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**12.19 hrs.**

Title: Regarding reported filing of a petition in court by the CBI seeking permission to begin prosecution against the Deputy Prime Minister and others in the Babri Masjid demolition case.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Hon. Speaker, Sir, I am thankful to you for allowing me to take up this issue. I have followed your kind observation not to disturb the Question Hour and sit down, because you promised me to give me a chance to raise my issue in the first instance during *Zero Hour*..

This House may recall the debate on Ayodhya on the first occasion of the House of the 13<sup>th</sup> Lok Sabha.

Mr. Speaker, Sir, the hon. Prime Minister, after a prolonged discussion, made it clear that mere *prima facie* charges framed by a Special Court against his Council of Ministers, who were not Ministers earlier, cannot be an issue for dismissing them from the Government. We heard his answer and did not raise any question because that was the test of this Government and that was the style of its functioning. Now it so happens that under the Constitution the Council of Ministers is answerable to Lok Sabha for each of its conduct, both omission and commission, owing accountability. Through you, I would like to draw the attention of the Government and the entire House, to the fact that it was known to every quarter that the notification was not issued on faulty ground. Thereafter, the Supreme Court gave a direction in November to file it in the appropriate Court. The appropriate Court was a Special Court in Lucknow and the deciding Court is Rai Bareli. While the direction came in November last year, nothing was complied till last month. When the review petition was about to be taken cognizance again by the Supreme Court, just for the sake of tokenism – to save the face of the investigating agency, CBI went to Rae Bareli Court on 21<sup>st</sup> February filing a petition. The nation must know that while they filed the petition seeking permission to prosecute distinguished Deputy Prime Minister Shri L.K. Advani, distinguished HRD Minister, Shri Murlu Manohar Joshi and others, hearing of which is due for tomorrow, it was made very clear that the process of prosecution is to take off now. I do not want to explain the delay. It is for the Government to explain. It was not a case of an individual State versus so and so....(*Interruptions*)

MR. SPEAKER: You have to be very-very brief.

SHRI PRIYA RANJAN DASMUNSI : Sir, I must explain...(*Interruptions*)

MR. SPEAKER: You are not permitted to make a lengthy speech during 'Zero Hour'. You have to be brief as far as possible.

SHRI PRIYA RANJAN DASMUNSI : I will then sit down. I will not speak....(*Interruptions*)

श्री सुरेश रामराव जाधव (परमनी) : अध्यक्ष महोदय, अयोध्या मामले पर चर्चा होने वाली है।  $\hat{\alpha}$  (व्यवधान)

अध्यक्ष महोदय : मैंने उनको बताया है। आपको हाउस कंट्रोल करने की जरूरत नहीं है। मैं हाउस को कंट्रोल करूंगा।

...(व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : I would like to quote, Sir.

"The CBI has filed a petition in the Special Court of Rai Bareli seeking permission to begin prosecution proceeding against the Deputy Prime Minister, Shri L.K. Advani, Union Minister Shri Murlu Manohar Joshi and 19 others in the Babri Masjid demolition case. The petition was notified before the Special CBI Court last Friday, the 21<sup>st</sup>. As the post of the Special CBI Judge lies vacant following retirement of Justice Srikant Shukla, the petition was put before the District Judge J.M. Paliwal, who fixed February 26 for hearing. The CBI has sought permission to transfer the proceeding against the accused in the Special Court set up in 1993. The case was hanging fire after the Allahabad High Court coerced proceeding against Shri Advani, Shri Joshi and some others on the ground that the mandatory concurrence of the High Court was not obtained before issuing the notification transferring FIR in which these accused were named to the Special CBI Court. The High Court, however, say it was a legal defect and could be rectified. Later, Kumari Mayawati Government on being directed by the Supreme Court to make clear its stand on the matter, informed the Court that the CBI could if it so desired start proceeding at the Rae Bareli Court and there was no need to issue a fresh notice in this regard. The Apex Court upholding Kumari Mayawati Government's view point held that the investigating agency could begin the trial at Rae Bareli."

My contention is, if the Deputy Prime Minister is to be prosecuted by the CBI, an executing agency which operates

under the umbrella of Prime Minister, how do you assure the nation and the Parliament the fairness of the trial and the proceeding if the prime accused is sitting in the Treasury Bench? I have no personal allegation or malice against individuals like Shri L.K. Advani and Shri Murli Manohar Joshi. Our Party does not believe in character assassination of persons holding position in public life - the Constitutional office of the Deputy Prime Minister and the office of the HRD Minister - but sitting in the same Government where the Prime Minister's Department CBI is seeking prosecution in the Court, how could you justify their continuance in the Government till the prosecution is going on? Therefore, we feel that the Home Minister and Deputy Prime Minister Shri L.K. Advani and the HRD minister, Shri Murli Manohar Joshi, shall forthwith step down till prosecution is over.

