

Prime Minister stated in his very first speech that the State is threatened and rather I would go one step ahead to say that the Republic is threatened and we have to take steps to protect the Republic. The parties are secondary. Even after 50 Years of Independence, if people do not have the zeal to celebrate the festival of Independence, the politicians and the representatives of all the parties should introspect.

There is a need to launch a movement against corruption. It is said time and again that no compromise will be reached at any cost. That they won't compromise at any cost is their constant refrain but empty words do not suffice. The statements need to be supplemented with action. Not only speeches but appropriate conduct is also a requirement. The Prime Minister has stated that strict measures will have to be taken. What steps are proposed to be taken ? Why is it being delayed ? This Parliament Session will last only a few days. We will celebrate the Anniversary of independence. But if we are not very concerned about the future, we will not be able to create that zeal and spirit in the people which is required for celebrating this solemn occasion. That is why I have moved the Adjournment Motion to jolt the entire House into action.

I am grateful to you for having given me the opportunity to speak.

[English]

MR. CHAIRMAN : Motion moved :

"That the House do now adjourn."

Shri Tariq Anwar.

THE PRIME MINISTER (SHRI I.K. GUJRAL) : Sir, I want to speak.

MR. CHAIRMAN : Oh ! I am sorry. Yes, you can speak.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : It would be better if the Prime Minister could reply after listening to the other Members . . . (Interruptions)

SHRI I.K. GUJRAL : Why is it that whenever I rise to speak, you also stand up to speak ? What is this ?

I have told you many a times . . . (Interruptions).

[English]

MR. CHAIRMAN : No. Shri Nitish Kumar, you are not to decide that. I have to decide.

(Interruptions)

MR. CHAIRMAN . Please sit down. Yesterday also you did the same thing.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : The Prime Minister should give his reply after listening to all the members. . . (Interruptions).

[English]

MR. CHAIRMAN : Please sit down. I have called the hon. Prime Minister to speak now.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : The Prime Minister is not willing to listen to all the members. . . (Interruptions).

[English]

MR. SPEAKER : I have already called the hon. Prime Minister to speak now.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : What does this mean. . . (Interruptions).

[English]

MR. CHAIRMAN : You may please be seated. Nothing will go on record.

(Interruptions)*

MR. CHAIRMAN : Shri Nitish Kumar, the hon. Prime Minister can intervene at any time.

(Interruptions)

*Not Recorded.

[Shri Nitish Kumar]

[English]

MR. CHAIRMAN : No, There is no point of order.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : It will be better if hon. Prime Minister Speaks after listening to the viewpoint of all the Members . . . (Interruptions) Neither he want to listen to anyone nor he want to meet all the Members. We have tried to meet him time and again but he does not want to meet us. (Interruptions).

[English]

SHRI SOMNATH CHATTERJEE : The Prime Minister wated to speak now and that is why, it was postponed. . . (Interruptions) Shn Atal Bihari Vajpayee has agreed to postpone it till four o'clock to enable him to be present here. . . (Interruptions) After this, now he is raising that point . . . (Interruptions) It is not fair. . . (Interruptions).

MR. CHAIRMAN : Shri Nitish Kumar, in the morning, it was originally fixed for discussion at two o'clock. But it was at the instance of the Prime Minister that the hon. Speaker had fixed it at four o'clock so that immediately after the Mover of the Motion, he can speak. It was my fault that I called out the other hon. Member's name.

(Interruptions)

MR. CHAIRMAN : No. Nothing of that sort.

(Interruptions)

MR. CHAIRMAN : Hon. Prime Minister please.

16.58 hrs.

SHRI I.K. GUJRAL : Sir, I am grateful to you. I am also grateful to the Leader of the Opposition that he has drawn the attention of the House to this very vital issue. I think, on one point, all of us – I emphasise the word 'all' – agree that corruption is something which requires our attention. our urgent attention and also very firm attention

The first day when I spoke in this House seeking a vote of confidence, I had promised three things. I am glad and grateful to the Leader of the Opposition that he has

repeated all the promises that I had made. I repeat them again and I confrim them again.

