

15.14 hrs.

MATTERS UNDER RULE 371

(i) LAYING OF REPORTS OF SHAH COMMISSION OF INQUIRY ON THE TABLE OF THE HOUSE.

SHRI C. M. STEPHEN (Idukki): It is unfortunate that the Prime Minister chose to lay on the Table of the House on the last day of the current session the Interim Reports of the Shah Commission and the action taken thereon, the result being that the Members do not get an opportunity to study the Reports or discuss the matter before they disperse. This is a Commission with respect to which from the beginning to the end Parliament was placed in the picture and had repeatedly been evincing continuing interest. The appointment of the Commission was itself, unusually, by an announcement on the floor of the House. When allegations of attempt of interference from the Government were made in the public, echoes were heard in the House. When interim reports were received by Government, unusually again, the Home Minister came to the House with the announcement that the reports were received. In the last session of the House, the Speaker admitted a motion in my name demanding the winding up of the Commission. Another motion of the same nature in my name was again admitted by the Speaker during the current session. I had been asking for a discussion on my motions, but Government could not make time available for it. In view of this continuing interest of the Members of the House in the doings of the Commission, Government should have taken care to table the report at such appropriate time as would have left sufficient opportunity for a study thereof and discussion thereon by the Members of Parliament. I consider the omission to do so as deliberate and politically motivated.

Reports alleged to be, the contents thereof have been appearing in the press almost from the date of the announcement of the Home Minister that Government had received the report. Unfortunately, these reports had appeared even before the Government had received the report. Now that the report is placed on the Table, we get an opportunity to check up whether the reports which appeared in the press tally with the facts. If these reports are found to be correct, which in all probability would be the case, the Commission and the Government should answer for leaking out the contents of the reports. On the part of the Government, the act of leaking out the contents of the report before informing the House and when the House was in session, is an act of grave disrespect to the House. On the other hand, the leakage of the report from the office of the Commission would lead to its own inferences and conclusions with respect to the credibility of the Commission. I place on record my strong protest against the conduct of the Government in informing the House about the contents of the report after letting the whole world know about it through publication thereof in the columns of the newspapers.

A finding in the report of an Enquiry Commission has no *vires* of its own. Its validity depends upon the executive decision of the Government either to reject or to accept it. Therefore, it does not have the sanctity of a judicial finding. Its sanction is the confidence it can command among the people and among the political forces of the country. To the same extent as the Government have got the right to accept or reject the finding of the Commission, the people and the political forces also have the right. It is my definite view and the view of my party that the findings, widely announced by the Commission even before its appointment, deserve to be rejected. We shall take the matter to the people, explain the

whole thing to the people and get the people reject the findings through a countrywide movement. We consider this report a document designed to serve as an instrument of political vendetta.

The finding of the Mathew Commission was rejected by the Government on the ground presumably that the entire evidence could not be placed before the Commission. If non-availability of evidence is a ground for rejecting the finding of a Commission, there is more ground therefor in this case. The Commission had considered the evidence of Mrs Gandhi and of Shri Pranab Mukherjee as vital to the enquiry. The procedure adopted was, however, such that the evidence could not become available to the Commission. The question of the validity of the procedure and of the liability of those witnesses to give evidence is now under examination by a court of law. If the court finds against the Commission, the evidence would stand condemned as inadequate and the Commission would stand deprived of its right to draw inferences from the conduct of those witnesses in refusing to give evidence. The matter being under judicial scrutiny, the Government should not have come to a finding with regard to the acceptability of the finding of the Commission. It follows, therefore, that action on the basis of the findings of the Commission should stand suspended until the Courts declare on the above vital point.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I rise on a point of order. Can this come under 377?

MR. SPEAKER: This is the 9th point of order I am getting from you. Rule 377 does not preclude this.

SHRI KANWAR LAL GUPTA (Delhi Sadar): There are certain rules for 377.

MR. SPEAKER: What is the breach of the rule? (Interruptions)

SHRI C. M. STEPHEN: I do not yield. Any other conduct would only add weight to the allegation that the Government's effort in this matter is politically motivated. This allegation will come into sharp focus when compared to their conduct in relation to the Mathew Commission and certain other Commissions, findings of which the Government had rejected. Finally, I do demand a full opportunity to discuss the report now in the possession of the House. The opportunity must be sufficient extending over a period of at least four days and with sufficient time to study, previous to the dates fixed for the discussion. I would suggest that the House may be adjourned to a specific future date, without being prorogued, and be reconvened on that date with the sole agenda of discussing this report.

