

under sub-section (2) of Section 38 of the Central Excise Act, 1944:-

- (i) Notification No. 22/97-CE (N.T.) published in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum regarding collection of excise duty on these ingots and billets on the basis of the annual capacity of the factory manufacturing such ingots and billets.
- (ii) Notification No. 23/97-CE (N.T.) published in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum regarding collection of excise duty on specified products on the basis of the annual capacity of production of the factory manufacturing such products.
- (iii) The Induction Furnace Annual Capacity Determination Rules, 1997, published in Notification No. 24/97-CE (N.T.) in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum.
- (iv) The Hot Re-rolling Steel Mills Annual Capacity Determination Rules, 1997, published in Notification No. 25/97-CE (N.T.) in Gazette of India dated the 25th July, 1997 together.
- (v) Notification No. 26/97-CE (N.T.) published in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum seeking to amend Notification No. 5/94-C.E. (N.T.) dated the 1st March, 1994, with the aim of not allowing the credit of duty paid on.
- (vi) The Central Excise (Sixth Amendment) Rules, 1997 published in Notification No. 27/97-C.E. (N.T.) in Gazette of India dated 25th July, 1997 together with an explanatory memorandum.
- (vii) Notification No. 42/97-C.E. published in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum seeking to prescribe a rate of Rs. 750 per metric tonne of the annual capacity of production as the duty of excise chargeable on specified ingots and billets of non-alloy steel.
- (viii) Notification No. 43/97-C.E. published in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum seeking to prescribe a rate of Rs. 400 per metric tonne of the annual capacity of production as the duty of excise chargeable on specified hot re-rolled products of non-alloy steel.
- (ix) Notification No. 41/97-C.E. published in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum seeking to amend notification No. 16/97-C.E. dated the 1st April, 1997.
- (x) Notification No. 45/97-C.E. published in Gazette of India dated the 25th July, 1997 together with an explanatory memorandum seeking to amend notification No. 38/97-C.E. dated 27 June, 1997.

[Placed in Library. See No. LT 2185-A/97]

14.25 hrs.

Serious Situation Arising out of the Recent Developments in Bihar Contd.

[Translation]

SHRI ANANT GANGA RAM GEETE: Mr. Deputy Speaker, Sir, yesterday when the Leader of Opposition was speaking on the adjournment motion, he was interrupted every time. He was interrupted time and again. He expressed his views for one hour but he could speak properly for ten minutes out of that one hour. When the Leader of Opposition is interrupted in this House then you can imagine the situation in Bihar. We have read in the newspapers that the train in which hon. Railway Minister was travelling along with Shri Sharad Yadav and Pappu Yadav was attacked. This condition prevails in the entire State. There is nothing like law and order in the entire Bihar. A strange situation has come up in the entire State.

A few days back I had been to Calcutta on a committee tour. I had been to Assam and Himachal Pradesh also. When I went to Calcutta I came to know that all the labourers are Biharis. The same was heard in Himachal Pradesh. The labourers working in the coal mines in the Vidharbha region of Maharashtra are also Biharis. Today, the labourer in each big city and State are Biharis. It means that the people of Bihar do not want to live in Bihar. They are going everywhere for labour. When the people of a State do labour work in lakhs then it is not a matter of pride for the State. Today, the condition is far worse. The Chief of the State against whom the charges of corruption stand would put the entire Government force to save himself. How development work can be executed there? Who would listen the problems of people there. Such sort of strange situation is prevailing there. When the discussion on this topic was going on then each leader said that the hon. Chief Minister should step down.

We were surprised to listen the speech of our colleague from Congress, Shri Tariq Anwar. He strongly said that they were against corruption and Congress have neither compromised with corruption nor it intends to do so. But if you go through the history of our country for the last 5-7 years, you would come to know that all the scams took place during the Congress regime and today they are speaking against corruption. We heard the speech of Shri Somnath Chatterjee here. He is praying along with the entire House. We talk here about the democracy. This is the apex House of this country. This opinion of this House would be the opinion of the democracy. If the House wants that anyone occupying high post be the Chief Minister or any are else and there are any charges against him, then he should step down immediately. If this is the opinion of the House then it is the opinion of the House then it is the opinion of the democracy. What else can be the opinion of the democracy than this one. But even that is not honoured. When such a strange situation has developed then the question arises as to what the hon. Prime Minister wants to do further. He has said that he has carried out his responsibility. CBI is under him and the charge sheet was given by the CBI. We

[Shri Anant Ganga Ram Geete]

have done our duty. One Union Minister involved in that scam has been sacked. The tradition and the values discussed by the Leader of Opposition here were the tradition of this country till date. When charges were levelled against any big Minister or the Chief Minister, they used to tender their resignation themselves. We have an example of Antuleji. He was the Chief Minister of Maharashtra. It was asked here as to what happened in Maharashtra. Maharashtra is an ideal for this country. When charges were levelled against Antuleji, he resigned immediately. He was acquitted of charges by the court and today he is present in the House with dignity ...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER: No interruptions please.