I am also grateful to the Leader of the Opposition that while reminding me of my promises, he has not made an allegation that I am backing out of it. The main point today is – it is very important for us to keep it in mind – to see what is the Motion before the House.

He has at length spoken about Bihar. He has every right to do so and I will come to it. I think, it is important for us to talk about it and it is important for us to pay our attention to this. But one thing is very important and that is that, although in the end, he said that he has moved this motion to draw our attention to it. If it was the intention, then it should have been done under some other rule in the Rules of Procedure, and not under the Adjournment Motion, as my friend, Shri Somnath Chatterjee had pointed out.

17.00 hrs.

But anyhow, I will not take your time on that. As you know Sir, I have told several times and I repeat again that I have great respect for Shri Atal Bihari Vajpayee for several reasons. One of the reasons is that he is very sober, he is very balanced, he is very prudent and he also is not known as an activist. Therefore, when he talks of passivity, I think, there is either something wrong with the translation of the word or there is something which English has confused him about. The main point basically is that from the day I assumed office and that was not long ago, from the first day I have been saying that any person in public life, be he a Minister or be he a Chief Minister or anybody who is charged for corruption should step down voluntarily. I have said it in public and I have demanded it in public. I have said it privately and I have also conveyed my message privately and I am saying again today that anybody who wants to act and work in public life should keep himself above all suspicion because unless we build that type of probity in our life, life can never go on. I agree with the Leader of the Opposition that in this 50th year particularly all of us have to determinedly move about it. He has objected and I am surprised that he has objected as to why do I ask the public to cooperate. Is it not a fact or does he not know, because he also contests elections, that people come to him and tell him that for getting an electric connection, people have to pay money ? Do people not tell him, to get a map or a plan or anything approved, people have to pay money ? Does he not know

that every police station has complained against ? Does he not know that day-to-day life has become miserable, impossible and difficult because of corruption ? Does he not know it ? And if in that context, I had asked the public cooperation, did I do a wrong thing ? Can you possibly eliminate corruption only by attacking politicians ? Yes, it is important. All of us who occupy high office, it is important for us to remain above suspicion. Otherwise, we cannot possibly run democracy. I totally repeat what he has assigned to me that public life cannot be run without probity and morality. Morality is always very important and that was the essence of our freedom struggle. Gandhiji always talks of ends and means and those ends and means still matter to all of us. Therefore, I think, on this particular issue at least we should not have been divided. On this particular issue, I think, we should unitedly respond. He has just now drawn my attention to the judgement of the court and I have also received the message almost simultaneously as he did. And my response would have been there even when he would not have read it. I can only assure him that we will definitely respond to the situation. After all, Central Government has two agencies through which it runs. So far as States are concerned, CBI is often mentioned about. What is CBI ? The CBI is prosecuting Shri Laloo Prasad Yadav. Is it or is it not ? Is it not a fact that CBI is an Agency of the Government of India ? Is it not a fact that CBI's constructive responsibility for its actions, to this account, I am accountable to this House ? If that is a fact, then where does passivity come in ? At one time it was said that nobody should interfere in the functioning of CBI. It is correct. We have not. And that is why, we have let it go on and that is why we have been endowed as you have seen in the court itself. CBI has been the agency which has been resisting what is called . . . (Interruptions).

AN HON. MEMBER : Grant of bail.

SHRI I.K. GUJRAL : I sometimes miss the legal word and I start using non-legal words. . . (Interruptions).

SHRI SOMNATH CHATTERJEE : So many illegalities are there.

SHRI I.K. GUJRAL : Not illegal, non-legal.

