

*The motion was adopted.*

MR. SPEAKER: Now we shall take up the Clause by Clause consideration.

The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

Clause 2 was added to the Bill.

Clauses 3 to 30 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI KEDAR PANDEY: Sir, I beg to move:

"That the Bill be passed".

MR. SPEAKER: Motion moved:

"That the Bill be passed".

श्री रामावतार शास्त्री (पटना) : अध्यक्ष जी, यह ऐमा विधेयक है जिसका विरोध नहीं किया जा सकता लेकिन इसका सहारा लेकर मैं यह निवेदन करूंगा, पांडे जी से, कि जो विधेयक आपने यहां पेश किया है इसको तो क्रियान्वित जरूर करवाइये। परन्तु पूरे हिन्दुस्तान में बाढ़ और कटाव के दो बड़े भयानक मवाल हैं। मेरा निवेदन होगा कि सरकार को इस दिशा में भी सांचना चाहिए कि पूरे देश के पैमाने पर इन दो समस्याओं का समाधान किस प्रकार से निकाला जाए। इसके लिए उपाय होना चाहिए। मैं जानता हूँ क्योंकि हमारे राज्य में भी भयानक बाढ़ आती है और नदियों से कटाव होता है। अभी उत्तर प्रदेश भयंकर बाढ़ से होकर गुजर रहा है। और भी कई राज्य इसकी चपेट में पड़ चुके हैं और आगे भी खतरा है, आगे भी अभी

बाढ़ आ सकती है। पांडे जी को मालूम है कि 1975 में 23 सितम्बर को पटना शहर भी डूब गया था, बाढ़ की वजह से, इसलिए बाढ़ का खतरा अभी भी है और हर साल बाढ़ का खतरा आता है। इसलिए एक सामयिक विधेयक, तमाम बालों को शामिल करते हुए, लाया जाना चाहिए जिसमें बाढ़ को कैसे रोका जाए, कटाव को कैसे रोका जाए, इसकी व्यवस्था रहे तथा भारत सरकार इसकी जवाबदेही को अपने ऊपर ले। अगर इसको राज्यों पर छोड़ दिया गया तो राज्यों के साधन सीमित हैं, उनके बस की यह बात नहीं है। इसमें आप ज्यादा से ज्यादा हिस्सा दीजिए आप राज्यों में सहयोग जरूर लीजिए लेकिन उन पर निर्भर मत रहिए, बरना बाढ़ और कटाव की समस्या का समाधान नहीं हो पायेगा। आपके द्वारा मंत्री जी से मेरा यही निवेदन है।

MR. SPEAKER: The question is

"That the Bill be passed."

*The motion was adopted.*

15.58 hrs.

MOTION RE: CONDUCT OF MINISTER OF ENERGY AND COAL

MR. SPEAKER: Before item No. 15 is taken up, I may inform the House that Shri Jyotirmoy Bose intimated to me late last evening that, under rule 353, he would be bringing several allegations against a number of officers and outsiders besides the Minister of Coal and Energy.

It is well recognised that allegations may not normally be made against officials by name as the constitutional responsibility lies with the Minister. Where however a member is convinced, after making enquiries, that there is basis for the allegation

and he is prepared to accept the responsibility for the same, he is required to give the details of the allegations in writing sufficiently in advance. The details of the charges are required to be spelt out in precise terms and should be duly supported by the requisite documents which should be authenticated by the member.

Shri Jyotirmoy Bosu has not specified in precise terms the charges that he wants to level against the officials and outsiders named by him in the letter, nor has he sent any document in support. I would, therefore, reiterate that he should confine himself to the matter which comes strictly within the ambit of the Motion included in the List of Business.

16.00 hrs.

In the interest of a purposeful debate I would request the Members to exercise restraint, particularly in the matter of use of words. It is to be clearly understood that if any charges are made the Member would have to take the full responsibility for the same.

One of the paragraphs of Shri Bosu's letter states that he would make allegations against other concerned persons. This is too general and the question of bringing in other persons under the sweep of generalisation would not arise.

I would also request the Members to confine themselves to the time limit because I have got three hours; it is now four o'clock.

SHRI KAMAL NATH (Chhindwara): Sir, I am on a point of order. I refer to Rule 186 (vi) which says:

"(vi) It shall not revive discussion of a matter which has been discussed in the same session;"

MR. SPEAKER: No; over-ruled.

SHRI KAMAL NATH: This is a matter which has been discussed; this is a matter which has been the subject matter of a Calling Attention motion. (Interruptions).

MR. SPEAKER: All aspects, of course, have been gone into and I have admitted it after full consideration.

SHRI JANARDHANA POOJARY (Mangalore): Sir, this should not be taken up because it is against a constitutional provision. I am not going against your decision, but the decision to take up this motion—and we are also going to discuss the motion today—will have far-reaching effects and consequences, in future, not only on the conduct of the proceedings of the House but also on the conduct of the proceedings of the Legislatures throughout this country. Why I am submitting this is because, if you kindly take into consideration Art. 75(2) . . .

MR. SPEAKER: We have already seen it. You have not studied the last reports: I have gone through them, and it is all perfectly in order. Yes. Mr. Bosu.

Shri C. T. DHANDAPANI (Pollachi): Sir, may I have your permission?

MR. SPEAKER: Yes?

SHRI C. T. DHANDAPANI: The first part of this motion is in regard to 'the CPM Government'—the conduct of the CPM Government. Which ever may be the Government, a State Government is directly or indirectly going to be discussed. If Parliament has the right to discuss about the conduct of a State Government, the State Government, also will have the same right to discuss about the conduct of the Central Government. So, in that case, in future, 22 State Governments will discuss the conduct of the Central Government. So, in that case, in flood-gate and paving the way to that extent. It will create an ill feeling between the Centre and the States; already some State Governments are

[Shri C. T. Dhandapani]

quarelling with the Central Government. In the federal polity, some divisible powers have been distributed among the Centre and the States: the Centre has got certain powers and the State Governments have certain powers. So, the conduct of a State Government should not be discussed in Parliament. I would request—even now it is not too late—that this should be postponed.

MR. SPEAKER: No; over-ruled.

Carry on, Mr. Bosu. Now, I will give you 20 minutes.

SHRI JYOTIRMOY BOSU: Before I start my debate I would like to draw attention to my notice where I have said 'Under Rule 353'. I was guided by Rule 353. It says that, basically, the allegations are: contriving to act in a *mala fide* manner and indulging in corrupt practices, using the position and contacts . . .

MR. SPEAKER: I have specifically gone into that and accordingly I have given my ruling. You can go according to what you have stated.

SHRI JYOTIRMOY BOSU: Right, Sir.

At the outset . . .

MR. SPEAKER: Please keep to the time limit. I have to call all sections of the House. You start at five minutes past four.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I beg to move:

"That this House having considered acts of commission on the part of Shri A. B. A. Ghani Khan Chaudhury, Minister of Energy and Coal with respect to the following matters, namely:—

(a) that the said Minister, Shri A. B. A. Ghani Khan Chaudhury, misusing the floor of the House has made on 9th July, 1980 baseless and irresponsible statement by saying 'Because whatever the

quota is, the CPM Government is smuggling (coal) into the other States . . . and earning tons of money';

(b) that he, misusing his official position, arranged for issue of 138 coal permits to persons who were not entitled to receive such permits, hereby records its indignation and disapproval of the conduct of the said Minister, Shri A. B. A. Ghani Khan Chaudhury."

At the outset, my appeal to the whole House is, let us, on this occasion, set aside party considerations. It is a fight against corruption and against those, also, who are ruining the economy of the country and it is a clear case where the Prevention of Corruption Act will apply, if you go through the Act of 1947 as amended up to 1971. I demand that the Government should use this dispassionately because the politicians today in this country, all and sundry, have been described as the most dishonest people, jokers and what not. Let those people who are dishonest be isolated. (Interruptions). I am leaving the whole thing to the collective wisdom of the House. I will not be pressing for vote on this issue. I wrote to the Minister yesterday saying that he should *suo motu* come forward with information because the list that has been given to the hon. Speaker, laid on the Table of the House, is only a tip of the iceberg. There are others.

Today the country is facing a serious prime moving energy crisis, and coal is one of them. In north India coal is sold at about Rs. 1,000 metric tonne while the right price should be Rs. 250 per metric tonne. Industries have come to a grinding halt, and one of the major factors is price rise. There is no dearth of coal. Mr. Vikram Mahajan has said in his speech of 9th that, so far as production is concerned, there is no shortage; he has said this in clear language on page 11698. But

serious corruption and mal-functioning have brought about the situation that I am now trying to elaborate before the House. People are switching over to diesel and furnace oil. Our import bill of such oil would exceed Rs. 6,000 crores this year, and it is ruining the economy of the country. Mr. Ghani Khan Chaudhury is presiding over this heinous racket; his confidants—I have given the names—Mr. Prem Kumar, Mr. Vijay Kanungo . . .

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): I rise on a point of order.

SHRI JYOTIRMOY BOSU: I have said nothing.

SHRI C. M. STEPHEN: There is a lot of difference between a no-confidence motion and a censure motion. For a no-confidence motion, no grounds need be stated, and no grounds, even if stated, will form part of the motion. For a censure motion, the ground has to be stated. A censure motion is, in the nature of, if I may say so, an impeachment at the bar of the House; therefore, the grounds have to be spelt out, the charges have to be spelt out. The person who moves the Motion must establish those charges. Nothing beyond those charges and nothing beside the charges. Here, the charge is:

"...that he, misusing his official position, arranged for issue of 133 coal permits to persons who were not entitled to receive such permits."

Nothing about 134 permits, nothing about 130 permits, nothing about anybody other than the Minister, because, the charge is 'he' issued the permits. Therefore, this must be restricted. When I moved the motion in 1977, Mr. Hegde laid it down and Mr. Jyotirmoy Bosu at that time was eloquent that I was going out of the given time. Kindly keep him down to the point. (*Interruptions*).

MR. SPEAKER: I have gone through it. Mr. Bosu, you better confine yourself to what I have said.

SHRI JYOTIRMOY BOSU: Right, Sir.

I would say that people, on behalf of the Minister, in his establishment are going round in Calcutta hawking the permits. I am only showing a tip of the iceberg. Ghani Saheb had gone to Malda using Government vehicles, ten vehicles from Coal India Limited, and National Thermal Power Corporation officials were running about swearing false affidavit before the court, just in an attempt to absolve himself. I had put the question: 'Is it not a fact that irregular permits such as these total a quantity of around 1,02,000 tonnes?'; 'Is it not a fact that in Calcutta permits are sold for a premium of Rs. 100 per tonne?' I won't bother you and the House with the details of the procedure. But as far as soft coke is concerned, it is entirely controlled by the State Government under the Essential Commodities Act. That is, a dealer's licence had to be issued by the State Government for more than 4 tonnes of coal and also for transport by road. Here large permits of soft coke were given for blackmarketing—1150 tonnes and the State Government even was not asked as to what happened to them. My old friend, Mr. Mahajan, said on 9th July:

"Our jurisdiction finishes the moment we give coal at the pit-heads to the persons sponsored by the State Governments. The State Governments issue licences and we give coal to the parties and any person found guilty will be punished."

Mr. Vikram Mahajan, you punish your senior colleague. For Coal for brick-burning the District Magistrate

[Shri Jyotirmoy Bosu]

is the authority. For industrial requirements—the Central and State Industries Departments and also for those units which are registered with the DGS&D. There is a set procedure for this. Under the order dated 30th January, 1980 which says:

“Following procedure for sponsoring road and rail movements of steam and slack coal for the SSI units including brick manufacturing—the road movement, the General Managers of the District Centres and for requirements for rail movement, the Director of CSSI, West Bengal...”

So, Sir, there is a clear procedure and I congratulate Mr. Vikram Mahajan for giving the correct information to the House that a person gets coal on a permit issued by the State Government and the coal has to be given by what we call, the Coal India Ltd. on behalf of the Government.

I would come to another thing. Mr. Khosla, Additional Secretary in his Secret letter dated 24th December wrote to the Government of West Bengal:

“The requirements of other industrial consumers are assessed by the Director of Industries of the different States, the DGID, Textile Commissioner, Indian Cotton Mills Association, etc. All these authorities should communicate the aggregate demand in their respective areas to the various coal companies from whom they are required to get supply of coal and the Director of Movements, the Railway Board.”

That is the position.

I charge the Minister of gross misuse of his official position and power for reasons which are not difficult to understand. I leave the House to judge what could be the reason and the onus of proving himself innocent lies on him. ... (Interruptions)

Mr. Speaker, I have shown you all the documents in confidence. Otherwise you would not have admitted the motion. Let them know it.

The district of Malda which is Mr. Ghani Khan Choudhury's constituency is one of the smallest districts of West Bengal with one sub-division and I doubt if there is a single boiler worth the name or a single industry worth the name. 119 permits out of 134, not 133 because I have found out 58A, that is another name, were given under the Minister's direction and Mr. Ghani Khan Choudhury admitted in the House, 'Yes, as a Minister I have the power to give' because he has nothing else to say. That can be. But why this huge quantity for Malda alone—38,218 tonnes of steam coal and very little of slack coal. That would require, Mr. Mallikarjun, 1760 wagons and 3600 truck loads to move it. And the only industry in Malda is the silk industry and they want warm water for extracting silk from cocoons and for that they use firewood or charcoal to burn. The fact is—I say on my own responsibility and for all I say, I take full responsibility—that almost the whole quantity has gone into the blackmarket—for a big consideration. You will be surprised and distressed to hear that much of the coal has been smuggled into Bangladesh because you ferry it across the river and the coal goes to Bangladesh where coal is being sold at the present moment at 3000 takas a tonne. ... (Interruptions) Please bring the House into order. So, cross the river by boat and you get 3000 takas a tonne. Sir, six factories got the permits according to the list that I had attached which you had been good enough to permit me to lay on the Table of the House. It is now in the main Library. The list contains 133 parties. They do not exist at all.

The case is that of a factory where coal was for bakery purpose. The bakers did not use it at all. Here is a Government report—if I read out

it will make anybody to sit up. I say that once again I take the whole responsibility on myself. The whole thing has been thoroughly scrutinised. The cases, as per Coal India Limited, must have, by now, been investigated.

16.14 hrs.

[SHRI CHANDRAJIT YADAV in the Chair]

The permits covered steam and slack coal and soft coal. Of the cases of two allottees at Serial Nos. 1 and 116, in respect of soft coal, serial No. 1 is not traceable. As regards the allottee at Serial Number 116, there is no arrival report. So, it may have been sold in the blackmarket from the pit-head itself. According to Coal India Limited they are not authorised to use the slack coal, Seam dust, as I understood it from the General Manager, District Industrial Centre, was the slack coal received by them for the industrial purposes. Obviously that also has gone into oblivion.

Forty allottees are reported to have taken delivery of coal from the mines. They could not however produce any documents to substantiate about their utilisation. In eight cases, the allottees have said that they have not lifted the stocks even though they received permits. Two of them Usman Ali Momin and Abdulla Ali Momin have stated that they have returned the permits to Coal India Limited seeking extensions of the validity of the permits. (Interruptions)

MR. CHAIRMAN: Just a minute. Mr. Bosu, Shri Stephen wants to seek some information from you. You will kindly give him.

SHRI JYOTIRMOY BOSU: The list is here. That has been laid on the Table of the House.

SHRI C. M. STEPHEN: Wherefrom are you reading?

SHRI JYOTIRMOY BOSU: This is from an enquiry report. According

to that, 26 persons have declined to state anything clearly or in writing which put them in an unfavourable position. It shows that in the case of three persons, they refused to give cooperation. Only 114 persons submitted the returns. Of these 51 persons are not traceable. (Interruptions)

AN. HON. MEMBER: How is he being allowed?

MR. CHAIRMAN: He is not obliged to give all the informations.

SHRI JYOTIRMOY BOSU: In seven cases, the allottees did not know that the special permits had been issued in their favours. Obviously their names had been utilised for benami transactions. In the case of one allottee, he is a minor boy whose age is below ten years. In one case Shri Ghani Khan has allotted the permit to a minor. (Interruptions)

AN. HON. MEMBER: From which document is he reading?

MR. CHAIRMAN: Order, please. Please sit down. The hon. Member wants to know from which document are you reading. If you can give that information, it is all right.

SHRI JYOTIRMOY BOSU: I am reading from the report that has been finalised by West Bengal Government (Interruptions).

SHRI K. LAKKAPPA (Tumkur): He cannot quote from any document as he likes. We are not going to allow it.

(Interruptions)

MR. SPEAKER: Please sit down. We will do whatever is necessary. We have to go according to the rules. I will not allow any infringement of the rules. So, don't worry. Everything will be taken care of.

(Interruptions) 14

अध्यक्ष महोदय : आप सब लॉग क्यों खड़े हो जाते हैं ? जब तक किसी का पाबंट आफ़ आर्डर रोज़ करने की इजाजत नहीं मिलती है, उसको इस तरह नहीं बोलना चाहिए । (Interruptions)

अध्यक्ष महोदय : यह एनक्वायरी रिपोर्ट कोई ऊार से नहीं आई है ।

SHRI JYOTIRMOY BOSU: They have taken so much time.

(Interruptions)

MR. SPEAKER: Nobody should speak without my permission.

(Interruptions)

PROF. N. G. RANGA (Guntur): On a point of order

(Interruptions)

MR. SPEAKER: They will take charge of it.

SHRI C. M. STEPHEN: It is a West Bengal State Government document. It exposes it. You know that. Sir, We need not bother about it.

(Interruptions)

MR. SPEAKER: Order please. It is a matter of opinion. Please sit down. Why are you standing up?

श्री आरिफ़ मोहम्मद खां (कानपुर) : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है । जितने आरोप श्री वसु ने श्री गनी खान चाधरी पर लगाये हैं, क्या उन्हें खुद उनकी सत्यता पर पकीन नहीं है, जो उन्हें बैस्ट बंगाल गवर्नमेंट की एनक्वायरी रिपोर्ट का सहाय लेना पड़ रहा है ? (व्यवधान)

अध्यक्ष महोदय : माननीय सदस्य बैठ जायें ।

श्री रामनगोना मिश्र (सलेमपुर) : अध्यक्ष महोदय, सदन में जो भी माननीय सदस्य अपना बयान देने के लिए खड़े होते हैं, वे अपना बयान देते हैं, लेकिन श्री वसु यहां पर डांस करने हुए दिखाई देते हैं । (व्यवधान)

अध्यक्ष महोदय : वह आपका क्या लेते हैं ? आपकी तबियत ख़ुश करते हैं ।

PROF. K. K. TEWARI (Buxar): He has told us that he is reading from a paper prepared by the West Bengal Government. It is a political move to malign the Minister.

(Interruptions)

अध्यक्ष महोदय : जब आपका समय अयोग्यता आप उसका जवाब दे सकते हैं ।

SHRI JYOTIRMOY BOSU: In one case what happened was this... Muktiar Asif an allottee is a minor boy of 10 years. His father Fakhrudin Ahmed is an allottee. Ebna Saud of Society Stores of Shershabi has reportedly collected permits in favour of two fake names viz. (1) Society Dyeing Factory and (2) Society Silk Factory. Two of the beneficiaries Anjul Ali Biswas and Salimuddin Biswas stated in writing that they transferred the permits to Shri S. P. Laheri, a soft coke dealer who denied it in writing. The following persons are reported to have acted as prime agents in collecting a majority number of permits from the allottees and to have disposed of the permits/coal in clandestine manner. The information was collected through general enquiries.

1. Taimur Biswas, P.O. Haruchak
2. Mortuja Hoggain, Laxipur,
3. Arjan Biswas,
4. Khabiruddin Ahmed,
5. Ebna Saud,
6. Ajijur Rehman,

Two of them figure in Coal India Limited list. Generally speaking, little coal was moved to Malda or utilised here. Transportation of such a huge quantity would have involved thousands of trucks and it can be safely said that such heavy truck traffic did not take place in this district. From the same family several got allotment. As per list supplied by Coal India Limited we have come across a number of cases where coal has been

[Shri Jyotirmoy Bosu]

allotted in a special way from Coal India subsequently. But Coal India has not communicated the list of beneficiaries as yet, etc. etc.

One M.R. Dealer Tehur Ahmed Choudhury having indulged in clandestine deal has been asked to show cause for his violation of EC Act contemplating cancellation of M.R. dealership. My bosom friend Mr. Ghani Khan Chaudhury would kindly enlighten us and explain to the House that a bosom pal of Mr. Chaudhury, a rich contractor—it is reported by Md. Samayun—has been issued four permits which have been issued in favour of Son Abdulla Mamun, Zafrulla Mamun, United Contractors and Ideal Contractors.

Now, what happened is D.M. Malda has been assaulted by Congress-I members because he has made an enquiry into the matter. The other districts are Bankura, Murshidabad, Calcutta, Birbhum, 24 Parganas, Hoogly and Burdwan. You ask Mr. Sardish Roy. He will tell what the permit holder had told him. The permit holder told him that he had disposed it of in the Coal India Ltd. field. It is done for the consideration of amount. Sir, it is the same case everywhere.

Now, one interesting fact that the report says is that Mr. Mukherjee who is a recipient of the permit has utilised the permit from the Association, organised association, etc. Then, Mr. Mukherjee, the man involved, did not get allotment from the West Bengal Government against licence. Sir, the permission of the Association has not been communicated to the Director. This is on 7th March 1980. Shri Mukherjee called on Shri Gani Khan Chaudhury and requested him for an allotment of coal to his syndicate. He submitted a petition in respect of Coal India Ltd. which was granted. Now, Mr. Mukherjee by his association misappropriated Rs. 75,000 in the name of the Association. Although they contemplated to take criminal action against him, it has not been done.

SHRI C. M. STEPHEN: Are these in the list of the discussion?

MR. SPEAKER: Yes, they are in the list.

SHRI JYOTIRMOY BOSU: One addressee in Calcutta, I am told, is involved in the C.I.A. I think he is one Mr. Chakraborty or something like that I do not know. Now, these enforcement people went there and they were surprised to see push flats on Park Street and no sign of coal has been permitted. There have been 2 categories, Sir, the bazar price is Rs. 100 per metric tonne and it is permitted and blackmarketed straight from pithead and smuggled into Bangladesh. Sir, I consider I have made enough case to prove that the Minister has taken recourse to corrupt practices for using official position. He has said that it is the West Bengal Government, not Jyoti Bosu, not any Minister..... (Interruptions). It is the West Bengal Government which is smuggling coal and making tons of money. He has not completed; he should have said—and depositing money in the Government treasury. That would have completed the sentence. In Britain, the police use breath-inhaler after dust to see the sobriety of the drivers; I suggest that breath-inhaler should be used for the Minister round the clock.

Have you ever heard a Government smuggling and that too coal? He found his own face in the mirror because his permits have been used by smugglers, which he knew very well and the coal has found its way in Bangladesh and been sold at Rs 3000 takka a ton. The West Bengal Government does not buy coal except for hospitals and jails etc. Shri Jyoti Bosu has written a letter on 16th July to the Prime Minister after a Cabinet decision. He said:

"The Ministers were distressed to find that such wild allegations could be levelled by a Central Minister against the State Government without making any attempt to verify the facts. The Council of Ministers



unanimously decided to lodge a strong protest against the reported statement and urge on you to direct him immediately to either prove the allegations or express unqualified apology."

This is the second count. The first is that the Minister should go as a State guest under the Prevention of corruption Act. Then it is further said:

"There can be no basis whatsoever for the charge of smuggling against the State Government. As the law stands, it is only the Central Government, which has powers under the Essential Commodities Act to regulate or prohibit inter-State movement etc..."

If you like, Sir, I can lay it on the Table of the House with your permission.

Sir, the West Bengal Government has no powers. The Gazette of India dated 30th November, 1974 clearly states in sub-para (a) (i) that the delegation of power under clause (d) shall not extend to inter-State transport distribution... So, the State Government has no power. I would still go a little further and prove that the Government of India retains the power to restrict inter-State movement. I would quote from the letter that Shri Khosla, Additional Secretary wrote to the Government of West Bengal on 24th December, 1979:

"While the despatch of coal in wagon loads is restricted to colliery; sidings, there is no such restriction to the booking of coal in smalls from stations other than those serving the colliery sidings."

So, the State Government has no power in respect of the inter-State movement. Our Government of West Bengal is desperately trying to get the power to restrict the smuggling of coal from West Bengal to other States. In this connection, the teleprinter

message which was sent by Food Secretary to Shri R. B. Khosla says:

"Please refer to your d.o. letter dated 24th December, 1979 addressed to the Chief Secretary of the Government regarding movement of coal in smalls and wagon loads. Stop. The State Government agrees with the view expressed in your d.o. about the necessity of curbing loading in smalls. For implementing the proposed action, we shall have to issue orders under Essential Commodities Act restricting movement of coal by road etc. But delegation order issued by the Ministry of Industry and Civil Supplies under S.O. No. 681 dated 13th November, 1974, restrains the State Government from issuing any order under Essential Commodities Act affecting inter-State transport and distribution of essential commodities."

Therefore, if anybody is responsible for this smuggling of coal from one State to another, if there is any authority in the country which can prevent this, it is his Ministry and...\*\*\*

MR. SPEAKER: This will not go on record.

SHRI JYOTIRMOY BOSU: The Minister has misled the House deliberately. On 9th of July, in Calcutta, they had opened dumps and sold coal... (Interruptions) Why not? He has misled the House. (Interruptions)

SHRI C. M. STEPHEN: He is mentioning about the statement that dumps were opened in Calcutta. (Interruptions) That is not covered here. (Interruptions)

SHRI JYOTIRMOY BOSU: I moved a motion as noted against item no. 15 listed today in the List of Business. I would demand that action under the Prevention of Corruption Act be taken against the Minister... .

(Interruptions)

\*\*\*Not recorded.

SHRI SATISH AGARWAL (Azamgarh): Before the hon. Minister, Shri C. M. Stephen, participates in the debate, I humbly submit that on such an important occasion when this House is discussing a censure motion against the Minister, the Prime Minister should have been present in the House.

SHRI C. M. STEPHEN: This is not against the Ministry; it is against a particular Minister.

Mr. Speaker, I rise to oppose this motion. When I rise to speak on the censure motion, my memory goes back to 1977 when a censure motion was moved in this House. I remember the huge protests that were coming up from this side saying that the censure motion was not tenable. I remember my friend Shri Jyotirmoy Bosu...

SHRI JYOTIRMOY BOSU: Friend or foe.

SHRI C. M. STEPHEN: My dear friend, Shri Jyotirmoy Bosu was smashing on the table and saying that the motion must be ruled out. (Interruptions) Our attitude is entirely different. When a censure motion comes against a Minister, the Minister is prepared to face it; our party is prepared to face it. Therefore, technicalities do not bother us. We come on to the heart of the matter. Now the whole matter arises out of the calling attention notice. If you remember, in the calling attention notice charges and counter-charges were made. Mr. Jyotirmoy Bosu made a lot of charges. The Minister on his side made certain counter-charges. That happened on the 9th. One month has gone by. Mr. Jyotirmoy Bosu is a parliamentarian, a very hon. man, a man who is very much concerned with the dignity of the Parliament. The sense of righteousness will revolt the moment he feels that the Floor of the House is misused for making baseless statements or irresponsible statements. I can bear witness to anybody that my

friend, Shri Jyotirmoy Bosu is not a person who will make baseless statements or irresponsible statements. He is an honest, hon., respected man. Now, with that sense of responsibility, he went through the entire charges and counter-charges that were made. He found two matters out of them are as worthy of taking up, because he felt out of all the charges these were the charges which were baseless, which were irresponsible. He had one full month before him. He went to Calcutta, West Bengal, toured about, enquired about it and he found some of the charges were baseless; some of the charges were baseful; and he has taken up those issues. This is very important for me to point out.

Now, what are the charges Mr. Jyotirmoy Bosu raised at that time? He raised the charge of corruption saying that Rs. 20 per tonne was collected. This was one charge he made. The other charge he made was that the Minister gave permits for 133 persons; and he placed the documents before the House. When he made the corruption charge, he was very intelligent and therefore he prefaced every statement of his. It is alleged to me that the personal staff did so and so; it is also alleged to me that the General Manager did so and so; it is alleged to me further that the permit was given to so and so. It is further alleged to me that all these deals have the concurrence of the highest authority in the country. He never said that corruption was committed; he said: it is alleged to me and he feels: it is better to report to Parliament or the country that this allegation was made to me and then he made enquiries as to whether those allegations were correct. He was satisfied that those allegations were not correct and therefore, he chose not to put them as the basis for this censure motion. He would certainly have put it as a basis for censure motion if he realised that this allegation of corruption had a basis. Therefore, he said; No, I am an honest man, I now understand

that this had no basis and therefore I am giving it up.

I come to the other question. That is one important matter. The Minister made two or three charges. The charges were: (1) one of the ideas of the CP(M) party was to get this coal to be sold at higher prices; we have been trying to check this; that is why they are very much angry with me; that is one charge. The other charge he made was: if you are not a CPM party man you cannot expect to get anything. If you want to have natural justice in West Bengal, if you want to have anything, you have to be a member of CPM. That is the second charge the Minister made.

The third charge the Minister made has become the subject matter of this censure motion. Here also the same question, the same standard applies. There were charges about which they were furious, which they contested, which they made the basis of the censure motion. There were other charges which they could not contest, namely, unless you are a CPM member, you cannot get any allotment... (Interruptions) These are the charges; I am not reading anything else. They could have made this the basis for their censure motion. Why? Because their charge is that the floor of the House is misused for making baseless and irresponsible allegations. Their concern is not about West Bengal Government. He is a parliamentarian; he is not bothered about the West Bengal Government; he is bothered about the Parliament of India. Therefore, his concern is that the floor of the House has been misused for making baseless and irresponsible allegations. If it is made so, he will shiver in his anger; his anger will rise. His anger rose when he felt that the floor of the House was misused for the purpose of making allegations against X. may be Government, may be anything. But his anger has not arisen about the others, because he knew that this was a fact, he could not protest.

he did not protest. He has advisedly chosen not to put these as the basis of the charge.

Anybody who knows the law of pleadings knows that if you do not enter a contest, presumption follows. If you enter a demurrer to a pleading, and you say: I deny this, but do not deny the other, the law of pleadings prescribes that it will be taken as admitting the other one.

That being so, what are the positions now? (1) No corruption charge—admitted. (2) CPM Party, not Government, wants to get coal and sell it at a higher price—admitted... (Interruptions) I referred to the law of pleadings. You do not get anything at all. It is now from here we are proceeding.

I now come to the allegations. I will take charge No. 2 first. Charge No. 2 is: misusing his official position, he arranged for the issue of 133 coal permits to persons who were not entitled to receive such permits. One thing is admitted, that he directed that those persons who are mentioned in the list before you be given coal as per quantity mentioned there-to. That is admitted. There is no dispute about it. The question is whether it is misuse. The question is whether it has been given to persons who have no right to get it. The question is whether this is permit at all. These are the questions we have got to come to. The question of jurisdiction comes, whether the Minister has got jurisdiction; if he has got jurisdiction, there is no question of misuse. May be there is no question exercise of jurisdiction; there cannot be misuse of his position. The exercise of his position—whether it is permitted, warranted by exercise of that jurisdiction. Whether that was done in a bona fide manner. These are matters which have got to be... (Interruptions)

I am not going in perambulatory manner. I am coming to the question.

(Shri C. M. Stephen)

Before we come to that, we should know the background what exactly is the law that governs the distribution of coal.

