

रेल मंत्रालय में उपमंत्री (श्री बूढ़ा सिंह) :

(क) एक विवरण सभा पटल पर रखा है ।
[मंत्रालय में रखा गया/देखिये संख्या एल०
टी० 8647/74]

(ख) रकम की वसूली न होने का मुख्य कारण यह है कि ठेकेदारों ने शुल्क कम करने के लिए अभ्यावेदन दे रखे हैं और विवाद के कारण कुछ मामले न्यायाधीन भी हैं ?

Liquidation of its equity by M/s. Pfizers

3001. SHRI K. S. CHAVDA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Pfizers were asked to liquidate its equity from 75 per cent to 60 per cent in 1968 and they have been avoiding taking action in this regard all these years; and

(b) what action Government proposes to take against them?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI K. R. GANESH): (a) and (b) M/s. Pfizers Limited Bombay were allowed by the Government on 3rd December, 1970 that they should increase the Indian holding in the Company to 40 per cent by 10th June, 1975, without disinvestment. The decision of 1968 with regard to reduction in foreign-equity therefore stood modified to this extent.

Proposal to take steps against rigging of elections

3002. SHRI SAMAR GUHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Election Commission have made any proposal to Government for taking measures against rigging of election in future for Lok Sabha and Assembly Elections;

(b) if so, salient features thereof; and

(c) the facts about complaints regarding rigging of elections received by Government from various parts of the country?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. SAROJINI MAHISHI): (a) and (b). Even in the existing Election law, effective legal provisions do exist and further the Election Commission have issued necessary instructions to the authorities concerned to take adequate and effective steps to prevent rigging in elections. Besides, in the Bill introduced in the Lok Sabha on the 20th December, 1973, suitable amendments have been made to make the existing provisions in the Representation of the People Act, 1951 (particularly, in clauses 36 and 37 of the Bill) more effective in dealing with this matter after taking into account the recommendations of the Election Commission and of the Joint Committee on Amendments to Election Law in its Report, which was laid before Parliament on 13th March, 1972.

(c) Some complaints alleging rigging in elections have been made now and then since the fifth General Election to the Lok Sabha held in 1971.

These complaints pertain to the election propaganda by Government officers, ballot boxes being tampered with, use of official machinery, inauguration of projects and welfare schemes on the eve of elections, intimidation and coercion of voters, capturing of polling booths by armed men, etc.

12.00 hrs.

RE. IMPORT LICENCES CASE

श्री मधु लिवरे (बांग्ला) : अध्यक्ष महोदय, मेरा पायंट आफ आईडर है, मैं प्राप्ति करना चाहता हूँ और एक स्पष्टीकरण भी चाहता हूँ । अगर आप चाहते हैं, तो मैं इन तीनों बातों के बारे में कुछ शब्दों में एक साथ ही कह दूँ ?

MR. SPEAKER: About my ruling; I am not entertaining any comments.

श्री एच०के०एल० भगत (पूर्व इटली) :
अध्यक्ष महोदय, क्या तो आप ने कोई आइटम
नहीं लिया है। इस लिए कोई प्वाइंट ऑफ
आर्डर कैसे उठ सकता है ?

SHRI MORARJI DESAI (Surat):
Sir, my submission relates to the ruling which you have given, which I accept. I am the last person to question your ruling. But what I am saying follows from what you have said and I request you to follow up your own ruling. While you have said that a privilege motion does not arise with respect to the ministers because there is no deliberate violation of the assurance, you have been pleased to say that there may be a dispute that the assurance was not implemented fully or in due time and it can only be resolved by a debate in the House. When you use the word 'may', I consider that it is 'is' and not 'may'; otherwise you would not have said it. So, there is a dispute which is very clear. The assurance was total. You also have said that it was a categorical assurance that they will come to the House when the investigation is over before taking further action and take the House into confidence. Suddenly they go to the court without coming to the House. I do not want to say that they have flouted the assurance, but they have subtly gone round the assurance in order to escape a privilege motion. But it involves the honour of the House and my honour also. I have never risen in the zero hour after I have come to this side of the House. But I consider that it involves the honour of the House and it involves your honour also, if I may presume to say so. And, it involves honour of the Government too. The ministers have promised something to this House. Because the minister has changed his portfolio, it does not mean that his assurance cannot be carried out by the Government. The assurance was complete and categorical.

Nobody asked him to give that assurance. He gave it on his own accord. That means, the Government had given it. The Minister also gave it, which was also done by the Government. When the assurance is not fulfilled, I do not see how we cannot get help from you to see that the assurance is fulfilled. I only want it to be fulfilled to the extent that the CBI report, which was promised to us, on which they wanted to take the House into confidence, is placed on the Table of the House. How can anybody take the House into confidence without showing the report on which they want to take the House into confidence? It is absolutely implicit in it. If there is any common sense, nobody will deny it. Of course, they can deny anything they like; that is what they are used to. But that does not mean that you should be a party to it. That is why we look forward to you for help. What else are we to do? This has gone on for days and days. There has been a lot of noise created because of the attitude of the Government. That also has been inescapable. Now things have come to this and you have given the ruling. Therefore, I would request you to follow up the ruling and to see that the CBI Report is given to the House. Unless there is something which the Government wants to hide and it is derogatory to them, I do not see why they are dedging it. I cannot understand it.

