

Mr. Chairman, Sir, the Bill that has been moved in this House and is now before the House for consideration has given us an opportunity to discuss a very important but at the same time a very controversial subject.

I have heard with great attention the speech of the mover of the Bill, Shri N. K. Sanghi. This matter has been discussed in this House on a number of occasions before also. Shri N.K. Sanghi comes in the line of a number of illustrious Members who have brought forward Resolutions or Bills on the subject of the abolition of capital punishment.

A number of argument have been advanced which bring out ethics, sociology, criminology, modern concept of punishment, *Ahimsa*, Gandhiji, and various other aspects of the problems. It has even been asked : What right has the society or the State to take something which it cannot give, which means "life" ? This has been countered by another hon. Member who says that even the creation of life pre-supposes some sort of a social set-up that brings persons together, that brings a man and a woman together and whose association in a family context gives rise to life.

All these are not only philosophical concepts but ideas which have great relevance in discussion the problem before us. Over the past few years, or, over the past few centuries even, our concept of punishment has been changing. Why should a man be punished for particular offences and what should be the idea of giving punishment....

MR. CHAIRMAN: The hon. Minister may please continue on the next occasion.

17 30 hours

HALF-AN-HOUR DISCUSSION

CHARGES AGAINST HARYANA CHIEF MINISTER

MR. CHAIRMAN : Now we take up the half-an-hour discussion.

Mr. Shyamnandan Mishra,

SHRI SHYAMNANDAN MISHRA (Begusarai) : I would like to assure the House that we are not pursuing this matter in any spirit of witch-hunting or chasing a political opponent. In fact, the demand for the institution of an inquiry should be considered to be largely a neutral demand. The Commission of Inquiry could give an opportunity to the Chief Minister to get his name cleared.

The hon. Chief Minister of Haryana Shri Bansi Lal, is undoubtedly a unique personality, bordering on a phenomenon. He is the most resourceful of all the Chief Ministers. Shri Bansi Lal can get away with anything. He is the most useful Chief Minister to the Ruling Party and brags of the closest proximity to the Prime Minister.

Mr. Chairman, as we have Press-Lords, we have also Suppress Lords and Mr. Bansi Lal is the most prominent of the Suppress Lords. He has utter contempt for the freedom of Press and can take any repressive action against Press and against the liberal freedoms which the citizens ought to enjoy in a democratic set-up.

So, no wonder, his regime has been characterised as a regime of 'conspicuous corruption'.

Mr. Cairman, never in the history of such cases had 121 Members of Parliament demanded institution of a Commission of Inquiry. The Santhanam Committee had laid down the condition that only ten Members of Legislature could make a demand in order to oblige the Government to institute a Commission of Inquiry. And today we have a case where 121 Members of Parliament, unprecedented in the history of such cases, had demanded a Commission of Inquiry.

The corruption charges against the Chief Minister of Haryana, let this hon. House bear it in mind, were supported by no less a person than the Speaker of Haryana Vidhan Sabha who belongs to the Party to

Which the Chief Minister belongs. And what has the Speaker of the Haryana Vidhan Sabha said? In his letter to the Prime Minister he has said:

"The truth is that as in the case of several Arab countries if one struck a spade he would get oil, in Haryana if he did so, he would find corruption".

I am not quoting a person who belong to my Party; I am quoting a person who belongs to the ruling party, to the Party to which the Chief Minister of Haryana belongs.....

SHRI ATAL BIHARI VAJPAYEE (Gwalior): He was refused ticket in the elections.

SHRI SHYAMNANDAN MISHRA: But even now, he happens to be the head of an organisation and he was recently photographed at Bidhan Nagar with the hon. Prime Minister herself. There is another peculiar feature of his case, and that is this never had such an inordinately long time been taken in taking decision in the matter. In all other cases the decision was taken within a few months. Here, the decision kept on hanging for months and months and even for more than a year.

The most amazing thing is that the conduct of some Ministers of the Central Government in the matter and this is how you want to run democracy in this country—I know you would get away with this your massive majority, but bear it in mind that once you undermine the foundation of democracy, you are going to collapse with the whole edifice. What has happened? It is most amazing that the Ministers of the Central Government have been going on giving clearance certificates, clean chits, while the matter was still under examination. I ask you: is it proper for the Ministers of the Central Government to do so? I ask every honble Member on that side of the House who has got a democratic conscience to ponder over it.....

