

बिहार और उत्तर प्रदेश में ग्रामों का विद्युतीकरण

4182: श्री हुकम चन्द कछवाय : क्या ऊर्जा मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष 1973-74 में ग्रामीण विद्युतीकरण योजना के फलस्वरूप बिहार तथा उत्तर प्रदेश के कितने गांवों का विद्युतीकरण हुआ है; और

(ख) चौथी पंचवर्षीय योजना में बिहार तथा उत्तर प्रदेश में ग्रामीण विद्युतीकरण योजनाओं के लिए कितनी धनराशि आवंटित की गई थी ?

ऊर्जा मंत्रालय में उपमंत्री (प्रो० सिद्धेश्वर प्रसाद) : (क) और (ख) 1973-74 में बिहार में 684 गांव और उत्तर प्रदेश में 2,844 गांव विद्युतीकरण किए गए थे। चौथी योजना में विद्युतीकरण के लिए राज्य योजना परिषद के अन्तर्गत बिहार के लिए 36 करोड़ रुपए तथा उत्तर प्रदेश के लिए 61 करोड़ रुपए की व्यवस्था की गई थी। इसके अतिरिक्त, राज्यों को ग्राम विद्युतीकरण निगम लिमिटेड तथा अन्य वित्तदाता संस्थाओं से ऋण सहायता मिलने की प्रत्याशा थी।

Purchase of Thermal Power Plants by Iran

4183. KUMARI KAMLA KUMARI:
SHRI ONKAR LAL BERWA:

Will the Minister of INDUSTRY AND CIVIL SUPPLIES be pleased to state:

(a) whether Iran has agreed to purchase four thermal power plants on turn-key basis; and

(b) if so, the main features thereof?

THE MINISTER OF STATE IN
THE MINISTRY OF INDUSTRY

AND CIVIL SUPPLIES (SHRI A. C. GEORGE): (a) and (b). In pursuance of an offer made by BHEL for supply erection and commissioning of two Nos. of 210 MW thermal power generation equipment for the power station that is being set up at Tabriz in Iran, negotiations have been held by a delegation from BHEL with Iranian authorities concerned and their decision is awaited. If these negotiations fructify, BHEL will be required to supply the entire power plant equipment including associated auxiliaries and also take up the civil works and erection responsibilities for completing the power station. There is also a possibility of Iran going in for installing two more units of capacity 210 MW at a later stage at the same power station.

Confinement of Harijans of Sohpur Village of Madhubani District of Bihar by Upper Caste Landlords

4184. SHRI BHOGENDRA JHA:
Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether eight Harijans (Mushabars) belonging to Sohpur village under Harlakhi P. S. of Madhubani District of Bihar, were forcibly taken out from the running train (Bhojpur shuttle) on 10th November, 1974 and kept under wrongful confinement as slave labourers without giving any wage by some upper caste landlords of village Haibatpur near Karota Station in Patna District of Bihar; and

(b) if so, the action taken against the culprits?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): (a) and (b) Facts are being ascertained from the State Government.

QUESTION OF PRIVILEGE

Against Shri L. N. Mishra Re. Import Licence case—contd.

(Interruptions).

MR. SPEAKER: I have received two notices of question of privilege, besides those which I have received in the past; to day I have received from Shri Samar Guha against the Director General All India Radio, and Shri Girish Mathur of *New Wave* in connection with a talk by the letter in the "Spotlight" programme of the All India Radio on the 9th December, 1974.

I have also received notice of a question of privilege from Shri Madhu Limaye regarding alleged land grab by an M. P. from Andhra Pradesh. I have taken due notice of these notices. I have received a number of other notices in the past. I saw them. There are so many of them. As we can take up one such notice a day I propose to spread them during the remainder of the session, of course subject to admissibility. The days that are left are less than the number of notices. I saw the British House of Commons and other Parliaments. They have only once a year and that too when it is undisputed. In this country a cycle which is meant for one person is often ridden with five or six. I do not mind this.

Today I will take up the notices of Sarvashri Atal Bihari Vajpayee, Madhu Limaye, Jyotirmoy Bosu and Shayamnandan Mishra against Shri L. N. Mishra. Yesterday I had said that I would hear Sarvashri Atal Bihari Vajpayee and Shayamnandan Mishra. I will also hear Sarvashri Madhu Limaye and Jyotirmoy Bosu only on this point as it is alleged that Shri L. N. Mishra has not replied. This is an exception because normally these are not allowed after the statement. The main reason given has that they wanted to make it before the statement and they could not be heard due to the noise. These are very exceptional circumstances because the noise was also exceptional, the circumstances are also exceptional and this permission to raise a

point of order after the statement is also exceptional, this will never be treated as a precedent.

SHRI VAYALAR RAVI (Chirayinkil): On a point of clarification. When you allow them to make a point of order, they make allegations against the Railway Minister.

SHRI K. P. UNNIKRISHNAN: (Badagara) Please clarify whether it is a submission or a point of order.

MR. SPEAKER: Whatever it be.

SHRI K. P. UNNIKRISHNAN: Will it be uniformly applied? You should do the same to us. (*Interruptions*) I have written to him.

MR. SPEAKER: They wanted to raise some points before that, but it could not be heard due to the noise. It was a very reasonable request made by them. Perhaps if they had said it earlier, that could have been covered by the Minister. Shri Vajpayee is absent. Shri Limaye.

SHRI VAYALAR RAVI: After the House was adjourned after the noisy scenes, after lunch the Deputy-Speaker was in the Chair and points of order were raised till 6.30. Mr. Vajpayee read out a letter and so on. Now you are allowing them a second time.

MR. SPEAKER: I am not aware of what happened during my absence. Only those members who gave notice of privilege motions and who wanted to raise some points will be allowed.