[Translation]

SHRI ANANT GANGA RAM GEETE: Mr. Deputy Speaker, Sir, one or two months back charges were levelled against one of the Ministers of Maharashtra. A social worker levelled charges against him. The Chief Minister of Maharashtra immediately removed those two Ministers from their offices. The Purnik Committee was appointed there. When the Purnik committee also gave this report that prima facie these ministers seem to be guilty, they were removed from their ministerial offices too. A charge was immediately levelled against them though the case was yet to be filed in the court. The Government has formed a committee but still they were removed. Maharashtra is an ideal state and therefore we should not speak against Maharashtra here. Maharashtra is not only the ideal State but the whole country is ideal. A mention has been made about Advaniji here who has been acquitted in the Hawala racket. A mention was made about him yesterday here. Laloo Prasad, the Chief Minister of Bihar against whom charges of corruption have been levelled, should have better resigned from the office of Chief Minister. Who will be the Chief Minister? We are not at all interested. Who should be made Chief Minister, we are least concerned about that also. But charges have been levelled against the Chief Minister and the Chief Minister has not been granted bail. Now we hear that a warrant has been issued against him. When this is the position what will happen? Bihar is not outside the country. Bihar is a part and parcel of this country. When such a situation arises definitely this issue will be raised in this House only. Where else it could be raised? It can be raised in the form of the adjournment motion, or under rule 184, the discussion would take place in this House itself. The discussion on that issue be held in this House only in the interest of the country, in the interest of the Republic and in the interest of the law and order. It is being opposed here. A mention is repeatedly being made about Maharashtra. Nothing wrong has been done by the Maharashtra Government in Maharashtra and no accusations can be made against the Government. You cannot quote even a single instance where any atrocities have been committed on the Hindus, Dalits or Muslims ...*(Interruptions)* or any ethnic riots have taken place during

the rule of the Shive Sena and the BJP in Maharashtra for the last two and half years...*(Interruptions)*. Whatever has happened is an incident and a tragedy and a Committee has been appointed under the Chairmanship of a sitting judge to go into that *(Interruptions)*. That was not a riot but it was rather a police accident that was not all pre-planned. Since a Committee Under the Chairmanship of a sitting judge has been constituted will come out before our public, society and the country. But the problems is when a charge of corruption has been levelled against a Chief Minister and his fellow Ministers and still that Chief Minister does not wish to demit his offices. What could be done in that case. Reply has to be given to the people of this country. Only this august House can reply to this question and only our Prime Minister can give its reply. Therefore I support this motion. I thank you very much for the opportunity given to me to speak.

SHRI RAJIV PRATAP RUDY (CHHAPRA): Sir, the man who is a matter of concern for whole of the country today and the man who has created a problem before the country, I have been elected from that very area a year ago which he used to represent.

Today, when the motion of adjournment was moved by Vajpayeeji and when I moved the adjournment motion simultaneously the leader of the opposition spoke on the issue and the Prime Minister stood up to give his reply immediately at that very moment the whole picture of Bihar came before my eyes and I listened to Prime Minister's statement and the way the Prime Minister of India began to speak, it seemed to me as if some saint has come here, a noble soul has come here and the responsibility to govern this country has been shouldered on him. I thought that he wanted to bring an era of truth by invoking the voice of conscience of all. He said many things, he said two-three things very categorically after taking oath of office. He said that

[English]

I will not do with-hunting. I will be transparent. I will not spare corrupt people.

[Translation]

And he repeatedly said the above things. Yesterday he also wanted to take credit of the probe which the C.B.I. conducted in Bihar: whose agency is the C.B.I.? C.B.I. filed chargesheet and he said assertively that whose agency was the C.B.I.. C.B.I. operates from the Prime Minister's office. I would like to ask the hon. Prime Minister when he was saying in so strong words, what happened that day when an official of the C.B.I. pleaded before the Patna High Court that armed people are roaming all-around Patna city and there was danger to the lives of the C.B.I. officers. Prime Minister, Sir what sort of security would you provide to your officers? The High Court said that the security had to be provided and they informed the union Government about that. I would like to convey to the Prime Minister the observations made by the High Court in this context. They categorically said:

[English]

There has been a concerted effort to defeat the matter and we are not to sit idle.

[Translation]

The intelligence agency of the country sends the information to them. The High Court Judge says:

[English]

There is a concerted effort to scuttle this investigation.

[Translation]

Hon. Prime Minister, Sir. You are also the head of that office. On one hand the High court is compelled to say that the centre is interfering in its matters. The Prime Minister's image is clean. The people are aware of his concern for the country. He was speaking in Shakespearean style I have also read Shakespear and he was speaking in the same tone and style. If the Prime Minister was so honest then he would have allowed it continue because there was no fault with Jogendra Singh as the chargesheet was filed during his tenure. The Prime Minister has appointed Mr. Sharma as the new CBI director during his tenure. As soon as Mr. Sharma assumed the office, he issued a statement that he would not touch the politicians and would not overstep his jurisdiction. What was the intention, thinking and belief behind it? The Prime Minister has said many such things. It is very unfortunate that the Prime Minister who represents a population of 90 crores has to say that he is helpless and he can't do anything. If the chief Minister of Bihar declares today, in the night that Bihar is not a part of this republic then in that event also the Prime Minister would express his helplessness in the same way? The Home Minister is sitting beside him. In a cabinet meeting the Home Minister says that he not would not impose Article 356. Daily intelligence information is being received in this regard. United Front, the Government consisting of 14 parties is sitting here. Everyone is speaking against it but no one dared to contradiction them Somnath ji has delivered a long speech wherein he has made a request. Today, he situation in the country such a pass that the guardians of democracy in the country have to make request before the thieves-looters and killers as if every thing is lost and then they talk about running the country.

This is a scam involving only Rs. 950 crores; In addition to this there is Alkatra scam involving Rs. 450 crores and there is drugs scam Rs. 300 crores, education scam involving Rs. 350 crores etc. I do not understand as to from where to start and where to finish. Are we visualising such Bihar? From the last year, whenever any issue about development has come up, the house the question of Bihar also crops-up, and the backwardness and paucity of funds in Bihar is discussed here. The Prime Minister is not present in the House. The High Court has also said this and, the Prime Minister should reply:

[English]

The Government, the CBI, is adopting a discriminatory approach.

