and then gave expression to her grief in Amethi. Our mass media are also engaged in this very issue. Therefore, I request that this issue should be considered in isolation with groupism and the factionalism of the Congress party.

(Interruptions)

MR. SPEAKER: It is all right. Now you please wind up.

(Interruptions)

SHRI BHOGENDRA JHA: Sir, the cases of riots that had taken place in 1984, 1989 etc. should also be disposed of expeditiously (Interruptions)

MR. SPEAKER: This was stated yesterday itself.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI AJIT PANJA): Mr. Speaker, Sir, I find that whatever was obtained by this august House yesterday, if you pardon me to say so, has been totally demolished by the situation created today. I was present all through yesterday and also today. The discussion under Rule 193, which you were kind enough to approve and allow was a discussion on the matter arising out of the statement of Shri P. Chidambaram, Minister of State for Commerce on the 25 August, 1995 in regard to the position/status of the Jain Commission and the trial of the accused in the assassination of the former Prime Minister, Shri Rajiv Gandhi.

This was done yesterday, Yesterday. Mr. Arjun Singh, who started by saying the very first line that 'I humbly submit that there is neither any occasion for acrimony nor for any controversy.' Thereafter, Mr. Chidambaram gave a detailed reply and after that reply, after the full reply, Mr. Arjun Singh himself said, 'I am denying myself time and again from going into this matter in detail because it would raise a controversy and controversy is the last thing that I want to raise at this moment of time. I again say, I am not pressing for anything. The Chair should do it in its own wisdom.' I do not know what happened suddenly. Today, this motion is brought in suddenly. After hearing Mr. Arjun Singh, I did not find anything but politics. I did not have that impression. I have a great regard for him. Yesterday, you were very kind enough to sum up and these were the words, 'Well, I would like to say that the way in which the matter has been discussed on the floor of the House is quite appreciable and understandable and it is on occasions like this that the House appears to be rising to very high levels. So, I thank all the hon. Members' Sir, I must say that we could not rise upto your expectations. After what has happened today, the message which yesterday went throughout the country and to all the persons concerned in Parliament—I am very sorry to say—and the message which would go tomorrow would be just the opposite.

Sir, we must not do anything here nor can we say anything, whether it is a matter under *sub judice* or otherwise, by which the guilty may escape. It should not happen because of any statement of ours. We are protected under the rule of this country, the law made by us and the convention of the House. One good thing we did yesterday, that is, we were unanimous, let alone the party to which one may belong. But today, there was acrimony on all sorts of things. Even laugh came from one hon. Member; jokes came from another Member which were absent yesterday. Therefore, I will respectfully submit that this is a matter on which I will make one or two submissions before you as to what is necessary to be done about the entire proceedings. But I must answer the charge made by Shri Arjun Singh today. What is delayed? This charge was there yesterday, but he said that he did not want to raise it because of acrimony. We all know that 'Justice delayed is Justice denied'. But we also know that 'what is done in a hurry is undone in a hurry too'. The verdict of the trial court, which is a designated court, is subject to appeal by the High Court and subject to appeal and supervision by the Supreme Court.

Hurrying them up, having a hot haste, having a fast track of judiciary and saying that the Parliament wants it; and so, expedite the things — all this reminds me of a story of a Judge of the House of Lords who was criticised of delaying in dispensing justice. So, one day he came to the Court and asked the *peshkar* to divide the files into two groups. The *peshkar* divided the 100 files into two groups of 50 and 50. The Judge, showing one group of 50 files to him, said that these 50 cases are allowed and the other 50 cases are dismissed. This is the sort of disposal he did!

Now, we are supposed to be the law-makers and we must, in my respectful submission, not do anything in hot haste. If a hot haste is given or a message is given that everybody is asking, all the Members or the representatives of the people are asking or the legislature is asking to make it in hot haste, then there may be lacunae in cross-examination of material witnesses. In that case, whom would we add? We would add to the culprits and he would go scot-free. It is stated that a hundred more witnesses are there. They have to be cross-examined properly. If they are not cross-examined or the case is not put to such witnesses, then they would go scot-free. there are umpteen number of cases to show that the guilty went scot-free even though everybody knew that 'X' or 'Y' or 'Z' was guilty.

Therefore, my submission is this. What is being delayed? If we see what is being delayed, we would find that there are 41 accused. I will just go one by one. Out of them, 12 dead and therefore, whatever were their activities, they would not be known. Three are absconding; twenty-six are on trial by the designated court. I will give one or two facts more. When did the trial actually start? The charge was framed and the trial actually started on the 24 November 1993, to be exact. The first witness was examined on the 19th of January 1994. What did the court do? The court had entertained and disposed of 399 petitions, twenty-five are before the High Court and three before the Supreme Court. For how many days the court heard? They heard for 212 days; they have examined 183 witnesses; they examined 908 documents and filed them. Five hundred and fifty-seven material objects were already exhibited there. I have been practising for a period of 35 years.

Kindly cite one case in the whole of the world where such a case was disposed of within one year's time or two years' time. Kindly cite one case in India since Independence or even the British period or a case of the House of Lords or any other appeal court. How can you hurry justice in such a case involving an important personality? The admitted facts are: (a) Prime Minister—ex-Prime Minister—was killed; and (b) he is killed in circumstances which show that there was a conspiracy. Not one person or two persons did it. Not one lady with a suicide bomb did it. There is a conspiracy of so many people.

It took about two years to find out and taking the entire thing with the highest type of intelligence agency and with whom? Not only intelligence; but also people from outside. It may be our neighbour or whatever it may be. People from outside were there.