SHRI M. RAM GOPAL REDDY (Nizamabad): We have got.

SHRI SHYAMNANDAN MISHRA: Mr. Chairman, the Speaker of the Haryana Assembly had also said that democracy had been reduced to a laughing stock in Haryana in that the average duration of the Assembly was only five days and many of the democratic institutions like the Public Service Commission, SSSB, Board had been reduced to a farce. This is again the charge of the Speaker of Haryana Vidhan Sabha.

The Chief Minister of Haryana had robbed the peasants of Haryana and thereby violated the rules and laws relating to the defence of the country. That we have discussed and that we will continue discussing for a number of days in this House. By doing the most fantastically irregular things in the name of such a high personage as the Prime Minister, he has put the Prime Minister in a situation of blackmail so that (*Interrupting*)

SHRI K. P. UUNIKRISHNAN (Badagara): How are you allowing him, Sir?

SHRI SHYAMNANDAN MISHRA: Therefore, the action is not being taken.

SHRI K. LAKKAPPA (TUMKUR): How are you allowing him? He is violating the procedure. You have to regulate the business.

MR. CHAIRMAN: I will not allow any body to speak without my permission.

Mishra): please confine yourself to the subject.

SHRI SHYAMNANDAN MISHRA: You are the best person to judge whether it has got any link. Why is the Commission of Inquiry not being granted that is the point that I want to make very briefly. If even that ruffles feathers on that side, I do not know why.

I would like to put a few questions to the hon. Minister for a clear and precise reply

In the case of the Akali Ministry, when a memorandum against them was submitted by only two MLAs separately, the decision to institute an inquiry was taken in a record time of three months. The allegations in the case of the Akali Ministry were all. "It is

[Shri Shyamnandan Mishra] reported, It is alleged,"—business but, here in the case of the Haryana Chief Minister, most of the charges were based on specific details and yet, the decision took so long a time and the demand had not been conceded. I ask the hon. Minister whether it does not amount of discrimination.

Then, secondly, I would like to know as to how many time explanations and clarifications were sought from the hon. Chief Minister of Haryana and how many times in the case of the ex-Chief Minister of Punjab. I know that he would not answer any one of these question but I would like to put them on record so that people may judge..

MR. CHAIRMAN : How is that argument relevant?

SHRI ATAL BIHARI VAJPAYEE: That is double standard.

SHRI SHYAMNANDAN MISHRA : Is it not correct to say that no other person again whom Commission of Inquiry was instituted got so many opportunities to explain and clarify as the Chief Minister of Haryana ? It has meant, in effect, giving him time to manipulate, destroy and fabricate evidence. That was the clear intention on the part of this Government in giving so much time to the Haryana Chief Minister.

Then, Sir, Shri Uma Shankar Dikshit the then Health Minister, gave him a clean chit in a public statement in February, 1972 and October, 1972, much before the ill-advised decision of the Government of India. Shri Dikshit was not the Home Minister who was concerned with the inquiry and yet he made public statements to this effect. The only way in which he had any connection with the Chief Minister was as the Treasurer of the Ruling Party. I ask : Do not the statements of Shri Dikshit prove that the mind of the Government was made up from the very beginning and what was being done was only an eye-wash ?

Now, Mr. Chairman, I would like to ask some questions with regard to the irregularities in respect of land acquisition.

Is it not a fact that the Advocate General of Haryana went to the High Court on the 19th March, 1971 to say that the Land would not be acquired under the Notification of the 24th February, 1971 and that on the 23rd March, 1971 the notice of withdrawal of Notification was published in the Gazette ?

And, again, is it not a fact that on the 24th March itself, that is, the next day of the withdrawal of the 24th February notification, a fresh notification for the acquisition of the same land was issued ? If it is so, does it not constitute a fraud upon the High Court and the people of the area concerned ? Does Government approve of it?

My information is that the notice under Section 6 was issued on the 23rd June and the whole process of filling of claims under Section 9 and inspection and verification and assessment by the Forest, PWD, Horticulture, Revenue and other departments, concerned was bulldozed by the 10th July that is, within 16 days.