[Translation]

What is this? One hon. member, one hon. MLA, and at present three MLCs of Bihar Assembly are in jail and the other person, facing the same charges, is ruling the state.

AN HON'BLE MEMBER: To which party he belongs to?

SHRI RAJIV PRATAP RUDY: There is no need to worry about myself and all of us. But our concern is the protection of the Constitution. I will not reply to your question ...*(Interruptions)*

SHRI RAM KRIPAL YADAV: What Advaniji had said about CBI ...*(Interruptions)*

MR. DEPUTY SPEAKER: Mr Yadav, there is no need to comment on everything. He will reply from your side.

SHRI RAM KRIPAL YADAV: When I speak, these people should not pass any comments ...*(Interruptions)*

MR. DEPUTY SPEAKER: Now, you please sit down.

SHRI RAJIV PRATAP RUDY: During the United Front's meeting held under common Minimum Programme, in which the Chief Minister of all the States have participated the Prime Minister has clearly stated as to when article 356 will be used. Article 356 will be used when the terrorism increase and when there is a threat to the secularism. Today, The President of India was taking Oath. Somnathji has also read it and I also thought that I will speak about it. I would like to quote what he has said:

[English]

He quoted what Gandhiji had said just before Independence. He said "To promote corruption is criminal." Can we apply that to the Prime Minister of India? He is protecting a person who is heading a State and who has been accused of total corruption. Can he not say that what Gandhiji had thought them is what he meant today that protecting a person by keeping him away is criminal? That is my question.

[Translation]

Yesterday in his address the Prime Minister had mentioned that Vajpayeeji had done a wrong thing by discussing about the Governor. I would like to draw your attention towards this subject. Under article 159 of the constitution, the Governor takes oath as the guardian of the Constitution and under article 164, the council of Ministers discharge its functions at the pleasure of the Governor. When the Governor was to grant permission for filing chargesheet, then he has been busy in reading the related documents for thirty days. He asked to file the charge sheet only when he was satisfied. Did his pleasure

[Shri Rajiv Pratap Rudy]

had come to an end at that time. Whether it was not the responsibility of the Governor to see the rationale behind continuing of council of when he ministers in such a situation when he was found liable to be chargesheeted? This matter should be discussed in the House but the Prime Minister says that there is no justification for doing so and the leader of opposition should not have discussed the conduct of the Governor in this House. Today such a situation is prevailing in Bihar. Today warrants have been issued and the Union Government is listening to everything from here. During discussions we have repeatedly asked to arrest the chief Minister of Bihar. While he is assuming his office. This is the situation and Somnath ji says that they will not interfere with the constitution in any manner. In Bihar, D.G.P. has been given extension thrice during the last nine months and the chief Minister repeatedly summons tells the D.G.P. that he would be surprised to know that he was giving him (D.G.P.) three months extension with the condition would he open fire when the central force enters his house. Then the D.G.P. replies that he was ready for that but let he given extension for three months. He says that if the central armed force would enter, then he would blow them with the help of Bihar State force: Is the Prime Minister waiting for such a time to come? The Home Minister may have forgotten that when BMP-I Gorkha Jawan of Bihar can fire bullets on the JNU students in Bihar Bhawan illegally, here in Delhi just six kilometers away from them, then what can be said about Bihar which is one thousand Kilometers away from Delhi and More over the D.G.P. who is being given extension for three months on peace measures is very much there for the protection of the Chief Minister.

His arrest is imminent and his troops are all prepared. This is your system, your approach and your control. Bihar is the nerve centre of entire India and it is being debilitated. Bihar connects the whole of India and is the main part of the country. Efforts are being made to block it and disrupt its life line. If they succeed, it will disintegrate from India and those who have common minimum programme of disintegration will be held responsible for it.

The Union Home Minister is present here in the House and the Railway Minister is sitting beside him. He had once mentioned in this House that as many as 17 rounds were fired but nothing happened to him. A bomb was hurled on him but again he returned safely. You have perhaps forgotten that how worried he was looking that day. Today if Union Minister goes to Bihar, he gives instruction to the R.P.F. to provide security to him. The Director General of Police of Bihar says that Shri Ram Vilas ji is coming and asks the Chief Minister as to what should he do. "Deploy additional troops and let us declare the war we shall see", he is told. He had said as to how the bullet was fired. How does it happen in Bihar? The Minister, the guardian of the constitution, is present here and the alleged three Ministers of the Rashtriya Janata Dal are present here. Had the Chief Minister of Bihar and his representatives had the knowledge of the constitution, one Minister of the Government of India would not have shouted slogans outside the Lok Sabha

premises. It was reported in the newspapers yesterday and a day before that a Union Minister of Bihar in this Government was shouting slogans on the roads. These people would protect the constitution and this Government is the mute spectator of all this and is contemplating as to how the constitution should be protected in Bihar. The members of the United Front have to ponder over as to what were their declarations and how are they running the country.

Sir, Shri Somnathji is not present here, he got fed up by making requests. I know that the Prime Minister has also got some difficulties. I can recall of that day too. I know that then the Members and Ministers were in the queue in Bihar Bhavan for Rajya Sabha and their respective membership. All know it, the masses of Bihar too, know and I also know. They all were crying as one feels sorry when a child of a family goes astray. They have said publicly that their son has gone wayward then let him go to jail perhaps your as well his future depends on that. But why are you stopping him and feeling scared. The United Front leaders are scared that they have to contest elections. The U.F. cannot fight elections without him. This also haunts them. There have been speeches from all sides and which go on like that.

