by the High Commission of India (Supply Wing), London and Embassy of India (Supply Wing), Washington, for the year ending 31st December, 1976. [*Placed in Library. See* No. LT-1736/78].

ANNUAL REPORTS OF POST-GRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH, CHANDIGARH AND HINDUSTAN LATEX LTD., TRIVANDRUM FOR 1976-77

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) : मैं निम्नलिखित पत्र सभा पटल पर रखता हूं :

(1) स्नातकोत्तर चिकित्सा शिक्षा तथा अनुसन्धान संस्थान, चण्डीगढ़ अधिनियम, 1966 की धारा 19 के अन्तर्गत स्नातकोत्तर चिकित्सा शिक्षा तथा अनुसन्धान संस्थान, चण्डीगढ़ के वर्ष 1976–77 के वार्षिक प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति।

[*Placed in Library. See* No. LT-1737/78].

(2) कम्पनी अधिनियम, 1956 की धारा 619 क की उपधारा (1) के अन्तर्गत हिन्दुस्तान लेटेक्स लिमिटेड, त्रिवेन्द्रम के वर्ष 1976–77 के वार्षिक प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति, लेखा-परीक्षित लेखे तथा उन पर नियंत्रक महालेखापरीक्षक की टिप्पणियां।

[*Placed in Library. See* No. LT-1738/78].

NOTIFICATION UNDER CUSTOMS ACT, 1962

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ZULFIQUARULLAH): I beg to lay on the Table a copy of Notification No. 62/78-Customs (Hindi and English versions) published in Gazette of India dated the 9th March, 1978, under section 159 of the Customs Act, 1962 together with an explanatory memorandum. [*Placed in Library. See* No. LT-1739/78].

12.48 hrs.

MESSAGE FROM THE PRESIDENT

MR. SPEAKER: I have to inform the House that I have received the following message dated the 7th March, 1978 from the President:

"I have received with great satisfaction the expresssion of thanks by the Members of the Lok Sabha for the Address which I delivered to both Houses of Parliament assembled together on the 20th February, 1978."

12.49 hrs.

RE. REPORT OF THE INQUIRY COMMITTEE ON SHRI JAYAPRAKASH NARAYAN'S TREATMENT

SHRI KRISHAN KANT (Chandigarh): Last week we said that the JP report should be placed on the Table of the House and there was discussion about it day before yesterday. Your direction was that the Health Minister should lay it on the Table of the House. It has not yet laid. The Health Minister is here. Let him say something on that.

SHRI K. P. UNNIKRISHNAN (Badagara): We object to that because.... (*Interruptions*).

MR. SPEAKER: Mr. Raj Narain.

SHRI VASANT SATHE (Akola): Is that matter on the agenda?

MR SPEAKER: Yesterday some Members raised the question that the Health Minister....

SHRI VASANT SATHE: In the Rajya Sabha?

MR. SPEAKER: No, here; I am not concerned with Rajya Sabha.

SHRI VASANT SATHE: It has to come on the agenda and we must know what it is; you cannot have a surprise. This thing has been so scandalous in the country. Interim report is taken and medical doctors are being pressurised. He has threatened the medical profession. For heaven's sake do not do anything contrary to the rules. It should be on the agenda.

SHRI K. P. UNNIKRISHNAN: Is he prepared for a judicial enquiry? If he wants to answer that point, yes, because it was done by a doctor, for whom I have great personal regard, but who has not been, as you are probably aware, a practising doctor at all for several years. Nor has he any competence in the field referred to him. It is not proper that the calumny should go on about the reputed medical profession of this country, and particularly the one belonging to a very high reputed institution. That is why I object to the laying of this report on the table of the House. We want to know whether he is going to..

(*Interruptions*)

SHRI KRISHAN KANT: Whether there should be a judicial enquiry or not, that is a different thing. When the House discusses the Report, the Members are free to demand an enquiry. We may agree to that. But this attempt to see that the report does not see light of day is a conspiracy, to see that JP's treatment is not brought out. We will not agree to it, whatever they may say. The Minister is here. The Speaker has given a direction. There is no rule which says that the Speaker can taken back the direction, the Minister is bound by his direction.

SHRI VASANT SATHE: We want a full judicial enquiry and we want them to place the full report. We are willing for that. (*Interruptions*).

AN HON. MEMBER: They must tell the people what they are going to do.

SHRI VASANT SATHE: It is not even worth the paper....

आप इन्टेरिम रिपोर्ट क्यों दे रहे हैं ? इसके खिलाफ डाक्टर्स ने प्रोटेस्ट किया है ।

(व्यवधान)

SHRI KRISHAN KANT: The direction of the Speaker must be implemented. (*Interruptions*) These people want to conspire....