I am going back to history very quickly and I fish. There was the Colliery Control Order passed during the Second World War. In 1957 the Coal Price Revision Committee was constituted to consider what should be done and they recommended relaxation of control. In 1964 partial relaxation of the control was enacted. Grade II and III and soft coal were de-controlled. In 1966 hard coke was de-controlled. On 24th July, 1967 N.D.R. de-control order was issued except for coking coal used for metallurgical purposes. I have no time to read that order. On 24th July, it was completely de-controlled and it was enacted that it shall be lawful to anybody to possess coal or to take coal without any permit, without any licence except the coking coal for use of metallurgical purposes. Therefore, one important matter we have to realise is—we are dealing with the material which is a completely de-controlled material. It is not coking coal that we are dealing with. It is a different type of coal, soft coal or inferior type of coal that we are dealing with. This is the position that we must clearly understand. Even after the de-control, certain positions had to continue. There was the question of Railway wagons. All people were demanding railway wagons. There was shortage of railway wagons and, therefore, the Linkage Committee was constituted to recommend to the Railways to whom the coal must go and certain sponsoring authorities were mentioned. That is only for the purpose of railway transmission. The sponsoring authority was not the State Government only. Different industries were taken—for Tea Board and for manufacturing D.G.T. different agencies were prescribed for the purpose of sponsoring them. The Railways

said—unless they sponsor, we will not give our wagons. This is the position that Railway took. Now it is not only officials but others too. For example, you want for textile purposes. For textile purposes the Indian Cotton Mills Federation is the sponsoring authority. India Sugar Mills Association is the sponsoring authority. Engineering Export Promotion Council is the sponsoring authority. Indian Steel Re-rolling Association is the sponsoring authority. I am saying this to emphasise it is not merely official machinery which is the sponsoring authority. Non-official machineries are also the sponsoring authority. They advise the Railway. They advise the Ministry. That advice is taken by and large. On the basis of that it is being released. But that does not mean that Coal India or the Ministry have surrendered their jurisdiction to decide as to whether they must sell coal to anybody or not. They have never surrendered it. They are the owners of coal. They are the sellers of coal. They are the custodians of coal. In the matter of distribution they take advice from different agencies. That they did. This is with respect to specified industries only in regard to the railway wagons. Then comes a large section of un-specified industries—the bricks, the silk and for domestic purposes so many other industries come. How is the distribution to take place? State to State the machinery is put. In West Bengal it was prescribed that the machinery will be evolved by the General Manager of Coal India in consultation with the West Bengal Government and the Headquarters of the Coal India Limited. What was evolved? The formula evolved was that each district will make an indent of a lump quantity and that lump quantity will be distributed there. This is the arrangement which is in force in West Bengal. That way last 3,47,250 tonnes of coal was handed over to the different districts. There are two problems here. The problem has been spelt out repeatedly. On 31st March, 1979, there was a letter written by Kumari Mazumdar, Secretary, Com-

merce and Industries Department, Government of West Bengal, to Coal India and here is the reply given to that letter. This is most revealing. I am reading it. The reply says:

"Other than linked consumer, bulk quotas are also allotted to district authorities and General Manager, District Industry Centre, for distribution of coal to seasonal and petty consumers. We have been receiving reports about coal being diverted against District Magistrate's quota for station booking in 'small' for up-country destination. Such reports have been received for Howrah district as well. It has also been brought to my notice that coal wagon quotas are being sponsored by Howrah District in the name of parties other than actual consumers. In this connection, I am enclosing a copy of letter dated 28-4-1979 issued by Director (Movement), Government of West Bengal."

This Director (Movement), Government of West Bengal is the sponsoring authority authorised by the West Bengal Government and he says in his letter that the lump quota is being diverted to different area. What is the consequence? To a district, coal is given to be distributed to the consumers. But the coal does not reach the consumers, whatever be the reason. That coal is being diverted to different areas. It is being sold in black market in the scarcity areas. What is the logical consequence? The logical consequence

16.53 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

is that consumers do not get their coal. So, what should the consumers do? They go to the Minister; they go to Coal India and say "We do not get coal. Coal has gone. We want coal." They are in a distressed condition. When such a situation arises, is the Minister to keep quiet? Is Coal India to keep quiet? Are the consumers not entitled to relief? That is the main question to be answered.

(Interruptions). Don't shout. Let us argue it out. It is not a life and death matter. Let us argue. You can argue back. (Interruptions) Let us take it in a sporting spirit. I am not casting any vilification.

So, when that question arises, what should be one? The question arises whether Coal India, merely by reason of recognising sponsoring authorities, have abrogated their jurisdiction or whether the Minister has no jurisdiction in this matter. If the Minister has got jurisdiction, the question is whether in such a situation the Minister or Coal India must exercise their jurisdiction. In the guidelines of distribution, I do not want to read the whole lot of it, it is stated that whenever exceptional circumstances arise, this jurisdiction can be exercised. This is very clearly stipulated in the guidelines. This is the exceptional circumstance of district authorities *bona fide* receiving coal, Coal India handing over the entire coal for the district, but coal disappearing, for no fault of anybody. Whatever the loopholes and the consumer is left without relief. The consumers are clamouring for a relief, a distress situation arises; factories and small units are about to close, the brick kilns are about to close. Whether the coal must be given or not? That is the question. It is with this purpose that the Minister is approached and the Minister has issued certain quotas to certain people.

SHRI JYOTIRMOY BOSU: 119.

SHRI C. M. STEPHEN: Quite a number. Not only that, the Minister has stated that somebody came from Bombay and he had allotted the quota. He has repeatedly stated that there is no guarantee that this is a perfect thing; it will have to be enquired into. It thus happens that in the case of sponsoring authorities, spurious persons do come in and if they come in, then enquiries will be constituted and if the enquiry shows that they have re-sold it, then there is a penalty. The penalty is that they will be black-listed and no more coal

will be given to any of them. This is black-listing procedure. Therefore, when they came, he issued permits.

Now, he read out a report. Report from whom? From the West Bengal Government. I do not want to say much about it. He could not have any other report at all. Let me say one thing. He has laid a document on the Table. What is that document? The document is a letter written by the Coal India to the District Magistrate giving the list. I am emphasising this to show that there is no hanky-panky about it. We do not do it under the table. Whatever was given, was immediately communicated to the District Magistrate. It is the letter which he has placed on the Table. Strictly confidential—Coal India Limited; Office of the Sales Manager—From Mr. Mallick, Regional Sales Manager to the District Magistrate, Malda. This is the document he has placed.

This shows two things. One is that we have nothing to hide at all. It is immediately communicated to the District Magistrate for him to enquire about. There is no behind the curtain operation. This was done in April, 1980. We are today in August. There was enough time for him to enquire about. I would ask him: how is it that this letter went to Mr. Jyotirmoy Bosu? I am not entitled to ask this question of him because the parliamentarians need not reveal the origin of it.

SHRI JYOTIRMOY BOSU: Coal India; it is Kanungo.

SHRI C. M. STEPHEN: Mr. Jotirmoy Bosu takes up the document. In that document, the District Magistrate's signatures are there. It is a photostat copy. I saw that copy. The District Magistrate seal and initials are there in that document. I challenge you to say it otherwise. So, it is not the Kanungo but it is the District Magistrate. Therefore, the District Magistrate has handed over the document to him. Are they not in league with him? The District

Magistrate operates under West Bengal Government. And the West Bengal Government gives that report. What is the sanctity of it? The District Magistrate gives a report. What is the sanctity of it? (*Interruptions*)

Therefore, this was done with the perfect jurisdiction. That is what I am saying. May I ask Mr. Jyotirmoy Bosu one question? Can he tell me that his Minister in West Bengal did not write to our Energy Minister recommending that so and so might be given coal of such and such quantity? I put that challenge to him. (*Interruptions*)

17.00 hrs.

MR. DEPUTY-SPEAKER: Please sit down. Please don't interrupt.

SHRI C. M. STEPHEN: Sir, if they are challenging, I am prepared to place the letters from Mr. Bhattacharjee addressed to Mr. Ghani Khan Chaudhuri. (*Interruptions*). I am prepared to place the letters before him. How many letters do you want—1, 2, 3, 4? How many of them you want? (*Interruptions*). Sir, here is a letter...

(*Interruptions*)

SHRI CHITTA BASU (Barasat): Sir, I am on a point of order under Rule 352. Sir, the hon. Minister, Mr. Stephen is referring to a letter written by the Commerce Minister of West Bengal addressed to the Minister of Energy and Coal suggesting that coal should be supplied to certain units because there has been shortage of coal for these units. (*Interruptions*). Has the State Government not the right to write to the Central Government? There is nothing wrong in the matter of writing a letter by the State Minister to the Central Government.

(*Interruptions*)

MR. DEPUTY-SPEAKER: There is no point of order. Now the Minister can continue.

(*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down. I will tell you. The Minister has agreed and he has also said that he will place it on the Table of the House, if you want (*Interruptions*). Definitely it will be considered. Therefore, what is the difficulty for you?

(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Is this a corrupt practice? I want to make a simple observation. (*Interruptions*). As the hon. Minister said, if the State Government writes a letter to the Central Government asking for distribution of something, does it come under corrupt practice?

(*Interruptions*)

MR. DEPUTY-SPEAKER: Please listen. From every Party names have been given. Now, the Minister, the first speaker from the Congress (I) Party, is speaking. (*Interruptions*). Please sit down. When I am on my legs, I am on legs, there is no point of order. When you should not have risen at all, Mr Halder.

(*Interruptions*)

MR. DEPUTY-SPEAKER: The discussion is going on. After Mr. Stephen finishes, Members from every party will be speaking. So, why all these interruptions? Do you want a solution of this problem or confusion?

(*Interruptions*).

SHRI KRISHNA CHANDRA HALDER (Durgapur): On a point of order.

(*Interruptions*).

MR. DEPUTY-SPEAKER: There is no point of order. Please sit down. The Minister will continue to speak.

SHRI C. M. STEPHEN: Whatever they want me to do I am prepared to do. Let us not quarrel about that.

SHRI AMAR ROY PRADHAN (Cooch Behar): Place it on the Table of the House.

SHRI C. M. STEPHEN: Yes, I will place altogether three letters on the Table of the House. Let me finish my speech.

MR. DEPUTY-SPEAKER: After he has finished his speech, he will put it on the Table of the House.

SHRI C. M. STEPHEN: I did not read from it. Under the rules I need not place it on the Table of the House. All the same I will place\* it.

(*Interruptions*)

MR. DEPUTY-SPEAKER: I am not permitting anybody.

SHRI C. M. STEPHEN: My friends have got my complete sympathy that they get provoked.

They have raised a constitutional point whether a letter written by a Minister of a State Government to a Central Minister can be revealed. But a letter written by the Chief Minister of West Bengal to the Prime Minister of India was placed by Mr. Jyotirmoy Bosu. How did it happen, I ask you. Therefore it can be done.

Anyway, a Minister of a State Government writes to the Energy Minister here recommending that M. M. Shah & Co. etc. may be given...

(*Interruptions*).

There is nothing wrong about it according to me it is absolutely all right, it is not a defamatory matter it is not an incriminating matter. The Minister there has got the right to write. My only point is that that establishes that the Energy Minister is a person to whom the citizens of this country can

\*Placed in Library, See No. LT-1239/80.

[Shri C. M. Stephen—contd.]

come with a recommendation that coal may be given. That is what is established. This is all I have got to say on this point.

Therefore, a special situation arose, namely that consumers did not get coal. Therefore they approached the Minister, the Minister has got the jurisdiction and he has exercised that jurisdiction, he has issued it to them and he has forwarded the list immediately to the District Magistrate, it was not done under the carpet it was done openly under the sunshine, the list was sent to the District Magistrate to enquire into. Can there be a more honest, more clear and a more straightforward method of dealing than this? There is no underhand dealing in that.

Coming to the first charge, I do not know wherefrom my friend got this idea (*Interruptions*) He say: "...the said Minister, Shri A. B. A. Ghani Khan Chaudhuri, misusing the floor of the House, has made on 9th July, 1980 baseless and irresponsible statement by saying 'because whatever the quota is, the CPM Government is smuggling (coal) into other States... and earning tonnes of money' ". All of us know English. Have you ever heard a sentence which begins with 'because' ? It starts here with 'because' but nothing else is following. If you start with 'because', that is a cause and something must happen but that is not there. This is what happens with respect to my friends on the other side.

This is what Mr. Ghani Khan Chaudhuri has said. I quote from the proceedings.

SHRI A. B. GHANI KHAN CHAUDHURI: My first submission is...

SHRI INDRAJIT GUPTA: If he has got to say anything, let him say at one go. Everytime he cannot speak...

SHRI INDRAJIT GUPTA (Basir-

hat): I rise on a point of order under Rule 192. The hon. Seaker has already been very particular to mention that there is a time limit for this debate (*Interruptions*). Mr. Speaker was very particular to fix the time limit for Mr. Jyotirmoy Bosu's speech. He was very particular to remind Dr. Bosu two or three times that he must conclude his speech within 20 or 25 minutes. He is within his right. I only want to know if any time limit has been prescribed for the Minister, he has already spoken for 45 minutes.

MR. DEPUTY-SPEAKER: Every party has been allotted some particular time. CPM has been allotted ten minutes. Congress-I Party has been allotted 100 minutes. I think, Mr. Stephen has not exhausted that.

SHRI C. M. STEPHEN: I shall finish my speech in 10 minutes time. This is what Mr. Ghani Khan Chaudhuri stated. I quote:

"Shri A. B. A. Ghani Khan Chaudhuri: My first submission is that this insinuation which he has brought is completely baseless. This is a fact that in West Bengal, not only in Malda, but wherever the demand is from CPM for their industries, for their requirements, we are giving them coal. But at the same time. I am asking them to make the necessary enquiry whether the demand is genuine or not. That is the basic point. It is totally wrong. Mr. Speaker, Sir, to say only that we have given coal to Malda. then comes the sentence--We have given coal wherever the demand has come to us—please listen—I repeat, wherever the demand has come to us—saying that they are not getting coal. Because whatever the quota is the CPM Government is smuggling into the other States (*Interruptions*)...and earning tons of money."

What is the meaning of this? "We are giving coal... (*Interruptions*). My



My submission is that the Minister has not said that the West Bengal Government is smuggling coal. The Minister has stated that the demand has come to us saying...—I am reading again—"We have given coal wherever the demand has come to us saying—'saying' is important—that they are not getting the coal. Because whatever the quota is, the CPM Government is smuggling into the other States...and earning tons of money." Therefore, they have come to us saying "we are not getting coal because it is being smuggled out." I have already shown, it is being smuggled out and they have told us that it is being smuggled out: money is being collected.

He has quoted what the citizens have told him. He was challenged to say, why did he give it? He had to give an answer. He gave an answer that this was the position and, therefore, he gave it. It is not that the Minister said it. Even as Mr. Jyotirmoy Bosu said, "It was alleged to me that Rs. 20 was collected; it was alleged to me that 36,000 tonnes were given; it was alleged to me that for everything Rs. 20 was collected", our Minister said, "It was alleged to me that coal was being smuggled out and money was being collected."

Both are on the same parallel; both are on the same lines. There is no question that you have got to answer. If you want to see your own smuggling Government in your mirror, I have no objection to that. You keep the mirror and see in the mirror your own face. Therefore, the second charge is baseless. The records will bear it out. He made no such allegation; he quoted somebody because he was challenged to explain the reason and the reason was given. He said, on the same line, as Mr. Jyotirmoy Bosu said. Both charges are answered. It was a *bona fide* issue of ad hoc allotment.

This is a non-issue because he did not raise that issue at all. He did not make that allegation at all. But if, on the other hand, you have got a guilty conscience that smuggling is taking place, you are free to keep a cap on your head and you carry on smuggling. This is what I have to say.

MR. DEPUTY-SPEAKER: Shri C. T. Dhandapani. You have been allotted 6 minutes. Please restrict it to 6 minutes.

SHRI C. T. DHANDAPANI: Mr. Deputy Speaker, Sir, I was not in favour of this discussion in the House.

An allegation was made against a Minister by an hon. member of this House. Subsequently, following the allegation, the State Government including the Chief Minister got involved in this issue. The Chief Minister and other Ministers concerned wrote a letter to the Prime Minister as well as to the Speaker. The entire Government is involved in this matter.

My point is, if the alleged charge is substantiated by the Minister, that is, against the C.P.M. Government...

(Interruptions)

SHRI SUDHIR GIRI (Contai): There is no allegation in the motion against the CPM Government.

SHRI C. T. DHANDAPANI: If the Minister could not substantiate the allegation against the Government in West Bengal, he can simply say, regret. Supposing he could substantiate the allegation, the Government in West Bengal has got to resign. This is the point I want to raise. Because the State Government is involved in this matter, that is why, I say, this very particular issue should not be discussed and it should not be a precedent also that any State Government's conduct could be discussed in the House in future. But our hon. members particularly wanted it.