Sir, I would like to put forth some more points before you. The Congress people are sitting beside us. They are all friends of ours. They, at times, extend their support to us on some issues. I know when the Government was formed, they were to sit here but they slowly moved to that place but they stuck in between on 30th March. Nobody knows as to what were the reasons. The whole country was shaken and the Government was toppled. But why Shri Deve Gowda ji is not here. All were crying. He had no scam to his credit in his state nor did he create any constitutional crisis. Some people were facing difficulty and the Chief Minister of Bihar was also party to his exit. His only fault was that he asked the C.B.I. Chief to act honestly. He was dethroned. Today our Congress friends sitting beside us, demand the resignation of the Chief Minister of Bihar. Today it is the issue of national interests, give him the ultimatum to replace Shri Laloo by the evening otherwise we shall withdraw the support to your Government. This causes a great concern. You once throw up the challenge on any count that would enhance your image. You will sit here, and we will sit there and the rest will be lost in between.

Sir, the Government sought the vote of confidence in Bihar. The Congress people are sitting here. You should also be worried as this is a very large party. I would like to tell before the House that 20 out of 29 Congress members were prepared to support B.J.P. and Samata Party in the House.

19 other parties were ready to go along with Janata Dal and their future was safe but they ran away. The whip of the House said that they will remain outside. This is the position of Congress in Bihar and today you are making them an issue. Where is their existence? Previously there

were several Jharkhandi Members in the House but this time only one could manage to come to this House and he too, has been in Jail for about a year. Again these poor people have been made prey to these people. This time they have given them something and then they have sent to the jail also. I am much concerned for them. They are nice people, honest people. They are committed to the nation and fight for the country. But these people together take advantage of their innocence and send them to Jail again and again. I am saying all this because it should be brought into the notice of public by and large as to how the vote of confidence was won these and what transpired between them. They were promised to give them a helicopter as they have never seen a helicopter. They were made to understand that they will be given a fullfledged state but cleverly a clause was attached with that it will comprise parts of Orissa, Madhya Pradesh and West Bengal. This way, they were lured to give a Jharkhand state to them and made the Chief Minister. This was only in the air ...*(Interruptions)*

AN HON'BLE MEMBER: He is taking more time.

MR. DEPUTY SPEAKER: He is taking the time allotted to his party. You please sit down silently. Please take your seat ...*(Interruptions)*

SHRI RAJIV PRATAP RUDY: Sir, Shri Tariq Anwar is not present here at the moment. He made a very good speech here. He repeatedly said that we should be honest and Shun dishonestly. He has been the party state President and at present, he is the all India President of the minority cell of the party. He left saying it but I would urge upon him to give them a chance to solve their issues on their own. U.F. steering Committee meeting is slated to be held today. They all would sit together and fix a date but the same person would give a contrary statement in South and someone will make a just opposite statement in north. What a ridiculous situation this? Our Janata Dal thinkers are sitting here and when they speak in the House, they create ripples.

At present hon'ble Sharad Yadavji is perhaps engrossed in some other thought. He is looking worried. I am also worried about those ministers belonging to the RJD who might be thinking that they would have continued here had their leader resigned earlier ...*(Interruptions)*

THE MINISTER OF STATE OF THE MINISTRY OF FOOD AND CONSUMER AFFAIRS (SHRI RAGHUVANSH PRASAD SINGH): My point...

[English]

MR. DEPUTY SPEAKER: Under what rule?

[Translation]

SHRI RAGHUVANSH PRASAD SINGH: I am telling the rule only. Under the rule it is clear that no hon'ble member will use irrelevant words and will not blame any party and if some minister is sitting in the House, the Minister will not be pestered unnecessarily. It is announce rule, and the accepted convention.

MR. DEPUTY SPEAKER: You please sit down. Under which rule you are speaking.

SHRI RAM KRIPAL YADAV: When there is a digression, one has to interfere. This is tradition.

SHRI RAGHUVANSH PRASAD SINGH: Mr. Deputy Speaker, Sir, those who are aware of the proceedings of the House for last one week, know what the subject matter is. They should not talk like that.

[English]

MR. DEPUTY SPEAKER: There is no point of order. Shri Rudy, you carry on.

[Translation]

SHRI RAGHUVANSH PRASAD SINGH: Mr. Deputy Speaker, Sir, it should not be that the member start speaking whatever comes to his mind. You are in the Cabinet you please sit down.

SHRI RAM KRIPAL YADAV: Here a digression is being made. Then why should we keep quiet? ...*(Interruptions)*

MR. DEUTY SPEAKER; You please sit down.

[English]

I have not allowed you. Please take you seat.

[Translation]

SHRI RAM KRIPAL YADAV: Why should we sit?

MR. DEPUTY SPEAKER: Now, sit down please. Sit down now.

SHRI RAM KRIPAL YADAV: Why sit down Sir, you expel us.

[English]

MR. DEPUTY SPEAKER: Do not compel me.

[Translation]

SHRI RAM KRIPAL YADAV: You expel us from the House.

[English]

MR. DEPUTY SPEAKER: You will have to take your seat. This is not proper on your part.

[Translation]

SHRI RAM KRIPAL YADAV: You first expel us from here ...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER: Shri Ram Kripal Yadav, do not exceed the limit.

(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: Mr. Jena, who is the leader of his party?

(Interruptions)

[English]

MR. DEPUTY SPEAKER: Will you please sit down now?

(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: You please sit down. You have made your point.