(*Interruptions*)

SHRI C. M. STEPHEN (Idukki): I am on a point of order. There are certain rules and regulations governing the matter of laying anything on the Table of the House; not any paper can be laid on the Table of the House. This is said to be an Enquiry Report and I presume that it was an enquiry under the Commissions of Inquiry Act—may be. If that is so, the Section stipulates that the Report must go to the President and that a copy of the report will be caused to be placed on the Table of the House. This is not such a report at all. This is an interim finding arrived at and the full Report has not come at all. It has not taken the shape of a document which has to go to the President to be considered; then only a report prepared under that can be placed on the Table of the House under the provisions of the Commissions of Inquiry Act. The second point is that even if any paper has got to be placed on the Table of the House, it must come

on the Order paper. In the order paper, it has not come. Therefore, it cannot be placed on the Table of the House. Under these two counts it cannot be placed on the Table of the House. The third point is that if Mr. Raj Narain wants to make a statement then the statement is to be made only under a particular Rule—Rule 372. This is not a statement that is permitted under Rule 372 because this is not a matter which can be defined as a matter of public importance. If that is so, the matter was here, the matter was raised here and if you in your wisdom thought that the Minister wanted to make a statement, then that also should have come in the Order paper. It is not something which has suddenly happened after sun set last night. This matter was here and presumably you had occasion to consider it and presumably, therefore, you did not find occasion to place it on the Order paper. Therefore a thing which was already before the House, which you considered and which stood to be omitted from the Order paper, cannot all of a sudden be permitted to be placed on the Table of the House as a bolt from the blue. Therefore, on three grounds I oppose the placing of this paper on the Table of the House or the making of a statement by the Minister on this matter.

SHRI K. LAKKAPPA (Tumkur): Mr. Speaker, Sir, Even if the Minister, Mr. Raj Narain, wants to make a statement, it is not governed by Rule 372 because it is an interim report.

MR. SPEAKER: You are repeating the same thing.

SHRI K. LAKKAPPA: The expert opinion of the country has gone on record in the press. It is such a distorted report which has been given. That is why how do you allow such a report to be placed on the Table of the House? So, we want to oppose it.

SHRI GAURI SHANKAR RAI (Ghazipur): Both of them were parties to that at that time. That is why they do not want this Report to be disclosed.

(*Interruptions*)

SHRI VAYALAR RAVI (Chirayinkil): I am on a point of order, Sir, this is a matter which has raised controversy. The Interim Report can be placed if there is need or urgency of action by the Government. There is no such need or urgency of action by the Government. I am putting this further point as part of my point of order was covered by Mr. Stephen already. So, let the interim report not be placed on the Table of the House. That is my point.

SHRI KRISHAN KANT: The way they are doing it shows there is something fishy about it. If that is not the case, then why should they want to hide the report? Mr. Jayaprakash Narayan was in jail when they were ruling and it is this section who are opposing the laying of the report on the Table of the House.

(*Interruptions*)

SHRI P. SHANKARANAND (Chikkodi): There should be a judicial inquiry. Don't you trust the judiciary? Say, you don't trust.

(*Interruptions*)

SHRI B. SHANKARANAND (Chidemand for discussion of the report. We have a right to demand. My dear Sir, why are you afraid?

SHRI K. LAKKAPPA: You are afraid.

SHRI KRISHAN KANT: There is something wrong in it. They want hiding of the report. (*Interruptions*). You want hiding of something now.

SHRI VASANT SATHE: Sir, this Institute of Chandigarh is one of the best institutes in the world having the best doctors. You are discrediting

[Shri Vasant Sathe]

them today. This Government should be ashamed. They are trying to discredit the best institute that we have. (*Interruptions*).

श्री कंवर लाल गुप्त (दिल्ली सदर) : पिछले सप्ताह यह सवाल आया था। उस समय आपने कहा था यह बहुत जरूरी चीज है, सारे देश का मामला है। उस समय मंत्री महोदय ने वादा किया था कि सोमवार को हिन्दी व अंग्रेजी की रिपोर्ट रखी जाएगी। कल जब श्री कृष्ण कान्त ने सुना दी थी तो आपने वादा किया था कि मंत्री महोदय को कहलवा दिया जाएगा कि आज वह रिपोर्ट यहां पर रख दें, जल्दी से जल्दी रख दें। अध्यक्ष महोदय, जहां तक इसका सवाल है जय प्रकाश जी देश के सबसे बड़े नेता हैं और इसमें ऐसे रहस्योद्घाटन हुए हैं इस रिपोर्ट में (**व्यवधान**)

MR. SPEAKER: Please....I have heard you. I have to hear him also.

13 hrs.

श्री कंवर लाल गुप्त : इस रिपोर्ट में काफी रहस्योद्घाटन हुए हैं, सेंसेशनल चीजें निकलने वाली हैं, दुनिया चकित हो जायेगी। और मुझे ताज्जुब होता है कांग्रेस भाइयों पर जो इस चीज का साथ दे रहे हैं, इन्दिरा जी का साथ दे रहे है। वह क्यों डरते है। अगर ठीक है तो चीज सामने आनी चाहिए। उस पर परदा डालने की कोशिश क्यों है। आपको याद होगा --

MR. SPEAKER: Mr. Gupta, you are travelling outside the point.