So, to establish a case of conspiracy, a circle had to be established and if there is a delink of one part of that circle, the entire list of accused get acquitted and they go scot-free. They will just start smiling. And what will the nation feel about the judicial system for making it hurry? This is about the designated court.

The next one is the Jain Commission. It held 65 sittings. Mr. Jaswant Singh made all sorts of allegations. He found

some pathological defect' in this Government. I do not know what type of x-ray he is using to find out the pathological defect. But I will request him, with his experience as a parliamentarian, to stand up and cite one case in such circumstances which has been disposed of and effectively bringing the culprit to book. All of us agreed yesterday and it was felt by you that culprits must be booked. The same was uttered by Mr. Arjun Singh. But what is there today; nothing but political drama. Nothing else has happened. You have allowed this motion to come as a resolution to be discussed on the last day.

Thereafter comments were made about Verma Commission's silence about some top witness of Intelligence Wing.

Then there is the third perception. As I said, the first charge started on 24 of November, 1993. And I found Arjun Singh—the Government was formed in 1991—up to 1993. Where was he at that time? Why did not he have the courage to resign and go and tell the people that 'this is what has happened if he loves Rajiv Gandhi so much'? We used to love him. We adore him and we still love him. We respect Soniaji, the widow of our great leader. But he cannot claim that he is the only innocent man and say: 'cover up'; 'cover up'.

I challenge Mr. Arjun Singh to go before the court. What he said today is in the record that he knows many facts. Therefore, he must be a material witness. He must go to the court and stand up for cross-examination and disclose it to the world what has happened. This is what is required. He has stated on oath in this House. He is on oath. We are all under oath. Therefore, he must not only go before the Jain Commission but also before the court of law, be under the oath of the court and give evidence there.

I have no opportunity to cross-examine him. What are his evidences? Who is covering up besides the gentleman sitting there who moved this Resolution for ulterior motives and ulterior purposes. My respectful submission is about the non-cooperation to Jain Commission, the affidavit of Mr. Ahmad Patel, dated in 1993. Is it a new thing that Mr. Arjun Singh is getting for the first time? With greatest respect, I went out and I found there that a message has gone to the country about Rajiv's assassination. We are going to see the light and the culprit should be booked. What I know today is a very sad state of affairs in which we have brought in. It is my respectful submission.

I can only say this in conclusion that we must not do or say anything by which the pending case before the Commission or before the designated court is prejudiced in any way either for the prosecution or for the defence because I do not want that any part of this debate is cited anywhere in court of appeal or in Supreme Court saying that these are the statements made. And, therefore, I have been booked and I have been punished for this reason. This has gone in the mind of the Judge and this is what has happened in the apex body so far as democracy in this august House of Parliament is concerned.

Sir, this is a dangerous stage which might go in and create such a thing and I am very much doubtful that whatever happened today is being manoeuvred in such a manner that Shri Rajiv Gandhi's real assassin is just scot free. What was this up to? If it is this purpose, then I protect it vehemently.

Secondly, guilty must be punished and must not take any shelter under what we say or do in these circumstances. It is not only that; a designated court was formed and you know how it went on. You cite another example since Independence or in any other country that a Minister has been given special charge to see that the conduct of the case goes on properly. We have to wait for some time. The Prime Minister cannot appoint somebody by saying that on the next day, the case should start and say that he appoints a Minister to look after the case. There must be a cause for the Prime Minister to give charge to the hon. Minister, Mr. Chidambaram. And very rightly, everybody knows that he is an astute lawyer. What else could be done? Therefore, in my wishful submission, there is no delay; I fully share the anguish expressed by Soniaji because it is quite natural that she has expressed that anguish. I would have done the same thing if there would be a death in my family to ask as to what the police is doing and what the Government is doing. We always do so. But that does not mean that somebody else will start rejoicing in such and such camps, laughing, garlanding and distributing sweets. Is that the cause for which Shri Rajiv Gandhi laid down his life? Therefore, the last but not least, I am sure that the whole House is aware of it. A Committee of Presiding Officers decided as to what should be done in such circumstances. The first thing that the Committee decided is there in the Page Committee Report at paragraph 30 quoted by Kaul and Shakhdar. Kindly let us all know this.

"Freedom of speech is a primary right whereas rule of *sub judice* is a self-imposed restriction. So, where need be, the latter must give way to the former."

Therefore, I request you that the latter, namely, the rule of *sub judice* which we have self-imposed—there is no law—must give way to our right to speak for a simple reason and very good reason. Out of the nine or ten principles, they have quoted it as the first principle that the case must not be prejudiced neither for the prosecution nor for the defence under any circumstances, so that the guilty may not go away. The law of the country is, guilty may escape but innocent must not suffer. We always forget that the guilty may escape but innocent must not suffer. So, we must not do something by which the guilty escapes and the innocent suffers. Hon. Members should realise that it is a criminal case. It is a criminal case in which there should not be even a benefit of doubt. Had I been the Defence Counsel, I will go and say, "Here is a Cabinet Minister, Mr. Arjun Singh. He has stated this inside the floor of the House and therefore, there is a great doubt; the entire facts have not been brought before you, My Lord. Therefore, you please allow me to go scot free as there is a benefit of doubt." This is what you are at, Mr. Arjun Singh, and wanted me to do. This is what

has been done today and not yesterday. I am very sorry to say this. Therefore, my earnest appeal to you is, kindly go through the entire record and if you find anything there which may prejudice the case pending before the Commission or the trial court, please do expunge it from the proceedings. I know that the rule you have got is it should not be expunged ordinarily and you may say that I may limit the argument but here you have allowed it in an extraordinary way. It was discussed yesterday, and again, you have allowed it to be discussed today under Rule 193 ... (*Interruptions*)...

