

[Sh. Brahm Dutt]

be laid on the Table of the House. Otherwise it will be an insult to this House... (*Interruptions*) There are two alternatives. Either they have to say that they have already laid all the papers on the Table of the House or...(*Interruptions*)

MR. CHAIRMAN: I call upon Shri Mufti Mohammad Sayeed to read out the statement.

(*Interruptions*)

18.06 hrs.

[*English*]

STATEMENT BY MINISTER DISAPPEARANCE OF SHRI JAGDEV SINGH KHUDIAN MEMBER OF PARLIAMENT

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Sir, I rise to inform the House of a disturbing development concerning an Honourable Member of Parliament

Shri Jagdev Singh Khudian had returned to his house in village Khudian of Faridkot District, at about 2200 hours on December 27. He was found missing from his room in the morning of December 28 when bed tea was sent to him. The search, however, started later on since the family members felt that he might have gone out some where. The suspicion regarding his absence arose when his family members found that his jacket, which he normally wore while going out of station, was hung on one of pegs in the room. It also contained his purse and papers. Later when the search started the police reportedly found only one set of footprints suspected to be of Shri Jagdev Singh Khudian himself going towards the Rajasthan Feeder through his own field which is located by the side of the Rajasthan Feeder Canal. This canal passes from near the village and is located at a distance of about one half to three fourth of

a kilometer from the house of Shri Jagdev Singh. The search party found his pair of shoes, turban and shawl near the bank of the canal. According to the police which had taken the statement of his son and nephew, Shri Jagdev Singh Khudian was somewhat perturbed ever after his election. The Police was informed. SSP of the District personally went to the spot on receipt of information and directed the investigation. However, till reports last came in, it has not been possible to get any clue to the Hon'ble Member's whereabouts or to the possible reasons for his disappearance. Vigorous search is going on and a special team headed by a DIG of Police has reach the site. The Government of Haryana and Rajasthan and their Police officers have been alerted and requested to help in search operations. Punjab Government has also arranged for closure of the flow of water in the canal to help the search for him.

Shri Jagdev Singh Khudian was given security arrangements after he filed nomination papers for election to Lok Sabha. He was given two gunmen, an escort of an Head Constable and three Constables and armed guard of one Head Constable and four Constables at his residence. However, he returned these arrangements on 8th November, 1989 and in spite of advice from the Punjab Police, he declined to have any security arrangements.

I can assure the House that all possible efforts are being made to trace out the whereabouts of the Hon'ble Member. From the information received so far, it is not possible to say whether any foul play can be suspected. As is well known, the Government has started a process of bringing Punjab back to normalcy. We have great hope from the newly elected Members of Parliament of this State that they would help us in achieving this aim. The disappearance of the Hon'ble Member at this juncture is a matter of special concern for all of us.

I am sure that the Hon'ble Members of this House would join me in wishing for the

welfare of Shri Jagdev Singh Khudian and for his safe and early return to his family.

(English)

(Interruptions)

MR. CHAIRMAN: Will you please resume your seats and let me understand what you want? I am not able to hear anything.

(Interruptions)

MR. CHAIRMAN: May I take it that you want to shout and not listen?

SHRI DINESH SINGH (Pratapgarh): Madam Chairperson, the Chairman before you had heard us and he also heard the Leader of the Opposition. He said that he would convey our views to the Hon. Speaker and that the Speaker's ruling would be conveyed to us. *(Interruptions)* In the meantime, the transcript of yesterday's proceedings was also placed before the Speaker and he had seen from th transcript that there was a specific commitment by the Hon. Prime Minister to place all the files with the Prime Minister on Bofors on the Table of the House. *(Interruptions)* The record has been seen by the Hon. Speaker. *(Interruptions)*

THE MINISTER OF HOME AFFAIRS (SHRIMUFTI MOHAMMAD SAYEED): Why do you not listen to us? Please listen to us. *(Interruptions)*

MR. CHAIRMAN: Hon. Members, if you want to make any submissions and after that if you want my answer, then you must give me an opportunity. It seems to me that you are more interested in making noise.

(Interruptions)

MR. CHAIRMAN: What should I do? Will you let me answer? Now, Mr. Chidambaram, what do you want to say?

SHRI P. CHIDAMBARAM (Sivaganga): I wish to support what Mr. Dinesh Singh

submitted to you. Madam, the transcript is a property of the House. The transcript is available. We have seen the transcript. You are most welcome to see the transcript. We do not want to do anything but ask the Prime Minister to stand by his promise which is there in the transcript. The Prime Minister categorically said that all the files will be brought. The leader of the Opposition asked him to bring all the files and he said "I will". "I will bring all the files. I shall do it tomorrow itself, not much delay".