SHRI K. LAKKAPPA : Is it relevant Sir ? How are you allowing all sorts of irrelevant things to go on record ?

MR. CHAIRMAN : This is in the memorandum. So, how can I stop him?

SHRI K. LAKKAPPA : All these facts are not into the memorandum.

SHRI SHYAMNANDAN MISHRA : Does the Government think that it was possible during this brief period to undergo all the processes properly and to do justice to 40 peasants involved in the operation ?

Then, is it not the policy of the Government that industries should go to the backward areas, unproductive lands and they should keep away from areas in which industries are heavily concentrated ?

SHRI K. LAKKAPPA : Is this a charge ?

SHRI SHYAMNANDAN MISHRA : If I am disturbed like this, then the trend of my argument breaks. They do not go through the charges. That is the difficulty.

MR. CHAIRMAN : This half-an-hour discussion has arisen out of the answer given to the unstarred question, and the answer given by Government is that the Chief Minister has been exonerated. That is the reply by Government, and the file is before me now

SHRI SHYAMNANDAN MISHRA
May I submit....

MR. CHAIRMAN : He does not allow even the Chair to speak but he goes on speaking. I do not know whether that is the procedure of the House. Let me finish, Mishra ji.....

SHRI SHYAMNANDAN MISHRA : I am conforming to the procedure of the House.

SHRI K. P. UNNIKRISHNAN : It cannot be the procedure of the House. He cannot have his own procedure here.

MR. CHAIRMAN : He can only lay stress on the points and not other things....

SHRI SHYAMNANDAN MISHRA : May I explain how it falls within the ambit of this discussion ?

MR. CHAIRMAN : This is a half-an-hour discussion. Let him not prolong it. He has already taken more than 15 minutes.

SHRI SHYAMNANDAN MISHRA.
But I have been interrupted so many times, nearly for five minutes.

MR. CHAIRMAN : He has taken 17 minutes already.

SHRI SHYAMNANDAN MISHRA : Five minutes of my time has been taken a way by these interruptions.

SHRI VASANT SATHE : If he himself takes so much time, then how can others put their questions ?

SHRI SHYAMNANDAN MISHRA : If they go on disturbing me like this, how can I conclude ?

MR. CHAIRMAN : Let him stick only to the point and not go beyond that. I am not allowing him.

SHRI B. P. MAURYA (Hapur) : I rise to a point of order....

MR. CHAIRMAN : I am not allowing him.

SHRI B. P. MAURYA :
मेरा मान्यवर, आपको ऊपर व्यवस्था का प्रश्न है । आप ने अभी कहा है ।
"Let me finish, Mishraji".

MR. CHAIRMAN : That is no point of order.

SHRI SHYAMNANDAN MISHRA : I have a good defender in Shri B. P. Maurya. I know that he is a very conscientious person.

MR. CHAIRMAN : Let Shri Shyamnandan Mishra finish now.

SHRI SHYAMNANDAN MISHRA : Is it not a fact that the price paid to the peasants in the vicinity of the land acquired is three to four times higher than the price paid to the peasants affected by the land acquisition in question ? This is one of the grave charges, and yet, these things have been overlooked in this case.

Then, is it not a fact that the peasants had registered a complaint that their land fell within the restrictions imposed by the Works of Defence Act in order to secure that defence of the country and yet that was not heeded to ? Is it not also a fact that some military officers also had taken objection ?

Then the most serious thing which must be brought to the notice of the House is that although the charges relating to the malpractices in the purchase transactions of the State Electricity Board are still being inquired into by the Accountant General, the Government has been in a hurry to give a clean chit to the Chief Minister of Haryana. The Government cannot take the stand that it is an independent Board. The Chairman of the Board is appointed by the Chief Minister according to the rules. All the members of the Board hold office and function during the pleasure of the Chief Minister. And yet

the charges of malpractices against the Chief Minister in regard to transactions of the Electricity Board Minister do not seem to attach to the Chief because the Central Government thinks so.