MR. SPEAKER: Everybody wanted this discussion.

SHRI AJIT PANJA: I am sure that everybody wanted this discussion but kindly go through the record. My only appeal is this ... (*Interruptions*)

SHRI HARI KISHORE SINGH (Sheohar): I am on a point of order ... (*Interruptions*)...

SHRI AJIT PANJA: I am not yielding.

MR. SPEAKER: It is a point of order; you have to yield.

SHRI HARI KISHORE SINGH: Sir, in his long oration in this House, I think, he is casting aspersions on the Chair by saying, 'you allowed this discussion under Rule 193.' He is casting aspersions on the Chair.

SHRI AJIT PANJA: What aspersions?

SHRI HARI KISHORE SINGH: Sir, you go through the proceedings and if you find also remove it.

MR. SPEAKER: I do not think he is casting aspersions on the Chair.

SHRI AJIT PANJA: That is the problem. They do not know what is 'aspersion' even.

SHRI HARI KISHORE SINGH: I do know. I am not as learned as you are. I did not get my degree from London but from oxford. (*Interruptions*) I know you are rejuvenated after you were treated in London.\*

SHRI BHOGENDRA JHA: Sir, these things should be expunged from the proceedings. How are we discussing this issue?

MR. SPEAKER: I will expunge the conversation between them.

... (*Interruptions*)

SHRI AJIT PANJA: Sir, I know, at the end of my submission I am making a point on which they will feel agitated. This was not the position yesterday in the House. This has come in today.

Sir, therefore, my last point is, keeping in view the rules and procedures I cited, kindly go through the entire proceedings and please delete and expunge such things which may not help the culprits...

MR. SPEAKER: What is the evidentiary value of the statement on the floor of the House is a different issue. Let it be decided by the Judge.

SHRI HARI KISHORE SINGH: Sir, I had sent a notice to participate in this debate through the leader of my Party Shri Chandra Jeet Yadav.

MR. SPEAKER: Do you want to speak?

SHRI HARI KISHORE SINGH: Yes Sir.

MR. SPEAKER: You will be given a chance.

SHRI SRIKANTA JENA (Cuttack): Sir, Shri Ajit Panja has raised certain issues which needs your ruling.

MR. SPEAKER : Which ruling?

SHRI SRIKANTA JENA: Sir, Shri Ajit Panja has said that his debate may be a hindrance in the proceedings in the designated Court.

MR. SPEAKER: I do think that this kind of a debate can be argued upon for this purpose. But then there is a law of evidence which will be applicable to it. Yes, Shri Hari Kishore Singh.

SHRI HARI KISHORE SINGH: Sir, we are not interested in the ding-dong battle between Shri Arjun Singh and the Members of the Treasury benches. What we are interested in is certain issues which have been raised in this House. The first point is, accusing fingers have been raised against the National Front Government about the negligence or neglect or *paap* of the National Front Government for which Rajivji, unfortunately could not be with us today.

Sir, I strongly deny this. There was no neglect by the former Prime Minister of the National Front Government. If there is any accusation, this should be cleared once for all. Then Shri P. Chidambaram was the Security Advisor to late Rajiv Gandhi there were some correspondences between Shri Chidambaram and the Government of the day. I had the occasion of meeting regularly Shri Kamalapati Tripathi—for whom I have great respect—and also discuss with him about it. He was very much satisfied with the security arrangements that the Government was making at that time.

Sir, Shri B.G. Desmukh—the Principal Secretary to then Prime Minister and also Principal Secretary to late Shri Rajiv Gandhi when he was occupying that office in his observations in an article in *The Times of India* maintained that there was no negligence on the part of the National Front Government in providing security to late Rajiv Gandhi.

\*Expunged as ordered by the Chair.

**22.00 hrs.**

Now, Sir, I would also like also to remind the House of the senior police officers who accompanied Shri Rajiv Gandhi at that time and died along with him. That was the highest number of security people ever died in a case of assassination any-where in the world. That should also be noted.

Sir, it is very unfortunate that after the Second World War, one after another, every country in South-East Asia had suffered because of assassination of its leaders beginning from our Father of the Nation. That conspiracy as to who was responsible for the assassination of the Father of the Nation—not a particular Nathu Ram Godse who pulled the trigger—is yet to be unveiled. The same thing had happened in Burma where Mr. Aung Sang was assassinated. The same had happened in Sri Lanka where Mr. Bhandaranayake was assassinated. The same thing had happened in Pakistan where Nawab Liaqat Ali Khan was assassinated. And in our country not only a former Prime Minister who was also a scion of from an illustrious family of freedom fighters was assassinated near Madras, but and a serving Prime Minister was assassinated in her own house.

So, the perception of security threat and the efforts to save lives is a very serious problem and I have not yet heard of any conclusive evidence in the case of any conspiracy of any assassination of this sort anywhere in the world. I have even gone through the reports of the Warren Commission of the United States which had gone into the case of assassination of President Kennedy. Nothing concrete had come out of it. Sir, we have not been able to expose the conspirators behind the assassination of late Shrimati Indira Gandhi for whom I have great respect. We are not able to expose the conspirators of the assassination of several people and officers some of whose names have been referred to by Shri Jaswant Singh ji, Shri Sharad ji, Shri Bhogendra Jha ji, Amal Datta Ji and others.