Those are the words. Now, where are the files? I have seen three sheets which he has placed on the Table. One is Mr. Arun Singh's noting. That is one page of a file. The other is General Sundarji, note which I do not know whether it belongs to a file or does not belong to a file. The third is the Attorney general's opinion. I take it that the Government has only these three papers on Bofors and all the other files have been misplaced or destroyed by the New Government? Where are the files? *(Interruptions)*

SHRI NATHU SINGH GURJAR (Dausa): Madam, today morning the Speaker has given a ruling that Matter under Rule 377 will be taken up at 6 O' Clock. Please take up Matter under Rule 377 now...*(Interruptions)*

SHRI MANDHATA SINGH (Lucknow): Madam Chairperson, I venture to make a suggestion. The views expressed by the opposition—by Mr. Dinesh Singh and others—may be conveyed to the Prime Minister. And if there is any transcript—I cannot disbelieve my ears—last night Prime Minister has said that not even a single file is available all the files were destroyed....*(Interruptions)*

MR. CHAIRMAN: I allowed him.

SHRI MADHATA SINGH: We had to bear with you for about half an hour. Please bear with me I agree with you that the transcript of the proceedings is the property of the House and if you have the good fortune of looking through the transcript, that might be a portion of the transcript...*(Interruptions)* Please be patient. *(Interruptions)*

SHRI SAIFUDDIN CHOUDHURY (Katwa): Madam, thank you for giving me the permission to speak on this. Now that the Prime Minister has committed has been there on the transcript. This can be checked up. Another thing, what the Prime Minister said yesterday is this. All the files are not available in the Prime Minister's Office. If that is the practical difficulty of this Government, then they must take it clear again today whether many of the files are missing from the Prime Minister's Office or destroyed by the earlier Government...*(Interruptions)*

SHRI DINESH SINGH (Pratapgarh): What is the difficulty in placing the files on the Table?...*(Interruptions)*

THE MINISTER OF ENERGY AND MINISTER OF CIVIL AVIATION (SHRI ARIF MOHAMMAD KHAN): Absolutely there is no difficulty. All these facts have already been laid on the Table of the House. There will be more and more...*(Interruptions)* Madam, if they are raising certain questions, then let them also hear the clarifications.
(Interruptions)

SHRI HARISH RAWAT (Almora): Why do you not make the files as the property of the House?... *(Interruptions)*

SHRI ARIF MOHAMMAD KHAN: I can understand their impatience. Please bear with me for a minute. When the Prime Minister had intereved in the discussion on the President's Address, it was the hon. Leader of the Opposition who said again and again that all the files should be laid on the Table of the House. While responding to the query of the hon. Leader of the Opposition, the Prime Minister categorically said in the House that all the files pertaining to Bofors are not even with the Principal Secretary. He said categorically...*(Interruptions)* Let it be clarified. In fact all the records are there if I am not speaking the truth. *(Interruptions)* Let me complete. We have heard you patiently. Let me complete my formulation. *(Interruptions)* In fact, the the hon. Prime Minister sought the cooperation of the Leader of the Opposition so that all the papers and all the files

pertaining to Bofors may be located and brought to one place. What the Prime Minister had stated was not that all these files would be laid on the Table of the House, but he said that all the facts would be laid on the Table of the House and that has been done by the hon. Prime Minister....*(Interruptions)*

SHRI HARISH RAWAT: You please hear me...*(Interruptions)*

MR. CHAIRMAN: Two Members, one is the Whip and another a very important Member, have already put the question. Now it is turn of the Minister of Parliamentary Affairs to clarify.

SHRI HARISH RAWAT: I am on a point of order...*(Interruptions)*

MR. CHAIRMAN: I am on my legs. Please take your seat first of all. Under which rule you are raising the point of order? Tell me which rule has been infringed.

SHRI HARISH RAWAT: I am raising the point of order under rule 222. The Prime Minister had promised yesterday that he would lay the relevant files regarding Bofors on the Table of the House. But today the Prime Minister has made a statement. And that is also a partial statement. He has concealed something from the country, from the House. When he was asked to do so, he ran away from the House. That is why, we are raising this. You kindly ask the Prime Minister to come before the House.

MR. CHAIRMAN: There is no point of order. I do not see what is the point of order....

(Interruptions)

SHRI B. SHANKARANAND (Chikkodi): Madam, Chairperson, you have allowed me to say something...*(Interruptions)*

SHRI ARIF MOHAMMAD KHAN: Madam, please be indulgent to Shankaranand Ji. He knows more about Bofors.

SHRI B. SHANKARANAND: Yes, I know. I will tell you...*(Interruptions)*. Madam, will you please see the transcript?...*(Interruptions)*. Madam, Chairman, don't read the book. Please see the proceedings. Today the Prime Minister himself made a statement in the House and he never said that he does not have the files...*(Interruptions)*. May I request you not to read the rules book, read the transcription? Don't read the book. There is nothing there. You read the transcription. You will find what is there, what the Prime Minister committed. *(Interruptions)*. I request you to look into the transcription and what is written there, and ask the Prime Minister to lay the files on the Table of the House. Don't side with the Prime Minister...*(Interruptions)*

MR. CHAIRMAN: Now, that is all. You have spoken for half-an-hour and plenty of your party Members have been speaking together...

(Interruptions)

MR. CHAIRMAN: I have allowed you to speak, you have spoken...

(Interruptions)

SHRI P. CHIDAMBARAM: Please allow me one minute, Madam.