(Interruptions)

[English]

MR. DEPUTY SPEAKER: Do not exceed the limit. Please sit down.

(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: I have already heard you. Now you are quoting rule. You have already made your point.

SHRI RAGHUVANS PRASAD SINGH: I want to say something from rules ... (Interruptions)

[English]

MR. DEPUTY SPEAKER: You have already spoken and I have ruled it out.

(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: You have already spoken. Now you are reading out the rules.

SHRI RAGHUVANS PRASAD SINGH: I do not want to challenge the Chair. I have also a right to quote the rule ... (Interruptions)

MR. DEPUTY SPEAKER: When I asked, you didn't say.

(Interruptions)

MR. DEPUTY SPEAKER: Now you sit down.

(Interruptions)

[English]

MR. DEPUTY SPEAKER: I have already ruled it out.

(Interruption)

[Translation]

MR. DEPUTY SPEAKER: I again request you to sit down.

(Interruptions)

MR. DEPUTY SPEAKER: Mr. Rudy, now you please conclude.

SHRI RAJIV PRATAP RUDY: Sir, I am just concluding. I know that my words are hurting them. My concern is with the entire House. We are going to enter the Fiftieth year of Independence. I know what are the difficulties with Bihar. I also come from Bihar. Lord Budha was born there. He attained 'Nirvan' there Mahavira attained wisdom there Guru Gobind Singh ji started sikh religion from there but not even a single Bihari embraced 'Budhism', not a single Bihari become a 'Mahavira', and not even single Bihari has adopted 'Sikhism'; there where lord has taken birth what will be the effect of Prime Minister's appeal there? When Lord did not have any mercy on us, how that State would be run by the mercy of a Prime Minister and a Home Minister? I cannot understand this ... (Interruptions)

Mr. Deputy Speaker, Sir, due to interruptions, I, got derailed from the subject. I am concerned today. Today, we are going to enter the Fiftieth year of independence. For the safety and respect of Bihar I am ready to contribute my best for Bihar. Today not in the whole of India but in the entire world. Bihar has become a laughing stock. This is the place the history of which is known to the entire world and this is the place where democracy was started, I feel hurt by all these events when we travel by train and roam on roads we find people pointing their fingers towards Bihar. Today for the present condition of Bihar only this Government is not responsible. People are being killed there terrorist activities are increasing there and arms are entering there. The Government have no funds there. I am worried about the situation prevailing there. The development of the country cannot be imagined by keeping Bihar aside. We will have to take Bihar along with us. We will have to take out Bihar from the present situation. I request people, the Ministers and all the Members sitting here that you have requested this gentleman to resign. Shri Inderjit Gupta once at Indore and again in Delhi gave him hints to resign but he did not resign. At the time of taking decision special talks on Article 356 are made. They say that they would not cross the limit. Today the situation has come to such pass which necessitates to write the Constitution afresh. When the C.B.I. personnel go to arrest the Chief Minister of Bihar the time has come to rewrite the Constitution. His arrest and dismissal should be made forthwith without delay.

SHRI SYED MASUDAL HOSSAIN (MURSHIDABAD): Mr. Deputy Speaker Sir, the Chief Minister has presented a gold watch to each of the M.L.A's of Bihar.

MR. DEPUTY SPEAKER: I called Shri Pinaki Misra and not you.

SHRI SYED MASUDAL HOSSAIN: Mr. Deputy Speaker Sir, he is also one of the M.L.As who has received. Therefore he should resign.

MR. DEPUTY SPEAKER: Please take your seat.

15.00 hrs.

[English]

SHRI PINAKI MISRA (PURI): Mr. Deputy-Speaker, Sir, I rise to oppose the Motion moved by the hon. Leader of the Opposition. My Party's point of view has already been articulated by my senior colleague, Shri Tariq Anwar.

It is quite clear in this House that the Congress Party does not hold a brief for any person in Bihar. The Congress Party does not hold a brief for the unnamed chief culprit in this entire issue—the Chief Minister, Mr. Laloo Prasad Yadav. The Congress Party's stand-point has already been articulated by the Congress President at the Working Committee or rather the Steering Committee and now it has been articulated in this House by my hon. colleague, Shri Tariq Anwar. The Congress Party's position is clear that things have gone too far in Bihar and that the time is appropriate and ripe that the Chief Minister ought to resign.

That being the issue, Mr. Deputy-Speaker, Sir, the issues raised by the hon. Leader of the Opposition have very seminal substance, and that is something that I think we have to deal with in this House. Those issues are particularly categorised into two aspects—the legal and the constitutional aspect and the moral aspect, which deals with probity in public life.

Mr. Deputy-Speaker, we always allege that the BJP, as a Party, is guilty of double-speak very often; the BJP, as a Party, is guilty of double standards very often. They have one set of teeth which they show to the electorate, and deep down they have another set of teeth which they actually use to clamp down and organise the basic rationale functions of their existence and their polity. But we have always exculpated the Leader of the Opposition, Shri Vajpayee, from this charge. I think, by and large, nobody has raised that charge against him. Personally, everybody has said that he is a statesman par excellence, who stands head and shoulders above a lot of his contemporaries in public life today. That is why, Mr. Deputy-Speaker, Sir, I was astonished at the propositions that were canvassed by the hon. Leader of the Opposition yesterday.