श्री कंवर लाल गुप्त : आपको याद होगा उन्हें मारने के लिए तैयारी भी की थी और जानबूझ कर जय प्रकाश जी का मर्डर करने की कोशिश की थी उस पर यह परदा डालने की कोशिश कर रहे हैं। सदन चाहता है कि आप मंत्री जी से कहें कि वह रिपोर्ट सदन के सामने रखें।

श्री बसन्त साठे : जुडिशियल इनक्वायरी करवा लें।

श्री मनो राम बागड़ी (मथुरा) : अध्यक्ष जी, मैं अपने माननीय सदस्यों से कहना चाहता हूं कि जो विरोध में बैठे हुए हैं वह लोग पक्ष कर रहे हैं मंत्री जी का कि रिपोर्ट न रखें, जब कि हम यहां सदन में कह रहे हैं कि रिपोर्ट रखी जाये। सदन की हकतलफी नहीं होनी चाहिए। आपको लड़ना है तो बुनियादी सवालों पर लड़िये, जैसे भूख है, बेकारी है। जय प्रकाश जी देश के

MR. SPEAKER: There cannot be any running commentary.

श्री मनो राम बागड़ी : कोई बात नहीं है, विरोध पक्ष के लोगों को कुछ न कुछ तो कहना ही है। लेकिन उनको हमारी बात सुननी चाहिए। अध्यक्ष जी, जय प्रकाश जी इस वक्त हिन्दुस्तान के ही नहीं संसार की मानवता के प्रतीक हो चुके हैं।

(*Interruptions*)

MR. SPEAKER: Mr. Sathe, you had your say. Why don't you allow others to have their say.

श्री मनो राम बागड़ी आप यह कैसे कह सकते हैं। जयप्रकाश जी ऐसे समय आये हैं जब हम लोग जेलों में थे और हमारे साथी लोग सरकार में थे। लेकिन पटना में लोक नेता जय प्रकाश नारायण जी को फांसी की सजा उनकी फ़र्जी तस्वीर लटका कर दी गई। यह

एक तथ्य है। आप उनके बारे में सही बातें क्यों नहीं आने देना चाहते ? आपने एक वचन दिया है कि जय प्रकाश जी के इलाज से संबन्धित रिपोर्ट सोमवार को सदन में रखी जायेगी, और आज सोमवार के बजाय बृहस्पतिवार हो गया है।

MR. SPEAKER: Let us not go into the merits. We are only on the point of order.

श्री मनी राम बागड़ी : राज्य सभा के अन्दर पहले जवाब देते हैं मंत्री जी, जब कि यह सवाल उठाया गया था लोक सभा में। और डाक्टरों ने वहां से अपना कोई भेजा है लिख पढ़ कर कि जुडिशियल इनक्वायरी हो जब कि लोक सभा में यह रिपोर्ट आने को हुई तब डाक्टरों में खलबली मची हुई है। अभी तक पुरानी सरकार की पुरानी नौकरशाही मौजूद है। यह वही तत्व है जिसने हम को जेलों में डाला और तुम्हारी जबान बन्द रखी। उस तत्व ने वह रिपोर्ट बता दी है।

MR. SPEAKER: Mr. Minister, what is your reply? We have debated enough.

श्री मनी राम बागड़ी : अध्यक्ष जी, एक बात मैं मंत्री जी से कहूंगा।

MR. SPEAKER: You have said enough.

श्री मनी राम बागड़ी : 12 तारीख को (*व्यवधान*) यह ऐतिहासिक बात है (*व्यवधान*) में लोग जेलों में जाते, अगर जय प्रकाश नारायण न होते।

MR. SPEAKER: No, we have debated enough. Now I will ask the Minister to reply.

SHRI D. B. CHANDRE GOWDA (Chikamagalur): Mr. Speaker, one point of clarification. I do not understand what the Minister is going to say.

MR. SPEAKER: I do not know. A point of order is raised. Whether he has any reply.

SHRI D. B. CHANDRE GOWDA: That is the point. It is addressed to the Chair.

MR. SPEAKER: Undoubtedly. I cannot decide it without heirng both the sides.

SHRI D. B. CHANDRE GOWDA: Sir, You have to give your ruling.

MR. SPEAKER: I have to give the ruling.

Mr. Raj Narain, Mr. Stephen has raised three questions. You have to answer those. He has raised a point of order. Three questions he has raised.

SHRI KANWAR LAL GUPTA: What about your own commitment in the House? We want to ask from you.