[Shri C. T. Dhandapani—contd.]

As far as this problem is concerned, the production and distribution of coal, not only West Bengal is involved but the entire country is involved in this issue. The coal mines actually incurred a heavy loss. They were unable to distribute coal to the needy people. Then, the Coal Mines' Trade Unions sabotaged coal production also. Corruption is increasing in the coal fields. The staff, also, was not allowed to function. These are the conditions prevailing in the coal mines. Even Trade Union leaders indulged in corrupt practices in the coal fields. I quote from the 'Business Standard':

"Trade union 'dadas' are back with a vengeance in the Bengal-Bihar coal and steel belt. Their operations threaten to paralyse the administration. In key sectors like coal mines, steel plants and power stations in this industrial belt."

"Rampant corruption among supervisory staff who are in collusion with their subordinates has in many cases destroyed the image of the management. The unions and the office bearers are part of the corruption, which ranges from illegal sale of coal from the mines to local emergency purchase of mining equipment at exorbitant rates."

So, this is the type of illegal activity that is going on.

Secondly, as far as distribution is concerned, I think—if I am correct—that it lies in the hands of the State Government. Distribution is being done by the State Government; licences are being given by the State Government—by the Industries Department. Mr. Bosu, my good friend has given the names of certain dealers; of course he gave the names of Muslim dealers. Some communal feeling also centres around the discussion because the hon. Minister happens to

be a Muslim and only the names of Muslim traders have been quoted here.

(Interruptions)

MR. DEPUTY-SPEAKER: He can draw his own conclusions.

SHRI C. T. DHANDAPANI: I am stating facts; you can find out from the record.

MR. DEPUTY-SPEAKER: He is only saying 'It will look as though...'

SHRI C. T. DHANDAPANI: So, it is not desirable for this country. Just to say something about others is not good on the part of the hon. Member.

One thing I must say. Not only I, not only Congress (I) Members, not only the Minister, but even the Janata Party itself made the very same allegation in West Bengal. For example, Mr. Mohanti, the Legislature's Janata Party Member says:

"...many essential commodities had become scarce in the open market and whatever was available was not being distributed equitably. Corruption was rampant in the coal and cement trade."

This is from the *Statesman* of 6th March 1980.

So, a Janata Party MLA himself alleged that the West Bengal Government is indulging in mal-practices.

(Interruptions)

AN HON. MEMBER: Please say something about the Sarkaria Report also.

SHRI C. T. DHANDAPANI: I am coming to that also.

As far as the coal industry is concerned...

AN HON. MEMBER: He is very loyal!

**SHRI C. T. DHANDAPANI:** They say I am loyal to this Government. I am proud of it. I am loyal to an Indian leader: I am not loyal to somebody else somewhere. I am proud to say it.

*(Interruptions)*

As I have already stated, the entire country is very much concerned about coal production and distribution. Something is going on in West Bengal as well as in Bihar. Some monopoly interests, some monopolistic people, are trying to take away this industry from the Government. The coal industry was nationalised in the year 1973. Now, all the big people, that is, the monopolists, are trying and are asking the Government to hand over to the private people. Mr. K. N. Modi, President-elect of the Federation of Indian Chambers of Commerce and Industry, wants the coal industry to be de-nationalised. Not only the monopolists, big industries, but the West Bengal Government itself wants that this should be de-nationalised *(Interruptions)*. "Bengal wants to transfer collieries to private hands; the West Bengal Government wishes to hand over 85 closed collieries to private owners..." This is the report which has appeared in the *Hindustan Times* of 29th January, 1980 *(Interruptions)*.

**MR. DEPUTY-SPEAKER:** Nobody can object to anybody speaking freely in this House. I will not tolerate it. It is not correct. You must allow all hon. Members to speak. It is for me to decide what is relevant and what is not relevant. Any Member can rise on a point of order or can say that it is unparliamentary or something like that. When your Party Member or another Member speaks, he can reply to what the hon. Member says. What is this uncivilized method? I am very sorry to make this remark. You hear his argument and then speak...

*(Interruptions)*

**MR. DEPUTY-SPEAKER:** I am not permitting anybody now. Mr. Dhandapani will continue. The time is very short.

*(Interruptions)*

**MR. DEPUTY-SPEAKER:** I have once said in this House that any time wasted in this House is a waste to the Opposition. Now, the time limit is there. But you go on interrupting Mr. Dhandapani or the Minister. Then who is going to lose? It is the Opposition who will lose. Therefore, please keep quiet. Let him continue. I am not permitting anybody...

*(Interruptions)*

**SHRI BAPUSAHEB PARULEKAR** (Ratnagiri): You used the word 'uncivilized'. That is unparliamentary.

**MR. DEPUTY-SPEAKER:** You may make your protest. I still say that this is an uncivilized method, against our culture.

*(Interruptions)*

**MR. DEPUTY-SPEAKER:** Please sit down. Mr. Dhandapani will continue. You can protest. That is all right. Let this House continue. I am not the loser.

*(Interruptions)*

**MR. DEPUTY-SPEAKER:** You are diverting attention to something... *(Interruptions)* Please sit down... *(Interruptions)*

**SHRI HARIKESH BAHADUR** (Gorakhpur): What is your reaction to their uncivilised behaviour?

**MR. DEPUTY-SPEAKER:** I have not called anybody an uncivilised member of the House... *(Interruptions)*.

**SOME HON. MEMBERS:** You cannot say that... *(Interruptions)*

**MR. DEPUTY-SPEAKER:** Yes, you can shout.

'uncivilised method' is not unparliamentary. My ruling is: 'uncivilised method' is parliamentary... (*Interruptions*). If you want to obstruct, I have no objection. Time will be over and we will adjourn the House. It is a loss to you. 'Uncivilised method' is not unparliamentary.

SHRI C. T. DHANDAPANI: The West Bengal Government wrote... (*Interruptions*).

SHRI AMAR ROY PRADHAN\*\*

MR. DEPUTY-SPEAKER: Nothing will go on record.

SHRI KRISHNA CHANDRA HALDER\*\*

MR. DEPUTY-SPEAKER: This thing also will not go on record.

SHRI C. T. DHANDAPANI: The West Bengal government wrote a letter to the Secretary of Steel & Mines asking that the coal mines be handed over to private people. In his letter Mr. Mantosh Sondhi, Secretary for Steel & Mines stated that the Steel Authority and the Steel & Mines Ministry in the Centre are ready to hand over to the State Government to run the coal mines but the State government did not accept it and they were in favour of the private industry... (*Interruptions*). It is here. What do you mean by saying No, no.?'

That is the reason why coal is not available in the country. Our good friend... (*Interruptions*).

MR. DEPUTY-SPEAKER: What is this interruption? Time is lost. Unnecessarily you are interrupting him... (*Interruptions*) Mr. Dhandapani, please conclude now.

SHRI C. T. DHANDAPANI: I am concluding in two minutes. While I was speaking, our friends made a

mention about Sarkaria Commission. Sir, no political party is spared from Commissions including CPI and CPM. The CPI government in Kerala constituted the Mulla Commission against CPM Ministers. One Sekharan Nair presented a memorandum against a CPM Minister, Mrs. Gowri. In retaliation the CPM government constituted another commission under the chairmanship of Justice Velu Pillai. So the world knows who are corrupt and who are not corrupt... (*Interruptions*).

So, Sir, there is no substance in the motion. By saying this, I totally oppose the motion moved by Mr. Bosu.

MR. DEPUTY-SPEAKER: Shri Parulekar.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Deputy-Speaker, Sir, as rightly pointed out by Mr. Stephen, this motion arises out of the Calling Attention notice.

But, I regret to mention that instead of pulling the Minister, the senior Minister Mr. Stephen has tried to defend him, even on count number 1. Really I feel you, Mr. Stephen, have been probably briefed only today because, there were occasions for him to give this explanation which you have now given on the floor of the House.

Now you say that there is no sentence which begins with 'Because'. Correct.

SHRI C. M. STEPHEN: I did not say like that.

SHRI BAPUSAHEB PARULEKAR: That is what exactly you said. Mr. Deputy-Speaker, that depends upon the person who speaks a particular type of English. May I invite your attention to the type of English your Minister spoke in that particular calling attention notice? You kindly tell me what is the meaning of that particular sentence? Kindly refer to it. (*Interruptions*). That is very import-

\*\*Not recorded.

[Shri Bapusaheb Parulekar]

ant point. Please refer to page 11705 of the debate. It says: He begins with 'Therefore'.

"Shri A. B. A. Ghani Khan Chaudhury: Therefore, I have given an order saying that his factory is on the point of closure and so, some *ad hoc* arrangement should be made."

This is on record. This is on page 11705 of the debate in regard to the Calling Attention Notice, to which you made a reference.

This is the way in which the hon. Minister spoke in English. That is my point. The other point is that no sentence begins with 'Because'. There was sufficient time for your hon. Minister to correct the proceedings when they were sent to him for correction. You will find that before the word 'Before' there is a full stop. But 'B' starts with a capital letter. Till to-day he has not corrected that. I am just replying to your argument and the logic which you have given to this House. Sir, the third point which I would like to bring to the notice is this. Mr. Stephen said about English. But think of the impression being carried by the citizens of the country of what Shri Chaudhury said. You read the report of any paper the next day. If you read the *Indian Express* you will know it. I have also got *Hindustan Times*. (Interruptions).

MR. DEPUTY-SPEAKER: Order, order. Kindly hear him. This is not the way.

SHRI BAPUSAHEB PARULEKAR: I will read the *Hindustan Times* for their satisfaction. The fourth paragraph mentions:

"Angry exchanges led to a pandemonium in the Lok Sabha to-day as the Energy Minister, Shri A. B. A. Ghani Khan Chaudhury, accused the West Bengal Government of smuggling of coal and earning money."

This is the report in all the papers. At that time, probably Mr. Chaudhury did not brief you. Otherwise you could have given this explanation. I submit that this particular House is not a court. But, I know very well that Mr. Stephen is a very seasoned, senior and efficient advocate. Your reasoning is: the operation was successful but the patient died. This is what it comes to. On this particular point, Shri Ghani Khan Chaudhury has been referred to the law of pleading. If Mr. Chaudhury were to say this or to express regret that he did not mean what he said because of the faulty English of his, it would have been better. He should have said that he never intended to blame the Government of West Bengal. He should have told Mr. Bosu not to press this particular point.

Now coming to another allegation, I entirely agree that it is for the mover of the motion to prove the allegations made therein. In that connection, some background will have to be taken into consideration. When questions were raised by many of the Members who moved the Calling Attention Notices, the question was repeatedly asked as to whether there was any corruption and whether coal was stealthily sold. To this the answer given by Shri Vikram Mahajan Ji throughout was 'no'. You go through the entire proceedings. On the other hand with reference to the power of the Central Ministry which you referred to, answer has been given by Mr. Vikram Mahajan to which I will allude shortly because it is an important statement which mentions that the Central Government has no concern at all with distribution of coal: the licences are only given by the State Government; the licensees come to the mines and they take the coal; that is his contention; that is the answer given by Mr. Vikram Mahajan. Now, when Mr. Jyotirmoy Bosu pinned down your Energy Minister and asked him the question with reference to Bombay, he had to admit that particular fact. Yes, a Bombaywallah had come to me and I gave that particular

permit. He was particularly pinned down... (*Interruptions*) I will read out this particular portion. This is found on page 11704. I quote:—

“Shri A. B. A. Ghani Khan Chauhan: Secondly, it is true—as he correctly says—that the State is the sponsoring authority, but sometimes it happens this way: For example, this morning, somebody from Bombay came to me. He has a defence factory.”

And therefore he gave it.

SHRI C. M. STEPHEN: He said it *suo motu*...

SHRI BAPUSAHEB PARULEKAR: I am not going to yield Mr. Stephen...

SHRI C. M. STEPHEN: All right; go on...

MR. DEPUTY-SPEAKER: It is very good.

SHRI BAPUSAHEB PARULEKAR: When he was further pinned down he had to admit, yes, it is my right, under certain rules, and therefore I have given.

SHRI JANARDHAN POOJARY: I am on a point of order. I was there bodily present on that day. Calling Attention was moved by me.

you please hear me. Calling Attention was moved by me and hon. Minister, *suo motu*, said that there was one person who came. No question was put, no reference was made to Bombay. I was bodily present. He is misleading. (*Interruptions*)

MR. DEPUTY-SPEAKER: There is no point of order. He is expressing an opinion. No point of order.

SHRI BAPUSAHEB PARULEKAR: Coming to the other point, let us take into consideration 4 or 5 circumstances. Mr. Stephen very well knows the law of circumstantial evidence. Point No. 1 is this. The entire commodity, the entire quantity of this

coal has gone to Malda district, the constituency of the Minister. No. 2 point is this. All these commodities have been sent to this particular district in the next month after the elections. And the next circumstance which we should take into consideration, which I would like to submit for the consideration of this august House, is this. 38 thousand tonnes of coal is transferred by trucks. I made enquiries through my friends. I was told by them, we never saw such movement of trucks, 38,000 tonnes to be carried to that particular place. And the last point to which I want to invite the attention of Mr. Stephen is this: He referred to the letter of one Mr. Majumdar or somebody. I don't know whether he has laid that letter on the Table of the House. Mr. Stephen, you were not in a position to tell this House the date of that letter.

SHRI C. M. STEPHEN: May, 1979.

SHRI BAPUSAHEB PARULEKAR: Now you can say that. What was the date of the petition that was forwarded to him, which he considered because of that letter? What is the date of order of the sanctioning authority? What is the date of that particular sanction? If these dates are taken into consideration, I tell you, Mr. Stephen, you will be on the wrong foot. And therefore probably you have not placed this letter of Majumdar on the Table of the House. Mr. Stephen, you referred to that particular statement of yours commencing with the word: 'Because'. Is it mentioned in that particular letter referred to by you, Mr. Stephen, that was the complaint against West Bengal Government made by the person who came to Minister of Energy, which you are now submitting...

Mr. Stephen, you said that this complainant had said that the West Bengal Government is corrupt and it is making money out of it. I would be very happy if you make a statement on this and

you support it. Can you say whether this is a part and parcel of that complaint? Or is it only a oral? Lastly I may submit one or two very important points.

With reference to the list of 130, I would ask the hon. Minister 5 or 6 questions. Is it not true that in regard to the allottees at Serial No. 1 and at Serial No. 116 in that particular list the allottee at Sl. No. 1 is not traceable and the allottee at Serial No. 116 is reported to have not lifted any stock. I would like to know whether it is a fact that the allottees have said that they have not lifted stocks even though they have received permits at Sl. No. 86, 89, 90, 92, 95 and 116. Is it not a fact that one Mr. Mushair Ahmed, an allottee, is a minor of 7 years old to whom the licence has been given? You answer this point. Is it not a fact that 61 persons out of 130 are not traceable and still you say that Mr. Chaudhury got an application from Mr. Majumdar and therefore it was his bounden duty to protect their interests.

Lastly, in keeping with the high tradition of this august House, no sooner the allegations are made against the Energy Minister he should have resigned as other Ministers did. But it seems Mr. Ghani, you have engaged a Counsel like Mr. Stephen to argue your case. I must recall that you should take into consideration the following persons who have resigned on account of the criticisms against the departments they were in charge of.

Mr. R. K. Shanmugam Chetty resigned.

(Interruptions)

Shri Lal Bahadur Shastri resigned on account of a serious railway accident. Mr. T. T. Krishnamachari re-

signed following enquiry into Mundra deal. Mr. A. P. Jain resigned, Shri Krishna Menon resigned soon after Chinese invasion, Shri K. D. Malaviya resigned and Shri Gulzarilal Nanda resigned following a violent demonstration near the Parliament House. Dr. Karan Singh also tendered resignation following an aircraft crash.

Now, serious allegations are being made by Mr. Jyotirmoy Bosu. Not only he asks your resignation, but he says that you being a public servant and having indulged in blackmarketing, you should be prosecuted under 5(2) of Prevention of Corruption Act. It is surprising that Shri Ghani is not even expressing regret, nor he is resigning or keeping up the tradition of this august House.