Sir, in this context I would like to raise a few specific questions. Sir, we charge this Government of incompetence in this case, not from any partisan angle. Sir, Shri Arjun Singh ji has referred to an affidavit or a letter addressed by the General Secretary of the Congress Party Shri Ahmed Patel to the Jain Commission. That is a public document. I would like to know whether that letter sent to the Jain Commission was authorised by the President of the All India Congress Committee or not. If that was authorised by the President of the All India Congress Committee, why has the Government not provided those papers to the Jain Commission when both the President of the All India Congress Committee and the Prime Minister of the country is one and the same person. I would like to know as to why and how this dichotomy has occurred. I would like to know this from Shri Chidambaram. He should clarify whether that document was authorised by the President of All India Congress Committee or not. If that was authorised by the President of the All India Congress Committee, why this

Government is denying those documents to the Commission?

Secondly, various charges and allegations have been made before the Jain Commission against two former Prime Ministers, Shri V.P. Singh Ji and Shri Chandra Shekhar Ji by the lawyer representing the All India Congress Committee, Mr. Mittal. I would like to know whether these are authorised versions or not. The House would like to know whether Mr. Mittal was authorised by the President of the All India Congress Committee to make those charges. If it is so, what is the response of the Government to those charges?

Sir, we are interested in knowing the truth, not that this truth viz., the exposure of the conspirators, is going to bring Shri Rajiv Gandhi back to life; not that it will give any substantial solace to the bereaved families, but we want to ensure that such things should not happen due to human error to other Leaders of our country.

Sir, we have discussed in this House the issue regarding nexus between criminals and politicians of every hue and cry; criminalisation of politics. So, there is a danger to the security of our important national Leaders. You yourself can see the kind of security or threat perception which is there in our country. That, of course, we can see in our own Parliament House everyday where various modes of people come with black guards or black cats and all that. So, I would like that this House, on a future date, should discuss this problem threadbare so that the security of our Leaders can be guaranteed, that can be secured to the extent it is humanly possible. I do not want to impute any motives. I would like that the atmosphere of yesterday should prevail here and we should discuss this thing in an atmosphere befitting the dignity of this august House and the response from very sober person like Shri Chidambaram should come the way it had come yesterday so that the country may know what we are going to do to clear the doubts which have shrouded this assassination and the process of trial and the inquiry and also ensure that in future we are not made to suffer because of neglect by our administration or because of human error.

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI. P. CHIDAMBARAM): Mr. Speaker, Sir, I thought that my statement yesterday in the House would have set at rest any doubt about this Government's commitment to pursue diligently both the trial in the designated court and inquiry before Justice Jain Commission. It is my misfortune that I could not carry conviction, at least, with some hon. Members of this House. I had premonition of this yesterday. I said there is truth and there is perception. Truth is eternal, truth is unchangeable, truth cannot be altered, but perceptions can change. The perception of truth can change from person to person, can even change from day to day.

Yesterday, Sir, I said, it is not enough to be truthful. The world must perceive one to be truthful. If I have failed to communicate yesterday that this Government will be diligent,

is determined to take the trial and inquiry to their logical conclusion, then that failure is entirely mine.

This Government has entrusted to me today the responsibility of coordinating these matters. Whatever may have happened until the 23rd of May, 1995, after the 24th of May, 1995, I am responsible not only to discharge these functions but to convince Shri Arjun Singh and others like him as well as this House, as well as this country that this Government will be diligent and is determined.

Sir, many things have been said today. It is four hours and ten minutes since we started this debate. Many answers have been given. The people of India will read about it tomorrow. May be many of them will see us speak, at least parts of our speeches will be seen tomorrow. In an insensible way this will affect the minds of the people. We cannot wish that away. My duty is to achieve two objectives. One, the Special Investigation Team appointed by the then Government within days after the assassination of late Shri Rajiv Gandhi has filed a report that 41 people, out of whom 12 are dead, were the conspirators and were the assassins. I am not the Judge. My duty is to ensure that those who stand trial before the designated Court get Justice according to law. My duty is to ensure that that trial does not end in a mistrial; that the accused, if guilty, are punished, that not tomorrow, not next year, not the year after, not before the Trial Court, not before the Appellate Court, not before the President of India, anyone found guilty escapes the clutches of law. That is my first duty. And I shall not say or do anything which will compromise that duty which I hold to be the highest duty.

Sir, my second duty, speaking as a Minister for the Government, is to assist the Jain Commission of Inquiry, to complete its inquiry on the terms of reference made to it and to report to the Government, who, in turn, will report to this Parliament whether there were any other conspirators, whether there was any other conspiracy and then direct what shall be done about that conspiracy and those conspirators. Please look into the terms of reference of the Justice Jain Commission. My duty, Sir, as a Minister, is to assist the Jain Commission of Inquiry, not to obstruct it. My duty is to provide all information that the Commission wants, all information that I find is available within the Government, not to deny that information. My duty is to help the Commission sift the grain from the chaff because it is common knowledge that there is grain and there is chaff in what has come before the Commission.

An hon. Member mentioned, with some sense of regret that two former Prime Ministers have been accused before the Commission. Who am I to judge? My duty is to help Justice Jain Commission of Enquiry, sift the grain from the chaff and find if there are any conspirators and there has been any conspiracy. I shall not do or say anything which will compromise that duty also. In that background, I have to be brief, I have to choose my words carefully. I have to be restrained I have to show great respect to the arguments as well as those who have argued their positions. I have no

acrimony against anyone. I was happy to be a Minister in this Government in the first year. I was happier not to be a Minister in the Government.