MR. CHAIRMAN: I have already allowed time to you, Mr. Chidambaram. You cannot have it all the time. Now I have called the Minister for Parliamentary Affairs and then I will come out with my own observation...

(Interruptions)

MR. CHAIRMAN: No, you have already spoken...

(Interruptions)

SHRI P. CHIDAMBARAM: Madam, he is yielding to me...*(Interruptions)*.

MR. CHAIRMAN: It is your Members who are all talking together....

(Interruptions)

SHRI P. CHIDAMBARAM: Madam, paragraph 4 of the statement says... *(Interruptions)*

MR. CHAIRMAN: One second. If you are serious, when one of your Members is speaking, at that time you should not interrupt...*(Interruptions)*

SHRI P. CHIDAMBARAM: Madam, here is this very statement of the Prime Minister.

MR. CHAIRMAN: What is this? Just now you spoke.

SHRI P. CHIDAMBARAM: He is yielding to me, Madam. Why are you objecting when he is yielding to me? Madam, paragraph 4 of the hon. Prime Minister's statement made to the House says: "The records show that there was a flurry of activity..." He has seen those records, he has those records. Paragraph 11 says: "Certain definite conclusions emerge from the facts recapitulated by me on the basis of the records." He has seen the records, he has the records. Paragraph 12 says: "It is established on record that the officers and Ministers concerned at that time..." He has seen that record, he has that record. Paragraph 10 says: "The first and only significant disclosures by Bofors were made in their discussion with the officers of the Government of India in September, 1987." He has those minutes; he has seen those minutes. Where are those files?...*(Interruptions)*. And finally, paragraph 16 says there was a meeting in the Home Ministry attended by the Home Minister...etc. etc. He has seen the file, he knows who attended. Where are those minutes? These are files in the possession of the Prime Minister. In the Prime Minister's office there must be those records. He has seen those records. Let him produce all those files...*(Interruptions)*.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Madam Chairman, I am surprised that the hon. Members opposite are acting like innocent virgins. (*Interruptions*). Please hear me. Please sit down. (*Interruptions*). I repeat, you are innocent virgins...(*Interruptions*). Madam, many of them have worked as Ministers in the Centre, some of them were Chief Ministers. They know very well that the files are never tabled in the House. (*Interruptions*). Please hear me. Please sit down. (*Interruptions*)

MR. CHAIRMAN: You can't teach me by asking me not to read the rules.

(*Interruptions*)

MR. CHAIRMAN: Please sit down. And you are behaving now...

(*Interruptions*)

MR. CHAIRMAN: He heard you and you have to hear him now.

(*Interruptions*)

SHRI BRAHM DUTT (Tehri Garhwal): The files are there. Let them put the files here.

(*Interruptions*)

MADAM CHAIRMAN: Please, MR. Chidambaram and you, now let him complete.

SHRI P. UPENDRA: There were instances here and in other State Legislatures where files are kept sometimes with the Presiding Officers for examination by certain selected people or extracts from the files are tabled on the Table of the House. These are the two procedures. Never the files are brought to the House any time. Let them show any instance when the files have been brought to the House. (*Interruptions*). I don't yield. Please sit down. (*Interruptions*)

18.39 hrs.

[SHRI JASWANT SINGH *in the Chair*]

SHRI P. UPENDRA: Mr. Chairman, Sir, shall I continue?

(*Interruptions*)

SHRI ARIF MOHAMMAD KHAN: I can understand your anguish. The Company whose official Shri Shankaranand has described as 'honoured guest', they have been faithful to you. I can understand your anguish. The same Company whose official was described by you as 'honoured guest', has been barred from any future contract. So, I can understand your anguish. (*Interruptions*) We are not going to treat them as honoured guest. I can understand your anguish.

(*Interruptions*)

SHRI P. UPENDRA: Sir, in response to the demand of the Leader of the Opposition, the Prime Minister offered to place certain documents on the Table of the House. (*Interruptions*)

MR. CHAIRMAN: Let the Government say what it has to say. Kindly do not interrupt him.

SHRI P. UPENDRA: When the Prime Minister has offered to place certain documents, it is in the discretion of the Government and the Prime Minister to select such documents which can be placed before the House. (*Interruptions*)

SHRI P. UPENDRA: In the public interest whatever will have to be placed on the Table of the House we will place them. I can also assure that this is not the last document; more documents are coming about Bofors. (*Interruptions*)

MR. CHAIRMAN: If you feel that you are in a position to answer all the allegations, please restrain yourself.

(Interruptions)

SHRI P. UPENDRA: Sir, those hon. Members who are very vociferous about the placement of the records today, some of them were the Members of the previous Government which brought an amendment to the Commissions of Enquiry Act not to place certain reports of some commissions. (Interruptions)

Lastly, I can assure them that whatever the Government feels has to be placed, definitely it will be placed on the Table of the House. (Interruptions)

MR. CHAIRMAN: I have recognised Shri H.K.L. Bhagat.