It has been said that these charges were inquired into by four colleagues of the Prime Minister in the Cabinet. One of these colleagues seems to be here only to defend him. I ask : when the matters were of a legal nature, why were they not referred to the Attorney General ? In the past, I remember when charges were made against a Deputy Minister of Finance, they were referred to the Attorney General. But in this case, the charges were referred to the four Cabinet Ministers who happen to be the appointees of the Prime Minister and who are only too keen to oblige the Prime Minister. The matter concerns the Prime Minister also. And we do not want the Prime Minister's integrity to be under a cloud. I have always made it a point to emphasise that it should be the concern of the entire House to see that the integrity of the Prime Minister is not under a cloud. Here a nexus was established between the Chief Minister of Haryana and the Prime Minister, and yet the Prime Minister of India did not think it necessary to get her name cleared through an impartial Commission.

These are the issues I am raising.

श्री मुक्तिपारसह मलिक (रोहतक)
क्या मंत्री महोदय बताने की कृपा करेंगे कि जो चाजिज श्री बंसी लाल के खिलाफ हमने मैमोरेंडम में लगाए थे उनके मुताबिक क्या यह सही नहीं है कि श्री बंसी लाल स्मर्गलिंग के केस के अन्दर गिरफ्तार हुए थे और लोहारू स्टेट जब वह बाकी मुल्क के साथ मर्ज नहीं हुई थी उस वक्त वहाँ वह केस रजिस्टर नहीं हुआ था और क्या यह भी सच नहीं है कि बाद में हाई कमांड

इन्टरवीयू और इंटरफीयरेंस पर उसको ड्राप कर दिया गया ?

त्रिगेडियर रन सिंह ने क्या यह सच नहीं है कि एक चिट्ठी लिखी थी जो इस मैमोरेंडम का एक एनेक्स है और उसके अन्दर उन्होंने लिखा था कि हरियाणा के चीफ मिनिस्टर अपोजीशन के एम एल एज को डिफैक्ट कराने के लिए या कांग्रेस के एम एल एज को अपने साथ रखने के लिए उनके हलको के अन्दर जा जा कर वहाँ पर पब्लिक जलसे उनके एजाज में कराते हैं और आफिशल मशीनरी का इस्तेमाल करते हैं और दस दस बीस बीस हजार रुपये इकट्ठे करवा कर उनके गले के अन्दर मालाए पहनाते हैं और स्टेज के ऊपर वह यह घोषित करते हैं कि एम एल एज को काम कराने के लिए चढ़ी-गढ़ जाना पड़ता है इसलिए इनको एक एक कार की जरूरत है और यह बीस हजार रुपये का जो हार आपने मेरे गले में डाला है वह रुपया एम एल एज को उन्होंने स्टेज के ऊपर दिया ? गुडगांव, नीलोखेड़ी, चरोडा, किलानीर आदि के अन्दर क्या इस तरह से चीफ मिनिस्टर के गले में बीस बीस हजार रुपये के हार नहीं डाले गए और उन्होंने कार के नाम पर क्या वह रुपया उन एम एल एज को नहीं दिया ?

क्या वह दुस्त नहीं है कि लक्ष्मी दास, एस पी हिसार जो कौम से हरिजन था उसको उन्होंने सर्कट हाउस में बुला कर वस आदमियों की मौजूदगी में कमीन और चमार कहा और इसलिए कहा कि जो उससे वह

केस वापिस करवाना चाहते थे उनको उसने वापिस करने से इन्कार कर दिया था— (इंटरप्राइज) क्या इससे चीफ...

सभापति महोदय : अगर यह मैमोरेण्डम में नहीं है तो इसका जवाब न दिया जाए ।

श्री बुल्लियार सिंह मलिक : हरियाणा के चीफ मिनिस्टर बदमिजाजी, अनसि-विलाइज्ड विहेवियर और इंडीसेंसी के शिकार हैं और वे एम एल एज तक को गालियां देते हैं । श्रीमती लेखा बती जैन, लाल सिंह जो कांग्रेस के एम एल एज थे उनको भी उन्होंने गालियां दीं क्या यह सच नहीं है और क्या यह आपके नोटिस में आया है ?