SHRI C. M. STEPHEN (Muvattupuzha): Is it that they are raising a point of order or giving additional facts with respect to the privilege motion they have already given notice of?

MR. SPEAKER: No additional facts. Only those which they wanted to make earlier will be allowed. It is a

very delicate point. I very much appreciate your idea, but this is something exceptional. It so happened that they could not raise it earlier because of the noise.

SHRI C. M. STEPHAN: This is a precedent with very dangerous consequences, although you have said that it will not be treated as a precedent. We are an aggrieved party with regard to this and that is why we are making this submission. When a privilege motion is given notice of, you need not be told that normally it has to be disposed of after calling both the parties to explain the position. It is the ordinary law of precedents and practice that when a party gets an opportunity to make a submission, then he has got to complete whatever he has got to say. He cannot have another opportunity and have the entire series started again. He has made a statement and it is over.

SHRI MADHU LIMAYE: (Banka) How is it over?

SHRI C. M. STEPHEN: Now they say they have an additional matter and they are going to make an additional submission, something like that. My submission is that this will need rebutting by the Minister and then again something may come up. Further, it is covered by the precedent that once a privilege matter is disposed of, even if there is additional evidence available, it can not be put forth. That is the parliamentary practice. The same principle has got to apply to the stage at which the preliminary hearing takes place also. Now what happens is that repeatedly members are being giving a chance of making all sorts of statements. Will you kindly understand that all such statements which are made in the House appears in the papers without the concerned members in this House getting an opportunity to rebut.

Sir, you allow the privilege motion to be discussed. Let there be

a complete discussion on it. Why should there be a preliminary discussion? Let us have a discussion and let the House decide it once and for all. Let it not be a unilateral exercise, these people again and again carrying on a vilification campaign and the press covering it again and again, with not a word being spoken on our side. Our lips are being sealed and they are talking. This is an unjust thing that is going on here, which is against the rules, against the precedents, against fair practices and against, parliamentary procedure which is sanctioned anywhere and detrimental to the members of the Treasury Benches. Kindly remember that the reputation of certain persons are being torn to pieces without an opportunity being given to them to defend themselves which is most unjust..... (Interruptions).

MR. SPEAKER: What happened was, before I called the Minister during the noise..

SHRI VAYALAR RAVI: They made the noise.

SHRI SYAMNANDAN MISHRA (Begusarai): I want to make a submission which will clarify the position. There are two kinds of statements made by an hon. Minister. One is a statement made *suo motu* and another is a statement made in response to certain points raised by an hon. Member. Here is a statement made by the hon. Minister where he says "I charge Shri S. N. Mishra of deliberately distorting a fact..... (Interruptions) This was a statement made by the hon. Minister in reply to the points that we have raised. The hon. Minister in the course of his statement had charged a member like me of distorting facts.

Now, do you think that that kind of statement is to be protected from any submissions that the Hon. members would like to make? This is not a

[Shri Syamnandan Mishra]

statement that falls in that category. Therefore, we are quite in order in making submissions with regard to the statement that has been made and which we consider to be full of misrepresentations. (Interruptions).

MR. SPEAKER: I have made the position very clear that their points of order or whatever they wanted to say before or after the Minister's statement could not be heard. Mr. Vajpayee had also, besides getting up on a point of order or on a point of submission, sent it in writing and I had told him that I would give him a chance to speak. So, because of that exceptional difficulty, it could not be contained within the procedure. If hon. members on this side go on doing like this, it will take more time. By this time, every thing would have been over.

Mr. Madhu Limaye.

श्री मधु लिमये : अध्यक्ष महोदय, आपको मैंने सब लिख कर दिया है—अगर आपका आदेश होगा तो मैं उसी तक अपने को सीमित रखूंगा।

अध्यक्ष महोदय : वहीं तक रखिये।

श्री मधु लिमये : मंत्री महोदय ने 11 पेज का जो वक्तव्य दिया है, उसमें मेरे द्वारा जो मुद्दे उठाये गये थे, उनका न कोई जवाब और न उनका कोई उल्लेख है। उन्होंने मेरे नाम का और मेरे मुद्दे का उल्लेख तक नहीं किया, इसलिये, अध्यक्ष महोदय, मैं आपका ध्यान दिलाना चाहता हूँ.....
(व्यवधान).....आप मुझे टोक नहीं सकते, मैं हल्ला नहीं कर रहा हूँ....

अध्यक्ष महोदय : जब मैंने कहा है कि यह एक्ससेप्शनल है, इसको प्रेसिडेंट के तौर पर नहीं लिया जा सकता है—फिर आप क्यों बोल रहे हैं ?

श्री मधु लिमये : अध्यक्ष महोदय, मंत्री महोदय ने अपने वक्तव्य में कहा है कि मैंने

कोई विशेष दिलचस्पी नहीं ली और मैंने कोई निर्णय नहीं किया। निर्णय के बारे में मैं भ्रज करना चाहता हूँ कि जब लाइसेंस देने वा अन्तिम निर्णय होता है, उसके पहले भी कोई निर्णय होते है,—जैसा कि री-अपन करने का। अध्यक्ष महोदय, इस फर्क को स्वयं मंत्री महोदय ने आपके सामने रखा है—

I am quoting from his statement:

"It was only after the receipt of the report of the Controller Pondicherry, on 22nd February, 1973 when I was no longer the Minister in charge of this Department that the matter was re-examined and further action taken which culminated in the issue of these licences."