SHRI H.K.L. BHAGAT (East Delhi): Mr. Chairman, Sir, after the Parliamentary Affairs Minister has spoken, you have given opportunity to speak for a former Parliamentary Affairs Minister. I wish to say that today, the Parliamentary Affairs Minister seems to be taking a position as if some of the documents are privileged which the Prime Minister did not take yesterday. He made a very categorical statement that he shall place all the P.M.O. files. (Interruptions)

I wish to say that the position the Government did not place any files....

(Interruptions)

Why are they trying to be secretive? They have been showing Bofors. Bofors—The Hindu! Now, we are showing 'The Hindu'. What is wrong with that? Place them on the Table of the House. Why are you afraid of that?

Lastly, Mr. Chairman, he has every right to use any language he wants; he is a Parliamentary Affairs Minister now. But we should not behave like he was behaving there.

You can criticise us *dalal* or whatever language you use. But you have no business to denigrate the industrial workers. You seem

to have a contempt for the industrial workers. You should be ashamed of that. (Interruptions) Your Prime Minister said, you are an open Government. But why are you running away? Why are you running out with open Government? Why are you afraid of placing those files on the Table of the House? Are you trying to destroy them? Place them today. Let the House see those files. (Interruptions)

[Translation]

SHRI LALU PRASAD (Chhapra): Mr. Chairman, Sir, my point of order is that hon. Members of the Opposition are having some problems as they are not acquainted with the rules of procedure. The Lok Sabha Secretariat had organised a three day camp for new Members ... (Interruptions).... Let the Lok Sabha Secretariat organise another three day training camp for opposition Members as well as their Leader so that they do not face problems in future... (Interruptions).... and make their points. All this discussion is going on with little regard to rules of procedure. They did not say anything when he was giving the reply. When he left the Chamber, then someone told him that he had not fulfilled his role as leader of Opposition properly. Then he returned to the Chamber. So all these hon. Members alongwith the leader of the Opposition should go through a training camp organised by Lok Sabha Secretariat so that they know how the House functions... (Interruptions).....

[English]

SHRI RAJ MANGAL PANDEY (Deoria): Mr. Chairman, in the whole parliamentary history, the whole file has never been placed before the House. Only the relevant papers are always placed. It is a matter of interpretation what the relevant papers are. It is for the Treasury Benches to say what are the relevant papers. It is not the job of the Opposition to say what would be the relevant papers that we have to place. It is for us to decide. It is for the Treasury Benches, the Prime Minister to decide what are those

[Sh. Rajmangal Pandey]

relevant papers that are to be placed on the Table. (*Interruptions*)

It is not only this. I would like to remind the hon. Members sitting on the Opposition Benches that the Prime Minister told me that in the case of certain aspects on Punjab and Jammu and Kashmir, he did not confer with his own Ministers and he unilaterally takes certain decision, and he does not even communicate to his own Council of Ministers. What does it indicate? There are certain matters which are the prerogatives of the Prime Minister which concern the unity and integrity of the nation. (*Interruptions*) In such a situation, they cannot demand that the whole file should be placed. What could they expect are the relevant papers only.

(*Interruptions*)

PROF. SAIFUDDIN SOZ (Baramulla): Mr. Chairman, believe me, I feel at ease when you are in the Chair because you know the rules and you have respect for rules. Now, Sir, earlier you made the observation...

MR. CHAIRMAN: Is that an observation against the Chair?

PROF. SAIFUDDIN SOZ: No, Sir. It is an observation you have made I want to remind you. you said. "Transcript of the proceedings is the property of the House and I will refer those proceedings to the Hon. Speaker." You would also get the Speaker's decision. Kindly give the decision already made. I took 50 minutes to initiate the discussion on communal situation in the country. It is my right to ask you to give the decision.

MR. CHAIRMAN: I appreciate your point. But it is not a point of order.

[*Translation*]

PROF. SAIFUDDIN SOZ: I was reminding you.

MR. CHAIRMAN: You have no need to

remind me. I am well aware of my duties.

[*Translation*]

SHRI PHOOL CHAND VERMA (Shajapur): Mr. Chairman, Sir, I would like to draw your attention....

MR. CHAIRMAN: Please be as brief as possible while raising your point of order.

SHRI PHOOL CHAND VERMA: I am raising my point in as brief as possible. (*Interruptions*) In the morning the hon. Speaker had fixed 6.00 p.m. for matters under Rule 377. The present discussion has already taken a lot of time, so I request that matters under Rule 377 be taken up now.

MR. CHAIRMAN: What were you saying Tiwariji?

SHRI BRIJ BHUSHAN TIWARI (Domariaganj): Sir, when the ruling has been given that the hon. Speaker will see the transcript....

MR. CHAIRMAN: Let us not get into arguments.

SHRI BRIJ BHUSHAN TIWARI: When the ruling in the matter has been given, why is this subject being discussed?

MR. CHAIRMAN: Would you like to say something hon. Shri Hukumdeo?