श्री छटल बिहारी बाजपेयी : मैं एक बुनियादी सवाल उठाना चाहता हूं । अगर किसी मंत्री या मुख्य मंत्री के विरुद्ध भ्रष्टा-चार के आरोप लगाए जाते हैं तो उनकी जांच का तरीका क्या होना चाहिये ? क्या भ्रष्टाचार कांग्रेस पार्टी का घरेलू मामला है या इस देश के सार्वजनिक जीवन का स्तर बनाए रखने से सम्बन्धित प्रश्न है ? हरियाणा के मुख्य मंत्री के खिलाफ निश्चित आरोप लगाए गए । हमारी दृष्टि में वे आरोप गम्भीर हैं । अब उनका निपटारा कौन करेगा ? मंत्रिमंडल की एक उप समिति को वे आरोप सौंप दिए गए । क्या यह तरीका गैर कांग्रेसी सरकारों के बारे में भी अपनाया जाएगा और अपनाया जाएगा या अपनाया गया है तो क्या उनको शिकायत नहीं होगी कि राजनीतिक आधार पर उनके साथ भेदभाव किया जा रहा है ? पंजाब में

दो एम एल एज ने भ्रकाली मंत्रियों के खिलाफ शिकायत की और कमिशन बन गया । उन में से एक एम एल ए रियासती जी जिन्होंने चंडीगढ़ में करप्शन के खिलाफ सम्मेलन करना चाहा था उनको उसकी इजाजत नहीं दी गई । मैं उस मामले को यहां नहीं उठाना चाहता । लेकिन दबे कमिशन बनने से पहले क्या यह सच नहीं है कि भ्रकाली मंत्रियों को वे चांजिज नहीं भेजे गए जो पंजाब के दो एम एल एज ने लगाए ? और क्या यह सच नहीं है कि एक दम दबे कमिशन बना दिया गया ? दबे कमिशन का निर्माण केन्द्र ने किया था । अभी तमिलनाडु के मुख्य मंत्री के खिलाफ आरोप लग रहे हैं । हमारे कांग्रेस के मित्र जांच की मांग कर रहे हैं । उन आरोपों में प्राइमा फेसाई केस है या नहीं यह केन्द्र कैसे तय करेगा ? क्या मंत्रिमंडल की उप समिति तय करेगी ? उप समिति में सभी कांग्रेसी हैं । होम मि-निस्ट्री ने एक कमेटी बनाई थी संतानम कमेटी जिस ने 103 पेज पर यह सिफारिश की थी कि राष्ट्रपति एक इंडिपेंडेंट जूरिस्ट्स का पैनल बनाए और उसको ये आरोप सौंप दिए जाएं और अगर वह पैनल यह अनुभव करे कि कोई प्राइमा फेसाई केस है तो कमिशन आफ इनक्वायरी एक्ट के अन्तर्गत एक कमिशन बनना चाहिये । लेकिन संतानम कमेटी की रिपोर्ट को बाई-पास करके मंत्रिमंडल की उप समिति ने हर मुद्दे के ऊपर जिसका मैमोरेण्डम में उल्लेख था क्या बंसी लाल जी से जवाब मांगा और क्या कैबिनेट सब कमेटी की फाइंडिंग ब्लैक एंड व्हाइट में हैं, अगर हैं तो क्या उन्हें सभा पटल पर रखा जाएगा

[श्री अटल बिहारी वाजपेयी]
ताकि सदन और देश यह विश्वास कर सके कि सचमुच में कैबिनेट सब कमेटी ने हर मुद्दे पर विचार किया था और उसने अपने को सन्तुष्ट कर लिया है कि कोई भी प्राइमा फेसाई केस नहीं बनता ? कैबिनेट सब कमेटी की फाईडिंग और मुख्यमंत्री का हर मुद्दे पर जबाब क्या सभा पटल पर रखा जाएगा ?

18 00 hrs.

क्या यह सच है कि हरियाणा के मुख्य मंत्री के विरुद्ध केवल इसलिए जांच नहीं की जा रही है कि उन की मारुति की पूछ की पकड़ में (अवधान) नई दिल्ली भी आ गई है ? जनता में यह सन्देह है और क्या यह सच है कि इस सन्देह का निराकरण तभी होगा, जब कि एक जांच कमीशन बनेगा ? अगर आरोपो में कोई दम नहीं है, तो एक जांच कमीशन बना कर हरियाणा के मुख्य मंत्री और नई दिल्ली में बैठे हुए नेताओं को इन आरोपो से मुक्त होने का अवसर क्यों नहीं दिया जाता है ? सरकार जितना इस मामले को दबाती है, उतना ही सन्देह बढ़ता है ।

SHRI K. LAKKAPPA : A Member belonging to this party is not here to defend himself against the charges that are made here. There are charges of corruption in the country. I also agree that public life and public administration should be clean. It is for that only that we are running this Government with a clean administration. (Interruptions) .