MR. SPEAKER: I have made no commitments. The records are there. Please see the records. There was a misapprehension. Please go into the records.... (*Interruptions*) Will you kindly hear me? All that happened was, when the Health Minister wanted to give a summary of it, I objected to it. I said You cannot give a summary of it". Then, when he said "I may place the English report", I said "do not create trouble; place both Hindi and English." Then he said "I want some time." I said. "All right, you can do it on Monday." I have not given any direction. Only I stopped him from placing this.

Now, three questions have been raised by Shri Stephen. One is that you cannot lay under the Act a report, which is an interim report. Secondly, he has said that you cannot lay it is submitted to the President.

[Mr. Speaker]

Thirdly, it is not in the Order Paper. So far as the last point is concerned, there are many questions coming in here like that, because the Speaker is not even allowed to deal with them. Today we had adjournment motions and other motions. They have all come. So, there is no question about it. But the other two points are important. One is that you cannot lay it unless and until the final report has come. Secondly, you cannot do it except.... (*Interruptions*) I am looking into that.

SHRI KRISHAN KANT: Mr. Speaker, I would like to read from the proceedings of Lok Sabha yesterday, where the hon. Speaker was kind enough to say as follows:

> "The Minister of Parliamentary Affairs may kindly inform the Minister that he had promised to place the report by Monday, but he had not yet placed it and that I would like to know why he had not done so; he must do that immediately."

That is your direction.

MR. SPEAKER: This is what I am saying. He has promised to do it and he has not kept up his promise. Therefore, he must keep up his promise. Today a legal question has been raised, that he cannot do it. I have to decide that question.

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, may I make a submission on the legal point? This Commission was appointed under the Commissions of Inquiry Act. In a sense, all the provisions of the Commissions of Inquiry Act were to apply to this. Now, what does the Act say about the laying of reports? I would like to draw the attention of the Chair and of the House to what the Act says about the laying of the Reports on the table. I am drawing your attention to section 3, sub-section (4), which says:

> The appropriate Government shall cause to be laid before the House of the People or, as the case may be, the Legislative Assembly of the States, the reports, if any" —I am laying stress, I am underlining the words, if any"—

It says:

> ....of the Commission on the enquiry made by the Commission under sub-section (1) together with a memorandum of action taken thereon."

Here, my submission is that it must not necessarily be accompanied by a memorandum of action taken. It may well be that the Government would decide not to take any action, and that would also be considered an action in terms of law. But the country must know the findings and the country must know whether the cause for this concern was justified or not, that is the principal point involved in this. What action the Government takes on the report. Whether to present not an obligation which must be carried out while laying the report.

It says:

> ....by the Commission under sub-section (1) together with a memorandum of action taken thereon within a period of six months."

The most important point is that the Government cannot exceed the limit of six months for taking any action on the report. Whether to present without any memorandum of action taken on it is not the material point.

Here, the plea taken by the Government is completely different. The plea taken by the Government is that it is not the final report, the full report. The plea taken by the Government is not that the Government has not taken any decision on it. The plea taken is that it is not the full report. Here my submission is that the Act says any report", it does not say that it should be the final report.

There have been occasions when the Government has taken action even on an interim report, and particularly an interim report is required only for taking action in accordance with the public interests involved in it. Therefore, this report could be of any nature, whether it is a full report or an interim report is immaterial, and so if the House had been assured that the interim report would be made available to the House, I think this obligation must be fulfilled, it is not prevented by the Act. And this is also not the Government's case that it is not accompanied by a memorandum of action taken. Government's case is only that it is not the full report, but the House, after having considered all aspects of the matter, had come to the view that the report must be placed before the House. Therefore, the Chair had also asked the Minister to carry out the wishes of the House. The Minister having given the assurance to the House and the Chair also having asked the Government to fulfil the assurance given to the House, I think it would a step which cannot be appreciated particularly at a juncture when the country is celebrating the Amrit Mahotsav of Lok Nayak Jayaprakash Narain. If the reports was required at any stage in the country it is at this stage that this report on this very important matters is required and not later.

SHRI VASANT SATHE: The first point is that it is not a report in terms of section 3(4). The Government will say that no memorandum of action taken accompanies it. Why? Because it is not a full report. Therefore that six months period will be fully waived by saying that they will do it after the full reports is available. And in the meantime they will avoid this report and submit to you a partial finding or observations or whatever it is which will confuse the country. I am not going into the merits of the whole case, about the man who made the enquiry, the manner of the enquiry etc., but I say that it will be contrary to the concept of law to have any such partial document which cannot be described as a report to be placed on the Table of the House within the terms of the Act.

SHRI G. M. BANATWALLA (Ponnani): I will place the point very briefly before you. Section 3(4) of the Act is very relevant and must be taken into consideration while deciding the point. It very clearly and categorically says that the report of the Commission has to be placed before the House. It does not say "report" or "reports". There cannot be a plethora of reports, preliminary, interim and final reports. There can be only one report, and that is the report of the Commission which has to come before the House. Therefore, if an interim report is now placed, this House will be barred from receiving any further report about the matter. The term used is singular and is preceded by the article "the" and it also requires the memorandum of action taken together with it. Therefore, I submit before you that section 3(4) contemplates only one report. It is couched in the singular. Therefore, it is only one report which is the report and the final report which will come before the House. The House cannot be taken for a ride by giving a plethora of reports.