SHRI HUKUMDEO NARAYAN YADAV (Sitamarhi): Mr. Chairman, Sir, my point of order is that when the hon. Railway Minister finished replying to a Resolution moved on the day of Private Members Bill and Resolutions, according to the rules private Member, hon. Shri Advani's resolution should have been taken up. One day has been fixed for Private Members' Bills and Resolutions and only that business should be taken up. When this Motion was to be moved, the Opposition interrupted the proceedings by raising another matter. This was not good on their part. This is not the time for taking up Government business. This time has been exclusively set

apart for Private Members business. How for it is justified to do away with the time allotted for Private Members business? I want to know the Chair's ruling in this matter. According to rules, this is injustice on the part of the Opposition.

(Interruptions)

MR. CHAIRMAN: One at a time please.

SHRI HUKUMDEO NARAYAN YADAV: My second point of order is that important issues like the Panamian problem and communal riots were slated for discussion in this House after taking up Private Members' Resolutions. The Opposition's intension is not to allow proper discussion on communal riots in the House. That is why they are creating pandemonium.

MR. CHAIRMAN: There is no point of order.

[English]

SHRI BAL GOPAL MISHRA (Bolangir): The Council of Ministers is bound by rules of secrecy and whatever the Prime Minister has thought proper, he explained it and in spite of that, they are compelling us to behave like them in the Bofors deal which you cannot in the national interest.

[Translation]

SHRI YUVRAJ (Katihar): Whatever information they had regarding the Bofors file has been laid on the Table of the House. Whatever had to be read out has been read out. All they had asked for has been laid on the Table of the House. Now they are demanding the entire file. The Bofors has dragged them to such a length. I wonder where it will land them now.

MR. CHAIRMAN: Now please take your seat.

[English]

MR. CHAIRMAN: Only one of you can

raise the point of order. Hon. Shri Mallikarjun raised a point of order.

SHRI MALLIKARJUN (Mahubnagar): You referred to Rule 376. After the termination of one item on the Order Paper and before taking up another item, I can raise a Point of Order under Rule 376.

I am not talking about the conventions. The conventions are that the extracts may be laid on the Table of the House or whatever they like, they may place it on the Table of the House. But what I am telling is that the Prime Minister of this country, with all his wisdom at his disposal, has committed to this august House about laying the documents. When the Leader of the Opposition urged upon him to lay on the Table of the House all the files pertaining to Bofors, the Prime Minister of this country has not once but thrice committed to this august House: "I will lay on the Table of the House all the files pertaining to Bofors." *(Interruptions)* Therefore, before the commencement of the other item on the business, it should be clarified....

MR. CHAIRMAN: I am giving my ruling on your point of order. I have understood it. Kindly sit down. The hon. Shri Mallikarjun referred to rule 376 raising a point of order. Rule 376 is very clear, I quote rule 376 (5):

"A point of order is not a point of privilege."

Rule 376 (6): "A member shall not raise a point of order—(a) to ask for information..."

So, there is no point of order.

(Interruptions)

SHRI CHIRANJI LAL SHARMA (Karnal): Sir, I am on a point of order.

(Interruptions)

MR. CHAIRMAN: I recognise Shri Chiranji Lal Sharma. Others may kindly sit down. I will come to your point of order also.

SHRI CHIRANJI LAL SHARMA: Sir, under Rule 376 I am on a point of order. Facts are facts. They must be squarely placed. The hands of the clock cannot be put back. Whatever is there on record is the property of the House. You are the best judge to say as to what we are saying is based on facts or not. The hon. Prime Minister was pleased to make a categorical statement, commitment on the Floor of the House to produce the entire record and the files pertaining to Bofors. Should he not honour his commitment? (*Interruptions*)

MR. CHAIRMAN: I have understood it. I don't have to be briefed. That is not a point of order. You can come under something else. The House has its method of getting the Government fulfil its assurances. You cannot come on a point of order. That is not point of order. I recognise hon. Shri Kumaramangalam.

SHRI RANGARAJAN KUMARAMANGALAM (Salem): Sir, under the rules, a point of order can be raised when it deals with the business of the House.

MR. CHAIRMAN: Under which rule you are raising your point of order?

SHRI RANGARAJAN KUMARAMANGALAM: Under Rule 376 itself, I am raising a point of order saying that a point of order is with regard to the proceedings of the House—I mean the transcript. It is the property of the House. It must be available to the Members to refer to. I have been asking for this. It was shown to me once and then it was withdrawn again and then again it had to be called for. Is this proper? If the House is going to be conducted like this, then what will happen?

MR. CHAIRMAN: I would like to rule on what hon. Shri Kumaramangalam raised. A point of order can only be about the business before the House. The point of order cannot be about transcript of previous proceedings. I recognise Raja Saheb Dinesh Singh. I will call every one.

SHRIDINESH SINGH (Pratapgarh): Mr.

Chairman, Sir, I would not like to misuse your confidence. I am not on a point of order. I am merely making a submission to you that I would not wish to take up the time of the House in recalling the statement that you had made earlier... (*Interruptions*) I am sorry for the disturbance. All that I was trying to say is that a transcript is now available. If you would kindly go through the transcript and then decide as to whether a commitment has been made by the Prime Minister and whether it needs to be fulfilled, that will be a good thing. I would not like to reinforce this because this has already appeared in the newspaper.