I wish that an experienced man like Shri Atal Bihar Vajpayee should not have talked about Governor. Governor should not be discussed here. His conduct should not be discussed here. Governor is the Head of the State and

in that capacity, it is for him to decide what he wants to do and what he wants to say. To give permission, to withhold permission, to dismiss a Government or not to dismiss a Government are his own area of action and activity. I can only say and I have said it in public that we have not at any stage tried to tell the Governor as to what he should or should not do. My words should be taken for it. That is why when he gives permission, also a legal point arises. That legal point, I am told, was the advice given by the legal authorities. That is, when the Governor gives permission. I am not defending it. I am only explaining the legal position. This is the advice given to the Government by the Solicitor-General. He says, "In giving sanction for prosecution, the Governor does not pass any judgement on the guilt of the accused. Whether sanction is or is not necessary is determined by the references to the allegation, any complaint and no defence is asked for." He is quoting one case, called Hari Ram Case in AIR, 1939, etc., etc. I could place the details on the Table of the House so that the House could look at it. The allegation, therefore, is that whatever is true or is not true is to be judged by the Court.

While giving the permission, the Governor only gives the sanction for prosecution to see that there is some foundation for the charges so that the prosecution can proceed which it cannot in the absence of the sanction for the prosecuting public servant. That guilt of the accused is only determined by the verdict of the criminal Court in whose jurisdiction it may lie.

My purpose is not to defend anybody. My purpose is not to say whether it is right or wrong. My purpose is only to apprise the hon. Members of the house what the legal authorities have told us only this morning. I summoned him. I talked to him what is the position *vis-a-vis* Governor.

My friend, Shri Atal Bihari Vajpayee, has also drawn my attention to what Shri C. Subramaniam said. I was also present. I also heard him. He had said, "Governor should have withdrawn his pleasure." He did not. That is something which I can neither defend nor see a complaint against. None of us can because it is for the Governor to decide whether he defaulted or did not default. My only one responsibility was, which I have discharged fully, against one of my Ministers. Permission was given to take action against him or prosecute him. I asked him to resign that very day and Shri Verma resigned. He is not in the Government. I discharged my responsibility fully that day.

[Shri I.K. Gujral]

Therefore, I upheld what I had been saying. Today, I can only say this thing and I will proceed from this. The point therefore is most important. Public life, I repeat, cannot be really advanced particularly in democracy unless we hold the morality as a person. The morality is extremely important for us. Therefore, we have to be very cautious on this that no finger is raised on us. I totally go with that and equally important for me is to say this. Again I repeat that the conduct of all of us is always under scrutiny. Each one of us sitting in this House or may be in the Legislatures lives in a glasshouse. They are all being observed all the time. That is why it is important for us to keep in mind the fact that people who have elected us or may elect us tomorrow again or may not, they are all the time watching us. And if somebody falls short of it, of course, ultimately people decide, but I am not passing on the buck. There is some responsibility that I have. But I am also more than that. It is the responsibility on my part that I uphold the rule of law.

I hope, nobody expects me to go beyond the rule of law. We have once experienced in this very House when the rule of law was flouted. And friends like Shri Atal Bihari Vajpayee and others were in jail for several months because they were not conforming with that big fiat. I do not want to rule by fiats. I do not want to become an authoritarian. I want to assert not my authority but I want to assert the regality or the majesty of the rule of law. And that is what we are all about.

If we do not observe the rule of law, then who else will? That is why I understand fully that where my area is and where the Court's area is confined to. This system has been built, I think, with great vision. The Constitution is a witness to that, an evidence of that. The judiciary has its own area. The Executive has its own area. And this Parliament has its own area defined. Therefore, we do not want to go beyond that.

But more important, I would repeat again and again, is credibility in public life. It is extremely important that we remain credible. I have and I can assure you again and repeat, both in private and in public I advised the Chief Minister of Bihar to step down. But he did not.

Now, after that, the question of article 356 arises. I think, again Shri Atal Bihari Vajpayee and myself both were present in the Inter-State Council meeting when the Chief

Ministers belonging to his Party, more than any others, were cautioning me again and again not to use article 356. They were saying again and again that article 356 should be used with caution. They were telling me again and again. . . (Interruptions) Please let me finish. The main point was when the Inter-State Council met under the Chairmanship of my colleague, the Home Minister, they identified two areas and there was an agreement that article 356 should be used when an external threat is there, or when there is a danger from terrorism and the State administration gets mixed up there. The third area on which there was a sharp difference was on the question of secularism. We, on this side believe that placing any State Government which does not believe in secularism under President's Rule should be justified. But I did not force it on that day also. Shri Vajpayee was sitting there and his colleagues were also sitting there and I said, 'all right, let us again persuade each other; let us again talk to each other'. But my believe is firm and that is, Indian unity can be sustained only on the basis of secularism. Unless we remain secular, we will not be able to keep this nation together. But some people do not believe in it. But then it is a matter of their belief. But we firmly believe in it. That is why we said that day that article 356 can be imposed only under those circumstances and we want to say it again.