वर्ग निर्णय होते हैं—उसका कल्मिनेशन है—इन्श्यूस आफ लाइसेंस। क्या मंत्री महोदय ने इस कल्मिनेशन के पहले इस केस को री-अपन करने के बारे में ठोस निर्णय नहीं लिया ? इसके बारे में मैं चार्जशीट के आधार पर भ्रज करना चाहता हूँ।

There is an obvious contradiction and ambiguity in the CBI charge-sheet. According to the charge-sheet the Chief Controller of Imports and Exports sent a letter dated 7th June, 1972 to Shri Keshava Pillai closing the case. This is at the bottom of page 8. And yet, at page 6, the charge-sheet goes on to state:

"In June, 1972 the matter was re-opened by the Ministry on receipt of the representation dated 17th May, 1972 from Shri Keshava Pillai when opinion of the Law Ministry was desired."

Who was the Foreign Trade Minister at that time? It was none other than Shri L. N. Mishra. Who asked that the case be re-opened after the despatch of the letter dated 7th June, 1972? Who asked for legal opinion? And, on what points? The noting which Shri L. N. Mishra admits to have made on 23rd August, not November, 1972, did not

only refer to the contesting of the suit but sought to raise the question of discrimination against the Pondicherry parties and this amounts to re-opening the case. Any way, we should like to have the full text of Shri Mishra's notings of 23rd August and 23rd November, 1972.

It is significant that according to the charge-sheet the Chief Controller finally advised the Minister—'finally advised', please mark the words—that the matter should not be re-opened and that the suit should be contested. This was on 28th August 1972, that is, five days after Shri Mishra's noting. It was in these circumstances and in view of this unequivocal advice of the Chief Controller that the Minister thought it absolutely necessary to secure the withdrawal of the case. This was the only way, he thought, to circumvent the Chief Controller's advice...

MR. SPEAKER: Please conclude.

SHRI MADHU LIMAYE: I will take the minimum time...

(Interruptions).

आप देखिये एन० के० सिंह मिनिस्टर के कहने पर तुल मोहन राम को कहता है कि केसेज विदडा होने चाहिये। तुल मोहन राम व्यापारियों को कहता है कि केसेज विदडा करो। केसेज विदडा होते हैं और उन की इत्तला सीधी माननीय ललित नारायण मिश्र को दी जाती है। सकिट कमप्लीट हो जाता है। मैं बहुत गम्भीर बात कह रहा हूँ, आप जरा मेरी बात सुन लें।

SHRI K. LAKKAPPA (Tumkur): This is an erroneous conclusion drawn by him.

SHRI MADHU LIMAYE: That is for the Speaker to decide. I will accept his finding.

The Minister's desire that the cases be withdrawn was conveyed by Shri N. K. Singh to Shri Tulmon Ram. Shri Tulmohan Ram conveyed it to the merchants. The merchants withdrew

the cases. The circuit is, therefore, complete.

The Minister had stated on 28th August, 1974 that he had passed no order to issue the licence. But he certainly passed oral and written orders directing that the case be re-opened, and that there should be an on-the-spot enquiry.

श्रीन दी स्पॉट इनक्वायरी चीफ कंट्रोलर की एडवाइस के बाद किसने की? और आप यहाँ असत्य ब्यान कर रहे हैं कि मैंने कोई आर्डर नहीं किया।

Whether Shri L. N. Mishra wrote the memorandum himself is not very material. The fact is that the CBI charge-sheet has stated that it was Shri N. K. Singh, the Special Officer on Duty in Shri L. N. Mishra's Ministry who suggested to Shri Tulmohan Ram that a new memorandum with a large number of signatures was necessary to strengthen the hands of the Minister in re-opening the case.

अध्यक्ष जी, ध्यान रखिये कि री-प्रोपनिंग शब्द है।

The CBI has not described this statement of Shri Tulmohan Ram as misrepresentation although it is said that Shri Tulmohan Ram's contention that Shri N. K. Singh asked for Rs. 20,000 was a misrepresentation. It is significant that after the receipt of this memorandum, Shri L. N. Mishra issued directions for re-examining the matter and also sent an acknowledgement to the Member, Shri Tulmohan Ram. He has again denied that he took any special interest in the matter. Yet it is absolutely clear that in face of a clear and persistent advice by the Chief Controller, Shri L. N. Mishra continued to manoeuvre and manipulate with a view to re-opening the case. Not only this, but when he learnt that he was to be transferred to the Railway Ministry, he directed

[Shri Madhu Limaye—contd.]

his Special Officer on Duty to make the noting dated the same day. That is 5th February....

SHRI K. P. UNNIKRISHNAN: Is this based on the charge-sheet?

SHRI MADHU LIMAYE: Yes. Complete. (Interruptions). Yes, Sir, yes, Sir. Only on the charge-sheet....

SHRI K. P. UNNIKRISHNAN: Is there any mention? He can't mislead the House.

SHRI MADHU LIMAYE: I take full responsibility when I say this. This is based on the charge-sheet.

SHRI PILOO MODY (Godhra): Why cannot you ask Mr. Unnikrishnan to read the charge-sheet? Without reading the charge-sheet he comes and makes arguments....

MR. SPEAKER: Order please. It spoils the time of everybody. Don't think you alone are the people who have read it.

SHRI MADHU LIMAYE: Not only this. When he learnt that he was to be transferred to the Railway Ministry he directed his Special Officer on Duty to make the noting dated the same day. He also secured from Shri K. N. R. Pillai and Shri Raman whom he himself had deputed to make an on-the-spot enquiry to produce an interim report so that orders could be passed with a view to pave the way for the issuance of licences.

प्रब अध्यक्ष महोदय, यह क्या नोट है वह मैं पढ़ कर सुनाता हूँ। मैं आज फरवरी, 1973 के नोट की बात कर रहा हूँ।

SHRI K. P. UNNIKRISHNAN: No inference. These are inferences.