19.00 Hrs.

MR. CHAIRMAN: You cannot rely on this, we have to go by the transcript.

SHRI DINESH SINGH: Yes, we must go by the transcript. Thank you, Sir.

SHRISHIVRAJ V. PATIL (Latur): Points of order can be raised with respect to the procedure in the House. They do not relate only to the rules. They relate to the Constitution also which guides this House, the rules also, the conventions, the directions and the procedure also. What is in dispute here in this House is whether a particular statement was made by the hon. Prime Minister or not. We do not need the speeches from this side and the speeches from other side to decide whether a particular statement, whether a particular assurance was given by the hon. Prime Minister or not. By referring to the transcript that can be decided. So it should be easy for anybody who is presiding over the House to refer to the transcript and then say whether that statement was made or not. If that is not followed and if I am allowed to say that this statement was made and others are allowed to say that this statement was not made, it will not solve the issue. When there is a procedure, you have to inform us by following the procedure. (*Interruptions*)

I am on a point of order and I am, not on anything else. This matter is before the

House, the Presiding Officer and this House cannot be in doubt as to what was stated on the floor of the House. The records can be gone through.

MR. CHAIRMAN: You have been repetitious, now kindly sit down. You made two points. One is that a point of order is a blanket permission which can be raised about anything.

SHRI SHIVRAJ V. PATIL: Not anything.

MR. CHAIRMAN: I am sorry, don't argue.

SHRI SHIVRAJ V. PATIL: Please do not go on saying don't argue. That is very impolite to the Member. (*Interruptions*)

MR. CHAIRMAN: You are arguing with the Chair. You have the experience of being the Chairman.

SHRI SHIVRAJ V. PATIL: That is why I am saying, don't say all the time don't argue with the Chair.

MR. CHAIRMAN: Your conduct is not in harmony with your utterances.

SHRI SHIVRAJ V. PATIL: Your words are not in...(*Interruptions*)....

MR. CHAIRMAN: I will request that all those observations may please form part of the record. They must form part of the proceedings. Nothing shall be expunged.

You wanted clarifications on two points...(*Interruptions*) Please do not interrupt. You wanted calcification about transcript and you said a point of order enables you to raise any issue in the House.

SHRI SHIVRAJ V. PATIL: Not any, Sir, I am making a very humble submission. What I have said is a part of the record. I have not said that anything can be raised as a point of order. What I have said is that the matters which pertain to the Constitution, the

rules, the conventions and the directions can be raised as a point of order. All the time you cannot ask me to refer to the rules.

MR. CHAIRMAN: I have understood the point. I am now referring to the rules. The rule is very specific. Rule 376 (2) says:

"A point of order may be raised in relation to the business before the House at the moment."

Therefore at the moment the business before the House is not what you are referring to. You can say that you are aggrieved about a certain aspect of the proceedings that had taken place earlier and you have got a request to make to the Government. But cannot raise it as a point of order.

So far as the aspect of transcript is concerned, I shall come to it subsequently.

[*Translation*]

SHRI HARISH RAWAT (Almora): Yesterday in reply to a point made by the leader of the Opposition, the Hon. Prime Minister said in clear terms that every single file in the P.M.'s office, connected with the Bofors issue would be laid on the Table of the House. This was the impression we got and you can also verify it from the copy of the speech. I can agree that the Hon. Prime Minister might have said so in haste. But under Rule 114 A, he had the opportunity to correct his statement the next morning and say that he would place only some documents. But he did not do so. When the Hon. Prime Minister have his statement for the second time, he mentioned words record of file. He used the word 'file' thrice and also said that he has see the file. This much is clear. In spite of that the file was not tabled. This clearly means that the Hon. Prime Minister wants to conceal something from the people and the House which is not right. We want justice from you in this regard. As Members of the House it is our right to demand that the Hon. Prime Minister should fulfil the commitment which he made in the House. Secondly, even though he had the

[Sh. Harish Rawat]

opportunity to correct his statement, he repeatedly used the word 'file' and 'record' in his later statement. If he is not tabling it as per his promise, it implies that he wants to conceal something from the country and the House and he wants to shirk from his responsibility, which is not proper. We want your ruling in this matter.

MR. CHAIRMAN: Hon. Shri Akbar, there is no point of order in the question which you have raised regarding the Government assurances.

(Interruptions)

[English]

SHRI M.J. AKBAR (Kishanganj): Sir, thank you. I feel, Sir, there is a very simple solution to this whole controversy when so much of the time of the House is being taken by the House. I am as upset as many other about the issue of communalism. This difficulty could be sorted out by a very simple method, viz. your reading out the transcript to the House. *(Interruptions)* We want to know as to what exactly has happened and what has not happened and then, on the basis of the transcript, in your own judgement, you can take a decision. *(Interruptions)*

SHRISONTOSH MOHANDDEV (Tripura West): Sir, under what rule you are torturing us? Why don't you read the transcript? *(Interruptions)* You are not doing that way. *(Interruptions)*

MR. CHAIRMAN: Don't interrupt him.

