

various high courts endeavoured to uphold this great tradition and to set at liberty thousands of innocent persons sent to jails without any reason during the dark days of emergency. These valiant efforts, despite their failure in the final resort, will form a glorious chapter of our history. With the single exception of a judge of the Supreme Court who delivered a dissenting judgment in the habeas corpus case of 1975-76, and was ultimately superseded, it was the High Court judges who suffered for their independence in administering justice without fear or favour.

So, the issuance of this circular which is intended to discipline the ones whose record should have been emulated by others is not only uncalled for but a clear insult to them. It might even be interpreted as a reflection on the integrity of the judiciary which is the very foundation of the rule of law. It would be a sad day, indeed, when our judges would have to obtain character certificate periodically even if they be from their fellow judges. The underlying assumption that the judges should be under surveillance and their conduct needs to undergo screening or scrutiny would create a feeling among the people that there is something seriously wrong in the Kingdom of Denmark. The definition of judicial conduct borders on the ridiculous when the judges are required to give an undertaking not to drink in public or private except on medical grounds. The judges of superior courts are appointed by the President in accordance with the constitutional requirements of high ability and distinction which is further fortified by the fact that a judge can be removed only by a special procedure prescribed by the Constitution. The judges also subscribe to oath of office which with a remarkable brevity requires them to do their duties most scrupulously and conscientiously. To lay down any further criterion would seem to derogate not only from the dignity of the relevant constitutional

provision or from the sanctity of oath but also indirectly cast reflection on the choice of the President.

There are professions which are guided by conventions rather than a code of conduct. Democracy works largely under self-regulation. The last we heard about the Press code, Code for Lawyers, Code for Judiciary, etc., was seven months ago. It is, indeed, a matter of concern that certain ways and methods of the nightmarish past should continue even today.

It is particularly disturbing to learn from the circular that the Government is willing to strengthen the hands of those who have initiated this move and to help them with any legislation which may be necessary for the purpose. This clearly shows that the Government is not so innocent of the move as it has been trying to make out. In fact, even a legislation is being contemplated. I would, therefore, demand—and have no doubt that the House joins me in this—that the Government make a statement on the subject clarifying the position.

12.18 hrs.

(ii) ALLEGED GROSS CHEATING OF CENTRAL BANK OF INDIA BY KOHINOOR MILLS

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, it was in the beginning of this Lok Sabha that I revealed on the floor of this House that the Kohinoor Mills belonging to Kapadias had been allowed to rob the Central Bank of India to the tune of over Rs. 20 crores—in fact, it is Rs. 26 crores, I am told—out of which Rs. 15 crores have already been marked as 'frozen account'. In this big fraud, Smt. Indira Gandhi's son, Mr. Sanjay Gandhi, Kapadias, Central Bank officials, some erstwhile and some present officials of the Banking Ministry including the then Secretary and at least two erstwhile Governors of Reserve Bank were closely involved. I know about one Reserve Bank Governor who was on the pay-roll of

[Shri Jyotirmoy Bosu]

the big business. Now he is a Governor elsewhere.

I gather that the inquiry has been completed and the report submitted, and it has been revealed that serious irregularities, improprieties and frauds have been committed and responsibilities have been fixed on the present RBI Deputy Governor, Banking, and the Chairman, Central Bank of India, besides others. I have positive reasons to believe that, in fulfilling this mission of misdeeds of Mr. Sanjay Gandhi, the then Banking Secretary and some officials and the then Reserve Bank Governor were also deeply involved. It is, therefore, necessary that the report is laid on the Table of the House immediately, as assured by the Government earlier. Action should be taken against all those serving and retired persons connected with this case.

12.20 hrs.

(iii) REPORTED STATEMENT BY MINISTER OF EXTERNAL AFFAIRS COMPARING THE CONGRESS WITH ANAND MARG.

SHRI O. V. ALAGESAN (Arkonam): Mr. Speaker, Sir, I would submit that it would be more appropriate to call rule 377 as Rule of 'Nishkam Karma' because we rise in our seats and make points, but there is absolutely no response from the Government side. On one of the gates here you will see inscribed this line from Bhagavat Gita:

कर्मण्येवाधिकारस्ते मा फलेषु कदाचन

MR. SPEAKER: Are you raising this under rule 377 please come to the subject.

SHRI O. V. ALAGESAN: I submit, Sir, it might have been all right during British days because the then British Government told the then Members of the Central Legislative Assembly, 'You can do anything; you can vote out our Budget, but we will have it certified by the Viceroy and that will

come into effect'. It might have been alright in those days but that saying does not quite stand on all fours with the present conditions.

Another thing I would like to submit is this. The Rules of Business are expected to regulate the business in this House they are not expected to restrict or control the business....

MR. SPEAKER: 'Regulation' may include restriction also.

SHRI O. V. ALAGESAN: That may be the judicial interpretation. But here in the Rules of Business it is very clear: we are only asked to submit briefly the point and the reasons for wishing to raise it. But yesterday I was surprised, rather flabbergasted, when I was asked to submit a statement of what I was going to say. My friend Shri Shyamnandan Mishra was just now talking about a code for the Press etc. but there seems to be a code for the Members of Parliament here. So I would like you to reconsider the whole matter and not insist on my prior submission of the statements that we propose to make.

Regarding the main point, I am sorry that the External Affairs Minister who, I found the other day, has blossomed into a consmate diplomat should have betrayed himself into making a statement comparing the Congress with the Anand Marg. When Press representatives approached him in Gwalior and asked him whether, in view of the various acts of crime that are being committed by them both abroad and here and the various acts of sabotage and terrorism on the Railways, in power plants and elsewhere, there is any proposal to ban Anand Marg—because Anand Marg has come out in the open and has written letters to the Prime Minister and the Home Minister that they were responsible for these crimes and that unless their Leader Mr. Sarcar is released they will continue to indulge in such acts of sabotage and violence and crime—and whether Government proposes to take suitable action against them, he says: