

MR. SPEAKER: It is not the question-answer session.

...(Interruptions)

SHRI SOMNATH CHATTERJEE: On our queries, there is no answer...(Interruptions)

SHRI BASU DEB ACHARIA: Sir, he has no answer to reply...(Interruptions)

MR. SPEAKER: You had already decided that this debate would be replied by the hon. Prime Minister. When he is here, and when his turn comes for reply, you must all cooperate. Let the Prime Minister reply now.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI: Sir, I presume that the Law Minister has intervened. Now, the Prime Minister will reply. I am sure, the hon. Prime Minister will certainly reply to this basic question.

...(Interruptions)

MR. SPEAKER: No more queries now. Let the Prime Minister reply to the debate.

...(Interruptions)

MR. SPEAKER: Mr. Prime Minister, one minute. He wants to make his personal explanation. Let him do so.

[Translation]

SHRI SATYAVRAT CHATURVEDI: Mr. Speaker, Sir, personal charges have been levelled against me and I have reply to those personal charges...(Interruptions)

MR. SPEAKER: Hon. Minister has mentioned his name, so let him reply to that.

...(Interruptions)

MR. SPEAKER: I have permitted him to speak because if any Member wants to give personal explanation then he is granted permission.

SHRI SATYAVRAT CHATURVEDI: Mr. Speaker, Sir, pointing towards me hon. Minister of Law has levelled charges against me that I have told that there are video cassettes containing speeches of these leaders. Law Minister says that it is baseless. But I want to tell that it is not so. I rise to give clarification in this regard.

[English]

SHRI ARUN JAITLEY: I have not said so. I have said that on the 6th December, there was no speech given by Shri Advani. Disturbances started even before he could deliver the speech....(Interruptions) That is the reason why in the relevant cassettes filed, his speech was not there...(Interruptions) We can only answer this much and not more...(Interruptions)

[Translation]

SHRI SATYAVRAT CHATURVEDI: Mr. Speaker, Sir, let me give my clarification. It is the chargesheet which has been exhibited by CBI. They have referred to the video cassettes submitted. I would read out item no. 9:

[English]

This is the list of articles of Case No. RC 8(S)/92/SIU-V/SIC-IV/CBI/New Delhi.

It says:

"9. Video cassettes collected from the Jan Studio, Delhi, containing the demolition incident of 6.12.92 before and after, and interview of some important persons and leaders mentioned as VC-9".

[Translation]

Cassettes contain everything including interviews of important persons and they are on record....(Interruptions)

MR. SPEAKER: Now you sit down. I have called hon. Prime Minister.

[English]

THE PRIME MINISTER (SHRI ATAL BIHARI VAJPAYEE): Mr. Speaker, Sir, several hon. Members have spoken on the subject, and commented upon the Government's responsibility viz-a-viz its investigating agencies, particularly the Central Bureau of Investigation.

The jurisdiction of the CBI to proceed with any case, whose investigation it has taken charge of, is not subject to Government control. This also holds true for the cases relating to the criminal prosecution in Ayodhya matters.

As to who is to be prosecuted, under what Section are the accused to be prosecuted, what the evidence is against the accused, are all decisions that the CBI as an

[Shri Atal Bihari Vajpayee]

investigative agency has the responsibility to decide. No one can interfere in this matter, or with the discretion of the CBI.

My Government believes that investigative agencies must have full autonomy to proceed with the matters as per law. Hon. Members may recall that after the Supreme Court's judgement in the Vineet Narayan case, the Director of the CBI is no longer appointed by the Government, but by a Committee headed by the Chief Vigilance Commissioner.

The CBI derives its powers of investigation from the Delhi Special Police Establishment Act. Section 6 of the Act specifically requires that no member of the Delhi Special Police Establishment can exercise powers and jurisdiction in any State, without the consent of the Government of that State. The Union Government's interface with the CBI is limited only to providing budgetary support and exercising administrative superintendence.

Even though cases in Ayodhya matters are pending against some of my own distinguished colleagues, my Government has neither withdrawn those cases nor taken any steps to interfere with the functioning of the CBI. Neither I nor my Office has ever interfered in these matters.

The Ayodhya cases are pending in courts. There has been a protracted litigation. The CBI has full authority to take any decision in these matters. The pendency of litigation involves the interest of justice. The interest of justice requires that the guilty should be punished and the innocent be acquitted. To evaluate the evidence and determine innocence or guilt is the function of the court.

Of late, I have found an increased tendency where discussions about guilt or innocence of individuals are taking place in Parliament. Not only is this contrary to the rules, it subverts the rule of law, it also interferes with free trial. I would appeal to the hon. Members to seriously consider whether this practice should now be stopped.

...(Interruptions)

MR. SPEAKER: The House stands adjourned to meet again tomorrow, the 6th August, 2003 at 11 a.m.

20.42 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 6, 2003/Sravana 15, 1925 (Saka).