This is necessary to ensure propriety and fairness of the case...*(Interruptions)* We have every information and apprehension that the Government will try to manipulate the whole issue...*(Interruptions)* Therefore, we desire and the propriety also demands that Shri Advani and Dr. Murli Manohar Joshi should step down forthwith to ensure fair and transparent prosecution and trial in the Rai Bareilly court. That is what is our contention. We would like to know the Government's response on this immediately...*(Interruptions)*

**श्री लाल मुनी चौबे (बक्सर) :** अध्यक्ष महोदय, इनको बिठाइए।*(व्यवधान)*

**डॉ.विजय कुमार मल्होत्रा (दक्षिण दिल्ली) :** अध्यक्ष महोदय, पहले इनको थोड़ा शांत करिए।*(व्यवधान)*

**श्री रामजीलाल सुमन (फिरोजाबाद) :** अध्यक्ष महोदय, जब कानून मंत्री यहां बैठे हैं तो जो सवाल दासमुंशी जी ने यहां उठाया है, उसका जवाब कानून मंत्री अरुण जेटली जी दें तो वह ज्यादा बेहतर है।*(व्यवधान)* सरकार की तरफ से इसका बयान आना चाहिए। मल्होत्रा जी तो पार्टी के प्रवक्ता हैं।*(व्यवधान)*

**अध्यक्ष महोदय :** कानून मंत्री इस विषय पर उत्तर देने वाले हैं। जो प्वाइंट यहां रज किया है, मैं कानून मंत्री जी को भी कहूंगा कि वह उत्तर दें।

*(व्यवधान)*

**श्री रामजीलाल सुमन :** अध्यक्ष जी, जो दासमुंशी जी ने सवाल उठाया है, उसका जवाब सरकार की तरफ से आना चाहिए और कानून मंत्री जी यहां बैठे हैं।*(व्यवधान)* कानून मंत्री जी इसका जवाब दें।*(व्यवधान)*

**कुंवर अखिलेश सिंह (महाराजगंज, उ.प्र.) :** अध्यक्ष महोदय, उत्तर प्रदेश में मायावती की सरकार के चलते वहां लोक तंत्र की हत्या हो रही है।*(व्यवधान)*

MR. SPEAKER: The Minister of Law will make a statement.

...*(Interruptions)*

**डॉ.विजय कुमार मल्होत्रा :** अध्यक्ष महोदय, यह कोई पहली बार नहीं है।*(व्यवधान)*

**अध्यक्ष महोदय :** कृपया सुनिए। The question has been raised by Shri Dasmunsi. The Minister of Law wants to reply. I have permitted him to reply.

...*(Interruptions)*

**श्री मुलायम सिंह यादव (सम्भल) :** अध्यक्ष महोदय, इस विषय पर सबको मौका देना चाहिए।*(व्यवधान)*

MR. SPEAKER: Shri Basu Deb Acharia, you have not given any notice on this issue.

**डॉ.विजय कुमार मल्होत्रा :** अध्यक्ष महोदय, अगर इसके बाद केवल कानून मंत्री जी जवाब दें और इनमें से कोई और नहीं बोलेगा तो मुझे कोई एतराज नहीं है और अगर कोई बोले तो उससे पहले आप मुझे बोलने दीजिए।*(व्यवधान)*

**अध्यक्ष महोदय :** मैं आपकी बात से सहमत हूं। मैं किसी को इजाजत नहीं दूंगा।

*(व्यवधान)*

SHRI PRIYA RANJAN DASMUNSI : Sir, a copy of my notice was served to the Prime Minister. But he is not present. On behalf of the Prime Minister, who will respond to my query? Certainly not the Minister of Law...*(Interruptions)*

MR. SPEAKER: I have received two notices. One from Shri Dasmunsi and the other Member of Parliament who has given notice on this subject is Shri Prabodh Panda. Therefore, I will only allow Shri Panda and thereafter the Minister of Law.

SHRI PRABODH PANDA (MIDNAPORE): Hon. Speaker, Sir, the hon. Member, Shri Priya Ranjan Dasmunsi has raised this point. I do share his view. I am not making any allegation against any person. My point is that our country is a great country. At least after this news that the CBI is going to take permission for starting the proceedings against the Deputy Prime Minister, the Deputy Prime Minister of this great country should step down. The interest of the nation should be protected, and the propriety should be observed. This is not the question of a person.

Sir, I am not making any allegation against any individual. But this is a question of propriety...*(Interruptions)* I demand that that not only the Deputy-Prime Minister but also all other Ministers who are involved in it should step down...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : Sir, in the Hawala case, Shri Advani had stepped down on high moral grounds saying that he will not enter Parliament till the prosecution and verdict in the case was over ...*(Interruptions)*

In this case also the same principle should apply and he should step down...*(Interruptions)*

MR.SPEAKER: I would like to know the legal position on this issue and now let the hon. Law Minister speak. Please take your seat.

SHRI BASU DEB ACHARIA (BANKURA): Sir, this is a question of political morality...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : Sir, it is a question of political morality and propriety and not a question of legal technicalities...*(Interruptions)*

DR. VIJAY KUMAR MALHOTRA : Sir, they are talking of political morality...*(Interruptions)* It is the biggest joke of the year...*(Interruptions)*

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY(SHRI ARUN JAITLEY): Mr. Speaker, Sir, the hon. Member has raised a question with regard to the pendency of a case in a court in Uttar Pradesh and also a consequential question of whether some Ministers in the Government should continue in office or not because they are involved in the case.