I understand that he was forced to bring an Adjournment Motion on this issue by the dictates of both politics as well as the inner party dictates of his Party. Without commenting on the merits of it, I would say that he was uncomfortable with the Adjournment Motion, which is now being converted into a Motion under Rule 184. It has rightly been done and as Shri Chatterjee pointed out yesterday, at the outset, it was impossible on his part to canvass for the proposition that the Central Government was enjoined to do something which they did not do and, therefore, the Adjournment Motion lies in this House. It is a grey area,

but it was allowed by the hon. Speaker. So, we should not comment on that. However, in order to disguise one wrong or error which he committed by bringing the Adjournment Motion, he tried to compound the error by canvassing a couple of further erroneous propositions which were startling and which, if it had not come from the hon. Leader of the Opposition, we think would be sinister actually.

He said, firstly, that Article 356 ought to have been invoked to dismiss a Government which only a couple of days back or a week back or ten days back has secured a comfortable majority in the Assembly in Bihar. That was his first proposition. The second proposition was that if the hon. Governor was not coming forward with a report stating that there was a break down of law order in the State, then it was incumbent upon the Central Government to demand from the Governor a report to that effect. Both these propositions, with great respect, are completely violative of the basic canons of the Constitution and are completely violative of the basic tenets which go in the formulation of Article 356 as well as its application.

As has been seen over the past fifty years, these issues were raised and discussed often in this House. In fact, what pains me most is that when we were sitting in the Congress benches, when we were sitting in the Treasury Benches, we heard down the years, the Leader of the Opposition and the other leaders of other parties pillorify the Congress and vilify the Congress for the abuse Article 356. Yet, when the shoe was on the other foot, be it in 1997 when 16 State Governments were dismissed by an opposition Government when it was in power—all the validly elected Governments were dismissed at one stroke—be it 1989, be it 1996, the kind of application of Article 356 by the non-Congress Governments was more in number than what we have seen over the past fifty years when we were in power. I say this with some degree of responsibility that the shoe really pinches when it is on the other foot for these gentlemen.

Has Shri Vajpayee forgotten what happened a year back in Gujarat? What they said at that time was that a Government there got a vote of confidence allegedly. They did not let this House run for almost a week on that count. The Governor sent a report saying that there had been a breakdown of law and order. The Government was dismissed on that count. Have you forgotten the hue and cry you made on that score for the abuse of Article 356? How does it lie in the mouth of the BJP today to canvass this proposition in this House saying that there can be an abuse, there can be a use, there can be a change of circumstances and there can be distinctions drawn in the application of Article 356. This is a matter which is, in terms of black and white, within the purview of the Central Government. You cannot ask for a report from the Governor. You cannot procure a report from the Governor. Therefore, with all respect, I think the Leader of the Opposition was in great error in canvassing both these propositions yesterday: number one, that a Government which has got a valid majority a week or ten days' back should be dismissed invoking Article 356. He says that it is enjoined upon the

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Central Government to do so. Secondly, if the report is not forthcoming from the Governor, he says that is further incumbent and enjoined upon the Central Government that it must demand a report from the State Governor. From a purely constitutional and legal point of view, we are in complete disagreement with these propositions because they will have very sinister portents for the future.

Sir, I would then like to raise the issue of moral aspect. What is the moral aspect? There is an aspect of probity in public life. There is no question about one thing. Here, I will not take the name of the person concerned. But today the Bihar Chief Minister is probably the most reviled person as far as the media is concerned, as far as a large section of politics is concerned. I think he has to blame only himself in all fairness for this. I think he has displayed, over the past several years, insufferable arrogance in his public dealings, in his dealings with his contemporaries and his own peers. We have seen the kind of arrogance he has displayed. I think that is the reason why he is left with very little sympathy today.

We remember, for instance, just a couple of months back the Cabinet expansion took place. The Cabinet was singularly shorn of talent. There were a couple of Ministers at least who were outstandingly honest and who were regarded as honest. But the Bihar Chief Minister apparently decided that he did not like their faces and they were asked to be withdrawn. Shri Yadav is here. I do not want to name him. There is no need. Everybody knows the facts. This is the code of conduct that he has displayed over the past several years. The bureaucrats have come and told us how, when he is sitting in his saloon, he will place only one chair for himself and another chair will be placed about 30-40 feet away. Therefore, whoever comes, whether it is the Chief Secretary or whether it is the DG, Police, one must stand in his presence and take orders standing in his presence. This is a kind of a thing that the medieval monarchs used to do. It is probably wrong on his part to have done this. That is the reason why today he has such little sympathy here.

We watched with great amusement yesterday the interplay between Shri Nitish Kumar and the hon. Prime Minister, one saying: "He was your patron, he was your friend" and the other saying: "I do not need him. You need him." A large section of this House, at some point of time or the other has taken help from the Bihar Chief Minister. That is quite clear. I am not looking at any personality on that count. But when they have found their political constituency place is uncomfortable, they have gone back to Bihar in order to be accommodated in Bihar that is probably one of the reasons why the Chief Minister today is an angry man. ...*(Interruptions)*

[English]

SHRI RAJESH RANJAN 'ALIAS' PAPPU YADAV: He said that some people received money from the Chief Minister. How can he implicate all in the case ...*(Interruptions)*

SHRI PINAKI MISHRA: I am not talking about all the persons. I am talking about a number of persons. Therefore the hon. Chief Minister is little bit angry.

MR. DEPUTY SPEAKER: Yadav ji, please take your seat.

(Interruptions)

[English]

SHRI PINAKI MISRA: That is really beside the point in this whole thing because there is a legal and a constitutional aspect whether he is a bully or whether his arrogance is insufferable or whether he has treated his contemporaries in a very shabby manner. That is really neither here nor there. That is no reason. You do not like his face, you do not like the way he articulates in public. It does not mean that you can dismiss him under Article 356.