Sir, five separate issues have been mentioned and I shall answer each one of them briefly. There is a petition by the AICC before the Justice Jain Commission seeking the production of certain documents. It is signed by the General Secretary of the AICC, Mr. Ahmed Patel, a respected Member of the Rajya Sabha. His counsel has also signed the petition. The petition is a petition before a judicial Commission and the Commission has passed orders on this petition. These orders are public documents. Anyone can look into these documents to see what orders were passed and how those orders have been complied with. I have to answer what seems to be uncharacteristically for Shri Arjun Singh, an outrageous suggestion that I have something to do with the drafting of the petition. This petition mentions my name in one place as having represented to Shri V.P. Singh Government. My name has 11 letters. This petition also spells my name with 11 letters. Two of the 11 are wrong. If Shri Arjun Singh had bestowed some attention, as he usually does, to that petition, the language, the spelling, he would have done me a little more credit than attribute to me authorship of that petition.

SHRI JASWANT SINGH: AICC General Secretary has done it.

SHRI P. CHIDAMBARAM: He said, 'I have said it'... (*Interruptions*) I am not on that part.

SHRI JASWANT SINGH: Then, what is your suggestion? You make your suggestions quickly.

SHRI P. CHIDAMBARAM: I am. I am going to finish within five minutes subject to the hon. Speaker's permission... (*Interruptions*) Please show some mercy on me. I have nothing to do with this petition. For the first time I saw this, after I took the responsibility and I went through this petition to see how many of the orders have been complied with and what is the state of compliance.

Sir, about Mr. Mushtaq Ahmed, from the records I know that a person by that name had filed a writ petition before the Delhi High Court. The Delhi High Court has passed certain orders in that petition. Objection has been taken by some of the respondents to the *locus standi* of the petitioner. The matter is *sub judice*. I have no comments on the petition of Mushtaq Ahmed.

I now come to the examination of the three Chiefs of the three intelligence organizations. Pursuant to order issued by the Justice Jain Commission, the IB, RAW and CBI, besides other organizations like the Central Government and the Government of Tamil Nadu, have filed affidavits in response to orders made by the Justice Jain Commission. Along with these affidavits they have produced documents and where they are unable to produce documents they have given reasons why they are unable to produce documents

and where they have claimed privilege, they have claimed privilege. Each one of these affidavits has been examined by Justice Jain and appropriate orders have been passed.

These orders are public documents and they can be examined. At one stage, a petition was filed to summon the three Chiefs for cross-examination. This House will kindly remember that the current Chiefs of the three organisations were not the Chiefs of the three organisations when the assassination took place or in the period immediately prior thereto. They have, therefore, no personal knowledge of events that happened either on that day or on the days preceding thereto. They have filed affidavits setting out the official version.

During the course of submissions, it appears that a suggestion was made by one of the counsels for the Central Government that there may be no requirement to cross-examine the three chiefs. When I was told about it, I overruled that decision and I said, 'No. The three Chiefs will appear and will subject themselves to cross-examination.' In fact, I made a public statement next day that the three Chiefs will appear before the Justice Jain Commission and will be available for cross-examination. In fact, the law is self-evident. Anyone who files an affidavit, even if it is based on official records must make himself available for cross-examination. What is the nature of the cross-examination, and to what extent the Judge will permit cross-examination are different matters. But he will have to make himself available for cross-examination. So, that is the position. The three Chiefs will be available. It has been stated that the three Chiefs will be available for cross-examination. The Judge has started the cross-examination of one of the junior officials and it is for the Judge to decide when and whether and to what extent he will allow cross-examination of the three Chiefs.

A reference was made to Counsel for the Commission. This is dealt with, by the Home Ministry and I have been instructed to state that Shri Arora, who I believe is an elderly gentleman, tendered his resignation. He tendered his resignation some time ago; it was accepted on the 24 August, 1995. A communication has been sent to the Jain Commission and the new appointment in lieu of Shri Arora was also made on the 24 August, 1995. So, the only significance of the date, 24 August 1995 is that is the date on which the resignation tendered earlier had been accepted after consideration by the appropriate authority in the Home Ministry.

A reference was made to the Security Adviser. There was a Security Adviser to the Commission. He reverted to his State cadre. Since then, there was correspondence, I am told, between the Ministry of Home Affairs and the Commission about the selection of a suitable successor. Some names have been offered, some suggestions have been made, some officers are not available. A selection will be made very soon. It is important that the Commission has a Security Adviser to advise the Commission on security

aspects relating to the case, not the security of the Commission, but security aspects relating to the case, because the case involves some expert knowledge about security matters. I have requested the Ministry of Home Affairs to ensure that a Security Adviser is appointed as early as possible and to the extent it falls within my jurisdiction I shall ensure that a Security Adviser is appointed.

A reference was made to the Verma Commission Report. I did not contemplate that this debate was on the Verma Commission Report. Yesterday, my response was confined to the Jain Commission of Inquiry and the Inquiry going on there and the trial before the Designated Court. The Verma Commission has been debated on the floor of this House. Follow-up action has to be taken. The Group of Ministers has recommended certain actions. These actions are being taken including disciplinary action as recommended by the Group of Ministers against certain officials. That again is a quasi-judicial proceeding.

No one can prejudge and no one can express an opinion on these quasi-judicial proceedings, lest it should affect the reputation of the officers concerned or the independent judgment of the authority who must take a view on whether the officer is guilty or not.