Sir, I am not going to speak for a long time here. So, the main point which I would like to repeat and again I want to draw the cue from my worthy colleague Shri Atal Bihari Vajpayee who said that there should be quick judgement. Yes, I have written to all the Chief Ministers. I have written to all of them requesting them to set up special courts for this purpose. Some of them have replied and some of them have not. Most of them who have not yet replied belong to your Party, not to my Party. All those who have assured me that they are setting up special courts or have set up special courts are from this side. I would like to urge upon you, please tell them; please ask them; please besearch them, please request them; go on your knees if you have to, to set up special courts so that the special courts dispose them off very quickly and everything gets quicker.

Therefore, one thing that I must say is that let us draw a distinction between legality and probity. Probity is important; but legality but legality is sacrosanct. We must not do anything which can smack or even smell of illegality. Because if this House starts doing it, then who else will

uphold the rule of law ? That is why, I feel, therefore, that this is more important for us to keep in mind.

The other point to which I would like to draw your attention to it after all, who has chargesheeted Shri Laloo Prasad Yadav ? The CBI. Whose agency is the CBI ? Centre's. In which Department of the Government of India does CBI function ? The Prime Minister's Officer. If this is passivity, I do not know what is activity. If there is passivity, that the Department functioning directly under my charge, not only does it chargesheet; but also does it oppose the anticipatory bail, then with what base, at what level and now am I accused of passivity ?

This is the Department which functions like this. Five IAS officers has been accused in this. I must explain that also. The permission of the Government of India has been sought. The Government of India have found that against two officers there is enough evidence and they should be prosecuted. One officer has retired. Therefore, it is for the CBI or anybody else to decide whether they want to prosecute him or they do not want to prosecute him. Against two officers, Government of India did not find enough evidence but all the same, again to uphold the rule of law I have referred this to the Attorney General. I have asked the Attorney General's advice as to whether the Government should or should not give permission. The Law Minister says that this is now under consideration. Therefore, I would only say that when we are thinking in terms of a situation, let us not play politics. This is not a political issue. This is an issue, you have rightly said, about the future of the public. This is an issue on which all of us should unanimously, in unity, raise our voice if we want a clean public life. I can only assure you, my language may or may not be soft, my determination is very serious. I have given this promise to you earlier and I repeat it.

At this moment, my friend has drawn my attention to the latest judgement given by the High Court. As a result of this, a new situation has arisen.

[Translation]

SHRI NITISH KUMAR : Whether warrants have been issued ?

SHRI I.K. GUJRAL : Why are you in haste and worried everytime.

I know that you have personal vendetta with Lalooji.

I know that Lalooji had been your supporter, guide, philosopher and close friend. . .(Interruptions).

SHRI NITISH KUMAR : Hon. Prime Minister, Sir, it is not proper for you. You every well know as to what was your position there ? Should I tell here that how you got elected for Rajya Sabha from there. You know all that and how do you feel if I reiterate it here . . .(Interruptions)

[English]

MR. CHAIRMAN : Are you yielding to him, Mr. Prime Minister ?

(Interruptions)

SHRI I.K. GUJRAL : The main point that I was saying, a situation has arisen. . .(Interruptions).

MR. CHAIRMAN : Shri Nitish Kumar, he is not yielding to you.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : Gujralji, you may need Laloo Prasad Yadav and not me ? . .(Interruptions).

[English]

MR. CHAIRMAN : Nothing will go on record.

(Interruptions)*

SHRI I.K. GUJRAL : I only want to say that it is his old habit to interrupt and disturb like this. . .(Interruptions).