SHRI MADHU LIMAYE: I am taking it from the charge-sheet. It is stated:

"The Minister desires that this case should be finalised quickly, as

it has been pending for a long time. According to his understanding, the Public Notices were not properly worded or have been incorrectly interpreted. MFT also feels that if an injustice has been done to the appellant, remedial action should be taken and such reliefs as are possible under the Import Control Regulation should be given to them."

This is a direction, a specific order.

डायरेक्शन है, यह आदेश है। आखिरी पैराग्राफ पढ़ कर मैं खत्म कर रहा हूँ।

Shri L. N. Mishra is deliberately trying to create confusion over the words 'decision' or 'order'. As he himself has admitted, the culminating decision as the issuance of licences. But before the final order about the issuance of licences was made by Prof. Chattopadhyaya there were a number of decisions and orders taken or passed which relate to the reopening of the case and Shri L. N. Mishra has participated in all the earlier decisions in regard to the reopening of the case including the noting by Shri N. K. Singh of 5th February, 1973 on the day of his taking the oath as Railway Minister. We want to know exactly at what point of time did he hand over charge to Prof. Chattopadhyaya.

मुझे समय और वक्त चाहिये। अन्त में मैं कहूँगा कि श्री एन० के० सिंह के नोट के लिए हमारी नजरों में।

Mr. L. N. Mishra alone is responsible for this.

हम श्री एन० के० सिंह का कोई नोटिस लेने के लिए तैयार नहीं हैं। उन्होंने मेरे एक भी पॉइंट का जवाब नहीं दिया अपने 11 पेज के स्टेटमेंट में।

He has wasted 11 pages.

इसलिए प्राइमाफेसी केस साबित होता है।

I have proved to the hilt.

इनका मामला प्रिविलेज कमेटी को भेज दिया जाये ।

SHRI JYOTIRMOY BOSU (Diamond Harbour): I will go by the reply given by him and I should be extremely grateful if you kindly hear me. You may kindly hear me and give ruling. He said and quote:

'The licence in question was not issued during my period at Foreign Trade Ministry nor had I passed the order to this effect. My above statement of August 28, 1974 is factually correct and is fully borne out by CBI charge-sheet on which my friends opposite have relied so much.'

It is because you are not prepared to give anything more than that. It has been said:

"Taking the facts given in the charge-sheet itself, the representation was delivered on or about 22nd November, 1972 and despatched to the C.C.I.E. on 4th November, 1972: I ceased to be the Minister of Foreign Trade on 5th February, 1973."

In that context I would say in the C.B.I. charge-sheet, it is clearly stated on 23rd November, 1972 Shri Tulmohan Ram after meeting Shri L. N. Mishra in his office told Sarvashri K. B. Nair and Pillai who had been acting on behalf of the licensee applicants that the Minister had asked the CCIE to examine the position and put up the case early. He says he did not take steps. He only passed it on as a routine matter but here the C.B.I. charge-sheet points out that after Mr. Tulmohan Ram had met the Minister on 23rd November, 1972 he asked the CCIE to examine the position and put the case early. The representation was despatched to CCIE on 24th November, 1972, that is, the very next day from the Personal Section of the Minister. After an acknowledgement of the receipt was sent to Shri Tulmohan Ram by Shri L. N. Mishra on 24th

November, 1972—the very same day—it moves at a speed of concorde. After perusing the advice of the CCIE in his note dated 28th August, 1972 the Minister had in the meantime already directed on the spot examination of the matter at Pondicherry. He did not wait for the Pondicherry officers to come and tell. He goes one step further and directed on the spot examination of the matter at Pondicherry by Shri Pillai and Mr. Raman who were going to that side on some official work.

Then he has said my colleagues in the Commerce Ministry had already made a statement in this august House on 9th September, 1974 explaining the circumstances in which the decision to issue the licences was taken and the rationale behind it. The issue of additional special licences was withdrawn by the Government in October 1959 and it is also evident and clear that the seven applicants in question did not fulfil the conditions for receipt of such a licence.

In that he has stated on 5th February Shri L. N. Mishra took over the office of the Ministry of Railways and on the relevant file there is noting by Shri N. K. Singh, appeared to be on 5th February 1973 to the effect that:

"Minister desires that this case should be finalised quickly as it has been pending for a long time".

Sir, as I understand that, the duty of the Special Assistant is not to deal with the merits of any case but to carry out the instructions of the hon. Minister in getting files, correspondence and disposing of it as expeditiously as the Minister wants. The Minister has his personal office which is different from the office of the Special Assistant. Therefore, Sir there is no scope for making any mistake whatsoever.

Then, Sir, according to our understanding, Mr. Minister says:

"According to his understanding,

[Shri Jyotirmoy Bosu—contd.]

public notices were not properly worded or have been incorrectly interpreted. Minister of Foreign Trade also feels that if an injustice has been done to the appellant, remedial action should be taken and such reliefs as are possible under the Import Control Regulations should be given to them."

Sir, in that regard, I would like to quote from a very useful document which has come into my hands, a bit, from the CBI report which clearly states that:

"It has already been pointed out that until August, 1972 the various officers including Shri K. Raman and Shri K. N. R. Pillai have consistently taken the stand that there has been no discrimination in regard to the importers of Yanam and Mahe and that no relief by way of grant of any import licence was, therefore, called for. After their visit to Pondicherry in January, 1973, Shri Raman and Shri Pillai in their respective notes dated 7th May, 1973 and 28th July, 1973 not only recommended the grant of special additional... (Interruptions)"

I am quoting:

"commencing from licensing period July, December, 56 when the importers had applied for the first time, but went a stage further and recommended the issue of special additional licences even for the licensing periods of Jan.-June, 55, July-Dec. 55 and Jan.-June, 56. It is to be noted that the parties themselves had not initially asked for special additional... (Interruptions)"

SHRI S. M. BANERJEE (Kanpur): Sir, I rise on a point of order. Sir, the hon. Member is quoting from a document which, according to him, is part and parcel of the CBI Report. My

submission would be that I want a ruling that what he has read out that particular thing should be laid on the Table after his authentication. This is a very serious matter.

MR. SPEAKER: I have made it very clear....

SHRI JYOTIRMOY BOSU: I shall authenticate that.

MR. SPEAKER: I shall ask him to confine himself strictly to this matter only.

SHRI S. M. BANERJEE: What is your ruling on my point of order? Let him authenticate it and lay it on the Table.

MR. SPEAKER: I have no ruling on that.

श्री जनेश्वर मिश्र (इलाहाबाद) : क्यों ?

आप ने सी० बी० आई० की रिपोर्ट देखी

आप उस से कम्पेयर कर लीजिए :

MR. SPEAKER: You must believe me. I did not see that. I will see it along with you.

SHRI S. M. BANERJEE: Sir, this is a very serious matter.

MR. SPEAKER: I am not allowing. He said that some point was not covered by the Minister. That is why, I allowed him. I made it very clear that I will not allow anything except those points about which they would like to seek clarifications and which they say were not covered by the Minister.

SHRI JYOTIRMOY BOSU: This is part of the CBI report. I shall authenticate it. Your directions are very clear. You have allowed Mr. Madhu Limaye only yesterday.

MR. SPEAKER: You ought to have given notice.

SHRI JYOTIRMOY BOSU: Sir, be fair. Be impartial.

MR. SPEAKER: When you say partial, I accept that I am partial. What else do you want to say? I am not allowing it because it is not covered by your notice. In your case, it has become a sort of habit and I will not allow it. You are making a regular speech.

SHRI JYOTIRMOY BOSU: Rule 368 says:

"If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest.

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

Then, Rule 369 says:

"A paper or document to be laid on the Table shall be duly authenticated by the member presenting it." I am prepared to do it.

MR. SPEAKER: Earlier, you had made statements; you had made speeches. You cannot make a new speech. You said that the second point which you raised was not covered by the Minister. You can mention that. But, you cannot make a new speech, two speeches in the same sitting. I cannot allow that. He is making new speeches. He is quoting from new documents and asking my permission to lay it on the Table of the House. I have to be very alert in his case.

श्री मधु लिमये: अध्यक्ष महोदय, यह सही है कि आपको हमारे साथ सावधानी से व्यवहार करना चाहिए, लेकिन ये तरीके हैं सब को बूँट निकालने के।

MR. SPEAKER: Mr. Madhu Limaye, when you quote something, I sometime think that you are reasonable enough. But, he is making a new speech; he is quoting from new documents, everything new.

SHRI JYOTIRMOY BOSU: Sir, what harm will be done to this House if we make efforts to find out the truth, if these pieces of documents are laid on the Table of the House?

MR. SPEAKER: I will not allow that, because that is completely new.

SHRI MADHU LIMAYE: Have you got a document?

SHRI JYOTIRMOY BOSU: I have got the document, the full document.

SHRI SHYAMNANDAN MISHRA: It has been sanctified by submission to you.

SHRI JYOTIRMOY BOSU: Sir, heavens won't fall.

MR. SPEAKER: Carry on!

SHRI JYOTIRMOY BOSU: Sir, this is very interesting—very very interesting:

"It has already been pointed out that until August 1972, the various officers including Shri K. Raman and Shri K. N R. Pillai have consistently taken the stand that there has been no discrimination in regard to the importers of Yanam and Mahe and that no relief by way of grant of any import licence was therefore called for."

But after the Minister's directive, after their visit to Pondicherry under the Minister's directive in January 1973—

"Shri Raman and Shri Pillai in

[Shri Jyotirmoy Bosu]

their respective notes dated 7th May 1973 and 28th July 1973, not only recommended the grant of special additional licences for the period commencing from licensing period July—Dec. 1956 when the importers had only applied for the first time, but went a stage further and recommended the issue of special additional licences for even the licensing periods of Jan—June, 1955, July—Dec. 1955 and Jan—June 1956. It is to be noted that the parties themselves had not initially asked for the special additional licences for the three licensing periods from January 1955 to June 1956. Nor had they alleged disability arising from the ambiguity in public notices of 1955 in establishing their quotas earlier. It was only in 1968 when they made such a contention by an application for amending their writ petitions. These facts were in the knowledge of Shri Raman and Shri Pillai, but were not brought out in their notes of July 1973 on the basis of which a decision was taken by the Chief Controller and the Minister, Shri D. P. Chattopadhyaya to sanction special additional licences to these parties. It is also to be noted that three of the parties who had filed writ petitions had described themselves as merchants of Pondicherry and investigation shows....

MR. SPEAKER: What is the sense in all this trouble....

SHRI JYOTIRMOY BOSU: If you disturb me while I am reading from this, it is difficult to proceed. I wish you were in my place and then you will know how difficult a task, have to perform.

MR. SPEAKER: Let me know what was the sense in all this trouble for these two weeks over the CBI Report if you had got it already. You should have told the House at that time that you had got it.

SHRI JYOTIRMOY BOSU: I got it right now.

"It is also to be noted that three of the parties who had filed writ petitions had described themselves as merchants of Pondicherry and investigation shows that after merger of the former French possessions towards the close of 1954 all these parties except Shri G. S. Ganapathirao of Yanam had returned to Pondicherry and Karaikal and, therefore, the contention that they were not aware of the public notices or they misinterpreted these notices that they were not applicable to Yanam and Mahe merchants was not tenable. Both Shri Chattopadhyaya, Minister of Commerce, and Shri Bose Mullick who was the Chief Controller of Exports in September 1973....".

The most important thing in this is that before the Minister had coerced the two officials, namely, Raman and Pillai, to go to Pondicherry and to concoct a story, their stand was against the issue of these licences consistently for years.

MR. SPEAKER: Please resume your seat now.

SHRI JYOTIRMOY BOSU: It will be recalled that Shri K. N. R. Pillai and Shri Raman held discussion at Pondicherry on 3rd and 4th January 1973. The report of the controller of Pondicherry was received on 22-2-73. Controller Shri Vichu Kuppan gave a factual narration of the facts and observed that if any benefit had to be extended to the parties, the same could be only for the period in which they had been issued quota certificates and opposed the grant of concessions for the prior period when such a request had not even been made by the parties.

MR. SPEAKER: Will you kindly sit down now.

SHRI VASANT SATHE (Akola): On a point of order.

SHRI JYOTIRMOY BOSU: I will sit down. The most important thing is this, a Gentleman called Swami Ramchanderji, the guruji of L. N. Mishra, got Rs. 10,000 of the boot... *(Interruptions)*. This gentleman went to a Hyderabad money lender, Muthukumaraswami Pillai.

MR. SPEAKER: Please conclude now. No more.

SHRI JYOTIRMOY BOSU: I want to conclude and lay it on the Table of the House. It is the demand of the House and the rules also mention that it should be laid on the Table of the House. I am authenticating it...

(Interruptions)

SHRI VASANT SATHE: Kindly suspend under rule 388 all the procedures and rules so that all this will become regular... *(Interruptions)*

MR. SPEAKER: No paper can be laid on the Table unless allowed by me. I am not going to consider that.

SHRI SHYAMNANDAN MISHRA: I really do not know who prepares the statement of the hon. Minister of Railways but whoever does it, it cannot be said that he has been serving the Minister very well... *(Interruptions)*.

SHRI VAYALAR RAVI (Chirayenkil): After his speech Mr. Bosu said that he would lay some paper on the Table.

MR. SPEAKER: I have already explained it. You should try to be attentive because in these days of noise and din one must be ten times more attentive. Otherwise it is difficult to listen to anything. You are supposed to be attentive.

SHRI VAYALAR RAVI: I want to know categorically whether you allowed it to be laid on the Table, or not.

MR. SPEAKER: I ask you categorically whether you heard me speak or not.

SHRI VAYALAR RAVI: No.

MR. SPEAKER: You ask from the Table; I gave my ruling.

SHRI VAYALAR RAVI: Am I not entitled to know?... *(Interruptions)*.

AN HON. MEMBER: Sit down.

MR. SPEAKER: What are you doing in this rustic manner Mr. Kachwai?

SHRI SHYAMNANDAN MISHRA: I was submitting that even an indefensible case could be defended much better in a more plausible manner.

I give only two instances. One involves me and to that I shall come a little later. The Minister, while referring to the submission of the hon. member, Shri Vajpayee, said:

"On 4th December, 1974 Shri Vajpayee quoted from a document which he described as the proceedings of a meeting of the School Managing Committee held on 22nd February, 1973. According to this document, at the meeting, Shri Tulmohan Ram had suggested the naming of the school after the Railway Minister's late father, Shri Ravindra Nath Mishra. My father's name is Pandit Ravi Nandan Mishra and not Ravindra Nath Mishra."

I had not brought this matter of school in my submission, but I ask you whether it could be considered to be a good defence.

SHRI L. N. MISHRA: Read further; *(Interruptions)*.

SHRI SHYAMNANDAN MISHRA: If you kindly permit me to read all that, I will certainly do that. But it

[Shri Shyamnandan Mishra]

is up to the Minister to come out with his defence a little later, I have read out from the statement which he made in this House. I ask whether some confusion in name could be exploited in the manner in which the minister has done and whether it would constitute a good defence.

I come to his reference to my submission. While referring to my submissions, the Minister said:

"Now I would take up the allegation made by my friend, Shri Shyamnandan Mishra on 5th December, 1974. Shri S. N. Mishra categorically, stated that I had recorded a note on 23-11-1972 on the file and according to him, the relevant note says:

"Refer my Minutes at page 11|N. This matter has been unduly delayed. I should like the points raised in my Note on page 12|N be examined with speed and file submitted to me by the 30th."

Here he has tried to confuse himself the dates. I have heard the tape and even without this information I got from that tape. I was fully protected because at 2 places I had already mentioned it during my observations. It may well be that the Reporter in the din of the interruptions could not get some of the words correctly. I checked up with the tape this morning and the tape says this sentence which had been left out. I had told the Table it was like this, but I do not attribute any motive to the Reporter because many a time a great deal of din is created in the House and there can be some confusion in this because 23rd is also the relevant date in the month of November and 23rd is also the relevant date in the month of August. It might well be that there was some confusion. But even so, this sentence is

in the tape. After having read out this minute, this sentence is there in the tape:

"This is conclusive. This was on 23-8-1972.

I can give the Minister the benefit of the doubt that he did not have this in the record. Yet, may I not ask you with all humility to consider whether I have not said it in my speech on that very day?

13.00 hrs.

SHRI C. M. STEPHEN (Muvattupuzha): I would read out from your own speech:

"On 23-11-1972 after meeting him he said that the Minister had asked the CCIE to examine and put up the matter. Now, there is a note by the hon. Minister, Shri L. N. Mishra on the relevant file on the same date, 23-11-1972."