Therefore, in conclusion, I wish only to state that I stand by whatever I said yesterday. I promise the fullest cooperation on behalf of the Government to the Jain Commission of Inquiry. I assure this House that the prosecution will do its very best, as I said yesterday, God willing, to complete the evidence before the designated court by December. I assure this House that all other matters which require follow-up will be followed up diligently. I shall act without fear or favour. I shall act according to the dictates of my conscience. I shall act according to the Oaths that I have taken as a Minister and as a Member of this House. I speak for the Government, I speak for the Prime Minister and the Ministers. I say that there is no one of this Government who holds a view different from the view that I have expressed, that we shall collectively and I shall because I am the Minister in-charge, ensure that the trial before the designated court reaches its logical conclusion and the inquiry before the Justice Jain Commission also results in a report to the Government which will, of course, be placed before Parliament.

Yesterday I left this House in a sombre and reflective mood asking myself what more do I need to do to ensure that I discharge my function. Today, Sir, I will leave this House a little sadder because of the things that have been said. But I shall look to you, if you wish, this is a humble submission, to reiterate the summing up that you did yesterday which I thought was an act reflecting the high degree of unanimity that this House expressed yesterday and in a way reflected the resolve of this Parliament and the people of India that all those who were responsible directly or indirectly as conspirators for the assassination of late Shri Rajiv Gandhi are brought to book.

Sir, I conclude my remarks with a hope that if history were to judge, it will judge us by saying that we did our duty. I promise that his Government will do its duty.

[Translation]

SHRI MOHAN RAWALE: What Chidambaramji said is right. But why is Government concealing the reality? Justice Jain of the Jain Commission himself said:

[English]

"...and say that relevant documents were being concealed and suppressed."

[Translation]

Why is he saying so? Why did the National Herald intervene in it? Why were documents not made available to him? The reality should come out.

MR. SPEAKER: All right.

[English]

MR. SPEAKER: It seems there is not right of reply. But very briefly you may speak.

SHRI ARJUN SINGH (Satna): Sir, I will take a very little time. I would only like to say that my task has been made much easier because of the reply that my hon. friend, Shri Chidambaram gave and also because of the impassioned a speech the hon. Minister, Shri Ajit Panja gave. To Shri Panja, I would like to say one thing, "I know you are a very meticulous man. Kindly go through my entire speech of yesterday and today, and if you find one word there about the trial in Madras, I plead guilty, and you give me whatever punishment you in your judgement would like to give."

Even today when I started to read from a document, to which Mr. Chidambaram took objection, I submitted the same to the hon. Speaker and I await his judgement on that. I did not say anything out of that because Mr. Chidambaram said that anything read out of that could affect adversely the trial there.

You have waxed eloquence that my speech will help those people who are under trial at Madras to escape justice in the designated court. I do not ask you to have any regrets for what you said; but please, in future, say something which bears some relevance to fact.

You have mentioned as well as Shri Chidambaram has mentioned the very laudable sentiments that were expressed in the House yesterday which were beautifully summed up by the hon. Speaker. And today's debate which, in your view, was deliberately asked for to create an anti-climax for yesterday. Though you have not used those words, the import of your words is very clear.

Sir, yesterday time and again I mentioned that at this moment of time we should not go into details and acrimony

should be there. I do not know what prompted Shri Chidambaramji yesterday because it was not an occasion; nobody asked him to give details; nobody asked him to tell us what he is doing and what the Jain Commission cannot do and where it stands. But that part of his speech, when it came to truth and perception, which he has again repeated today, it appears that some people feel that both truth and perception are on their side. I had said yesterday that there is a dividing line. Never believe that you are on the side of truth and others are only on the side of perception and the twain can never beat. It has not happened. It does not happen in life. It is because of that, this discussion was raised. And if, even today, I have been circumspect, I have been very careful to choose my words, I have not said anything on my own. I quoted Justice Verma. If he feels that there is a cover-up, I think I am quite within my rights to echo what he has said. That too, because as I said, Sir, there was an occasion when the follow-up to this Commission's report was a subject matter of discussion in the GOM (Group of Ministers). I tried my level best to see that something which was not presented to Justice Verma and which led him to the conclusion that the replies are evasive, if those facts could be ascertained, then in the follow-up action at least the Government could do something about it.

But all that was not possible. It is very well documented in all my letters. I had no honourable way out except to tender my resignation. I am sorry if that has angered you. If that has annoyed you, please forgive me. But in all good conscience I could not have remained in a Government which is not prepared in the normal course of events to go to the bottom of what all of us perceive as one of the most dastardly crimes in the recent past.

The second thing is about the Jain Commission. I never said anything on my own. It was said yesterday that case diary cannot be given and privilege has to be claimed. I only asked today and I am asking now: 'Has the case diary been shown to the judge?' Do not give it to anybody else; has it been shown to the hon. Justice Jain himself?

To the best of my knowledge it has not been shown.

Sir, the question of winding up of the Commission was raised. I think you made a specific mention and that is why in the very beginning—Sir, you will recollect—I had made the point that since Mr. Chidambaram had confined himself to 90 days, who is going to answer the rest? Your ruling was—at least that is what I understood it to be—that he is quite capable, I am not at all in doubt about that, to answer everything. I want to know what is the reason for bringing this matter before the Cabinet for winding up the Commission. And I want to say, in all sincerity, Sir, that such a matter cannot be brought in the Cabinet for consideration without the clear permission of the Prime Minister. That is the rule of business. No Secretary or nobody else can smuggle in a paper for consideration of the Cabinet. You have not said anything about it. It is a different matter that the Cabinet did not agree to it.