The other issue is that he should resign is an unexceptional proposition. The Congress Party's stand is clear. But there are a few fundamental issues which ought to be raised about the manner in which the entire issue has come about. That is something that we, on behalf of the Congress, feel that it is necessary to articulate in this hon. House for the simple reason that a lot of these issues are articulated outside in whisper, in private conversations. But within the House, it is found that people are not making it bold to come and state these issues.

Now what are these issues? These issues are, as the hon. Leader of the Opposition said, unexceptionable propositions that whoever is charge-sheeted must resign. It is a proposition over which I personally have a little reservation. I think, Shri Madan Lal Khurana was here in this House in the Ninth Lok Sabha. He is no longer here today. If he had heard his hon. Leader speak yesterday on this issue, he would have had serious reservations on this issue. Two years back, this gentleman was charge-sheeted in a matter. Two years back, he tendered his resignation as the Chief Minister. Today he is acquitted. He has not got his Chief Ministership back. I mean, it is probably a major bone of contention in the BJP today. They have a major problem on their hand. They have a State Government here in Delhi which is probably likely to go the Gujarat way on that count. What was his fault? The difficulty today with the proposition of this nature is that in earlier times, charge-sheets never feel like nine pins in a court. Today charge-sheets are brought to court, they fall like nine pins. Charge-sheets are brought in a manner with which we have strong reservations. In this particular case involving the Bihar Chief Minister, an office is opened on a Sunday and the Director holds court. The Director calls the entire media and says, "I am going to charge-sheet the Chief Minister." Today we read after the Director is removed, has been half a dozen responsible journals have carried a news item over the past week that this was contemplated twice by the hon. Director in the last one year. Every time the Director was to be removed from his post, he had chosen to take a political course.

This House remembers that eight months back, we, from the Congress Party took serious reservation to the manner in which he raised the Bofors issue suddenly. He went flying to Geneva. Suddenly he was on camera, he was visible to the whole world with a box of documents. He comes back into town. What do we find from those documents? Those documents are first leaked to the press. Those documents first find their way to the press and the hon. Speaker had to censure the CBI on that count saying that if those documents are not for the eyes of the Members of Parliament, how can they be for the eyes of the press. I do not understand how the Directors responsible for functioning in a serious investigation capacity suddenly start acting like film stars in this country. They are on television everyday. Their private lives are being dissected what is their favourite cuisine, what is their favourite restaurant. Today we realise that for the past one year he had been functioning as the Director, he had been actually diariesing everything for a book which he wants to sell for a million dollar. Is this the way that the CBI should have conducted itself over the past one year? You shed tears on that. These are the issues which we have to decide cutting across party-lines because if you live by sword, you must perish by it. Today it affects one person, tomorrow it will affect a different section of polity. Therefore, I am not on a personal issue, I am not on a party issue. I am on an issue which is of fundamental seminal importance. And the sanctity of charge-sheet today, therefore, in my opinion, has been diluted. The sanctity of a charge-sheet is no longer what it was earlier. Today in case after case—in the Hawala case or in the St. Kitts case—you find all the hullabaloo that has been raised over the last one year about our leader Shri Narasimha Rao. Today he stands acquitted in two cases. Does anybody seriously believe that Shri Narasimha Rao could have cheated a non-resident Indian of 100,000 dollars? Does anybody seriously believe in this country about it? Is this a serious proposition that anybody is going to canvass that the CBI has brought a charge-sheet against him on that? The CBI has brought a charge-sheet saying that he has fabricated some papers. Shri V.P. Singh did not believe he fabricated papers but the CBI today really seems to believe that he fabricated the papers, forged the papers. These are not the issues which can be dealt with so easily.

Therefore, these are the issues on which the House must deliberate upon. Shri Chandra Shekhar has time and again, I think, drawn the attention of the House on this issue. Today Shri Chatterjee has also finally said and drawn some wisdom has dawned upon him. I mean, I say this with a sense of humour because I think, now his Government in Bengal is facing the similar problems today. The Ledger Scam in Bengal is now coming up. There is a wide body of opinion which feels that the matter must now go to the CBI. Suddenly, we find pearls of wisdom now falling from Shri Somnath Chatterjee. Today he has diluted his previous stand which he had taken earlier that "you must go, you must resign. Everything is over." Today he says: "No, no. We must now all sit down coolly, deliberate. All heads should be put together to find out the

solution." Of course, he is right but this is something which we have been saying for a long time ...*(Interruptions)*

My learned friend mentioned about Shri Antulay's case, for example. He resigns. The man spends 16 years in wilderness. Yes, he spends 16 years in wilderness. He was finally exonerated by the highest court. Who will give him back those 16 years in public life? Is somebody going to give him back those 16 years in public life today? Somebody must do it ...*(Interruptions)*

[Translation]

SHRI BRAHAMANAND MANDAL (MONGHYR): Why do you think only about the politicians. There are a number of other persons who have suffered on this account. Please think about them also.

SHRI PINAKI MISRA: I will tell you why I think about the politicians only.

[English]

SHRI SAT MAHAJAN (KANGRA): Mr. Deputy-Speaker, Sir, why is he disturbing our Member?

SHRI PINAKI MISRA: I will tell my learned friend why I am so concerned about politicians. It is because we have chosen a particular line. We have chosen in this country to follow the Westminster system of democracy. It is all right. We have to say without exception, Mr. Deputy-Speaker, that all sections of the House must raise their voice as far as corruption is concerned. But let us not have what the *Financial Times* in London has said about India as 'surfeit of ethics'. It says: "India now is suffering from surfeit of ethics suddenly." So, everywhere everyone is calling out 'I have caught you, I have caught you'. This is not unique in this country.