श्री गौरीशंकर राय : अध्यक्ष महोदय, इस मामले को मैं एक दूसरे दृष्टिकोण से रखना चाहता हूं। यह सदन अपने कार्यों का सब से बड़ा मालिक है, सुप्रीम एथारिटी हैं। इस में आप की रूलिंग का प्रश्न कम है, सदन और देश की इच्छा का प्रश्न है। कानून के सिलसिले में सिर्फ इतना मुझे कहना है कि ऐक्ट में अन्तरिम रिपोर्ट रखने की कोई मुमानियत नहीं है कि नहीं रख सकते हैं। सारा देश इस मामले पर व्यग्र था। आज से चार महीने पहले, तीन महीने पहले यह

[श्री गौरीशंकर राय]

रिपोर्ट आनी चाहिए थी। मैं जरा अपने मित्रों से भी यह कहना चाहता हूं कि उन के ऊपर एक चार्ज एक साल पहले से सारी दुनिया के सामने लटका हुआ है कि जयप्रकाश जी के साथ ऐसा व्यवहार हुआ, उन को मारने का प्रयास था। तो इस मामले में देश चाहता है कि यह रिपोर्ट रखी जाय और यह सदन देश की भावनाओं को परिलक्षित करता है। यह सदन चाहता है कि रिपोर्ट रखी जाय तो इस में कोई प्रोसीजर की बात नहीं है। यह सदन की इच्छा है और सदन में आप से निवेदन किया है कि रिपोर्ट रखी जाय। सारा देश जानना चाहता है कि जयप्रकाश जी के साथ क्या हुआ और इन को मान्यवर, पहले ही से चिन्तित नहीं होना चाहिए . . . (व्यवधान) . . . इन्होंने सब को एक्यूज कर दिया, जूडिशियल एन्क्वायरी को भी एक्यूज कर दिया। . . . (व्यवधान)।

स्वास्थ्य और परिवार कल्याण मंत्री (श्री राजनारायण) : श्रीमन्, मैं वास्तव में 20 साल के पार्लियामेंट्री जीवन में आज जो कुछ देख रहा हूं यह एक नई चीज है। The Opposition is saying: don't put the report. I do not know why. Because they think there is something which is going against the previous Government. I was keeping quiet till now. Kindly hear me.

एक एम०पी०की स्त्री या एक एम० पी० का बच्चा विलिंगडन अस्पताल में भर्ती होता या इंडियन मैडिकल इंस्टीट्यूट में भर्ती होता है या सफदरजंग में भर्ती होता है और उसको कुछ हो जाता है तो सवेरे हमारे यहां पहुंच जायेंगे कि एन्क्वायरी कराइए, एन्क्वायरी कराइए और अनेक नेशनल लीडर, इंटरनेशनल लीडर जयप्रकाश नारायण जी की एन्क्वायरी की रपट को रखने के बारे में इतना विरोध अखिल भारतीय कांग्रेस (आइ) और सी० पी० आई० इन दोनों की ओर से हो रहा है। . . . . (व्यवधान) . . . .

अखिल भारतीय कांग्रेस (आई) और सी० पी० आई०—इन दोनों पार्टियों ने राज्य सभा में भी यही स्थिति पैदा की और यहां लोक सभा में भी पैदा की। I want to make you know the process of the wheel of history.

1969 में श्री नीलम संजीव रेड्डी, वाई-हुक आर क्रुक डीफीट करा दिए गए लेकिन अब श्री नीलम संजीव रेड्डी भारत के राष्ट्रपति हैं। (व्यवधान) 1969 में आदरणीय श्री मोरारजी देसाई ने मंत्रिमंडल को छोड़ा और वही आदरणीय श्री मोरारजी देसाई आज भारत के प्रधान मंत्री पद पर सुशोभित हैं। (व्यवधान) This is the wheel of history.

दुनिया में किसी को तनिक भी कानून की जानकारी होगी तो वह इस बात को मान लेगा आसानी के साथ कि यदि जनता पार्टी की सरकार रिपोर्ट रखना चाहेगी तो दुनिया की कोई भी शक्ति उसको रोक नहीं सकती है। (व्यवधान)

श्रीमन्, मैं आपकी आज्ञा से वह जो वस्तु-स्थिति है उसकी जानकारी देना चाहता हूं। मैं जानता हूं कि हमारा स्टेटमेंट मिश्रा जी को सेटिस्फाई नहीं करेगा लेकिन साठे जी थोड़े दिन के लिए सेटिस्फाइड हो जायेंगे। (व्यवधान) I am not reading the report. I am not placing the report now.