Sir, what has been said about the case in the court? It was open to the Government to go straight to the court and say: "We do not want pre-1987 matters to be discussed or considered in the Commission". I do not see any court refusing your request. They would have gladly done it. But that was not done and a subterfuge was used. A person who has no *locus standi*, stood up and brought about the decision. Now, this is all indicative, as I said in the beginning, of the sincerity of the effort to unravel the conspiracy and the full facts that led, the security lapses or whatever else you may call, to this tragedy. This can only be determined by the manner in which you are going about it.

I do not want to quibble with words; neither do I want to use a language which has 10 meanings. I am saying directly and precisely that the suggestion made by Justice Verma of a cover-up has a basis and that basis must be exposed; whoever is responsible must be exposed. We do not only have to punish those people who are guilty and standing trial, but those who are trying the cover-up, those who are involved in it, those people who, behind the thin weird of respectability and social standing, are trying to prey upon the feelings of the people of this country, that also cannot be ignored and that is the reason for this discussion. I am sorry to say that Mr. Chidambaram and his colleague have totally lost sight of the real objective and they have gone on to say things which have nothing to do with this. This only shows, and as Justice Verma has said, the evasiveness and prevarication. I do not think this House will understand what has been said. Certainly it cannot understand and will not be satisfied. He has said that he is making a commitment to this House. I am not as big a person as he is. But as a humble public worker, I am also making a commitment to this House, not on my behalf only, but on behalf of the millions of people of this country that we shall not rest till this conspiracy is unravelled and the faces of those who are trying to have and those who had a hand in the assassination of Rajiv Gandhi are fully exposed; whatever be the cost, whatever be the consequences, that will be done.

This is what I want to say and I would like to thank you, Sir, for the occasion that you gave for this thing to be brought here in this House. And I am also grateful to all the Members of this House who have taken part in this discussion, yes, with varying objectives and varying perceptions. They have a right to say that. But the fact remains that the purpose has not been served and for that, those who are responsible are not here. I cannot fully blame Chidambaramji, because he only knows about the recent 90 days.

MR. SPEAKER: The House appears to think that we should move with speed in all tragic cases in the country and that we should do justice to all, in all cases and that we should refrain from saying things against each other.

Well, I have a report to make to the House.

SHRI ARJUN SINGH: Sir, I am sorry, I should not be interrupting you but you had said that you would see that document and then tell me. You mean in the next session.

MR. SPEAKER: I have seen the document. But I think, I shall have to apply my mind more to it and then only it is better to state.

SHRI ARJUN SINGH: Thank you, Sir. All right.

MR. SPEAKER: But *prime facie*, without going deep into all legal aspects, my sum of it is that it may not be necessary to have it on the record. I am saying it *prima facie* not final judgement.

SHRI ARJUN SINGH: What *prima facie*, Sir, I did not hear it.

MR. SPEAKER: I have said that I have gone through the contents of the document. To do justice and to understand things in the House it may not be necessary to have it. But this is not my final judgement. When you are talking and others were talking, I was going through it.

22.42 hrs.

#### VALEDICTORY REFERENCES

[English]

MR. SPEAKER: Hon. Members, the fourteenth Session of the Tenth Lok Sabha which commenced on 31 July, 1995 is coming to a close today. I would like to recapitulate briefly about the legislative and other business transacted during this short Session which had 16 sittings lasting over 110 hours.

Out of 340 Starred Questions, which were listed, 49 could be orally answered and written replies were given to the rest of the 291 questions. 3525 Unstarred Questions were answered.

Twelve statements on important matters were made by Ministers, *suo motu*. In addition to this, two statements regarding Government Business were also made by the Minister of Parliamentary Affairs. Ninety-two matters were raised by the hon. Members under Rule 377.

A Calling Attention on Drought and Flood situation in various parts of the country was also taken up on 2nd August, 1995.

As usual, in the interregnum between the Question Hour and the regular listed business referred to as 'Zero Hour' with the permission of the Chair, Members raised many unlisted matters, important among them being—problems faced by major public sector undertakings, transfer of lease of Bailadila Iron Ore Mines, Madhya Pradesh to a private company, progress made in the investigation in the Rajiv Gandhi assassination case. On these occasions, the Ministers concerned responded to the points raised by Members.

Resolutions on the 50th Anniversary of the tragedy of the Atomic bombing of Japanese cities of Hiroshima and Nagasaki and the 53rd Anniversary of the 'Quit India

Movement' launched on 9 August, 1942 were adopted. References were made regarding the tragic train accident near Ferozabad between the Purushottam Express and the Kalindi Express on 20 August, 1995. Felicitations to the team of doctors of All India Institute of Medical Sciences for doing successful heart transplantation surgery was paid.

In the sphere of Legislative Business, eight Bills were introduced in the Lok Sabha and in all 19 Bills were passed by the House, important among them being: The Sick Textile Undertakings Nationalisation (Amendment) Bill, 1995; The Textile Undertakings Nationalisation (Amendment) Bill, 1995; The Wakf Bill, 1995; The Constitution (Eighty-First Amendment) Bill, 1995; The Sixth Schedule to the Constitution (Amendment) Bill, 1995; Technology Development Board Bill, 1995; and Research and Development Cess (Amendment) Bill, 1995.

Coming to the financial business, the Demands for Excess Grants for 1992-93 and the Supplementary Demands for Grants (General) for 1995-96 and Demands for Grants (Jammu and Kashmir) for the year 1995-96 were discussed and voted in full by the House.

A short duration discussion under Rule 193 on the statement made by the Prime Minister in the House on 21 August, 1995 regarding the situation arising out of train accident near Ferozabad on 20 August, 1995 lasted for more than five hours in which 24 Members participated and the Prime Minister replied.