SHRI SHYAMNANDAN MISHRA: That is another one. I have already clarified that the tape does contain this sentence, which has been left out in reporting. This was after reading out the minutes. I have said "This is conclusive. This was on 23-8-1972." It is there in the tape. As I said, I could give the benefit of doubt to the hon. Minister.

SHRI L. N. MISHRA: I do not want it.

SHRI SHYAMNANDAN MISHRA: If you do not want it, do not take it. I stand more on fact, I have said on that very day:

"Would you think that the officer made this note because he himself wanted to do it or it was in keeping with what the hon. Minister had done on 23-8-1972?"

On that very day I have said this. Yet, the hon. Minister would not take note of it. He tried to make a submission to you, which is most ob-

jectionable, that I had tried to confuse the dates. Then I had said:

"Because of this note of 23-8-72 the Minister had passed an order of that kind and that order and the representation of the MPs. were despatched to the CCIE...."

So, I have again mentioned 23-8-1972. Even with regard to the previous noting, I have made it clear that the tape does include this sentence, which has been left out in reporting. do not attribute any motive to the Reporter. The Reporters have been doing reasonably well in the midst of the din and interruptions. So, that argument of Shri L. N. Mishra, the Minister of Railways, also falls to the ground.

Then you would find that the hon. Minister has tried to make out an allegation in his own words and thereby he has tried to do injustice to me. Our allegations were that the Minister had asserted that he had passed on the representation to the officer or office concerned in a routine manner. Our allegation is that he had not done it in a routine manner and that is what we have been able to establish.... (Interruptions).

Then he had stated that he had not passed the order. We had quoted his words; the Minister had said that no order was passed by him. Now we have been able to establish, both on the basis of his minutes on 23rd August 1972 and on the basis of the noting on the 5th February 1973, that there was an express order of the hon. Minister. Even in the course of this statement, the hon. Minister has not denied that he made a noting to the effect that I have quoted—23 August 1972. Now he has indirectly suggested that he had passed a note to the Ministry of Law in the month of August and he had said that it was not for helping anybody. May I bring to your kind notice another thing which has been brought to light? This is the High

Court order when the writ petitions were withdrawn. I have got this from their Research Section. I have not got it from anywhere else. This is a public document. The Research Section has made it available. This is the order of the hon. Justice of the High Court:

"Mr. Singh wishes to withdraw the petitions since the matter has been compromised."

This is the key expression—'the matter has been compromised'. What does this mean? This was on 11th September, 1972. Let there be no confusion about the date—11-9-1972.

Mr. Speaker, Sir, have you found me using any harsh or offensive words? In fact, I have been subjected to very harsh and offensive words at the hands of the hon. Minister. He has said that I have made malicious allegation. I have not made any allegation out of malice. Then he has said that I have deliberately distorted the facts. I have not used words to that effect. In fact, I want to speak the language of facts, the language of logic, the language of persuasion. I do not want to use any language of offensive words.

Therefore, I would submit that, in every way, this statement of the hon. Minister does not meet the point that we had made, and the fact is clearly established, beyond any shadow of doubt, that the Minister had passed orders and the Minister had not taken the whole business in a routine fashion. There was an active personal interest of the Minister involved in handling this case.

श्री मधु लिसये : अध्यक्ष महोदय, मेरा प्वाइंट ग्राफ़ ऑर्डर है... (व्यवधान)... ये लोग दस दफा खड़े हो जाएँ, लेकिन मैं एक दफा भी प्वाइंट ग्राफ़ ऑर्डर नहीं कर सकता.....

अध्यक्ष महोदय, मिश्र जी ने जिस आर्डर का उल्लेख किया है—उन्होंने जज श्री व्यास देव मिश्र का आर्डर पढ़ कर सुनाया है— उस में कहा गया है—

“Mr. Singh wishes to withdraw the petitions since the matter has been compromised.”

अध्यक्ष महोदय, मैं जानना चाहता हूँ— क्या आप सरकार से इस बात का खुलासा करायेंगे कि यह जो साधू सिंह का स्टेटमेंट है— उस का आधार क्या था, क्योंकि उस को हाइकोर्ट ने मान लिया है—

SHRI SHYAMNANDAN MISHRA: This is from the order.

SHRI MADHU LIMAYE: What is the text of the compromise? Will you obtain the text of the compromise from the Government?

MR. SPEAKER: Now, Shri Vajpayee is not here.

SHRI SHYAMNANDAN MISHRA: You can give time till tomorrow.

MR. SPEAKER: He was told to come today specially.

SHRI PILOO MODY: If not tomorrow, then Monday.

श्री हुकम चन्द कछवाय (मुरैना) : अध्यक्ष जी, माननीय वाजपेयी जी को मौका दीजिए और उन को सुनने के बाद मंत्री जी का बयान कल दिलवाइये ।

अध्यक्ष महोदय : इसलिए तो आज रखा था । वाजपेयी जी को खास तौर से बताया गया था कि मैं एक्सेप्ट करता हूँ आप को समय नहीं मिला इसलिए आप को कल मौका दिया जायेगा । आज उन को आना चाहिये था ।

He should have come or he should have at least informed me that he was not coming.

श्री मधु लिमये : मंत्रियों को कितना टाइम देते हैं तो माननीय वाजपेयी को एक

दिन का समय नहीं देंगे । एक दिन का समय दे दोगे तो क्या हो जायेगा ? मैं उन की ओर से आप से विनती करता हूँ ।

THE MINISTER OF RAILWAYS (SHRI L. N. MISHRA): I want ten to me at all....(Interruptions).

SHRI SHYAMNANDAN MISHRA: He has gone for the Delimitation Commission meeting.

MR. SPEAKER: He has not written to me at all....(Interruptions).

SHRI C. M. STEPHEN: The hon. Member should not try to arrogate to himself....(Interruptions).