THE PRIME MINISTER (SHRI MORARJI DESAI): I take strong exception to the insinuations made by the Leader of the Opposition against the Government. But I do not expect anything better from him from what I have seen in the past. Not only that, but the leader of the Opposition called specially a senior foreign correspondent and told him last Thursday that she was going to be arrested and whisked away to an unknown place and that the life of her son, Sanjay, was in danger and he would meet bodily harm. These are the things they go on spreading. I want the House to judge what to think of it. What can I say about it? But more serious than that is the statement of the Leader of the Opposition when he said he would take the matter to the people. He has every right to make any agitation that he wants to make as long as it is peaceful. But I warn him that if there is any violence in what they do, we will not fail to take appropriate action against the leader of the opposition and others.

SHRI C. M. STEPHEN: Since the Prime Minister has said this, I must clarify that our faith in non-violence

[Shri C. M. Stephen]

is no less firm than that of the Prime Minister. He may rest assured that it will be non-violent. But we will take it to the people. Let there be no doubt about it. (Interruptions)**

MR. SPEAKER: Nothing will go on record.

(Interruptions)**

Rule 377 is not for a debate. You are a leader of a very responsible party.

(ii) PRICES OF VARIOUS QUALITIES OF SYNTHETIC RUBBERS MANUFACTURED BY SYNTHETICS AND CHEMICALS LTD., BAREILLY.

SHRI SURENDRA BIKRAM (Saha-jahanpur): The prices of various qualities of synthetic rubbers manufactured by Synthetics & Chemicals Ltd., Bareilly, were under control probably till 1974 after which the Company developed new qualities giving new names with slight changes in formulas and took out the prices out of control and started charging high prices from rubber consuming industries. This factory has been continuously increasing its prices and being a monopoly industry, rubber consuming industries have to purchase these rubbers at any cost resulting into high cost of tyres, tubes and other rubber products. The Government must control the prices of synthetic rubbers and reduce the present prices by at least Re. 1/- per kg. and no more price rise be allowed in the public interest. The Company is raising prices and this excessive profitability is spent in various ways including high rise in salaries, wages and perks etc. In 1977, alone the salary, wage and perks bill of this Company increased by Rs. 51 lakhs. The employees are already being given high salaries and wages. Also, in view of huge shareholding of LIC, GIC and nationalised banks in this Company, there is an urgent need to place at least two Government nominees on the Board of this Company to keep a watch

over the affairs and stop wastages and squandering of funds in various ways.

The Minister concerned is here. I would request him through you to let the House know as to what action Government is going to take on this.

(iii) REPORTED RETRENCHMENT OF WORKERS BY MANAGEMENT OF HINDALCO, MIRZAPUR, U.P.

श्री उम्लेन (देवरिया) : अध्यक्ष महोदय, हिंदालको (मिर्जापुर), उत्तर प्रदेश के मासिकान, बिकला बावर्स, ने 1100 मजदूरों की हानि ही में छंटनी कर दी है। यह उन्होंने इस लिए किया है कि उन्हें उत्तर प्रदेश सरकार से बिजली नहीं मिलती थी, लेकिन सुप्रीम कोर्ट के आदेशानुसार दिनांक 8-5-78 से उन्हें 20 मेगावाट बिजली मिल रही है। फिर भी उन्होंने मजदूरों को नहीं रखा। उन्होंने 1952 में उत्तर प्रदेश सरकार से समझौता कर के 1.99 पैसे प्रति युनिट बिजली से कर प्रदेश की सरकार का 35 करोड़ खर्चा मूटा है। सन् 1975 में तत्कालीन ऊर्जा मंत्री, भारत सरकार ने उन्हें 11 पैसे प्रति युनिट बिजली दी, जबकि लागत मूल्य 17 पैसे प्रति युनिट था। इस प्रकार उत्तर प्रदेश सरकार को 57 लाख रुपये का मासिक घाटा हो रहा है। प्रदेश में बिजली की कमी है। यू० पी० को कोई 2100 मेगावाट बिजली की जरूरत है, लेकिन वहाँ केवल 1700 मेगावाट बिजली ही बनती है।

इसलए मैं इस विषय में माननीय ऊर्जा मंत्री का ध्यान आकषित करना चाहता हूँ और मांग करता हूँ कि हिंदालको (मिर्जापुर) का तत्काल अविग्रहण कर लिया जाये।

(iv) REPORTED SLOW PROGRESS IN THE COMPLETION OF SALAL PROJECT.

SHRI BALDEV SINGH JASROTHIA (Jammu): With your permission, Sir, I am raising the following matter of importance under rule 377.

Of all the problems, facing the economy of the country, perhaps the most irritating and one for which there is the least excuse is the problem of power shortage. Further, power is such an essential input today, not for industry but also for agriculture, which is life of the country and the economic structure of India.

There are three Central hydro-electric projects, Loktak, Baira Sui and

**Not recorded.