SHRI M.J. AKBAR: For the last three days, I have heard over and over again from the Government that they will do everything possible, even go to the extent of amending the Official Secrets Act of this Government, in order to make it more open Government, in order to put all the information before the people of India. I am stunned and surprised that on Bofors, they do not want to put all the

information before the people of India. I cannot understand this. I would like them to explain. *(Interruptions)*

[Translation]

SHRILALU PRASAD: You cannot interfere in the proceedings of the House. Mr. Chairman, Sir, the time of the House is the time of the nation.

AN. HON. MEMBER: These arguments have already taken one hour. An hour has been wasted before the matters under rule 377 are taken up.

SHRI NATHU SINGH GURJAR: Do they want the matters of public importance under rule 377 should not be taken up in the House? Mr. Chairman, Sir, the time of the House is the time of the nation. We cannot play with it. One hour has already been wasted. We should not repeat it. I am on a point of order. One hour of the House has been wasted.

MR. CHAIRMAN: Please resume your seat. I have called his name. I cannot call your name unless I have heard his point. Please take your seat and listen to him.

(Interruptions)

[English]

SHRI C.K. JAFFER SHARIEF (Bangalore North): Mr. Chairman, Sir, I want to make a submission. I am deeply hurt. I am in the Lok Sabha for the fifth term. We have sat on this side as well as on the other side. *(Interruptions)*

The problem is at 6 O' clock communal situation was to come for discussion on which I understand every side of the House is interested. It is a burning national problem where everyone should be concerned. Unfortunately some of the commitments made by the Leader of the House, the hon. Prime Minister on that question—the question was raised in this House...*(Interruptions)*

All that I would request is that it is a strange experience that I have. (*Interruptions*) It is for you to control the members opposite. They must know how to behave in the House. My submission to all the members who are sitting on that side is that some of them were earlier members on this side. Maybe the verdict of the people has made us to change the sides. There is no doubt about it. The government which swears that it is an open government; a government which swears that it has given right to the source of information, the members sitting on this side demanded some information. Why should they shirk from keeping all the files on the Table of the House?

[*Translation*]

MR. CHAIRMAN: Please be seated. You will also be given time to speak.

(*Interruptions*)

SHRI BRAHM DUTT (Tehri Garhwal): Mr. Chairman. Sir, my first submission is whether you have gone through yesterday's proceeding? If so, I would like to know, through you, as to what the Government is doing with regard to the hon. Prime Minister's promise to table the documents? This is my second submission. (*Interruptions*)

THE MINISTER OF ENERGY AND MINISTER OF CIVIL AVIATION (SHRI ARIF MOHAMMAD KHAN): Mr. Chairman, Sir, a ruling in this regard has already been given in the morning. You have said that whatever is on the record of the House, is there with the hon. Speaker. We will abide by the ruling which is given by him in that regard. (*Interruptions*)

Mr. Chairman, Sir, I have already submitted that you can look beyond what the hon. Prime Minister has said and you will find that we have started taking action in the matter. (*Interruptions*)

[*English*]

Please let me complete. You are not

supposed to disturb me. The Government has already imposed a bar on Bofors for any future contract and a review into the purchase has already been ordered. (*Interruptions*)

SHRI BRAHM DUTT: We have done, not you. (*Interruptions*)

SHRI ARIF MOHAMMAD KHAN: I am not yielding. A point of order can be raised only in respect of the business which is before the House. (*Interruptions*)

[*Translation*]

I have already told you what the Prime Minister said yesterday. Accordingly he has already made a statement and the facts had been laid on the Table of the House. You want to influence the enquiry which the Government has ordered in this matter. We would not allow you to influence the enquiry... (*Interruptions*)

SHRI NATHU SINGH (Dausa): Mr. Chairman, Sir, the members of the opposition have been repeating the same issue again and again and it has been going on for about an hour and a quarter. My submission is that there are some rules to conduct the proceedings of the House and to raise an issue in the House. If they were to raise this issue, they could have raised it on some other occasion and in some other form. At present, we are discussing the communal riots. They do not want to participate in this discussion deliberately. They want this discussion to be postponed. They are interrupting the proceedings of the House, so that they could stage a walk-out. I would like to submit that Matter Under Rule 377 is a very important subject.

MR. CHAIRMAN: The sooner you stop interrupting, the sooner we can take up matters under Rule 377.

SHRI RAM NAIK: Mr. Chairman, Sir, I am raising a point of order about the business before the House. The discussion on Private Member's Resolution has been

[Sh. Ram Naik]

completed and as per the decision taken earlier, discussion on matters under Rule 377 was to be taken up thereafter followed by discussion on communal riots. My point of order is that discussion under Rule 377 should be taken up right away and other issues raised by the hon. Members could be referred to the Assurances Committee since the issues are related to that Committee...*(Interruptions)*

SHRI HAMENDRA SINGH BENERA (Bhilwara): Mr. Chairman, Sir, my submission is that you call the names of the members to raise matters under Rule 377. Today being the last day of the session, we would like to raise several issues of public importance. Let all the members be given two minutes time each. *(Interruptions)*

[*English*]

PROF. SAIFUDDIN SOZ (Baramulla): Sir, I am on a point of order.