SHRI K. P. UNNIKRISHNAH: I want to be heard.

SHRI MADHU LIMAYE: You have not given any notice.

SHRI K. P. UNNIKRISHNAN: Yes, I have given.

SHRI MADHU LIMAYE: On this point?

SHRI K. P. UNNIKRISHNAN: Yes.

SHRI MADHU LIMAYE: Then, you make your submission and I want to listen to you. You will make matters worse....

(Interruptions)

MR. SPEAKER: Kindly sit down.(Interruptions).

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): The point is that this has been posted for today and it is going on day after day and many hon. Members on this side and that side have spoken on this and everyday something is going in the Press but nothing from this side....(Interruption). The Minister must be heard and it has got to be finished today and the matter closed....(Interruptions).

PROF. NARAIN CHAND PARASHAR (Hamirpur): He should have been here.

SHRI PILOO MODY: This is a very serious matter.

MR. SPEAKER: Secretary-General has told me....

SHRI PILOO MODY: This morning I have heard twice Mr. Stephen and now the Minister of Parliamentary Affairs that reports what has happened in the Parliament appear in the Press, that this has not happened and this does not happen. I think, Sir, this is a contempt of Parliament to say that what has happened over here is for the gallery or for the Press....

AN HON. MEMBER: It is for the whole country.

SHRI PILOO MODY: In fact, I cannot understand how matters are decided on the basis of how much publicity one is going to get, and, it is entirely horrible for the Congress Party to maintain that it is not getting any publicity....

MR. SPEAKER: It is entirely horrible for me to see all these things, on either side.

SHRI PILOO MODY: It just shows the smallness and the narrowness of their minds as also their meanness.

Now, kindly listen to him about Shri Vajpayee.

MR. SPEAKER: What have you to say about it?

SHRI SHYAMNANDAN MISHRA: You may be pleased to adjourn the House for lunch. Many a time you have done it.

MR. SPEAKER: In spite of the fact that he should have written to me, he has not written to me. Unless he has written to me, how can this be kept pending from day to day?

(Interruptions)

MR. SPEAKER: Shri L. N. Mishra... (Interruptions). Kindly wait... (Interruptions). Let us have a quite debate please... (Interruptions).

SHRI PILOO MODY: It is better to have him for lunch now.

(Interruptions)

MR. SPEAKER: Will you please sit down?

THE MINISTER OF RAILWAYS (SHRI L. N. MISHRA): There is only one point...

SOME HON. MEMBERS: No, No.

SHRI L. N. MISHRA: I would take only half a minute. Mr. Vajpayee has written a letter to you and a copy he has sent to me.

Mr. Vajpayee in his letter says—

'This is the request that either the Speaker himself draw the Minister's attention to these facts before he makes a statement or that I be permitted to raise the issue prior to the Minister's submission.'

MR. SPEAKER: It is clear.

SHRI L. N. MISHRA: Mr. Vajpayee has said like this.

-MR. SPEAKER: Before that Mr. Vajpayee had asked me that I should send it to him and it was sent to him all right already, on his own request. Mr. Vajpayee has given the option to the Speaker. Mr. Vajpayee himself has said it.

SHRI MADHU LIMAYE: Mr. Vajpayee should be heard.

MR. SPEAKER: Mr. Vajpayee himself has written to me. He has given in writing. It has gone to him. He is replying.

SHRI SHYAMNANDAN MISHRA: We can take it up tomorrow. (Interruptions).

SOME HON. MEMBERS: No, no.

श्री मधु लिमये: अध्यक्ष जी, मैं खाना खाने जा रहा हूँ।

MR. SPEAKER: Let me see his letter. He says:

'Either the Speaker himself draw the Minister's attention . . . This copy was sent to him.

SHRI JYOTIRMOY BOSU: You have said, I will call you. How can you do this without calling him?

श्री श्यामनन्दन मिश्र: आप ने कहा है कि वाजपेयी जी को मुन लिया जाये।

अध्यक्ष महोदय: मैं ने कहा है तो करना ही चाहिये।

Pleased don't confuse yourselves and confuse me also! I had mentioned to Mr. Vajpayee that he will be allowed to speak. Just as they are accommodating, you must accommodate them also. We will wait for him tomorrow. If he does not come we will not give him any opportunity.

Now, Papers to be laid.

13.19 hrs.

PAPERS LAID ON THE TABLE

ANNUAL AND AUDIT REPORTS OF CSIR ALONG WITH A STATEMENT

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI B. P. MAURYA): On behalf of Shri T. A. Pai, I beg to lay on the Table:

- (i) A copy of the Annual Report (Hindi and English versions)

of the Council of Scientific and Industrial Research, New Delhi for the year 1972, along with the Audited Accounts for the year 1971-72.

- (ii) A copy of the Audit Report (Hindi and English versions) on the accounts of the Council of Scientific and Industrial Research, New Delhi, for the year 1971-72.
- (iii) A copy of the Annual Report of the Council of Scientific and Industrial Research, New Delhi, for the year 1973, along with the Audited Accounts for the year 1972-73.
- (iv) A statement (Hindi and English versions) showing reasons for delay in laying the above documents.

[Placed in Library. See No. LT-8724/74.]

NOTIFICATIONS UNDER ALL INDIA SERVICES ACT, 1951

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): On behalf of Shri Om Mehta, I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951:—

- (i) The Indian Administrative (Pay) Twenty-fourth Amendment Rules, 1974, published in Notification No. G.S.R. 1260 in Gazette of India dated the 30th November, 1974.
- (ii) The Indian Police (Pay) Seventh Amendment Rules, 1974, published in Notification No. G.S.R. 1261 in Gazette of India dated the 30th November, 1974.