In Britain, during the recent elections the Conservative Government have been voted out on an issue of corruption. In America there has been a re-election. The President is mired in the centre of corruption, scandal of the worst type, worse than here. In Japan, in South Korea you have got the ex-Prime Ministers who have gone to jails for corruption. It is not as if it is unique to India and that is something that should be blown out of proportion. My colleague is right when he says that politicians should not be singled out. Is there an alternative to the system? That is why I ask this. The other countries have chosen an alternative path. Take for example, Zaire. They have chosen an alternative path. Pakistan, for example. Have they done any better? President Mobutu came to Zaire on the plank of corruption. The elected president was removed and assassinated. In 35 years, he finished Zaire. In ten years, in our neighbouring country Pakistan, we have realised what their military leaders did here. The reason why I am saying all this is, if you damn a complete class of people and an entire polity, then you are in difficulty because you have no other alternative system to fall back upon.

Therefore, it is necessary as Shri Somnath Chatterjee today with the voice of sanity said, "Instead of scoring

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debating point—it is an issue which is endemic, not just to India but to rest of the world—we have really to introspect on this issue and join our heads together and ensure that there is a national consensus, and how to do away with this.” I say with great respect that the path of democracy which we have chosen today in the correct path and no Member in this House is going to deny this. No Member of this House is going to take exception to what I am saying.

Today we have elections right from the grassroots level, from the Panchayat level to the nominee level, to the Zila Parishad level. What happens there? Ultimately, when you have elections, at every level every election costs money. Therefore, once you are a Zila Parishad Member, once you are a Panchayat Member, once you are a nominee Member, you contest elections and you spend money. They have to recover that money. That is the hard fact of life. Can any MP say ‘no’ cutting across party line? I am a first time MP. Over the past one year, I have had a surfeit of election on my head. First, we had the Panchayat election, then we had the nominee election, then we had the election of chairman for those posts, then we had zila Parishad election and then we had the chairman’s election for Zila Parishads. And, now we are having a municipal election and then election of chairman for municipalities. It is extraordinary. Over the past one year, every month and a half, there have been elections ...*(Interruptions)*

[Translations]

SHRI RADHA MOHAN SINGH (MOTIHARI): Mr. Deputy Speaker, Sir is he discussing the Motion moved here?

MR. DEPUTY SPEAKER: Please take your seat.

[English]

Let him complete.

(Interruptions)

SHRI A.C. JOS (IDUKKI): Let him speak, Sir.

SHRI PINAKI MISHRA: Mr. Deputy-Speaker, Sir, the hon. Leader of the Opposition will remember it because he has had such a vast experience in foreign affairs.

In the 1950s, in the United States, there was what is called ‘McCarthyism’; J. Edgar Hoover was the head of the FBI and there was virtually a parallel Government running within the Government in the United States. For a period of almost fifteen to twenty years, there was a Government within a Government to the effect that there were ultimately allegations that he was involved, i.e., Edgar Hoover himself was involved in the assassination of President Kennedy, something which has never been negated so far.

Therefore, there is a possibility of organisations like this becoming a Government within a Government and that is something that must not be allowed to happen. That is something that the executive—as all sections of this House have said—must take pains to ensure that it does not happen.

There is a proposition here, which I wish to canvass. There is a fundamental principle of criminal jurisprudence that once an investigation is over and charge-sheet is filed, bail is a matter of right. It should be bail, not jail. I suddenly find sections of this House which say that the Bihar CM should not be given bail. I find, the CBI canvassing a proposition in Court today, after they have filed the charge-sheet, saying that they need him for custodial interrogation. I find this entire proposition untenable. It is not in consonance with the first principle of criminal jurisprudence. They should have taken him into custody earlier. They have not taken him into custody so far and now they have filed a charge-sheet. I do not understand how the CBI can oppose his bail. But this is something none of us are willing to address ourselves to. ...*(Interruptions)* There is no doubt about it. I had said at the outset that he must go. There is no doubt about it. ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Shri Pinaki Mishra, you please address the Chair.

SHRI PINAKI MISHRA: Mr. Deputy-Speaker, Sir, the last point which I wish to make out here is this. The Prime Minister’s entire role in this issue has been somewhat regrettable. I say so in his absence and I say so with a great deal of regret. The Centre Government is now reduced to look like a caricature. One of the cartoons which illustrates it, I think, amply was in one of the national newspapers. It shows the Prime Minister talking to journalists. The Prime Minister says, ‘The white haired man, who has his spectacles around his neck and who carries a stick must resign’ and a journalist says, ‘He is now being very, very specific’. I must say that if he has a point of view on this issue, it should have been articulated firmly and unequivocally. There was no point in the Prime Minister diluting the entire issue and prevaricating on this issue for so long because ten to twenty MPs are not going to make any difference. As long as the huge block of Congress MPs and the Congress Party are solidly behind the Prime Minister, I do not understand why he is in trouble at all on this score.

The propositions that he has canvassed on this issue yesterday are unexceptionable. I think, they are correct propositions. He has rightly said, ‘On Article 356, this is the Government’s standpoint and I think, we have taken the stand correctly, in my opinion’ and on the other issue of procuring the Governor’s opinion, he says, ‘it is not something which should be done’. But, according to me, the United Front and the Prime Minister have not come out creditably with this entire episode because they could have conducted themselves with a far greater degree of unequivocalness rather than what they have done.

With these words, having opposed the Motion moved by the hon. The Leader of the Opposition, I thank you for the opportunity given to me.