SHRI SHIVRAJ V. PATIL (Latur): Mr. Deputy-Speaker, Sir, Mr. Jyotirmoy Bosu has brought this motion before this House. But he has not spoken even a single word about the (a) part of the motion. He has spoken about the (b) part of the motion.

SHRI JYOTIRMOY BOSU: I have said about (a), (b) and (c).

SHRI SHIVRAJ V. PATIL: Not a single word has been said about (a) part of the motion.

SHRI JYOTIRMOY BOSU: Sir, the Member is misleading the House.

SHRI SHIVRAJ V. PATIL: And speaking about the (b) portion of the motion, he has taken a different stand from the one which he had taken on 9-7-1980. What was the stand taken by him on 9-7-80? I will crave the indulgence of this House to read out a few lines. His stand on 9-7-80 was—

"If you pay Rs. 20 per tonne etc. you can get as much coal as you

like. It is alleged to me that a personal staff, a trusted staff, Shri Prem Chand, is accepting money at the rate of Rs. 20 per tonne for permits that are being issued and have been issued at the behest of the Minister's establishment."

Here things are to be marked. What is he saying? At one time he says that someone in the office of the Minister is doing it; then he says that it is at the behest of the Minister's establishment and then he says that it is the Minister himself. It is a very serious matter. He says:

"It is also alleged to me that . . . General Manager (Sales), Coal India Ltd. has given to the Hard Coke Manufacturers Association a permit for 40,000 tonnes of coal for the above-mentioned consideration, i.e., Rs. 20 per tonne. Shri. . . . it is alleged to me further, has given a permit to one Hard Coke Manufacturers Association of which the President is. . . . of Dhanbad area.

"It is further alleged that all these deals have the concurrence of the highest authority in the Ministry, that means, the hon. Minister, Shri Abdul Ghani Khan Chaudhari.

These things have come to my notice from very reliable sources and I will produce documents."

And what kind of documents has he produced? He says further:

"I would like you to direct the hon. Minister to make an enquiry by another agency and tell the House whether this is what I have been told."

He is not sure, and that is why he asks for an enquiry.

Here, his stand is not that the people are not in existence to whom the permits have been given. His

stand is not that they are not there; he does not take a stand to say that they are not entitled to take the permit. He says that money was given and there was corruption while giving the permits. Is there no difference between the two statements? You take one stand at one time and another stand at another time while making the same allegations in the House. You are trying to kill a person in political life and you are taking one stand at one time and another stand at another time. You are expecting this House to press this motion. Can that be done? What does he say?

". . . that he, misusing his official position, arranged for, issue of 133 coal permits to persons who were not entitled to receive such permits."

Is it not a different stand? Here, he says that the hon. Minister is not entitled to this. Many eloquent speeches were made here and the hon. State Minister was quoted to say that the hon. Minister of the Central Government has no powers to issue the permits. Is it the way in which we have to deal with issues like this? So many erudite lawyers and so many erudite politicians and persons are sitting here. Will it not be possible for them to show any law, any rule, any regulation saying that the hon. Minister in the Central Government has no authority to issue the permits. Why should they depend upon a statement made by the State Minister in the House off-hand without referring to the rules, without referring to the laws and regulations? Why should not they do some investigation? They have spent so much energy, money and what not, I do not know. Should they not find out that there is a law which says that the hon. Minister is not having the authority and in what conditions the permits are given. It has been explained by the hon. Minister that in West Bengal, it is only those persons who belong to the CPM party get the coal. He has said that many



people had approached him explaining their difficulties? Should he not take into account the complaints and difficulties of the people? Should he not do something when he has the authority? When he has the power to see that the people's difficulties are removed, should he not make use of that? Has he committed any mistake? What kind of evidence is produced before the House here? The evidence produced here is the list of the persons to whom permits were given. The hon. Minister, Shri Stephen has rightly pointed out that a list was given and that list was sent to the District Magistrate saying that you record it, you take note of it. Now, it was not a secret thing? It was not kept out of the sight of the people, but it was sent to the District Magistrate. (*Interruptions*).

Here a report was read out by the hon. member, Shri Jyotirmoy Bosu. He said that the report is the result of the investigations carried on by his Government in West Bengal. Now, how much of credence has to be given to the report? My first point is whether that report in that fashion can be read in this House. Now, if there is a report, if that report has not come to the Central Government; if that report has not come to the hon. Speaker, if that report has not been placed on the Table of the House along with other documents; if that report, on which he is relying, is produced at the last moment, can any credence be given to that kind of a report? How much importance should be attached to that report?

Now, the procedure of the House provides that documents and newspapers and even the books written by great authorities also cannot be produced before the House or cannot be quoted in that manner in the House. Here is an hon. gentleman, here is an hon. member, a very senior member, coming with some pages and reading them out and telling us that this is the report by the Government and we should all rely on

that. How much credence has to be given to that report? Now here the people are sitting; hon. members are also sitting here. They are not having a copy of that report in their hands. Here the Press is also watching everything. The Press is going to report it. The Press does not know what is there and how that report is to be criticised and what is to be seen in the report and what is not to be seen in the report. All those factors are there. But here comes a senior member, Mr. Jyotirmoy Bosu saying that this is the report and I rely upon it. (*Interruptions*). I may be allowed to say, how many times in this House the matters were brought before your goodself and the matters were proved not to be true? In this session itself, many a time matters were brought before the House and nothing came out of it. It was done by Mr. Jyotirmoy Bosu. It was also done by some other friends. (*Interruptions*).

SHRI JYOTIRMOY BOSU: He is alleging that I brought documents before the House. It is not true, it is wholly untrue. This gentleman is misleading the House. He is one of the panel Chairman in the House. He should not say like that.

MR. SPEAKER: He has not said anything like that.

SHRI JYOTIRMOY BOSU: He should not say such things.

MR. SPEAKER: He has not said that.

SHRI JYOTIRMOY BOSU: I never bring documents before the House. I do not authenticate his. (*Interruptions*).

THE MINISTER OF INFORMATION AND BROADCASTING AND SUPPLY AND REHABILITATION (SHRI VASANT SATHE): The photostat copy of the fake cheque. The famous fraud which you have perpetrated in the House by producing a photostat copy of the cheque.

(Interruptions) Nobody has forgotten that. That fraud which you have committed, nobody has forgotten that. (Interruptions) That Swiss cheque which you had produced. (Interruptions)

MR. SPEAKER: Please do not talk now sitting across the tables.

SHRI SHIVRAJ V. PATIL: Unfortunate things are happening in our country. We lost one of our dearest colleagues Shri Sanjay Gandhi and a matter was brought before the House saying that the plane was brought... (Interruptions) Was it not brought before the House? (Interruptions) Today itself before this House, a matter was brought. (Interruptions)

SHRI JYOTIRMOY BOSU: I said... (Interruptions) I never said that... (Interruptions)

18.00 hrs.

SHRI SHIVRAJ V. PATIL: Today itself in this august House an allegation was made against the Chief Minister of Rajasthan; it was said that the Chief Minister of Rajasthan was so indiscreet as to write a letter to the World Bank—saying that loan should not be given to the Gujarat Government. It was reported in the newspapers. I do not blame the newspapers; newspapers do not have investigating machinery. Newspapers get some information and they publish it. I am not alleging anything against newspapers. Their duty is to inform the public in whatever fashion possible. But if an hon. Member of this august House says something it is his bounden duty to investigate into it... (Interruptions). It is the bounden duty of a Member of this august House that when he says something, it is his duty to investigate and to come to a conclusion that whatever he is saying is true to the best of his knowledge. Having come to that conclusion, he can come

to this august House and they can allege anything.

We are all against corruption; we are all interested in removing corruption... (Interruptions) My point was this; we are all against corruption. But let us not malign public life in this fashion so that people outside should say that all who are gathered here are corrupt people, people outside should not say that the system we have adopted is a corrupt system; they should not say that the parliamentary system is not working well in this country, with all respect I have for the hon. Members in this House, I have a feeling that we are creating suspicion in the minds of people outside that this system cannot work because this is a gathering of corrupt inefficient persons. That kind of impression should not be allowed to grow. If things are done in this fashion in this House, without applying their mind, without investigating into the matters, without taking responsibility while making allegations in this fashion, it is not going to help any Member, it is not going to help this House; it is not going to help our country; it is not going to help our people.

Sometimes I have a feeling whether Mr. Jyotirmoy Bosu is a friend of West Bengal Government, or he is its foe. I am really sorry for what Mr. Bosu has said.

SHRI SUDHIR GIRI: On a point of order. Your advice was that nothing should be said which is irrelevant to the motion. He is talking all irrelevant things.

SHRI SHIVRAJ V. PATIL: I have alleged nothing against West Bengal Government; I am not alleging a single word against the West Bengal Government. But I have a feeling that in a very erudite and skillful manner Mr. Jyotirmoy Bosu is bringing something before this House so as to bring discredit to the West Bengal Government. How, Sir? The hon. Shri Jyotirmoy Bosu says that

[Shivraj V. Patil]

the coal permits were given to certain individuals and the entire coal was smuggled from that State to another State. What is the implication of this? The implication is that Government is working there and they have the police machinery. It is their duty to see that the things are not smuggled out of the State. Here is Shri Jyotirmoy Bosu giving evidence in this House that coal is being smuggled out of that State.

In the end I would say that here is Mr. Jyotirmoy Bosu who wants us all to discuss the matter which is not going to bring any credit to the West Bengal Government. Here is part (a). He has said nothing. He has not defended the position of West Bengal Government. He has brought to the notice of all concerned, here is a friend who is going to bring discredit to the West Bengal Government and his party. I have all sympathy for Shri Jyotirmoy Bosu.

श्री धनिक लाल मंडल (झंझारपुर) :  
अध्यक्ष महोदय, एक बात के सम्बन्ध में कोई दो राय नहीं है, और न किसी ने इसका विरोध या खंडन किया है, कि 134 व्यक्तियों को 36,000 टन कोयले के परमिट माननीय केन्द्रीय मंत्री ने दिये । इस लिए यह बात तो स्थापित हो जाती है । सवाल यह है कि यह किम कन सिद्धेशन से किया गया । मंत्री जी कह सकते हैं, जैसा कि स्टीफन साहब ने अभी तर्क दिया, कि बहुत से कनमिडेशन हो सकते हैं । श्री ज्योतिर्मय बसु ने कुछ कनसिद्धेशन की बातें कही, जिनके तहत मंत्री महोदय ने ये काम किये हैं । मैं इसमें नहीं पड़ना चाहता हूँ, क्योंकि मुझे इसका इल्म नहीं है कि इसके पीछे क्या बात है । लेकिन मैं एक बात बताना चाहता हूँ कि पश्चिमी बंगाल में केवल एक जिला, माल्दा जिला ही नहीं है, पश्चिमी बंगाल में 18 जिले हैं, जबकि मंत्री महोदय ने सिर्फ एक जिले के लिए

सदाशयता दिखाई, जो कि उनकी कांस्टीट्यूएन्सी है । यह बात हमारे सामने आती है, अन्यथा जो और बातें स्टीफन साहब ने कही हैं, वे हो सकती हैं ।

मैं सिर्फ इसी से मंत्री महोदय की नीयत पर संदेह नहीं करता हूँ । लेकिन उस दिन माननीय मंत्री भावावेश में, या किस आवेश में, आ गये । उस कालिग एटेंशन नॉटिस में मैं भी एक सिग्नेटरी था । हमने एक ध्यानाकर्षण-प्रस्ताव दिया था कि देश से बाहर कोयला जा रहा है, बहुत बड़े इंटरनेशनल और इंटर-स्टेट गैंग, बड़े-बड़े गैंगस्टर्स और रैकेटियर्स, अपारेंट कर रहे हैं, जिनकी इंडिपेंडेंट एस्टाब्लिशमेंट है, जो परमिट लाइसेंस और ग्रांडर फ़ॉर्ज करने हैं, हजारों लाखों टन कोयला पाकिस्तान और नेपाल चला जाता है । उससे यह प्रश्न आज सदन के सामने उपस्थित हुआ है ।

उस दिन भी मैंने इसका विरोध किया था कि मंत्री महोदय लगातार हर बात से इन्कार करते रहे और अंत में मुझे उन्हीं के लोगों का हवाला देना पड़ा—बिहार के एक डी०आर०जी०(फूड); एस०एम० राय, का हवाला देना पड़ा । एस०एम० राय साहब ने जो इन्वेस्टिगेशन किया है उसमें उन्होंने खुद कहा है कि उन्होंने 300 टुकों को 8 घंटे के अन्दर चेक किया एक प्वाइंट पर, रोहतास पर और फिर उन्होंने कहा कि हजारों हजार टुक जो कोल से भरे हांतें हैं वह पाकिस्तान और नेपाल प्रत्येक दिन चले जाते हैं । यह उस आफिसर का मैं हवाला दे रहा हूँ । उसके बाद उन्होंने कहा कि इस तरह के गैंग हैं, इंटरनेशनल और इंटरस्टेट गैंग हैं, गैंगस्टर्स हैं जो इस काम में लगे हुए हैं । वे सारे परमिट और ग्रांडर वगैरह फ़ॉर्ज करते हैं और यह सारा काम करते हैं । इसमें इन के सारे लोग मिले हुए हैं बी०सी०सी०एल०

में और खास कर के जो सेल्स डिपार्टमेंट है इन का यह मिला रहता है। इन सारे लोगों की मिली भगत रहती है ये डीलर्स कंट्रिक्टर्स इन के बी०सी०सी० एल० के आदमी, उनके आफिसर ये सारे लोग मिल कर के यह काम करते हैं। यह हम लोगों का कालिग प्रमोशन था लेकिन उसका जवाब देते प्रबन्ध... (व्यवधान)....

श्री तपेश्वर सिंह (विक्रमगंज) : मेरा ध्येयस्था का प्रश्न है जिस बात पर मंडल साहब चर्चा कर रहे है उस के सम्बन्ध में। इन्होंने हाउस में चर्चा की है शिव मूर्ति राय सुपरिंटेंडेंट फूड की रिपोर्ट की और रोहतास की चर्चा की है, डेहली की चर्चा की है, यह हमारी कास्टीच्यूएसी की बात है; यह सरासर गलत रिपोर्टें हैं... (व्यवधान)....

अध्यक्ष महोदय : बैठिए, तपेश्वर सिंह जी, हो गया।

श्री धनिक लाल मंडल : ये सब लोग मिले हुए हैं। राजनैतिक संरक्षण के बिना यह सब काम नहीं होता। राजनैतिक संरक्षण तो रहता ही है। उसके बिना यह सब काम हो सकता है ?

हम लोगों ने यह ध्यानाकर्षण सूचना दी थी, उसके सम्बन्ध में माननीय मंत्री जी ने किसी बात को स्वीकार नहीं किया....

अध्यक्ष महोदय : आप इसके मु-ताल्लिक कहिए।

श्री धनिक लाल मंडल : किसी के मुताल्लिक कह रहा हूँ। देखिए, बहुत बड़े सत्य को छिपाया जाता है और गलत बातों की ओर इशारा किया जाता है। एक बात मैं बहुत प्रदब से निवेदन

करना चाहता हूँ कि कोयला खदान में और कोयला क्षेत्र में ये जो सारी गड़-बड़ियाँ हो रही हैं उसकी ओर सदन का ध्यान नहीं जा रहा है। लेकिन घनबाद और रानीगंज का यह जो सारा बिहार का और पश्चिम बंगाल का कोल बेल्ड है जहाँ रैंकटियर्स और गैंगस्टर्स करोड़ों करोड़ रुपये का माल स्विंडल कर रहे हैं इसकी ओर सदन का ध्यान नहीं जाता है, देश का ध्यान नहीं जाता है। इसकी ओर ध्यान जाना चाहिए। यह बहुत बड़ा काम है; मैं आप से इंडलर्जेंस की प्रार्थना करूंगा कि किस तरह से एक पर्टिकुलर जगह घनबान के बारे में बार-बार हम लोगों ने प्रश्न किया कि वहाँ जो यह गैंग अपरेट कर रहा है...