Sir, this case was registered in the year 1992. The chargesheet was filed in the year 1993. At the time when the chargesheet was filed, some notifications were also issued and the State of Uttar Pradesh was then under the President's Rule when those notifications were issued. This Government, headed by Shri Vajpayee, took over in 1998 and then again 1999 and in the process of continuation of any criminal case against any person be it a member of the Government or otherwise, this Government has never interfered in that matter...*(Interruptions)*

SHRI RUPCHAND PAL (HOOGLY): Sir, this is the biggest joke of the year.

MR.SPEAKER: Please listen to the hon. Minister.

SHRI ARUN JAITLEY: The persons whose continuation and the propriety of whose continuation the hon. Member is raising today, one of them had become a Minister in 1996. They were Ministers in 1998 and they were Ministers in 1999. All that has happened now is that the Allahabad High Court, the Lucknow Bench has given a judgement saying that one particular FIR and chargesheet arising out of that FIR cannot be tried by the special court in view of the 1993 notification and it can be tried by the normal court in Rae Bareli. That judgement was questioned by some in the Supreme Court. The Supreme Court also has given its view and pursuant to the judgement of the two courts, the CBI has told the court in Rae Bareli that the case against those persons would proceed in Rae Bareli and not in the Lucknow court. That is the only change that has taken place now...*(Interruptions)* That is the only change that has taken place now.

Sir, I may remind the hon. Members, through you, that sometime ago, about one and a half years also, a Motion -- exactly on this question on the ground that a charge has been framed -- under Rule 184 has also been debated and voted down in this House. Nothing has happened now. No circumstances have changed. As far as the Government is concerned, our policy has been that if a criminal prosecution is pending, there are rights of the prosecution to prove their case which are involved; there are rights of the accused which are involved. The Government does not interfere in these matters at all. The Government has not done it in the past. The Government does not intend to do so ...*(Interruptions)* Even now the Government does not intend to do so...*(Interruptions)* Therefore, the question of non-continuation of Ministers or otherwise has been rejected by the Government...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : That is why he should resign...*(Interruptions)* Sir, Arun Jaitley is also a lawyer for the Government in the House to manipulate the entire thing...*(Interruptions)* The CBI was taken out from the domain of the Deputy-Prime Minister to ensure transparency and this Department was placed under the direct charge of the hon. Prime Minister...*(Interruptions)* and so it is all the more necessary for him not to exert influence from this desk and he should step down...*(Interruptions)*

MR.SPEAKER: You have other means also to raise this issue. You can raise it by using those means and not during the 'Zero Hour'. I am sorry. Now, Shri Ramji Lal Suman.

...*(Interruptions)*

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SHRI PRIYA RANJAN DASMUNSI : Sir, manipulations are going on everyday...(Interruptions) and if they expect us to keep quiet on this issue, we would not keep quiet...(Interruptions)

अध्यक्ष महोदय : मैंने श्री रामजी लाल सुमन को बोलने के लिए पुकारा है, इसलिए उनको बोलने दें। उनका नोटिस महत्वपूर्ण है। मुझे एक-एक नोटिस पर सदस्यों को बोलने का मौका देना है।

â€¦ (व्यवधान)

MR.SPEAKER: If Shri Ramji Lal Suman is not speaking, then are you ready to speak on your notice?

Shri Dasmunsi, you can raise this issue under some other rules. I may permit you then.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, we charge this Government with manipulations of the proceedings in the courts by using the office of the CBI and for destroying the propriety of the Parliament...(Interruptions) and also for defending the accused persons shamelessly...(Interruptions) and in protest of that, we are staging a walk out...(Interruptions)

**12.35 hrs.**

*(At this stage, Shrimati Sonia Gandhi and some other  
hon. Members left the House.)*

...(Interruptions)

MR. SPEAKER: No slogans should be taken on record.

...(Interruptions)

श्री वी.घनञ्जय कुमार (मंगलौर) : अध्यक्षजी, इनकी पार्टी जब वाक-आउट कर गयी है तो यह कैसे बोल सकते हैं?

श्री रामजीलाल सुमन : अध्यक्ष जी, यह मान लिया जाए कि मैं वाक-आउट करके वापस आ गया हूँ।

अध्यक्ष महोदय : आपका नोटिस बहुत महत्वपूर्ण है। आप गरीब आदमियों की मदद करना चाहते हैं। आपका कोई राजनैतिक विषय नहीं है। आप बोलिये।

â€¦ (व्यवधान)

श्री वी.घनञ्जय कुमार : अगर ये समाजवादी पार्टी में हैं तो इन्हें वाक-आउट करना चाहिए।

MR. SPEAKER: Please allow him to speak. This issue is not political. This issue is concerning the patients in hospitals.

â€¦ (व्यवधान)