SHRI C. M. STEPHEN: He is going to read something.

MR. SPEAKER: I am not going to allow him to read from the report.

श्री राजनारायण : पिछले सप्ताह अल्वा आयोग की रिपोर्ट को सदन में रखने का प्रश्न इस सम्मानित सदन में उठा था। उस समय मैंने जो कहा था वह इस प्रकार है :

"अध्यक्ष महोदय, इस प्रश्न का कल ही मैंने निराकरण कर दिया था। यह सही है कि श्री जयप्रकाश जी के सम्बन्ध में रिपोर्ट हमें मिली है लेकिन वह रिपोर्ट अन्तरिम है, वह रिपोर्ट फुल रिपोर्ट नहीं है। उस रिपोर्ट को हम स्टडी कर रहे हैं, हमारा डिपार्टमेंट भी स्टडी कर रहा है। रिपोर्ट लम्बी है। इसको स्टडी करने के बाद अगर यह जरुरी समझा जायेगा कि रिपोर्ट सदन के पटल पर रख दी जाए तो रख दी जाएगी।"

माननीय सदस्य बार-बार जोर दे रहे थे और माननीय अध्यक्ष महोदय ने यह सुझाव देने की कृपा की थी कि मैं इस रिपोर्ट को सोमवार 6 मार्च, को सदन में प्रस्तुत कर दूं। मैंने अपने विभाग को इस की प्रतियां तैयार करने और उन्हें लोक सभा में भेजने के लिए कह दिया था। रविवार 5 मार्च को यह काम कर दिया गया था। 6 मार्च को एक पत्र भी लिख दिया गया था कि मैं 9 मार्च को यह रिपोर्ट सभा पटल पर रख दूंगा।

इस सम्बन्ध में माननीय सदस्यों के लिए मैं इस एक सदस्यीय आयोग की नियुक्ति की पृष्ठभूमि दोहराना चाहूंगा : —

गृह मंत्री ने श्री समरेन्दु कुन्दू के तारांकित प्रश्न नं० 40 के उत्तर में 6 अप्रैल, 1977 को लोक सभा को सूचित किया था कि सरकार ने निश्चय किया है कि एक जांच आयोग की नियुक्ति की जाए जो यह जांच करे कि आपातकाल में नजरबन्दी के दौरान श्री जयप्रकाश नारायण के गुर्दों को कैसे क्षति पहुंची। गृह मंत्री ने मुझे ...

MR. SPEAKER: That is history. Mr. Stephen has raised a point of order. He has raised three points. One is that this is an interim report and therefore, you cannot lay it on the Table of the House. The second is that there is no memorandum and, therefore, unless is accompanied by a memorandum, you cannot lay it on the Table of the House. The third is that this is not in the normal list of business. You need not answer the third. Please answer the first and the second.

SHRI RAJ NARAIN: I am not only going to answer Mr. Stephen but I am going to answer to the whole world, to the whole country and to the whole House.

उस में इन का प्रश्न भी आ जाएगा। इन के प्वाइन्ट आफ आर्डर के बारे में स्वयं आप ने कह दिया है कि तीसरे का कुछ जवाब नहीं देना है। पहले के बारे में मैंने बतला दिया है कि दुनिया की कोई ताकत जनता पार्टी की सरकार को, यदि वह रिपोर्ट यहां रखना चाहे तो, रखने से रोक नहीं सकती। ...

श्री बी० शंकरानन्द : ऐसा रूल इन्कार्पोरेट करा दीजिए।

श्री राजनारायण : अगर सरकार रखना चाहेगी, तो वह एकार्डिंग टु रूल्ज़ ही होगा—देटइज़, अण्डरस्टुड।

श्री बी० शंकरानन्द : यह हाउस रूल्ज़ के मुताबिक चलेगा।

SHRI RAJ NARAIN: Kindly hear me. Have some patience; adopt some parliamentary practice and procedure.

आदरणीय सदस्य इस को बाजार न बनायें।

मैं निवेदन कर रहा था कि गृह मंत्री ने मुझे तदनुसार कार्यवाही करने के लिए कहा।

[श्री राजनारायन]

सरकार ने 23 अप्रैल, 1977 को एक प्रस्ताव द्वारा डा० पी० कोसी का एक-सदस्यीय आयोग नियुक्त किया ।

सदन के अनेक माननीय सदस्य बार-बार चिल्ला रहे हैं—डा० आल्वा, डा० आल्वा—हम ने पहले डा० आल्वा को एप्वाइन्ट नहीं किया था । इस लिए पहले इस की पूरी हिस्ट्री समझ लीजिए.....

MR. SPEAKER: He is not reading from the report.

SHRI B. SHANKARANAND: Whether he is placing the report or not is the only question.

SHRI RAJ NARAIN: I have every reason to explain why I am not going to place the report.