अध्यक्ष महोदय : आप विषय पर आइए धनिकलाल जी, आप कहाँ जा रहे हैं ? जो अब मोशन है उस पर आइए।

श्री धनिक लाल मंडल : जो मैंने कहा था माननीय मंत्री जी ने उसका जवाब नहीं दिया। लेकिन जब ज्योतिर्मय बसु साहब ने सवाल किया तो उत्तर प्रत्युत्तर में... (व्यवधान)... मैंने तो शुरू में ही कहा कि एक बात एस्टे-ब्लिश्ड है, उस के पीछे क्या राज है उसमें मैं नहीं जाना चाहूंगा क्योंकि मैं उसको नहीं जानता। यह तो मैंने पहले ही स्वीकार कर लिया कि मैं उन को इस काउंट पर चार्ज नहीं करूंगा। लेकिन एक बात यह जरूर है कि 133 लोगों को 36 हजार टन का परमिट दिया गया, एक खास एरिया मालदा में। किस कंसिडरेशन से दिया गया यह सब कोई सोचें। यह मैं नहीं कहूंगा कि क्यों दिया, पैसे के कंसिडरेशन से दिया या कैसे दिया

[श्री धनिक लाल मंडल]

मेरा यह कहना है कि मंत्री महोदय ने हम लोगों का तो एक का भी जवाब नहीं दिया लेकिन जब ज्योतिर्मय बसु ने सवाल किया तो उन्होंने दो तीन बातें कहीं और वह उनकी मानसिक दशा का वर्णन करता है। एक बात तो उन्होंने कहा कि पश्चिम बंगाल की सरकार पैसा कमाती है कोल बेच कर जो स्टैफन साहब ने कही। दूसरी बात उन्होंने कही कि सी० पी० एम० को छोड़ कर बाकी लोगों को कोयला नहीं मिलता। तीसरी बात कही कि पश्चिम बंगाल की सरकार ही हमारे राज्यों को कोयला स्मगल करती है और लाखों रुपए कमाती है। दस मिनट में यह जो तीन बातें कही गई हैं वह किस तरह की मानसिक दशा का वर्णन करती हैं। इसलिए मैंने कहा कि यह विक्षिप्ततावस्था की बातें हैं—पहले कह रहे हैं कि कोयला अधिक मूल्य पर बेचकर पश्चिम बंगाल की सरकार पैसा कमाती है, फिर कहते हैं कि सी० पी० एम० के लोगों को छोड़कर बाकी लोगों को कोयला नहीं मिलता है और फिर कहते हैं कि पश्चिम बंगाल की सरकार खुद कोयला स्मगल करती है और उससे पैसा कमाती है। तो यह किस मानसिक अवस्था की बातें हैं? ऐसा लगता है, जैसा मैंने पहले कहा, यह विक्षिप्ततावस्था की बातें हैं या फिर भावावेप में आकर उन्होंने ऐसा कहा। उनके मन में एक लीगली कांस्टिट्यूटेड स्टेट गवर्नमेंट के प्रति जो वायस है वही उनके मुंह से निकल रहा था। (व्यवधान) में यह कह रहा था कि बंगाल की सी० पी० एम० सरकार के प्रति इनके मन में जो वायस है उसके तहत विक्षिप्ततावस्था में उन्होंने अपना बयान दिया है। इस बयान में यदि वही तक बात होती तो कोई बात नहीं भी लेकिन बात आगे जाती है और वह यह जान्ती है कि

जो सी० पी० एम० की सरकार, लेफ्ट फ्रंट की सरकार बंगाल में है वह वैसे ही कांस्टिट्यूटेड है लीगली जैसे कि यहाँ पर यह सरकार लीगली कांस्टिट्यूटेड है—इसमें कोई दो राये नहीं हो सकती हैं—इसलिए इस सरकार के एक मंत्री द्वारा उस सरकार के ऊपर आरोप लगाना कहाँ तक जायज है? माननीय मंत्री, स्टैफन साहब ने बहुत बर्बादिया एक्सप्लेनेशन दिया लेकिन वही एक्सप्लेनेशन अगर सम्बद्ध मंत्री के मुंह से आता तो बड़ा प्रेमफुल होता, बहुत अच्छा होता। मेरा निवेदन है कि सम्बद्ध मंत्री को और से यह बात आनी चाहिए थी। मैं मंत्री को भ्रमी करण्ट नहीं मानता जब तक कि प्रमाण न हों लेकिन वेस्ट बंगाल सरकार के प्रति इस तरह का अनर्गल प्रलाप करते जाना और गुस्सा प्रकट करना इस सदन में कतई शोभाजनक नहीं है और यह बात इसे सरकार के लिए भी शोभाजनक नहीं है। इस देश के पवित्रान और व्यवस्था के लिए भी यह ठीक नहीं है। और स्टैफन साहब ने जो एक्सप्लेनेशन दिया है वह खुद उनके मुंह से आना चाहिए था।

SHRI EDUARDO FALEIRO (Mormugao): Mr. Speaker, Sir, this matter has been agitating the House off and on in different forms—calling attention, breach of privilege and so on and so forth—since 9th of July. How much this whole exercise was a waste of time on an issue which lacks substance, which is almost absurd, has been shown by the hon. Minister, Mr. Stephen and other Members of the House.

The Motion contains two parts. One part is that permits have been given by the Minister to different people. As to the power of the Minister to give these permits, how this power exists, how the Minister even has a duty to issue permits in certain cases, that has been shown beyond any doubt by the previous speakers.

Here I may only add that apart from the powers of the Minister, apart from the duty that he has, sometimes to issue permits, this power had been exercised by his predecessors if not all but by his immediate predecessor, Mr. Fazlur Rehman, who had given permits of this kind.

**SHRI HARIKESH BAHADUR:** I am on a point of order. Allegations cannot be made against a person who is not present in the House.

**MR. SPEAKER:** No point of order.

**SHRI EDUARDO FALEIRO:** The second point is that allegations have been made about smuggling of coal. This charge also has been very effectively rebutted here. I may only add that there is an additional fact that in West Bengal admittedly there exists 51 illegal mines. Each of these mines produced approximately 500 tonnes per day. There are altogether 96 mines apart from the known registered 51 illegal mines. There are altogether 96 mines. The daily production is 48,000 metric tonnes.

**SHRI JYOTIRMOY BOSU:** What about Bihar?

(Interruptions)

**SHRI EDUARDO FALEIRO:** When any Opposition Member brings a motion of censure, then it is the duty of that side of the House to listen quietly to what the other side has to say. Otherwise, the inference is that you are afraid of the reply. You make an allegation, you make a vague accusation, but you do not want to hear the reply. You do not want the reply to be heard. Let us be heard and let the House judge, let this country judge who is right.

Sir, there are as I said, about 96 illegal mines in West Bengal, each one producing about 500 tonnes per day. The total production per day in these illegal mines is about 48,000 metric tonnes. The monthly pro-

duction is 1,350 million metric tonnes. This is more than the requirement of West Bengal, yet we find that in West Bengal there is shortage of coal. The inference is obvious and I do not think that Mr. Jyotirmoy Bosu himself, the honourable gentleman who has moved this motion, will deny that there is smuggling of coal outside West Bengal to different parts of the country and to countries like Bangladesh and Nepal.

**SHRI JYOTIRMOY BOSU:** The Bengal Government is doing?

**SHRI EDUARDO FALEIRO:** Well, whoever is doing.

Sir, the case is this. I am not saying that the West Bengal Government is doing it. I will not say that unless I have proof, and I have no proof. Nor has the Minister said that. But the fact is that smuggling is taking place and the West Bengal Government is not taking action. What is the inference, knowing the corruption that is there in Coal India, knowing the corruption that is there in the entire coal industry not from today, not from yesterday, but for the last so many years since the nationalisation of coal mines? Nothing can be done, no smuggling can be done, no black-marketing can be done without taking the officials, without taking the Government machinery into confidence and without paying them substantial *haftas*. What is the West Bengal Government doing about this?

Mr. Stephen has already mentioned about the letter of the District Magistrate from Howrah. The letter is of January 1979, and it was in this month more than a year ago that the District Magistrate of Howrah brought to the notice of the West Bengal Government that smuggling is taking place, that illegal mining is going on. But what did the West Bengal Government do? They did nothing. It is only in March, 1980, more than a year and three months—that the West Bengal approaches the Government of India for some cooperation, for some action. No one can

[Shri Eduardo Faleiro]

deny this. Whoever might be corrupt, I am not making an allegation. But I am making a definite allegation on the floor of this House which is a clear inference from the facts available to this House that there was negligence, gross negligence, total inefficiency on the part of the West Bengal Government in dealing with smuggling—'conniving' I will not say, but I will say, inefficiency and negligence while dealing with smuggling and blackmarketing of coal.

SHRI JYOTIRMOY BOSU: Further insinuation. He calls the Government as smugglers.

SHRI M. M. LAWRENCE (Idukki): Is it not on the border of our country that smuggling is taking place?

SHRI EDUARDO FALEIRO: If smuggling is taking place, there is doubt that smuggling to a large extent is taking place on the border and it is, to a large extent, the responsibility of the customs which comes under the Central Government. (Interruptions) I am agreeing with you. So, you please listen to me. That is the minimum requirement.

(Interruptions)

It is necessary for the State Government to inform the Centre that smuggling is going on, to say at what points it is going on, and this the West Bengal Government failed to do.

There is none who has more regard for the hon. Mover of the motion than myself. I have always considered him to be a man of great intellectual ability, a fighting parliamentarian like myself, but then here we have a man who does not believe in this system, here we have a man who will treat Parliament as a bourgeois institution and would like Parliament to be

destroyed, who, whenever he comes to this House with all his preparedness... (Interruptions) You will agree with me in private.

I have been in two Parliaments for the last three or four years, and I have never seen this hon. gentleman bringing any constructive suggestion or issue, it is always: this man is a thief, arrest him; that man is a cheat, shoot him etc. This motion of censure is a motion to harass Mr. Ghani Khan Chaudhury. This is a witch-hunt against Mr. Ghani Khan Chaudhury. The grievance is not that he has given certain permits the grievance is not that he has made an allegation against the West Bengal Government, the real grievance is that under the leadership of Shri Ghani Khan Chaudhury, the Congress(I) won the panchayat elections in West Bengal. (Interruptions) The leadership of Shri Ghani Khan Chaudhury, Shri Mukherjee and so many of the younger elements has destroyed the complacency of the West Bengal Government and the CPM who thought that the State was their private property.

I fully agree with what Shri Poojary said at the outset, that a vote of censure against an individual Minister will not lie. As he said, if you want to bring a censure motion, under article 75, you must bring it against the entire Government as a vote of no confidence, but Shri Jyotirmoy Bosu knows very well that if a vote of no confidence is brought against this Government, with its brilliant performance on the economic front, in foreign affairs and on the law and order side, it would not only be thrown out of this House, it would be laughed out.

Before concluding, I may say that this stunt of vindictiveness and witch-hunting will not pay. Mrs. Indira Gandhi came to this House as a Member of Parliament. Due to vindictiveness, this Parliament threw her out on a motion of privilege, but

the people brought her back, brought her party back with a thumping majority. They have a right to be heard, this Government must be allowed to govern. I am not saying that the opposition should not oppose. I do not believe in so-called constructive opposition. I believe that when one fights parliamentary battles, no mercy should be shown or asked for, but do not destroy this system by trying to eliminate individuals, because in that process you will be destroying the country. That will not do.

SHRI INDRAJIT GUPTA (Basirhat): Even if you give me only one minute, I must begin by expressing an apology to the Chair and to the House for having done something which I do not usually do. I am a senior Member of this House, and I should not have allowed myself to get provoked by what the Deputy-Speaker perhaps considered to be some very uncivilised sounds that were being made on that side. I should have been able to stand that. So, I apologise for having lost my temper.

In five minutes time, I cannot make out much of a case. We have ranged very far a field, Mr. Stephen has ranged very far a field and now the debate seems to be diverted into some sort of general political tub-thumping. All this is very good to cover up the very specific matter which was the subject matter of that call attention motion, out of which this debate has emerged. Nobody is replying to that. It was a very specific matter which referred only to certain things which took place in the months of February and March. It was a reference to certain allotment of coal permits...

SHRI JYOTIRMOY BOSU (Diamond Harbour): April. The permit was dated April.

SHRI INDRAJIT GUPTA: It was two months—February and March. It was not a general sort of dilution

about the general system of giving permits, going on for years and years and all that. There was a specific allegation with regard to 30833 tonnes of coal allotted to 119 parties in a specific district, which happens to be the home district and the constituency of the hon. Minister for Energy. If you think that these are not matters on the basis of which public suspicion is to be aroused in this country, I do not know. This is not a court of law. We are not arguing in a court of law here. This is a public forum. If things take place in this country on the basis of which justified public suspicion is created, it is our duty to bring it to this House. He is not going to be hanged or shot or put in jail just because of this debate. If here a *prima facie* case is established, it is for the Government to decide, it is on its conscience, whether it takes any action against him or not. This is not a court of law. Will you tell me if public suspicion is aroused or is not aroused?

SHRI C. M. STEPHEN): No.

SHRI INDRAJIT GUPTA: Mr. Stephen, you spoke for 45 minutes. I have been given five minutes. I know you are a very powerful speaker and all that.

SHRI C. M. STEPHEN: Sorry.

SHRI INDRAJIT GUPTA: The point is not at all whether he had the power or not. The point is whether that power has been misused. But we are ranging so far a field, discussing the powers and what not, Mr. Patil waxed so eloquent about it. You find these facts are not being challenged here; this allotment in February and March from Coal India was made to one particular district, 36368 tonnes were allotted to 34 parties altogether in Bengal. But it is found that in North Bengal, perhaps, you are aware of the fact the North Bengal, the northern part of our State is far removed from the coal producing region, it is



[Shri Indrajit Gupta]

across the river Ganga on the other side, transport and communications are not very well developed and there is always a shortage of coal there, and the other four districts apart from Malda, which are situated in North Bengal viz., Jalpaiguri, Cooch Behar, West Dinajpur and Darjeeling, they did not receive even one single ounce of this coal, not one permit was given to anybody in those two months in those districts. Sorry, other West Bengal Districts, not in North Bengal, received 5535 tonnes—15 parties there received a little more than 5000 tonnes, in all the other districts of West Bengal 30833 tonnes were allotted to Malda district and of the 199 parties to whom it was allotted, 111 belonged to those areas which are known as Shujapur and Kaliachak, which the hon. Minister knows, is the very heart of his constituency because even before, when he was not a Member of this House, when he was a Member of the State Assembly, this was the heart of his constituency from where he was elected to the State Assembly. Why should the public suspicion not be aroused—I do not understand. It is for you to clarify and not give us a long and learned dissertation as to what are the rights and powers and all that. We are worried about this particular thing, which has come to light. No reply has been given. Somebody has calculated that if you take one truck load of coal as being equal to ten tonnes, it cannot carry coal more than ten tonnes: then, during this February and March, 3084 trucks carrying all this coal should have arrived in the district, 2610 trucks should have come only to Shujapur and Kaliachak areas. Where are those trucks? They never came. That coal never came. If that had come, there would have been a small mountain of coal. There is nobody to consume coal there. Who will consume? There are no factories. Has it been found out?

I find, the Minister said the other day during the debate, "We have given these as ad hoc allotments and,

at the same time, I am asking them to make necessary enquiry as to whether the demand is genuine or not." This is what he said. So, I want to know whose job it is to find out whether the demand was genuine or not. Whose job is it? These people have to pay sales tax. If they lift coal under these permits, they have to pay sales tax; they have to pay other duties. It is very easy to check up whether it has been sold to these people or not, whether they have paid the sales tax or not. This coal never moved. Mr. Jyotirmoy Bosu's information is, it was smuggled to Bangladesh. I do not know. It may have been sold in Calcutta itself, that is, the permits were sold, not the coal. If this system is allowed to continue, the system which we can infer from such a specific instance which took place, then naturally, we have every right to bring it here as a matter of public importance.