It is also required for the privilege motion which you have practically accepted against Shri Tul Mohan Ram. There you have said there is a *prima facie* case. The *prima facie* case depends on the CBI Report; it does not depend on anything else. Therefore, unless that is given, how is the privilege motion also going to be discussed and how is it going to be considered? On all these counts, therefore, this is very much required.

The opposition has to perform a duty. In this the whole opposition is united. Even that part of the opposi-

[Shri Morarji Desai]

tion which sides with the Government sometimes is also united in this matter. How can this be flouted, I cannot understand. And if this is going to be continuously flouted, then I must say that no other course is left open to us except performing satyagraha in this House.

श्री मधु लिमये : अध्यक्ष महोदय, मैं आप के निर्णय को चुनौती देने के लिए नहीं खड़ा हुआ हूँ। उस को मैं स्वीकार करता हूँ। मैं और तीन मुद्दों पर आप का निर्णय चाहता हूँ, जिन पर आप ने निर्णय नहीं दिया है।

आप ने मैला-फाइडी के सवाल पर कोई रुलिंग नहीं दिया है। हमारी तरफ से कहा गया है कि नवम्बर की 11 तारीख को चार्जशीट दे वर केम को सबजूडिस वरना मैला-फाइटी एकट था। आप वह सकते हैं कि आप की राय में वह मैला-फाइड एकट नहीं था। लेकिन इस बारे में आप का रुलिंग होना चाहिए।

मैं ने कहा था कि तुलमोहन राम और सरकार दोनों मिल कर काम कर रहे हैं। तुलमोहन राम ने 14 तारीख को सबजूडिस की बात बही। उस के बाद सरकार और मन्त्रियों ने भी वही बात बही।

तुलमोहन राम के बारे में आप ने स्पष्ट निर्णय दिया है कि उस में सबजूडिस का कोई सवाल नहीं है। जब उा के आचरण के बारे में यहा प्रस्ताव आयेगा, तो उस प्रस्ताव पर बहुमत करने के लिए, और सही निष्कर्ष पर पहुचने के लिए, सी० बी० आई० की रिपोर्ट सदन के सामने रखना आवश्यक है। आप के रुलिंग के अनुसार ही मैं माग करता हूँ कि तुलमोहन राम के बारे में मेरा जो प्रस्ताव है, उस पर चर्चा कराने के लिए, और निष्कर्ष पर पहुचने के लिए, सी० बी० आई० की एव रिपोर्ट नहीं, सभी रिपोर्ट्स सदन के सामने आनी चाहिए।

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I wrote a

letter to you. I wanted to know how much of the statement made by Shri Brahmananda Reddy tallies with the copy of the report which you have in your possession. I had not the good fortune of receiving a reply to that. Therefore, it becomes a little suspicious and so it requires a thorough probe. I congratulate Shri Morarji Desai for coming forward and raising this issue. As very rightly pointed out by him, an assurance was given before this House to lay the report on the Table....(Interruptions) The Report was made available by the CBI on the 9th November and within two days, on the 11th November, they went to a court of law in order to deprive this House the opportunity of proceeding with the matter. Thirdly, in the CBI Report it is very clearly stated that four of them, namely, Shri Tul Mohan Ram, Shri Yogendra Jha, Shri Muthukumaraswami Pillai and Shri Nair went to Parliament House. The last two waited outside. The other two went inside, came out after some time and said that the signatures have been obtained. With the very limited intelligence that I have upstairs, I fail to understand one thing. If the signatures were forged, or most of them were forged, why did they go to Parliament House or the Central Hall? Why should they choose this place for forging the signature?

It has been now established that Mr. Tulmohan Ram, Mr. Yogendra Jha, Mr. Pillai and Mr. Nair, four of them came together to the Parliament House; two of them entered the Parliament House and two of them waited outside and, after some time, they came out and told the two persons outside that all the signatures had been obtained. That gives us a clear suspicion that many of the signatures are genuine and are not forged. I am now positive that the CBI has been given a report which has been drafted by somebody in the Prime Minister's Secretariat under the command of Mr. Gokhale. It is a

ery serious matter and the House cannot keep its eyes shut.

On top of that, your ruling, Sir, absolving all these gentlemen is not acceptable to us because the ruling does not face the reality that is in the country. We do not accept a ruling like that. I protest. I will raise the matter again and again, every day.