MR. CHAIRMAN: You put your question.

SHRI K. LAKKAPPA: There are charges today. I am one of the signatories to the

charges levelled against Mr. Nijalingappa, who is also his boss. There are charges against the Madras Chief Minister Mr. Karunanidhi (Interruptions)

SHRI E. R. KRISHNAN (Salem) : There is no allegation against the Tamilnadu Chief Minister ; I challenge it; he has unnecessarily dragged the name of Shri Karunanidhi . I challenge him, if he can prove it.

SHRI K. LAKKAPPA: Every charge is not dependent upon the bulk of the Members who signed the charge. It is the quality of the charges against the person concerned. My friend was saying that the bulk of the Members have made allegations. I feel there is no charges as they are explaining here today, except political vindictiveness. There are corruption charges against political leaders (Interruptions) They say that there are double standards adopted by the Government . I would like to know whether in the case of charges levelled against Mr. Nijalingappa and charges levelled against other Ministers in the administration, the same standard, the same rules and the same procedures were applied and, if so, what were the procedures that were adopted in those cases. . . (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : Sir, I would like to give certain clarifications that arise out of the observations made by the hon. members who have taken part in this discussion. Shri Shyamnandan Mishra started by saying that he was not bringing forth this question in a spirit of witch-hunting, but the manner he presented it and the observations he made actually go contrary to whatever he said in the beginning.

SHRI SHYAMNANDAN MISHRA : Because you have a guilty conscience.

SHRI RAM NIWAS MIRDHA : It is generally people with guilty conscience who find nothing but guilt in others. (Interruptions).

The first things he asked was, why was there such an inordinate delay in this case whereas in the case of Punjab an enquiry was ordered within three months. Sir, the same procedure was followed in the case of Punjab also. There was Governor's rule at the time and there was a preliminary enquiry conducted by the State Government. It was a result of that enquiry that a *prima facie* case was made and Government of India appointed a committee of enquiry.

SHRI ATAL BIHARI VAJPAYEE : Were charges against Punjab Minister referred to those ministers ?

SHRI RAM NIWAS MIRDHA : I will answer every point. The procedure we followed in the case was the same as the procedure we have been following in all other cases. The procedure broadly speaking is when such allegations are received, we refer them to the State Government, the Chief Minister concerned. We get his comments. If there is some doubt or vagueness about the replies, we make a further reference and try to clarify those things and when arrive at a decision. So far as the Akali ministers are concerned they were not in office at that time. When ministers are not in office, it is not our practice to refer the charges to them. The same thing was done in the case of Shri Nijalingappa against whom a chargesheet was given by Mr. Chennabasappa and 36 other MLAs. We did not refer it to Mr. Nijalingappa and others, because they were not in office. We referred it to the State Government. There was Governor's rule at that time. We got the comment of the State Government. We felt there was no *prima facie* case and we filed the whole things. (Interruptions)... In the case of Mr. Nijalingappa and Mr. Virendra Patil, we did not refer these charges to them because they were not in office. We referred it to the State Government and got the recommendations. Then

we filed the whole thing. This is again proof of the fact that we do not go by party considerations in matters like this.

We examine the whole thing objectively and it is only when we arrive at a certain conclusion that we take action... (interruptions)

As regards referring it to a Committee of Ministers, this is also a procedure which has been followed in the past in a number of cases... (interruptions) In the case of the memorandum of allegations against Shri Biju Patnaik and Shri Biren Mitra and other Ministers of the Government of Orissa in 1964, the then Prime Minister had requested some of his Cabinet colleagues to examine the matter, after getting the opinion of the Ministers concerned. A similar procedure was followed in examining the allegation made in 1964 against the Chief Minister of Mysore, Shri Nijalingappa and other Ministers of Mysore Government. Again a similar procedure was followed in examining the memorandum containing allegation against the Chief Minister, Shri K. B. Sahay and some other Ministers in Bihar in 1964. So, it is not something new that the Prime Minister appointed a Committee of Cabinet colleagues to look into it. This is a procedure which has been followed on a number of occasions previously. What I want to impress is that what has been done in this case is nothing out of the way, nothing unusual, this is the practice we have adopted in the past in handling charges of this nature.