Since other things have been referred to as circumstantial evidence and what not, I would also like to point out, after all, in the Coal India Ltd., does not the Minister know that there are at present about 52 cases of corruption pending against various officers of the Bharat Coking Coal, the Central Coalfields Ltd., the Eastern Coalfields Ltd. and the Western Coalfields Ltd. I have got the break-up. All were referred to the CBI for investigation. These cases are pending, some of them for 3 years, 2 years and 1 year. 51 important high-ranking officers of the Coal India Ltd. are involved. He has been the Minister in-charge now for 8 months. I know, he can get away by saying, "I was not here in 1978 and 1979." But he has the Minister now for 8 months. If he wants to create an image that he is interested in fighting corruption, I would like to know what action has been taken to complete the cases and to take action against these officers. Nothing has been done. They have been shielded. This is bound to happen because the whole set-up from top to bottom is like that.

The payments to private contractors of the CIL, BCL, CCL, ECL, WCL, have gone up in the last three years from Rs. 45.55 crores in 1978-79 to Rs. 49.45 crores in 1979-80. You know, the private contractors in the public sectors are one of the main fountain-head of corruption in collusion with the officers and other people in the administration. Therefore, we have raised this as a matter of great public importance. It cannot be dismissed by referring only to the legal powers, this and that.

My point, is, no answer is being given to the specific and, I should say, a very curious state of affairs. Since that happens to be the constituency of the Minister himself, we have every right to know whether he is not misusing his powers in order to strengthen his own position and to favour his own pet people in his constituency. That is why this matter has been brought before the House.

**SHRI ANANDA GOPAL MUKHOPADHYAY (Asansol):** Mr. Speaker, Sir, at the very outset, I thank Mr. Jyotirmoy Bosu for bringing this motion before the House. Mr. Bosu has given us an opportunity to discuss this matter. He has brought in two charges against the Minister. One is that the hon. Minister has utilised this forum to bring an allegation against the State Government of West Bengal for smuggling coal outside. While speaking on this Motion, Mr. Bosu hardly traversed on that point. Perhaps, he has left it for me to deal with that portion. Some of our friends here mentioned about the illegal coal mining in the State of West Bengal. The House may be astonished to learn that, under the CPM regime in West Bengal, 96 coal-mines were operating illegally. For months, the production was to the tune of ten lakh tonnes. For three years it continued. The House will be surprised to know that the illegal mine operators were digging the coal out and taking the coal out by trucks throughout the area outside the State

and outside the country. Times without number, the Coal Authority brought it to the notice of the State Government and particularly to the Home Minister and Chief Minister, Mr. Jyoti Bosu, and it was categorically told that nothing possibly could be done. You will be astonished to know, the House will be surprised to know, that there was complete lawlessness in the coal area for three years before the Supreme Court decision to stop illegal mining. Thousands of people with the help of operators headed by the police of Mr. Jyoti Bosu were operating in this area, not only working in 96 mines, but also robbing coal from Eastern Coalfield mines. I have sought your permission to refer to five names. Now, what actually happened? The Eastern Coalfield mines are in one area. Illegal mining operation was going on by its side. The coal raised at the pitheads of Eastern Coalfield was also robbed by these people. And who were helping them? They were helped by the local police. Some of the Ministers of the Left Front Government frequently visited that area. The operation was going on for three years. Allegations were made by the Eastern Coalfield to the Coal India. In how many cases were the illegal coal transport trucks apprehended or arrested? Show me the cases. In three years' time, 50 lakh tonnes of coal had been raised and it had been robbed and sold outside with the help of State Government. I would request you to appoint a Committee of this House consisting of all Parties to go into this question. I say so because the biggest scandal that can ever happen has happened; the biggest scandal will be unearthed, and the face of the Marxist Party will be blackened. I thank Mr. Jyotirmoy Bosu for raising this motion. It will help us drive the last nail on the coffin of the CPM. Sir, much debate has taken place in this House and much was talked about the Food for Work programme. In West Bengal the Marxist Government has completely misappropriated and misused the

[Shri Ananda Gopal Mukhopadhyay]

foodgrains given by the Centre. There is a lot of discrimination. A poor hungry man, if he belongs to Congress (I) was not asked to participate in the work to earn his bread. The CPI(M) party cadres organise the programme in such a manner that all the benefit goes to their party people only and other deserving persons are deprived...

MR. SPEAKER: Is it concerning this Motion?

SHRI ANANDA GOPAL MUKHOPADHYAY: It has got a link. Sir, this is discrimination. You do not know what is happening in West Bengal. You do not know under what regime we are living...

MR. SPEAKER: I would like you to confine to this motion only.

SHRI ANANDA GOPAL MUKHOPADHYAY: I will be happy if I am not interrupted. Hardly a day passes when people are not killed under the Marxist regime. You will be surprised to see in this atmosphere, they have met with miserable results in the Panchayat Elections.

So, Sir, it is a design, it is a part of the total thing which Mr. Bosu has designed and he has designed it in such a manner that they have started with character assassination of one of the other Minister and now it is Mr. Ghani Khan Choudhary. I would say that two committees with members of all parties should be appointed—one to look into this scandal of illegal mining and another to go into the malpractices of the Food for Work programme. I humbly demand of you to know the situation in West Bengal, to know the conditions of West Bengal and the biggest scandal of illegal mining is going on for the past three years and another is the Food for Work programme. I request you to form these two committees.

श्री हरिकेश बहादुर (गोरखपुर) :

अध्यक्ष महोदय, मुझे बहुत बड़ा समय मिला है और मुझे कुछ ज्यादा कहना भी नहीं है। यह सब सुन कर ऐसा लग रहा है कि यह सरकार भ्रष्टाचार के समुद्र में गोता लगा रही है। जो आरोप श्री ज्योतिर्नाथ बसु ने लगाए हैं वे इतने गम्भीर आरोप हैं कि इस सरकार के लिए बड़े शर्म की बात है और सबके मुंह पर कालिख लगी हुई है। उसे धोने के लिए आप को इस देश की जनता के सामने बहुत जल्दी जाना पड़ेगा। इस आरोप के लगने के बाद जो कालिमा उनके मुंह पर लगी है उसे धोने के लिए इस देश के अंदर कहीं पानी भी आप को अवेकबल नहीं है।

मंत्री होने के बाद, मंत्रिपद की शपथ ग्रहण करने के बाद माननीय श्री गनी खां चौधरी साहब ने एक बड़ा ही गैर-जिम्मेदाराना वक्तव्य दिया। उन्होंने कहा कि पश्चिम बंगाल की सरकार को बहुत जल्दी बंगाल की खाड़ी में फेंक दिया जाएगा। इस से यह बात लगती है... (अवधान)

मान्यवर, पश्चिम बंगाल सरकार के बारे में मंत्री जी की जो धारणा रही है उसी के आधार पर इन्होंने हमेशा प्रनाप-शनाप, अल-जुलूल आरोप उस सरकार पर लगाए हैं। इसलिए उस दिन जब ध्यानाकर्षण प्रस्ताव पर बहस हो रही थी तो इन्होंने कुछ गलत आरोप जो सही नहीं थे, उस सरकार के विरुद्ध लगाये। केवल श्री चौधरी ही नहीं, बल्कि दूसरे मंत्री भी इस प्रकार का कार्य कर रहे हैं। कल आप के सामने कुछ मामला आने वाला है, माननीय गृह मंत्री के खिलाफ, जिसके बारे में...

अध्यक्ष महोदय : कल की बात छोड़िये, आज की बात कीजिये।

श्री हरिकेश बहादुर : इस से लगता है कि सरकार के अधिकारी मंत्री वैर-जिम्मेदाराना बक्तव्य देने के भादी हो गये हैं। अब इस सरकार का पतन हो रहा है, जो कि इस देश को बरबादी की तरफ ले जाना चाहती है। 133 व्यक्तियों को कोयले के जो परमिटस दिये गये हैं, उसकी जाँच करने के बाद पश्चिमी बंगाल की सरकार ने पाया कि बहुत से फिक्टीशस थे। कुछ लोग तो उनमें थे ही नहीं। इससे लगता है कि इसके अन्दर कुछ बहुत बड़ा घपला किया गया है, कोई बहुत बड़ी घाघली हुई है। कोयले की तस्करी को रोकने के लिये पश्चिमी बंगाल की सरकार ने चौबीस मार्च, 1980 को केन्द्रीय सरकार से अधिकार माँगा था, लेकिन भारत सरकार ने अभी तक कोई भी आदेश इस के बारे में उस सरकार को नहीं दिया है। इस लिये मैं समाप्त करते हुए यह कहना चाहता हूँ कि जो आरोप श्री ज्योतिर्मय बसु ने लगाये हैं वे अत्यन्त गम्भीर हैं। उन को देखते हुए माननीय मंत्री जी को बरखास्त किया जाना चाहिये और उन्हें भी तुरन्त त्याग-पत्र दे देना चाहिये; तथा प्रीवेन्शन आफ करप्शन एक्ट में उनके खिलाफ मुकदमा चलाया जाना चाहिये।

**MR. SPEAKER:** Order please. Now I will ask Mr. Shiv Shanker to speak; he will be the last speaker.

श्री प्रार० के० महाशयो (ठाण) : क्या चौधरी साहब को कुछ भी नहीं कहना है ?

**SHRI SATISH AGARWAL (Gai-pur):** Ask Mr. Chaudhury if he has got anything to say or not. I am speaking with your permission. (Interruptions)

**AN HON. MEMBER:** He is not giving the permission.

**SHRI SATISH AGARWAL:** I am speaking with his permission. (Interruptions)

**अध्यक्ष महोदय :** मैंने आप की बात सुन ली। मैंने पिछला रिकार्ड देखा है, पिछला सेन्सर-मोशन श्री चरण सिंह के खिलाफ आया था, उसमें श्री चरण सिंह ने जवाब नहीं दिया था। I cannot force anybody.

**SHRI C. M. STEPHEN:** You set the precedent. You follow it!

**MR. SPEAKER:** We cannot force anybody. Now, Mr. Shiva Shankar.

**SHRI P. SHIV SHANKAR:** Mr. Speaker, Sir, it is unusual..... (Interruptions)

**SHRI YESHWANTRAO CHAVAN (Satara):** In that case Mr. Bosu will have his right of reply. I do not think we can come to any decision.

**MR. SPEAKER:** I think 25 minutes have been lost. We have to make this up. Mr. Shiv Shankar.

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR):** Mr. Speaker, Sir it is unusual for the hon. Member from Diamond Harbour to be generally touchy over the issues which generally he is not. Neither his Government in West Bengal is a Government which would be touchy or demurrant, but the manner in which the motion has been projected and the way in which the arguments have been addressed in support of the motion by the hon. Member, to say the least, are an apology unto himself and also to the Government of West Bengal. If you kindly look at the motion that has been proposed, after all, it is a motion of censure, and it is expected that the mover of the motion tries to prove the facts on

[Shri P. Shiv Shankar]

which he would like to rely so that the House also can judge whether the grounds he is urging are real and true. Apart from what my honourable colleague has said to bring out the arguments, and the various friends on this side did, I would like to bring to your kind notice that the conduct of the hon. Minister is sought to be disapproved on the first ground: "Because whatever the quota is, the CPM Government is smuggling into the other States and earning tonnes of money". Now, what has surprised me is that half the sentence has been torn out of the context and the conduct of the hon. Minister is sought to be disapproved, merely because he stated so. At the outset, Mr. Speaker, Sir, may I say that not a word has been uttered by my friend in rebuttal to what has been stated by the hon. Minister? Now, so far as the first part of the sentence is concerned, as my friend Mr. Stephen was trying to bring out; it says: "We have given coal wherever the demand has come to us saying that they are not getting the coal, because....". It starts with 'Because'. Now the remark that has been made precedes by a statement of fact. The statement of fact is this that there were people who were complaining that they were not getting the coal. It is because of this complaint that he proceeds further. Now, nothing has been said about this complaint of the people. In my submission, if the first part of the sentence goes unrebutted the second part stands. And so far as the first part is concerned, may I say this much? Notwithstanding the fact that the Government of West Bengal has made a great effort to bring about a big report—it is assisted by very eminent lawyers and investigators and various persons including the great Parliamentarian from Diamond Harbour—there is not a word to rebut that the people have been clamouring that they are not getting the coal. If this part of the sentence goes unrebutted and if it is true, I

beg to submit, the second part of the sentence stands. And apart from that, nothing has been said to rebut the second part of the sentence. Now, Sir, before I go further, what is the basis on which the entire argument has been advanced? The basis is the report of the West Bengal Government. I have got four-fold objections.

19.00 hrs.

Sir, I have got four-fold objections to this report. First, which is most important, is that Government of the State on the basis of the averment that has been made in this House, gets pricked, goes ahead with its own investigation and an enquiry and ultimately produces the report through an hon. Member in this House. What has rather upset me and should upset every right-thinking person is that the manner in which the CPM Government has behaved in getting the report produced in this House. Was it proper? Is it not a case of impropriety? Is it not a case of irregularity? Is it not a case of annihilating the principle of federalism that the State Government, in spite of the enquiry, does not make the report available to the Central Government and misbehaves by producing it through a Member here? (Interruptions) As a responsible authority, I expected the West Bengal Government to write to the Central Government that, "this is the result of the report, this is the result of the enquiry and the investigation made by us, will you please look into it and act on the basis of the report and act further in the matter". It is rather unfortunate that this matter has been made a political projection by producing it in this House for the first time through a Member and I accuse the CPM Government of West Bengal for violating the Constitution and the law.

(Interruptions)

MR. SPEAKER: It is just a question of opinion.

(Interruptions)

**SHRI P. SHIV SHANKAR:** The second point which I would like to object in the report is based on the allegation (b) in the motion itself. Sir, the allegation (b) in the motion is that he misusing his official position arranged for issue of 133 coal permits to persons who were not entitled to receive such permits. Now, as I said, this is a serious matter, a censure motion. Now, what is the allegation that has been made? A report has been prepared, after the report, a censure motion has been filed and in the censure motion made, it says that persons who were not entitled to receive such permits have been granted the permits. Now, you have seen the report. A great portion of it has been read out to the House. Only Shri Parulekar raised an objection with reference to a single person saying that a particular minor has been issued the permit, otherwise the report would only say... (Interruptions). According to them many persons are not traceable. Some figures have been given. What is important and what is material having regard to the motion is that persons not entitled to receive such permits have received the permits. The giving of permits, existence of the persons is not denied; persons who received the permits, exist. The only thing is that... (interruptions). I am reading out on the basis of... (interruptions). The CPM Government of West Bengal is aided by very eminent lawyers and one of whom is a very good friend of mine, a very reputed lawyer, Shri Somnath Chatterjee, who is here in our House. It is only perhaps after the report was made available that this particular motion has been moved. What does this motion say? It says that persons who were not entitled have received the permits. I am using the language of the motion itself. That is the crux of the matter for the simple reason that those who move a censure motion must prove the facts as they allege. It is on this basis that I am trying to say that a person who could not have been otherwise entitled has been given this permit—not a single word has been said by Shri Jyotirmoy Bosu,

who moved this motion on this. Yet, there is another factor, which is peculiar and which I would like to mention. To my mind, this appears to be only a precursor, a sign as to how the enquiries and investigations can be conducted where a CPM Government rules.

**SHRI BAPUSAHEB PARULEKAR (Ratnagiri):** Sir, on a point of order. The hon. Law Minister has repeatedly been saying about the report and making references to this. We cannot act unconstitutionally. Kindly see Article 261 of the Constitution. It says:

"Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State."

**SHRI P. SHIV SHANKAR:** This is not a public record and I have not said anything.

**MR. SPEAKER:** There is no public record. You are not referring to any public record.

**SHRI P. SHIV SHANKAR:** I am referring to the report which has been read here. It is only in that regard. It is an ordinary principle of law in which perhaps my friends on the other side have a faith.