Further more, I have already given two privilege motions, one against Shri L. N. Mishra and the other against Shri D. P. Chattopadhyaya. I want to raise one of them today. I have already moved it last week. I want to make a submission on this.

SHRI VASANT SATHE (Akola): Sir, I am really sorry that the great leader, Shri Morarji Bhai had to take up cudgels today on behalf of the Opposition on a ruling which you have given and which is final.... (Interruptions). As a follow-up action on your ruling, you have already permitted the matter relating to Shri Tulmohan Ram being discussed in the House on a motion to be brought by the Opposition.

As far as the CBI report is concerned, more than once, you have stated that you have given no ruling for its being produced before the House.... (Interruptions).

SOME HON. MEMBERS: No, no.

SHRI VASANT SATHE: The Chair has said more than once that it is not for him and that it is for the Government to give or not to give the CBI report. That is what he has said.

Now, as far as the Government is concerned, the Government has already explained that they had never said that they would produce the CBI report before the House. All that they had said was that, after the CBI inquiry and investigation was over, they would take the House into con-

fidence which substantially has been done.... (Interruptions).

SHRI SHYAMNANDAN MISHRA (Begusarai): Who will decide that?

SHRI VASANT SATHE: It is for the House.

I beg to differ with the learned leader. Shri Morarji Bhai, that to take the House into confidence, it is essential that the CBI report itself must be produced. If we start this practice, the CBI inquiry will lose all its significance.... (Interruptions). We have heard them patiently; let them hear us also patiently.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): By suppressing the CBI report, they are creating doubts in our mind.... (Interruptions).

SHRI VASANT SATHE: The essence that has emerged from the CBI report, namely, the charge-sheet, has already been produced in the court. The Government went to the extent of even placing that before the House. So, everything that was material to Shri Tulmohan Ram's case has already been produced in the court. After all, this House is not going to convert itself into a criminal court. That charge, however strongly it may be put, cannot be of the nature of criminal liability where a man will be convicted and sentenced to jail. We cannot do that. In a privilege matter, the maximum that you can do is to terminate the membership.

SOME HON. MEMBERS: No.

SHRI VASANT SATHE: It cannot come as a privilege case because Mr. Tulmohan Ram's case will not fall within the purview of privilege. If at all, it will be a matter for a Parliamentary Committee which can take action for his misdemeanour. We have said here that we are willing to discuss it fully and all the material that is necessary for such a committee.

[Shri Vasant Sathe]

for such a discussion is before us produced by the Government. It is utterly tendentious to make it a prestige issue now to ask for the CBI report and also to threaten the Parliamentary institution and democracy with satyagraha by a leader like Shri Morarji Desai.

SHRI H. K. L. BHAGAT (East Delhi): We have very great respect for Shri Morarji Desai. We are happy that today he has come forward and spoken. But I would submit that he has given an absolutely incorrect appreciation of your ruling. We have heard him and I am speaking on the basis of what he said. He himself says that the assurance for giving the CBI report is implicit; thereby, he admits that there has been no explicit assurance that the CBI report will be placed on the Table of the House into confidence, which has been done.

Table of the House; Shri Morarji Desai himself admits that. The Government has only said that they will

Secondly, the CBI report as such—which is a report in accordance with section 173 of the Cr. P. C. has been placed on the Table of the House. It has been filed in the court.

Secondly, the report contains the gist of the statements of the witnesses, the evidence, the charges, the accusations and the accused. It is a detailed report running into several pages. This has already been done. It is there. All of you have got it. That report is there. That is very much adequate for the purpose of a discussion in this House.

As I have repeatedly submitted, what is a CBI report? .. (Interruptions). The 'report' is a legal connotation as defined in law...

SHRI JYOTIRMOY BOSU: Mr. H. K. L. Bhagat has just now said that the evidences and details of statements have been circulated. All

that I wanted to tell the House is that the CBI charge-sheet, only the charge-sheet, together with a seizure list has been circulated to the House and also a list of persons who may be involved in giving evidence and nothing else. Mr. Bhagat is deliberately misleading the House. It is a matter of deep regret.

SHRI H. K. L. BHAGAT: So, what I am respectfully submitting is that the report is a legal connotation and in accordance with the express expression used in Section 173, Cr. P.C., the investigating officer, after he has completed the investigation, will submit a report to the court in accordance with the prescribed form and, in that report, if you see, the gist of the evidence is given. It is mentioned that so and so has said this and so and so has said that and that is why these people are being prosecuted. My respectful submission is that the report which under the law could be given has been given.