MR. CHAIRMAN: What is your point of order?

PROF. SAIFUDDIN SOZ: As per your interpretation, under Rule 376, Sub-section 2, I want to know the business of the House at the moment.

MR. CHAIRMAN: It is Matters under Rule 377.

PROF. SAIFUDDIN SOZ: Kindly listen to me for half a minute....*(Interruptions)*...I have quoted the rule which is Rule 376, Sub-section 2. I want to know the business and the schedule of business of the House...*(Interruptions)*...There will be a discussion. Kindly hold the House to order for a moment. You are an efficient Chairman. *(Interruptions)*

MR. CHAIRMAN: Yes, it will be in order.

[*Translation*]

PROF. SAIFUDDIN SOZ: I feel very

much distressed. Through a point of order, I would like to ask as to what is the Business before the House right now. Secondly, if we take up discussion on communal situation, it will take two-three hours.

[*English*]

Sir, there is a convention. The Parliamentary Affairs Minister may not arrange any dinner for the Members of Parliament. But we cannot take the members of the media for granted. There should be a dinner for the members of the media and the staff of the Lok Sabha Secretariat because it will be a discussion of about four hours. When will there be a discussion on communal situation? I want your ruling.

MR. CHAIRMAN: I will give the ruling. Kindly take your seat

PROF. SAIFUDDIN SOZ: No, I am on a point of order.

MR. CHAIRMAN: The business before the House is Matters under Rule 377 and as soon as this business is over, we will take up the discussion on communal situation.

[*Translation*]

SHRI IBRAHIM SULAIMAN SAIT (Manjeri): I wanted to say that discussion on Communal Situation was fixed for 6.00 p.m. We are already late by an hour. Let the discussion on this subject start now.

[*English*]

DR. BIPLAB DASGUPTA (Calcutta South): Mr. Chairman Sir, I have been repeatedly trying to draw your attention by raising my hand for the last one hour. I do not have that much vocal power to dominate this House. And I am denied an opportunity. I am making this submission to all the Members of the House as a new Member of the House. This is not the way that the House should be run. Members who raise their hands quietly with discipline should be allowed to speak. My submission is this. Like them we are also interested in knowing the truth about Bofors.

Barring two individuals here, all of us are interested in knowing about Bofors. But the question is how to get the truth. Yesterday, Mr. V.P. Singh made a statement. Until that transcript comes, we just do not know what he said in his statement. If he had said that he will lay all the files on the Table, then I do not understand his statement, the simple reason being he cannot physically bring all the files and place them on the table. There are hundreds of files I would like to make another point. What I suggest is this which was also suggested by some Members. Let us wait or the transcript to arrive. Only then we can make some decisions. It is physically impossible to bring all the files here. Only the relevant portions can be laid on the Table of the House. (*Interruptions*)

PROF. SAIFUDDIN SOZ: I want a discussion on the communal situation I am not yielding. (*Interruptions*)

MR. CHAIRMAN: Now, before we take up matters under Rule 377, I have to rule on the points raised earlier by a number of Members from the Opposition. In their submissions, requests and points of orders, they had said that certain assurances given by the hon. Prime Minister as demanded by the Opposition had not been fulfilled. What the Chair and already announced earlier during the day was that once the transcript of the proceedings was available, that transcript would be examined by the hon. Speaker and necessary orders, clarifications issued by the hon. Speaker. That ruling of the Chair still stands.

Second, what the hon. Members from the Opposition have been demanding under various points of order and submissions is that fulfilment of the assurance given by the Government must be ensured today. What the Government has said is that certain types of files in their interpretation, are such as cannot be laid on the table of the House. Whatever the Government thought was necessary and relevant in this matter has been laid on the Table of the House. If however, the Opposition continues to be dissatisfied with what the Government has

done, the Opposition is well within its rights to either move the Speaker, with due notice, about the fulfilment of an assurance given by the Government or, secondly, to move, if they so decide, a motion of privilege or whatever they feel is necessary, against the Government.

We shall now proceed with matters under Rule 377.

[English]

19.27 hrs.

MATTERS UNDER RULE 377

- (i) **Need to include the Nayaka, Naik, Beda Valmiki, Parivara and Talavara tribes in the Scheduled Tribes list**

SHRI V. SREENIVASA PRASAD (Chamarajanagar): Mr. Chairman, considering the difficulties experienced by the students and Government employees and the pressure of the Nayaka community, the Government of Karnataka has recommended the inclusion of synonyms of Nayaka already included in constitutional Schedule as tribes namely Valmiki, Beda, Parivara, Talavara as long back on 16th August, 1984, and 28th November, 1984 and the same is pending finalization by the Government of India.

I propose the removal of anomaly and hardship to the community and for according recognition to the synonyms for Nayaka or Nayakda as done in respect of Banjara, Lambani, Bhovi, Korama and Koracha by Union Home Ministry.

The Nayaka community which is widely called as Parivara in the Mysore District is very much agitated over the injustice caused to them. This community is densely populated with over 4.5 lakhs in this district and they are most backward in all walks of life namely socially, educationally and economically. The average percentage of literacy is