**MR. SPEAKER:** Please order. Why don't you talk? Why don't you let the debate go on?

**SHRI P. SHIV SHANKAR:** It is an ordinary principle of law which I am quite sure that the hon. members on the other side are very much aware of, that nobody can be a judge in his own cause and nobody can be a prosecutor as also a judge; he cannot assume both the positions. Here is a case where the report has been produced and it is said to be of the West Bengal Government. No notice would be given to persons who are likely to be affected by this report. You your-

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self prepare a report; you are also an accused. You prepare a report. You judge it and you decide upon the matter and say that this is a *prima facie* case which has been made out and therefore a person's conduct should be affected. (Interruptions) This is a very strange matter... (Interruptions). If this be the state of affairs, I am really very sorry. (Interruptions). I am confident that able persons are guiding in West Bengal than I. What has surprised me is this. If this is the manner in which the West Bengal Government and their authority have to investigate and enquire, in my submission it is a slur on the judicial process in this country as also the administrative process. (Interruptions). What I am interested to bring to notice is this.

MR. SPEAKER: Are you ready to go?

AN HON. MEMBER: I want the House to adjourn.

SHRI P. SHIV SHANKAR: The mover of the motion presumably on the basis of this report on allegation (a) says, it is a baseless and irresponsible statement. He proceeds on that. If the judgment is merely based on this report and if my colleague has got to be chastised on this basis, I regret that we cannot yield to this type of argument. One very pertinent approach which was taken by Mr. Gupta was that so many permits have been granted and they have been granted particularly to the persons in the constituency of my colleague. There are two aspects about which I have been informed and I am sure my friends on the other side from West Bengal are perhaps much better aware that as far as Farakka township is concerned, because of the Super Thermal Power Project, the demand of bricks seems to be manifold. (Interruptions). The area of Taliacher is also famous for silk... (Interruptions) You can listen to me.

SHRI INDRAJIT GUPTA (Basirhat): The power plant is on the south-

ern side of the Ganga in Murshidabad district.

SHRI P. SHIV SHANKAR: As Mr. Faleiro said the West Bengal Government thinks my colleague on this side to be a stumbling block for them and obviously they would try to do anything and everything... (Interruptions). If these people were to be deprived of coal, necessarily, my colleague, if he has tried to nurse his constituency, there is absolutely nothing wrong... (Interruptions). I ask them a question. Do they or do they not approach us for the problems of their constituencies? And get them solved? If we do it, what is wrong in it? In fact it will be in furtherance of the constitutional goals that we would like to achieve. With these words, I oppose the motion.

MR. SPEAKER: Shri Jyotirmoy Bosu.

SHRI NIREN GHOSH (Dum Dum): On a point of order. Where is my party's time of ten minutes? I have given the name.

SHRI JYOTIRMOY BOSU: Mr. Deputy-Speaker: announced ten minutes for CPM.

MR. SPEAKER: What are you now? We have given more than enough. I have given 32 minutes. I have to do justice; you cannot force me like this... (Interruptions)

SHRI NIREN GHOSH: He is the Mover of the Resolution. It was announced that CPM would get ten minutes, it is on record; you can see the record.

MR. SPEAKER: I have to distribute time according to the time available at my disposal. Instead of ten minutes to the CPM, I have given 32 minutes. What more do you want?

SHRI NIREN GHOSH: It is the time given to the Mover. It was announced by the Deputy-Speaker; ten minutes for CPM.

MR. SPEAKER: From where else do I have to get time? I cannot differentiate.

SHRI NIREN GHOSH: It is unjust; it is unfair. How can you deny?

MR. SPEAKER: I am not going to give more time; it is illogical... (*Interruptions*) Mr. Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU: Shri Charan Singh's case has been quoted quite frequently during the debate specially by my friends sitting opposite. When Shri Charan Singh's debate was brought by Shri C. M. Stephen's Motion of censure on the Floor of the House, he then Prime Minister Shri Morarji Desai sat throughout and defended his Minister. Now, here what do we see? Hon. Prime Minister, Shrimati Indira Gandhi is conspicuous by her absence. Do I have to take that Shrimati Indira Gandhi does not want to have this Minister and does not want to defend him?

(*Interruptions*)

I know the indications from above, what is circulated. I know reshuffling is coming and who are the persons accused of...

(*Interruptions*)

MR. SPEAKER: You are very knowledgeable.

(*Interruptions*)

SHRI JYOTIRMOY BOSU: Shri Shiv Shankar made a slight mistake.

SHRI INDRAJIT GUPTA: Geographical mistake.

SHRI JYOTIRMOY BOSU: Well, my friend wants to point out the geographical mistake. He has located the thermal power project in Malda, whereas it is in Murshidabad. You better go to that area.

I would like to say—but my real complaint against my friend who often misunderstands me—he made a mistake. He mistook it as a law court. To

impress the client, you must make a lot of sound. An empty vessel sounds much because there is no substance in it.

What has distressed me most is that he has accused the West Bengal Government. While I am saying, I have my own collection of information which I have been doing for the last fourteen years. I have presented numerous documents which I have taken from this Government, that Government. Not that they gave it, but I collect my information. Let that go on record.

I am very much pained that the Law Minister has highlighted provision under Rule 380 and made defamatory remarks about the Government of West Bengal. Is it not fair that it should be expunged?

AN. HON. MEMBER: No, no.

(*Interruptions*)

SHRI JYOTIRMOY BOSU: He has defamed the Government of West Bengal. Well, you take any stand you like. (*Interruptions*) Mr. Stephen's remarks on Shrimati Gandhi before joining Con. (I), it is all written in the dossier that I maintain. Don't you mourn more than the king. We have seen many turn-coats like you. You cannot go to Kerala. People will reject you outright. So, you are roaming from one part of the country to the other to get elected.

SHRI C. M. STEPHEN: Now that he has made this reference about me would you kindly permit me to say that this gentleman is not even a member of the Marxist Communist Party? \*\*\*\*He is not even a member.

SHRI JYOTIRMOY BOSU: I am a\*\*\* of the party.

(*Interruptions*)

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\*\*Not recorded.



MR. SPEAKER: Nothing unparliamentary will go on record.

(Interruptions)

MR. SPEAKER: For God sake, do not be incriminatory against each other.

(Interruptions)

SHRI M. M. LAWRENCE (Idukki): If he has a right to call him\*\* I have a right to call him\*\*.

SHRI C. M. STEPHEN: Accepted. Thank you very much.

SHRI JYOTIRMOY BOSU: Mr. Stephen has very rightly described me

(Interruptions)

MR. SPEAKER: Nothing is to go on record which is unparliamentary, whether they may say it in joke or not.

SHRI JYOTIRMOY BOSU: You come to me when I say it. When he said, you did not.\*\*\*

MR. SPEAKER: I do not want both of you to exchange such words.

SHRI CHANDRAJIT YADAV (Azamgarh): I am sorry I asked for expunction. Both are using such words.

MR. SPEAKER: Both of them are not allowed to say this. I would not allow it.

PROF. N. G. RANGA (Guntur): These expressions used by both should be expunged.

SHRI JYOTIRMOY BOSU: I take the responsibility for what I say here on the floor of the House on the basis

\*\*\*not recorded.

of the information that I have collected from various sources. This gentleman forgets that I was Chairman of Public Undertakings Committee and Coal India was one of the units that was examined not formally, but informally. There are people who felt that they are fed up with this Minister and threatened officials like... (Interruptions). So materials are not difficult. How much do you want? I have got a file. I will require a bullock cart to give it to you. I can give more about this man, It is not 36,000 tonnes, but near about a lakh of tonnes that have gone into the black market through this man's hands. Much of it has gone to Bangladesh by smuggling across the river. That is a bigger story.

(Interruptions).

MR. SPEAKER: Please conclude.

SHRI JYOTIRMOY BOSU: I will take half an hour. You cannot shut me out. I have the right of reply and no shutting out.

I have said, in most of the cases, the permits either did not exist at all or they are nowhere known to the consumers in the eye of the law. I am saying that most of this coal drawn under these permits—134 permits—with the tacit consent of this Minister and his knowledge has gone into the black market. The coal price in Haryana and Punjab should be Rs. 250 a tonne, but it is being sold at Rs. 1000 a tonne and the money is being shared by the people... (Interruptions).

SHRI EDUARDO FALEIRO (Marmugao): Sir I rise on a point of order. Several defamatory allegations have been made...

SHRI JYOTIRMOY BOSU: Under what rule?

**SHRI EDUARDO FALEIRO:** He has said that the Minister is conniving at the smuggling and the Minister is a party to it. They are not part of the motion.

**MR. SPEAKER:** Whatever has got reference to this motion, what is included in that, that part will remain. Except that, nothing will remain.

**SHRI EDUARDO FALEIRO:** There is no reference in the motion to smuggling and all that.

**MR. SPEAKER:** I have already said that whatever refers to this particular motion, that will remain.

**SHRI JOYTIRMOY BOSU:** The Government order for public consumption dated 30th January, 1980 clearly states how steam coal will be distributed. About coke, I have made out a foolproof case. In West Bengal, nobody can touch an ounce of coal or deal with it without a permit or dealership licence from the West Bengal Government—a firm licence if it exceeds 4 tonnes and road permit to be issued by State Government if it is brought by road. There are other orders which clearly lay down the following procedure for functioning of road and rail movement for steam and slack coal for industrial units in the State—I can lay it on the Table. The number is 328(33) SI dated 30th January, 1980. So, let him not try to take us for a ride.

I will come to something else. In the meantime, you will kindly see his tour diary. The Prime Minister will kindly consider and call for his tour diary—he has been spending week after week in Malda, to organise false affidavits before the court of law to disprove my allegations. Coal India and National Thermal Power Corporation's cars and their officers are constantly working there, and *berat-khana* is going on for the workers. I have got the original affidavit which says—I will read it out—Mohammed Fazlur Rahman...

**MR. SPEAKER:** I cannot allow it. *(Interruptions)*.

**SHRI JYOTIRMOY BOSU:** Why not? Under what rule are you preventing me?

**MR. SPEAKER:** It was not given before.

**SHRI JYOTIRMOY BOSU:** No, Sir; you cannot.

**MR. SPEAKER:** I will tell you. You are not going to argue that case. I am not going to allow you. I have got to see...

*(Interruptions)*

**MR. SPEAKER:** I will have to see whether it is in order or not.

*(Interruptions)*

**MR. SPEAKER:** What has been given to me before, I will allow it. If it is not, I will not. That is so simple.

*(Interruptions)*

**MR. SPEAKER:** According to whatever has been laid on the Table or given to me.

*(Interruptions)*

**SHRI JYOTIRMOY BOSU:** I want to read it...

**MR. SPEAKER:** Not now.

**SHRI JYOTIRMOY BOSU:** Why not?

**MR. SPEAKER:** You have already taken 30 minutes...

*(Interruptions)*

**SHRI JYOTIRMOY BOSU:**...to file false affidavit...*(Interruptions)*... daily to court to file false affidavits...*(Interruptions)*.

**SHRI C. M. STEPHEN:** I rise on a point of order.

The hon. Member is now exercising the right of reply, the right of reply to the points raised and on the motion. The initial matter is that he must remain within the motion. The second thing is that his function is only to reply to the specific points raised. He is not entitled to raise any fresh point at all. He cannot start an original speech again. He must remain within the four walls of the motion here. Nothing more. Much has gone on, and we have borne with it. If he goes further, then we will have to react, and I submit that he might be asked to be within the four corners of the motion; nothing more than that. (*Interruptions*).

**SHRI JYOTIRMOY BOSU:** Shri Stephen has asked why a copy of this letter enclosing a list of permits was sent to DM, Malda. You know what has happened to Mr. D. M. Mullick, the Sales Manager of Coal India? He was sent for and he was seriously rebuked, and he was taken to task... (*Interruptions*) I am saying on my own responsibility. He was rebuked... and now he is almost underground, and he cannot be traced because... (*Interruptions*) I have got the details. I have got my information—collecting machinery. My charge is that 134 permits have been given merely for earning money and for blackmarketing. That is the charge... (*Interruptions*).

**SHRI C. M. STEPHEN:** Where is it in the motion? That part must be expunged. That is not part of the motion...

**SHRI JYOTIRMOY BOSU:** You read my motion. (*Interruptions*) You read my two motions, given within two hours... (*Interruptions*)

**AN HON. MEMBER:** Cashew-dealer coming to the rescue of the coal-dealer. (*Interruptions*)

**SHRI JYOTIRMOY BOSU:** It has been said that West Bengal Industries

Minister has written to the Central Union Minister for giving permit to somebody who approached the Government Minister. Now, what does that prove? The Union Government had every right to say 'yes' or 'no'. How does that justify the granting of permits to people who do not exist? How does that thing come here? Sir, Mr. Stephen alleged as to how the letter containing what the Chief Minister had written to the Prime Minister has come? Mr. Stephen, you are a Union Minister of this country, you should know that it was released to the press, the entire press corps in Calcutta. I have only got a cyclo-styled copy of the same. That is all and nothing beyond this. You don't even keep that much of information. Vasant Sathe does not also keep. It is a very interesting thing. Out of all the speakers, nobody has answered as to why out of 134 permits, 119 went to Malda where, I doubt if there is a single boiler. I doubt if there is a single boiler, nobody has the courage, nobody has the tenacity or the temerity to substantiate that. (*Interruptions*) This won't do. Sir, I would like, let them carry the dead goat on their shoulder, we shall be able to tell the people of this country, we do not want him to be thrown out, let him remain stinking there and we shall let the people understand.

Sir, I have told that voting is not necessary. It is not a matter because no free voting is allowed. If there was free voting, I would have taken this matter to voting. So, I would only appeal to the conscience of the House, Mr. Stephen has the conscience of the House.

Sir, Mr. Stephen has extensively quoted from the Colliery Control Order. Mr. Stephen, would you take a little trouble when you go home, to read page 6, para 12A...

**THE MINISTER OF STATE IN THE MINISTRY OF ENERGY (SHRI VIKRAM MAHAJAN):** Don't waste the time...

(*Interruptions*)

SHRI JYOTIRMOY BOSU: Page 6, para 12A. Does it say that the Minister is there...to give permits to blackmarketeers, because the Colliery Control Order was meant to regulate, to prevent the misuse of coal, and this man is observing it more in violation than in compliance?

Sir, I would say this that this is a clear case. You have seen the documents. I have shown you the documents. Then only you have admitted the motion. There is a clear case. Many Ministers have taken me aside and told me that this is one of the worst cases that we have faced. (Interruptions). May I name them? May I have the permission to name them? (Interruptions). Oh! That is it.

Now, Sir, I have nothing more to say. The case has been proved to the hilt and if the Government choses to keep the dead goat on their shoulder for stinking, let them have it. But I leave the whole thing to the conscience of the House, whether the Indian politicians are going to be identified as corrupt and thieves: Then you have him. Otherwise, send him and get rid of him.

SHRI ANANDA GOPAL MUKHOPADHYAY: What about the 50 lakh tonnes of coal...

(Interruptions)

MR. SPEAKER: I shall now put the motion moved by Shri Jyotirmoy Bosu to the vote of the House.

The question is:

"That this House having considered acts of commission on the part of Shri A.B.A. Ghani Khan Chaudhuri, Minister of Energy and Coal with respect to the following matters namely:—

(a) that the said Minister, Shri A.B.A. Ghani Khan Chaudhuri, misusing the floor of the House, has made on 9th July, 1980, baseless and irresponsible statement

by saying 'Because whatever the quota is, the CPM Government is smuggling (coal) into the other States...and earning tons of money',

(b) that he, misusing his official position, arranged for issue of 133 coal permits to persons who were not entitled to receive such permits,

hereby records its indignation against and disapproval of the conduct of the said Minister, Shri A.B.A. Ghani Khan Chaudhuri."

The motion was negatived.

SHRI JYOTIRMOY BOSU: Sir, it is my motion. It is most irregular. I have said that I do not want it to be put to vote. Why are you putting it to vote?

AN HON. MEMBER: You do not want it to be put to vote?

SHRI JYOTIRMOY BOSU: I go by what I say. I do not want voting I leave it to the conscience of the House.

(Interruptions)

MR. SPEAKER: You did not oppose it.

SHRI JYOTIRMOY BOSU: I did not want a vote. I left it to their conscience.

19.40 hrs.

#### RELEASE OF MEMBER

MR. SPEAKER: I have to inform the House that the following communications addressed to the Speaker, Lok Sabha, have been received:

(i) Telegram dated 6 August, 1980, from the District Magistrate, Meerut:

"Swami Indervesh, Member, Lok Sabha, arrested on August 8