Now, I go further. What are they asking for? Now, apart from the report, what is there in that investigation? One is the case diary and then, the statements of witnesses and FIR. All this has been given. What is a case diary? You know it very well. Even the statements of witnesses do not become statements unless they go to a court of law and depose. These statements are not admissible in evidence in accordance with the provisions of Sec. 162 Cr. P.C. Morarji Bhai is aware of that, that these statements cannot be used. They are barred under the law. They can be used only for one purpose and that is for the purpose of cross-examination of witnesses when they depose in a court of law. This Parliament, sitting here, cannot go into statements which are not admissible, which a man can say or is free to say is not his statement. This Parliament cannot comment on it that this man is speaking truth or speaking half truth or untruth or that he is a liar. How can that be done?

Then, the case diary cannot be given. It is not given even to the accused.

This charge that the CBI report has not been given to them is a politically motivated charge and this threat of *Satyagraha* is a deliberate one and is a part of the campaign to destroy and weaken the democracy. I am sorry that Morarji Bhai has also fallen a victim to it. Several hon. Members rose.

SHRI S. A. SHAMIM (Srinagar): Please permit me. You will call only leaders of parties. I was recognised as a leader by the Deputy Speaker. I have as much right as Mr. Vajpayee and others. I was declared elected by a greater number of votes than Mr. Vajpayee. Mr. Guptaji, please let me have my submission.

With your permission I will request the entire House to hear me for a minute. I do not have a body of members behind me to shout on my behalf. This country has so many sacred cows which are not to be mentioned. Supreme Court is one. Then there are the courts. Then this Parliament, of course, is there and then the President and my friends are now trying to create another one in the name of CBI, that no aspersions should be cast on CBI... (*Interruptions*).

Now, the whole case is built up that the CBI agency should as such should be, like Caesar's wife, above board. I want to bring to your notice two pieces of information. One is that I happened to meet a CBI officer who refuses to disclose his identity but we did confirm that he was associated with this inquiry...

SHRI VAYALAR RAVI (Chirayinkil): No, no. He cannot say that.

PROF. MADHU DANDAVATE (Rajapur): He has not mentioned any name.

SHRI S. A. SHAMIM: They do not hear what he said. He said that the

report cannot be presented. But what he said was that the story that only two signatures were validly made is not a correct one, that all the signatures are correct signatures. That is one.

Secondly, for your information, I am in possession of the CBI report. I seek your permission. If you like, I will give that copy to you and you lay it on the Table. I have said it earlier and I repeat it that the copy of the CBI report, the 300-page report I have. You either confirm or deny it. I have got it....

SHRI MADHU LIMAYE: You read from it. Speaker's permission is not necessary.

SHRI S. A. SHAMIM: Not at this juncture. I only wanted to tell you that I have got it. You can lay it. I will give it to you. It is upto you now.

The case that they were forged signatures is not a correct story. All the signatures have been genuine signatures and all this story has been cooked up when they found that so many Members of Parliament will be implicated. Therefore, Sir, the CBI should not be given this right to sit over this Parliament.

SHRI INDRAJIT GUPTA (Alipore): It was my misfortune that I could not be present here when you gave your ruling.

It follows from your ruling that the fundamental matter which is at issue has not yet been settled conclusively as you yourself have admitted in the ruling. That fundamental issue is: whether or not a solemn assurance or assurances given on the floor of the House can be implemented, whether the Parliament has got the power to get such an assurance implemented in full or not. That is the question at stake. I am more concerned, not with the technical and legal niceties of it, but the fact that the image of Parlia-

[Shri Indrajit Gupta]

ment is being denigrated in the eye of the public, the sovereignty of Parliament, its capacity to see that the assurances given on the floor of the House are implemented fully and in time, as you had occasion to mention here—whether that capacity rests in the Parliament or does not rest. That I consider is a very serious matter on which the whole future of parliamentary institutions in this country may depend. That is the reason why I also to-day find myself on this point, though I do not normally do, in the company of Mr. Morarji Desai, baring his threat about *Satyagraha* and all that about which we will see later on.

SHRI ATAL BIHARI VAJPAYEE: He is coming

SHRI INDRAJIT GUPTA: He is quite correct when he says that the honour of the Parliament, the honour of every Member of Parliament, the honour of the Government and, in all humility, your honour as Speaker of this sovereign Parliament and of this Lok Sabha is at stake.

How is that going to be solved? You have said quite categorically in your ruling—

“As I stated in the House on the 12th November, the assurances given by the Home Minister and the Law Minister. . .”

—which you have earlier quoted—

“were categorical and the Government were bound by them.”

Then, Sir, you have absolved them of the privilege question by saying that they did not deliberately do anything, either decline to implement the assurance or any other thing. One cannot question the ruling. Then you said:

“There may be a dispute that the assurance was not implemented fully or in due time, and it can only

be resolved by a debate in the House.”

And then you said:

“The House knows that it has various remedies available to it to call the Government to account and secure compliance with its directions.”