MR. CHAIRMAN : Yesterday also you did the same thing. The moment the Prime Minister stands up, you are disturbing him. This is not correct. He is not yielding. How can you speak when he is not yielding to you ?

(Interruptions)

MR. CHAIRMAN : Nothing will go on record.

(Interruptions)*

MR. CHAIRMAN : Please, let him complete his speech.

SHRI I.K. GUJRAL : May I say. . .(Interruptions).

*Not Recorded.

[Translation]

SHRI NITISH KUMAR : Mr. Chairman, Sir, hon. Prime Minister has levelled allegations against us.

MR. CHAIRMAN : What was his allegation ?

(Interruptions)

[English]

MR. CHAIRMAN : You are a senior Member. Please do not do such things. Yesterday also you did the same thing.

[Translation]

SHRI ANAND MOHAN (Sheohar) : Sir, . . . (Interruptions)* The Government should be dismissed. . . (Interruptions)

SHRI NITISH KUMAR : Sir, he can be Dronacharya before Duryodhana, not we ?

[English]

SHRI I.K. GUJRAL : Sir, may I say, Shri Nitish Kumar is . . . (Interruptions).

MR. CHAIRMAN : The unparliamentary word used by Shri Anand Mohan should be expunged.

(Interruptions)

SHRI I.K. GUJRAL : Sir, Shri Nitish Kumar is an old friend and I am very fond of him. Whatever I said was in a friendly spirit. I love him all the same.

[Translation]

SHRI NITISH KUMAR : You, please withdraw your words. . . (Interruptions).

SHRI I.K. GUJRAL : Alright.

[English]

SHRI NITISH KUMAR : Thank you.

SHRI I.K. GUJRAL : Sir, in conclusion, I would say that if I had spoken before the judgement, the judgement to which my worthy friend Shri Atal Bihari Vajpayee has referred to, I would have said that there are two or three options open all the time. One is persuasion, trying to draw attention to morality and probity. If our Party was functioning as it should have been, which unfortunately is not the case,

inner party pressures could have been built. Second, of course, was the other way about and that was if somebody who is being accused had realised for himself that it is in his own interest also to step down. He has not done it. Now, with the denial of the anticipatory bail a new situation has arisen. I can only assure that the Government will take due cognisance of it and will not be found wanting. But it will not act in a hurry because I must see to it that legality is preserved and the rule of law is upheld.

May I say lastly before I sit down that my commitment is to three points which I made in the beginning of my tenure ? We shall not spare anybody – be it anybody, belonging to this side or that side – who indulges in corruption, we shall not. We shall always be transparent. For transparency I have taken some steps further. You know that the Governments of India have been blamed in the past regarding kickbacks and all that. I am setting up an independent machinery to see that all major purchases pass through that transparent machinery. I am also setting up a machinery to see to it that anything purchased in India, particularly the larger equipment etc., imported from abroad, passes through that needle's neck so that probity is established.

I have said one more thing and I repeat it that I am against witch-hunting. You know what has happened in *havala*. I do not know if you view it as witch-hunting or not. Whether you support it or not, I do not know. But I promise one thing. I stand committed to upholding the rule of law and doing all my bit and all my might against corruption. Be it anybody, he may be belonging to any party, no accommodation and no room will be given for such a person. He has no place in our public life who does not uphold the probity, morality and also the high values for which this country fought and ultimately liberated itself.

[Translation]

SHRI NITISH KUMAR : Hon. Prime Minister, what will you do after his arrest ? . . . (Interruptions).

SHRI TARIQ ANWAR (Katihar) : Mr. Chairman, Sir, while Presenting the Motion, Hon. Atal Bihari Vajpayee mentioned the conventions and traditions of Congress Party. He also stated in his speech that it is the convention and tradition of the country. Shri Atal Bihari Vajpayee mentioned the convention and tradition followed by the Congress Party since the very first Prime Minister Late. Pt. Jawahar Lal Nehru to Shri Narasimha Rao ji. He also mentioned Krishnamachariji, Malviyaji and Shri Pratap