SHRI B. SHANKARANAND: You are not called upon to explain that.

श्री राजनारायण : मैं बतला रहा था कि सरकार ने 23 अप्रैल, 1977 को एक प्रस्ताव द्वारा डा० पी० कोशी का एक सदस्यीय आयोग नियुक्त किया ।

डा० पी० कोशी के पुत्र डा० अब्राहम कोशी की पोस्ट-ग्रेजुएट इंस्टीट्यूट में लैक्चरार के पद पर नियुक्ति हो गई थी, जिस की जानकारी न तो डा० कोशी ने दी, न किसी अन्य साधन से मिली । डा० कोशी के पुत्र उन्हीं के साथ स्टाफ कार में अपने नये पद को ग्रहण करने चण्डीगढ़ गये । डा० कोशी को अपने पुत्र को साथ ले जाने एवं पी० जी० आई० के अतिथिगृह में ठहरने की व्यापक आलोचना समाचार पत्रों में आई, एवं लोगों ने उन के द्वारा की जाने वाली जांच की निष्पक्षता में सन्देह व्यक्त किया इसलिए डा० कोशी ने 9 मई, 1977 को इस्तीफा भेजा, जो 13 मई, 1977 को स्वीकार किया गया ।

श्री बी० शंकरानन्द । क्यों इस्तीफा दिया ?

श्री राजनारायण : इसलिए कि उनका लड़का वहां एप्वाइन्टमेंट पा गया था । उस के बाद डा० के० नगप्पा आल्वा को 13 मई, 1977 को ही एक सदस्यीय आयोग नियुक्त किया गया । 13 मई, को हमारे पास इस्तीफा आया और 13 मई को ही डा० के० नगप्पा को नियुक्त कर दिया गया — इसलिए इस में सरकार की तनिक भी इच्छा, मंशा या ख्वाहिश नहीं है कि इस रिपोर्ट को पेश करने में विलम्ब हो । क्यों ? क्योंकि 13 मई को उन का इस्तीफ़ा मंजूर हुआ और 13 मई को ही डा० आल्वा का एक-सदस्यीय नियुक्त किया गया । जांच आयोग अधिनियम, 1952 की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सरकार ने निदेश दिया कि उक्त अधिनियम के सभी आल्वा आयोग को लागू होंगे ।

"इस अधिनियम की धारा 3 की उप धारा (4) के अनुसार यह जरूरी है कि जब सरकार को कोई रिपोर्ट मिलती है तो उसे उस पर की गई कार्यवाही के ज्ञापन सहित 6 महीने के भीतर लोक सभा पटल पर रखा जाए ।"

अब मैं श्री मिश्र के प्रश्न का जवाब दे रहा हूं । आल्वा आयोग ने अन्तरिम रिपोर्ट 27-2-78 को दी है । जब तक अन्तिम रिपोर्ट नहीं आएगी, तब तक इस रिपोर्ट पर कार्यवाही करना कानूनी दृष्टि से उचित नहीं है । मैं डा० आल्वा साहब की रिपोर्ट को सदन के सभा पटल पर रखना और सदस्यों को उस की जानकारी देना अपना परम पुनीत कर्त्तव्य समझता हूं किन्तु कानूनी पाबन्दियों को देखते हुए इस अन्तरिम रिपोर्ट को सदन के सभा पटल पर रखना विवेक-सम्मत नहीं होगा ।

श्री कंवर लाल गुप्त : कानून तो बताइए।

श्री राजनारायण : जांच आयोग अधिनियम, 1952 के सेक्शन 3 के सब-सेक्शन में यह है :

SHRI KANWAR LAL GUPTA: Are you supporting Mr. Stephen? This is his interpretation. Do not support him.

श्री राजनारायण : जांच आयोग अधिनियम, 1952 के सेक्शन 3 के सब सेक्शन (4) को मैं पढ़ कर बताता हूं :

"समुचित सरकार, यथास्थिति, लोक सभा या राज्य की विधान सभा के समक्ष, उपधारा (1) के अधीन आयोग द्वारा की गई जांच पर आयोग की रिपोर्ट, यदि कोई हो, उस पर की गई कार्यवाही के ज्ञापन सहित, आयोग द्वारा समुचित सरकार को रिपोर्ट के प्रस्तुत किए जाने से छह मास की कालावधि के अन्दर रखवाएगी।"

हम को अधूरी रिपोर्ट मिली हैं और पूरी रिपोर्ट, वे कह रहे हैं, बहुत जल्दी देंगे। हम समझते हैं कि एक, दो माह में वे अपनी पूरी रिपोर्ट दे देंगे। आप खुद जानते है कि यह कितना इम्पोर्टेन्ट विषय है और कितने डाक्टर हैं। डा० आल्वा ने कितनी मेहनत की है और इतनी सारी मेहनत करते हुए वे एक नतीजे पर आए हैं। मैं सदन को निश्चित रूप से उस रिपोर्ट को पढ़ने का मौका दूंगा। वह रिपोर्ट सदन को पढ़ने को मिलेगी और डा० आल्वा अपना जोब पूरा करेंगे। जो कमी उस में रह गई है, उस को भी वह पूरा करेंगे।

श्रीमन्, मैं यह भी बता दूं कि डा० आल्वा को मारने की धमकी दी गई है।

SHRI D. B. CHANDRE GOWDA: It speaks of the Government of the day. If this Government is not capable of giving protection to their own Commission's Chairman, this is a shame...