I assume by this you mean that we have the remedy open to ask for a discussion by tabling a Motion, which does not necessarily mean that that will secure compliance with the directions of the House, because, as you know, such motion would naturally be voted out by the majority here. In this part of your ruling you have clearly indicated to us that ‘there may be a dispute’—legitimately there may still be a residual dispute left over—even after the question of privilege has been decided by you, namely, whether that assurance was implemented ‘fully or in due time’. Now this is a very disturbing question because none of us wants that the public at large, the people at large in this country should get any impression that only half of the assurance is implemented and that parliament is incapable of getting it fully implemented and so only or that Government is trying to hide something. I don’t know what they want to hide.

I can understand one point and my friends, Mr. Sathe and Mr. Bhagat perhaps implied this, as I have understood them saying that it is undesirable that reports of the CBI should be laid on the Table of the House. Now, Sir, the question would not have arisen in this case but for the assurances which were given. It is only because an assurance was given—of course, they did not say in so many words that the Report will be laid on the Table,—that is not there, that is true. But, Shri Uma Shankar Dikshit, the then Home Minister said this:

“The first thing that we will do is to come to Parliament and say,

this is where we have arrived; please tell us what we should do. It is only after that, according to the wishes of Parliament, that we will proceed. We are not closing the door for further investigation by Parliament."

This is what you have quoted in the course of your ruling. I hope my friends will take an objective view of this thing, in terms of this specific assurance given by the Home Minister at that time. Any fair line of interpretation would lead us to the conclusion that he led the House to believe that the report of the investigation would be made available to the House and that the House would advise the Government as to how to proceed in the matter. You yourself stated in the ruling categorically that 'propriety demands that the Government should have made a statement in the House on the 11th November and taken the matter to the court thereafter', which they did not do. I do not wish to labour the point any further. Our suggestion would be what we have been making repeatedly from our party at various times during the last two weeks that it is inescapable now. I do not for a moment suggest that CBI reports in future also should be laid and this will become a precedent. I am willing, on behalf of my party, to abide by any particular procedure which you may suggest by which the House and the Government can be assured that in this particular case it will be made categorically clear—it may be in the form of another ruling by you, Sir,—that this will not constitute under any circumstances 'a precedent for the future'. But, in this particular case, there is no escape. And, in view of the ruling that was given, I repeat, there is no escape. Therefore, we have been suggesting that this can be looked into by a committee where all the different parties and opinions are represented, a Committee over which you would preside. At least that committee must be given unrestrained

access to the entire report and not only Part I or Part II or whatever it is. When Mr. Shamim who says he has got the report, authenticates it and lays it on the Table of the House, then it will become the property of the House in any case.

What will happen then? Therefore, from the broader view-point and interest of defending the sovereign right of Parliament *vis-a-vis* assurances given on the Floor of the House and to see that the reputation and dignity of the Parliament is not denigrated in the eyes of the public outside, you must as a follow up of this ruling advise and help us to see how that report can be made available so that we can not only tell to the people in the country that we have been able to assert our supremacy and been able to secure implementation of the assurance given but also that will make the other debates in future regarding Mr. Tulmohan Ram's conduct really meaningful and purposive without which it will not be possible.

SHRI N. K. P. SALVE (Betul): Sir, a cool and objective approach is required to ensure that the image of Parliament is not denigrated. I ardently hope that this occasion and the concession which you allow to different Members to make their submissions would not be abused by flaunting invectives on one and another. First and foremost, I really wished Shri Indrajit Gupta had done better than hunting with the hound and running with the hare. I really wish he could understand what exactly his party wanted.

SHRI INDRAJIT GUPTA: Who is the hound and who is the hare?

SHRI N. K. P. SALVE: If Shri Indrajit Gupta cannot know who is the hound and who is the hare it is

[Shri N. K. P. Salve]

his misfortune. I cannot enlighten him about this here. Be that as it may, I think, it is no longer a question whether the CBI report is to be tabled or not to be tabled. The more basic issue is whether we have to abandon all the rules of procedure and the conventions which have been holding good for all these years in Parliament or do we have to run this Parliament under sheer intimidation. (Interruptions).

Sir, if we are in majority here it is as a result of elections. People have voted us here. It is not at opposition's mercy and charity.

I beg to submit for the consideration of Shri Morarji Desai. He has been connected with judiciary and he has known the due process of law.

Sir, it could be his view; it could be the view of Shri Indrajit Gupta and it could also be the view of the entire Opposition that implicit in the assurance given by the Home Minister was an undertaking to place the C.B.I. Report on the Table. It is their view of the matter. Shri Indrajit Gupta also said that it is implicit; it could be one view of the matter that it has to be tabled. There could also be another view of the matter that it is not implicit. Are we debarred from holding the view that it is not implicit as such in the assurance? An undertaking is, in fact, not implicit to that effect. And, if there is a controversy, can this House not decide that it has to be resolved—not by having a *satyagraha* but in accordance with the rules and procedures laid down by Parliament? Sir, it is an accepted convention of Parliament that if Parliament has any controversy, it has to be resolved by debate. The Parliament will be denigrated not because the C.B.I. Report is not tabled but because they are threatening to abandon all the conventions and rules of procedure which have held the field for several years.

So, my respectful submission is that your ruling which is absolutely clear is binding on one and all in this House. And if they want to challenge the ruling and defy it in this House, we make it clear that this intimidation of *satyagraha*—not once but hundred or thousand times—is not going to intimidate us. We shall abide by whatever you decide in the matter.

MR. SPEAKER: They started to make one submission. And now everybody wants to make a submission.

श्री अटल बिहारी वाजपेयी : आपने अपने फैसले में यह बात स्वीकार की है कि सदन श्री तुलसीमोहन राम के आचरण पर विचार कर सकता है। मैं आपका एक अंश उद्धृत करना चाहता हूँ।

"These allegations of bribery and forgery which have been *prima facie* established by the C.B.I. are certainly very serious and unbecoming of a Member of Parliament, and he may be held guilty of lowering the dignity of the House".

आपने कहा है कि प्राइमस फेसई केम है। लेकिन उसका आधार क्या है। उसका आधार सी० बी० आई० की जांच है। उस जांच की रिपोर्ट सदन को बताई नहीं गई है। जांच रिपोर्ट को आपने भी देखने से इन्कार कर दिया, क्योंकि आपने कहा कि मैं इस झगड़ में नहीं पड़ना चाहता। मैं समझता हूँ कि आपने ठीक ही किया। यह मसौदा लोकतंत्र की परम्परा नहीं है, परिपाटी नहीं है कि सदन के किसी सदस्य के आचरण का मामला कोई बाहर की एजेंसी देखे। और फिर उस प्रश्न पर सदन विचार कैसे कर सकता है। तब तक सदन के सामने सी० बी० आई० की जांच की पूरी रिपोर्ट न हो।

मैंने पहले आरोप लगाया था और मैं उसे दोहराना चाहता हूँ कि कुछ मन्त्रियों को, सरकारी अफसरों को बचाने के लिए श्री तुलसीमोहन राम की बाल का बकरा बचाया जा रहा है। इस सदन

का अध्ययन होने के नाते क्या यह देखना आपका कर्तव्य नहीं है कि श्री तुलमोहन राम के साथ क्या हो ? क्या आप सी० बी० आई० को इस बात का मौका देंगे कि वह श्री तुलमोहन राम को ऐसे मामले में फंसा दे जिस में और मंत्री फंसे हुए हैं और जिन मंत्रियों की सहमति के बिना श्री तुलमोहन राम लाइसेंस प्राप्त नहीं कर सकते थे ?

गृह मंत्री के आश्वासन की आपने चर्चा की है और आपने कहा कि उन्होंने जानबूझ कर सदन को गुमराह नहीं किया। आपने उनको उद्धृत किया। उनके वक्तव्य का अंश इस प्रकार है :

"The investigations did not disclose that any of the officers who dealt with the matter were involved in the commission of the offence."

इसके पश्चात् गृह मंत्री द्वारा दी गई सफाई का एक भाग आपने उद्धृत किया :

"In the course of investigation no evidence became available to corroborate the statement of Shri S. N. Pillai. It was this intention which I had communicated in my statement and nothing more should be read into my observation."

क्या केवल गृह मंत्री का कह देना काफी है ? गृह मंत्री ठीक कह रहे हैं या नहीं इसका फैसला बिना सी० बी० आई० की रिपोर्ट देखे कैसे हो सकता है ?

आपने कहा है और मैं श्री इंद्रजीत गुप्त से सहमत हूँ।

"The House knows that it has various remedies available to it to call the Government to account and secure compliance with its directions."

अब क्या रास्ता है ? लाइसेंस कांड की चर्चा कराने के लिए पिछले सत्र में हमें क्या कुछ करना पड़ा, मैं उसकी याद दिलाना नहीं चाहता हूँ। अब सी० बी० आई० की रिपोर्ट लेने के

लिए आप बताएं कि हम क्या करें। अगर प्रस्ताव लाएंगे तो बहुमत से उसको ठुकरा दिया जाएगा। क्या सच्चाई का फैसला बहुमत के बल पर होगा ?

विधि मंत्री ने जो आश्वासन दिया था उस में केवल यह नहीं था कि हाउस को कन्फिडेंस में लिया जाएगा। उन्होंने कहा था :

"After the results of the investigation are available, we shall take the House into confidence. The whole matter is open to the House to consider at that time."