A motion urging the Government to take action on the Vohra Committee Report regarding criminalisation of politics without any delay was adopted on 23 August, 1995 after it was discussed for more than eight hours in which more than 20 Members participated.

Another motion on the 'Draft Agriculture Policy Resolution (as modified)' laid on the Table of the House on 14 May, 1993 was discussed for more than 12 hours with 39 Members participating in it. The Members continued to show their enthusiasm towards Private Members' Business during the session. As many as 15 Bills on different subjects were introduced during the Session. The Bill providing for the reservation in Parliament and State Legislature for other backward classes, motion for consideration of which was moved by Shri K.P. Reddaiah Yadav during the last session even after discussion for about five hours, remained part discussed at the end of this session.

The resolution regarding prevention of atrocities on SC/ST moved by Shri Satya Deo Singh received the whole-hearted support from the different sections of the House. The resolution was later withdrawn by leave of the House. I think we should devote our time more on making policies, laws and discussing budgets, the political policy matters, political matters, financial policies, social policies and international situations. That would make the system we follow more vibrant, useful and make our nation and society stronger, civil and vibrant again.

I take this opportunity to thank all the hon. Members for the kind cooperation extended to me and my colleagues—hon. Deputy Speaker and members of the Panel of Chairpersons—in the smooth conduct of the business of the House, with a few exceptions which do not and should not lead to rancour in our hearts. I would especially like to thank the Leader of the House, the Leader of the Opposition, the Leaders of various parties and Groups as well as the Whips, Officers of the Secretariat and media persons for the unstinted cooperation and courtesy extended to me, without which my task would not have been easy.

THE PRIME MINISTER (SHRI P.V. NARASIMHA RAO): It is very clear from what you have read out as recapitulation of the session that we have transacted considerable business and considerably important business. One would hardly realise that this has been done until one goes through the items one by one. I am happy that we have completed this session successfully and I would like to express my gratitude to all the hon. Members who have made their contributions in this session and particularly I would like to thank you for the manner in which you have conducted the business of the House which, of course, as usual runs into rough weather now and then. You have perfected the art of riding over all crises that come and we value this very much.

MR. SPEAKER: I do not think that this happens always.

SHRI JASWANT SINGH (Chittorgarh): Sir, it is a very unusual Session. It started late, much later than it ought to have. It was a fore-shortened Session when it got fractured and characteristically it is ending the debate. I am, therefore, not going to test the patience of the House. I would very fulsomely thank the Treasury for granting us so many opportunities to criticise them. I am sure, in the coming Session also, they live up to this ... (*Interruptions*) I thank you very much for steering us through this very tricky show and choppy water. But we still steered them well.

[*Translation*]

SHRI SHARAD YADAV: Mr. Speaker, Sir, today is the last day of this session and it is quite late in the night. I left my home in the morning and have not taken my meals today. Therefore, I am dead lived. You have recapitulated about the legislative and other business transacted by the House during this session. I do not want to take more time. My only submission is that this House is the biggest panchayat of this country and when questions are raised here, some heat is naturally generated. Mr. Speaker, Sir, we also at times put you to great inconvenience. In such a big House with such a large number of Members, some tense moments are bound to be there. We are also anxious to get the replies of our questions and sometimes we also put a great deal of pressure in getting our questions admitted. So, this session was quite exacting for you, for treasury benches and also for others. As I said earlier, I am quite tired and would beg leave of you. Thank you.

SHRI MOHAN RAWALE: Mr. Speaker, Sir, your ability and patience to take all along with you is indeed

commendable. A very big incident had taken place here. Our brother Shri Sharad Yadavji... but thanks to your greatness and good intentions, everything was over. Sir, I wish to make one request to you. Just now, Shri Srikant Jena tried to raise a matter from the core of his heart. Please do not refer this matter to the Privileges Committee. We were new to this House. This last day, being the day of departing, is always sad. We indulge in all sorts of criticism but we have learnt a lot here. Our elder brother Sharad Yadavji, Srikant Jenaji, Saifuddin Choudharyji,...

MR. SPEAKER: Mr. Rawale, everything will be all right. Please come to the next point.

SHRI MOHAN RAWALE: I wish to express my feelings about them. Sir, I learnt a lot from Sarvashri Rao, Janardanan, Jaswant Singh, Advani, Indrajit Gupta, Somnath Chatterjee, George Fernandes, Rabi Ray, Bhogendra Jha, Arjun Singh, and Amal Datta. I am thankful to you for giving me an opportunity to speak and also the Government for bringing forward the proposal for the nationalisation of mills.

SHRI BHOGENDRA JHA: I associate myself with the sentiments expressed by the hon'ble Prime Minister and other hon'ble friends on this occasion. I would also like to say that we have devoted a lot of time and have toiled hard to make Parliamentary democracy successful in our country. We will make further efforts in future also so that

Parliamentary democracy yields better results for our country and Parliament, becomes more effective and works along smooth lines to impart to us a sense of achievement and fulfilment. I feel that learning from our experiences, we shall make rapid strides in this direction. With this hope, I thank you very much.

SHRI HARI KISHORE SINGH: Mr. Speaker, Sir, I wish you a very happy and delightful journey abroad and safe return to the country.

MR. SPEAKER : Thank you.

[English]

MR. SPEAKER: Now the hon. Members may stand up as Vande Mataram would be played.

22.55 hrs.

*National Song*  
*The National Song was played*

MR. SPEAKER: The House stands adjourned *sine die*.

22.56 hrs

*THE LOK SABHA THEN ADJOURNED SINE DIE.*

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