Shri Mishra talked about the land acquisition notice and other things. I cannot say much on that. If the compensation paid is less, it is a legal matter, a matter pending in a court of law. Every notification issued under the Land Acquisition Act can be gone in appeal or a reference. I would not like to comment on the legality or illegality of any notification issued. It is open to any member to challenge it in a court of law. (interruptions).

Then Shri Mishra said that we have given the Chief Minister a clean chit while the Comptroller and Auditor-General is looking

nto it. I would like to read a portion of letter written to Shri Bhagwat Dayal Sharma in this context. The last portion of that letter says :

"However, to allay all possible doubts and suspicions, the State Government has remitted all the allegations to the Comptroller and Auditor-General for a further probe. Further action will naturally have to wait the CAG'S report."

SHRI SHYAMNANDAN MISHRA : They have been saying

MR. CHAIRMAN : There cannot be any cross-examination.

SHRI SHYAMNANDAN MISHRA : They have been declaring day in and day out that there is no basis for the allegations(interruptions)

SHRI RAM NIWAS MIRDHA : Shri Mukhtiar Singh Malik raised a number of points. I will not go into them (interruptions).

So far as Shri Atal Bihari Vajpayee's point is concerned, I have already said, why we appointed a Cabinet Sub-Committee, because this has been the procedure up till now. There is nothing unusual in this. We have done it in a number of cases . (Interruptions)

श्री अटल बिहारी वाजपेयी . सभापति महोदय, मैंने यह पूछा था कि गैर-कांग्रेसी मुख्य मंत्री के बारे में आप यही तरीका अपनाएंगे तो क्या आप पर यह आरोप नहीं लगेगा कि आप राजनैतिक भेदभाव और पक्षपात कर रहे हैं?

श्री बी० पी० मोदी : और आप यही तरीका अपनाएंगे तो क्या यह पक्षपात नहीं समझा जाएगा ? आप इस मदन का उपयोग राजनैतिक लाभ के लिए कर रहे हैं । बार बार यह प्रश्न मारुति का यहाँ आता है । मैं कहता हूँ अगर आप को इतना ही विश्वास अपनी बुद्धि पर है और अपनी जानकारी पर है तो क्यों नहीं अदालत में जाते ?

SHRI RAM NIWAS MIRDHA : Shri Atal Bihari Vajpayee wants to know why we

did not appoint a Commission and whether it will be misunderstood if we follow the same procedure for a non-Congress Chief Minister. My answer to that is that we have a law for appointment of Commissions and that law does not contemplate an automatic remission of every complaint of corruption that we receive, to a Commission. Under the law, there is a duty cast upon the Central Government that before it appoints a Commission, it has to feel satisfied that a *prima facie* case exists. It is not a case of automatic remission of any corruption complaint that we receive to a Commission. That is not the case. We are doing only what is laid down under the law. We must first satisfy ourselves that a *prima facie* case exists. We have set up Commissions of Inquiry only in cases where a *prima facie* case exists. We have not set up Commissions of Inquiry even when non-Congress Ministers or Chief Ministers are concerned, as in the case of Shri Nijalingappa. We have never taken a partisan or a political view of it.

In the end, I would submit..(Interruptions)

SHRI SHYAMNANDAN MISHRA : He told us in the beginning that he would be answering all the points. You will remember, Sir that I had asked whether it was proper for the Minister to give him a clean chit when the matter was under active consideration. Secondly, I asked, how many times the explanations and clarifications were sought from the Chief Minister of Haryana and how many times from other Chief Ministers and thirdly, why the Attorney-General was not consulted....(Interruptions).

MR. CHAIRMAN : No please.

SHRI RAM NIWAS MIRDHA : We consult the Attorney-General only when we are in doubt about certain things. When we are not in doubt, we take the decision on our own. We have done exactly what we have been doing in the past, as I have repeatedly mentioned in the House.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 12, 1973/ Phalguna, 21, 1894 (Saka).

18 18 hrs.