क्या मामला खुला हुआ है ? आज कहा जा रहा है कि मामला अदालत में है, सब जुड़िस है, इसलिए इस मामले में पार्लियामेंट कुछ नहीं कर सकती है। क्या यह आश्वासन को पूरा करने का तरीका है। आज श्री मुरारजी देसाई ने यह मामला उठाया है। उन्होंने कोई धमकी नहीं दी है। हमारे कांग्रेस के मित्र यह बताएं कि ऐसे मामले में जिस में उनका सम्मान भी जुड़ा हुआ है, जिस में कांग्रेस के सदस्य श्री तुलमोहन राम की प्रतिष्ठा दांव पर लगी है

श्री वसंत साठे (अकोला) : चर्चा का लीजिए।

श्री अटल बिहारी वाजपेयी : चर्चा किस आधार पर करें ? सी० बी० आई० की रिपोर्ट के बिना कोई चर्चा नहीं हो सकती है। अगर हम सामने कोई उपाय नहीं है तो आप बताएं हम क्या करें। क्या उपाय का मतलब यह है कि बहस हो जाए और मतदान से हमारा प्रस्ताव पराजित हो जाए ? वह दबा नहीं होगी क्योंकि फिर भी यह सबाल खड़ा रहेगा कि सी० बी० आई० की रिपोर्ट क्यों नहीं आई। आप सभी समाचारपत्रों के सम्पादकीय लेख पढ़ लें, आम आदमी से सड़क पर जा कर बात कर लें। सी० बी० आई० की रिपोर्ट सरकार पेश नहीं कर रही है, इसलिए सरकार का मुंह जनमत की दृष्टि में काला हो गया है और यह कालिख हमारे मुंह पर भी लग रही है। इसका इलाज

[श्री मटल बिहारी बाजपेयी]

एक ही है कि सी० बी० आई० की रिपोर्ट आए। अगर ऐसा नहीं होता है तो फिर हमें ऐसा तरीका अपनाना पड़ेगा जो हम अपनाना नहीं चाहते।

श्री मुरारजी देसाई को बधाई देना चाहता हूँ कि आज प्रतिपक्ष के प्रवक्ता के रूप में, नेता के रूप में उन्होंने हमारी भावनाओं को प्रकट किया है। उन्होंने जो कुछ कहा है वह हम करके दिखाएंगे।

SHRI C. M. STEPHEN (Muvattu puzha): I feel it is most unfortunate that a matter which was laid at rest by prolonged hearing on the floor of the House and a final ruling by you is sought to be raked up in a manner which is extremely uncomplimentary as far as parliamentary procedure is concerned. There are now two aspects to this question. One of the arguments raised by the other side is that by way of implementation of the assurance, the CBI Report has got to come on the Table. The other aspect is that if it is not so brought, then some extra-parliamentary action will be resorted to get it on the Table of the House.

With respect to the first, my humble submission is that your ruling is absolutely clear. You had said:

"As I stated in the House on the 12th November, the assurances given by the Home Minister and the Law Minister were categorical and the Government were bound by them. However, it is not the case of the Ministers that they would not fulfil them. Indeed, though a little later, they have come to the House and have placed before the House the gist of the inquiry held by the CBI, the chargesheet filed in the court against the accused and have explained the manner in which the assurances have been fulfilled."

I underline the sentence from your ruling; you said:

"There is therefore no question that the Government have deliberately declined to implement the assurance."

With respect to this assurance the Government has taken a stand. The stand is that the assurance does not include the production of the CBI report. After hearing both sides, you have come to the conclusion that there was no question that the Government have deliberately declined to implement the assurance, implying thereby that the production of the CBI Report is not part of the assurance. Otherwise you would have said that the Government continued to deliberately violate the assurance. Since the production of the CBI report is not part of the assurance, you have given that ruling. You have not closed the matter; you say that there may be a dispute that the assurance was not fully or in due time implemented and that it might be resolved by a debate in the House. In any democracy, the only way to settle differences between two sides is by a debate and a discussion and nothing else. You have said so in spite of the fact that there is a machinery under the rules which is empowered to go into this question, because of the peculiar nature of the circumstances in this case.

Coming to the Tulmohan Ram issue you said that it might be discussed. Therefore the two questions are open for discussion in this House. One is whether the production of the report of the CBI in this House is or is not a part of that assurance. So, you have allowed a discussion with respect to this and the other aspect also. The Opposition are not prepared to avail of the opportunity so provided by you. They are not prepared to initiate a discussion or move any

motion. As I submitted yesterday, even if you decide it could not be produced because there is no rule which compels any body to produce anything on the Table of the House; the Table of the House is not a waste paper basket for anybody to send any rubbish; it is something more sacred. There must be a motion before this House, and then there can be a discussion. The fact that the Government has nothing to hide is evidenced by the fact that the Government had passed on this to the Speaker and said: here it is; if you feel that the rules permit it, you may give a direction and it will be produced. The Government is not withholding it. Nobody can say that it should be produced, because it will be contrary to the rules. The Speaker does not have the authority or jurisdiction under the rules and nothing like this can be ordered unless the rules permit. It is not the Speaker's position which should decide whether it should be produced or not. Much more important is the statement made by Mr Morarji Desai. There is an honest difference of opinion between two sides.