श्री राज नारायण : डा० आल्वा के कुछ रिकार्ड चोरी करवा लिये गये हैं। मैं यह इसलिए बता रहा हूं कि किस कठिनाई में आज डा० आल्वा इस रिपोर्ट को पूरा करने म तत्पर हैं। सदन के सम्मानित सदस्यों को हम ने यह इसलिए बताया हैं कि हो सकता है कि उधर के लोगों को कभी इधर आना पड़े। इसलिए किस लिए हल्ला मचाते हो। .. (व्यवधान) ..... मैं एक बात यहां पर कह दूं। (व्यवधान) मैं बहुत ही सफाई और स्पष्टता से कहना चाहता हूं कि वे जो डा० आल्वा के सम्बन्ध में कोई डेरोगेटरी रिमार्क्स प्रस्तुत करते है, अपने कर्त्तव्य की अवहेलना करते हैं। डा० आल्वा एक सम्मानित सदस्य ही नहीं, एक सम्मानित डाक्टर भी हैं और वे इस समय किसी पार्टी से सम्बन्धित नहीं हैं। उन्होंने ईमानदारी के साथ मेहनत कर के रिपोर्ट पेश की है। (व्यवधान)... मुहं पर कालिख लग जाएगी। (व्यवधान)

MR. SPEAKER: I have heard both sides. I have to give my decision.

SHRI KRISHAN KANT: Why does the Minister not take action against Dr. Chuttani who has superannuated? He is on extension; he has manipulated.... (*Interruptions*)

MR. SPEAKER: No more arguments. Nothing more will go on record. (*Interruptions*)

I have heard everybody. I have heard the point of order raised. Three points have been raised during the debate. They are: (i) the matter has not been listed before the House and, therefore, it cannot be taken up; (ii) only the final report can be placed before the House; and (iii) no report can be placed unless the Government considers the report and its decisions are embodied in a memorandum.

[Mr. Speaker]

So far as the first point is concerned, many times points have been raised in this House without their being listed. The point raised in this case was not by the Government but by the Members. Therefore, I do not see much substance in that point.

So far as the second and third points are concerned, we are governed by sub-section (4) of section 3 of the Commissions of Inquiry Act, 1952: that sub-section reads:—

> "The appropriate Government shall cause to be laid before the House of the People or, as the case may be, the legislative Assembly of the State, the report, if any, of the Commission on the inquiry made by the Commission under sub-section (1) together with a memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government."

It has been contended that the words, 'report, if any' means only the final report. I am unable to accept that contention. Any report means every report. Therefore, a report which is of an interim character can also be placed before the House. But the most important point is this: can a report made under sub-section (4) be placed before the House unless and until the Government considers it and takes a decision on that? This is an important aspect of the section. No report can be placed before the House unless the Government has considered the same and has come to conclusions on the report. Therefore, a memorandum containing the conclusions of the Government is absolutely necessary to place the report before the House. In this view, it is not permissible for the hon. Minister to place the report before the House without Government considering it and the Government's conclusions being embodied in a memorandum. In this view, I uphold the point of order raised and direct the Minister not to lay the report before the House unless it is accompanied by a proper memorandum.

13.39 hrs.

[Mr. Deputy-Speaker *in the Chair*].

BUSINESS ADVISORY COMMITTEE

Thirteenth Report

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Sir, I beg to move:

> "That this House do agree with the Thirteenth Report of the Business Advisory Committee presented to the House on the 8th March, 1978."

SHRI VAYALAR RAVI (Chirayinkil): Mr. Deputy Speaker, actually I had written to the speaker regarding this allocation of business. For the last six year this House has not had an oportunity to discuss either the functioning or the Demands of the Ministry of Communications. This is an important Ministry. There are about six lakh employees working in this Ministry, but it has not been discussed so far. I do not know why: it has been conveniently excluded. Even this time there is no mention of the Ministry of Communications for discussion. Please go through the records of the last six years: there is no discussion at all on the Ministry of Communications. This is a vital and important Ministry and we want a discussion on the Ministry of Communications. Next to Railways, this is one of the most important—a major employment-oriented Ministry and it is closely linked with the people. Every citizen of the country is linked with the Ministry of Communications and we Members on this side have many things to communicate to improve upon the functioning of the Ministry. So I demand that you