Shri Morarji Desai has said that he will get something done not through discussion, debate or dialogue but by pressure and coercion. He said, he will hold up the proceedings of the House. If this is accepted, anything that the opposition wants can be got done by this method. This is the crucial question. The question whether CBI report must be produced or not pales into significance. The question is whether any faction or group can be permitted in a democracy to come to the Parliament and say, we will get it done by satyagraha and forcing you to do it. That challenge has got to be faced. This Parliament shall not be cowed down by this. Nothing will be produced and it will be resisted.

PROF. MADHU DANDAVATE:
Sir, I wish to bring to your notice that the conduct of this House is gov-

erned by a number of aspects and I would like you to take all of them into account. In the conduct of this House, conventions are important; rules of procedure are important; matters of privilege are important; even matters of propriety are important. I shall make a brief reference to what Shri Morarji Desai has said about satyagraha. All of us who have accepted the teachings of Mahatma Gandhi always believe that in order to complete a democracy, parliamentary practices are to be supplemented by the spirit of satyagraha. Otherwise, democracy is never complete. Gandhi, in relation to Parliamentary practices has said that unlike the west, in this country the process of democracy can be completed by supplementing the parliamentary processes by the spirit of satyagraha outside. Therefore I would like to point out that conventions are important. You have rightly said there is full freedom for the House to debate the issue. But if your ruling is to be implemented effectively, no effective debate is possible unless the basis is provided by the CBI report. One more element has been added by Mr. Shamim, who has said, he is in the possession of the CBI report and even that report will come before you in right time. You have said in your ruling:

"Nevertheless, I should see that propriety demanded that the government should have made a statement in the House on the 11th November when the present session commenced and taken the matter to the court thereafter, particularly when the case was instituted in the court on that very day, 11th November."

13.00 hrs.

Some of us have been repeatedly saying that on a number of occasions impropriety has been committed by the members of the ruling party. You have often said that a privilege is not attracted but there is a breach

[Prof. Madhu Dandavate]

of propriety. I have said on a number of occasions that you have to evolve a mathematical formula as to how many improprieties are equivalent to one breach of privilege. This is one more occasion on which a breach of propriety has been committed.

Therefore, in order that a free and frank debate should take place, the CBI Report should be made available. If it is not available to implement your own ruling what is the remedy that is left to the opposition. Gandhiji has always thought of satyagraha if the parliamentary methods failed in independent India, free India, in Young India. In the *Harijan* he had written that a time may come even in free India, where the rulers misbehave, when satyagraha will have to be resorted to. That might not be in tune with the new Gandhi, that is, Indira Gandhi, but it is in tune with the teachings of Mahatma Gandhi. We want the CBI report to be discussed and it is in that context the threat of satyagraha has come. So, I would like you to meet all the leaders of the opposition and the ruling party and find out a way by which the CBI Report can be brought before the House so that a full-fledged debate of the whole issue can take place in this House.... (Interruptions).

PROF. NAVAJN CHAND PARASHAR (Hamirpur): Sir, I invite your attention to rule 352(viii) which says:—

"A member while speaking shall not—

.... (viii) use his right of speech for the purpose of obstructing the business of the House."

The proceedings of this House are meant to be conducted in an orderly manner. It is very unfortunate that a senior member has given the threat of satyagraha to block the proceedings of the House if a certain thing is not laid on the Table of the

House. Sir, you in your wisdom have given a ruling which is binding on all sides of the House. We will submit to it like the members on the other material for it? Does your ruling block the proceedings of this House if a certain thing is not done, it is a threat to parliamentary democracy and it is a challenge which we are ready to face both here and outside. We would not like the proceedings of this House to be obstructed by the threat of one member or by the congratulation of another member.

SHRI SHYAMNANDAN MISHRA: After the statement of the hon Member, Shri Shamim, the matter has indeed become very serious and I would implore very sympathetic consideration by the hon. Members of the Treasury Benches of some of the points that we have humbly urged in this connection. It appears that the hon. Member, Shri Shamim is in possession of the entire report of the CBI. He has given a hint that in fact our hon friends, who were alleged to have been associated with the memorandum are not, after all, really exonerated.

So, the substantive matter remains, that is, whether these 21 Members were really associated with that document, with that memorandum, or not and whether the forgery has been committed by only one Member or has been committed by the entire lot of 21 Members.

In fact, I did not go mainly by the report of the CBI but mainly by the assertions, the denials, that had been made by 21 Members. I would largely go by their statements of denial. It is in their own interest, in the interest of the ruling party, to get their names cleared finally. That is not being done. So, the main duty of Parliament to ascertain the truth about the association of these Members with that memorandum remains.

Then, there is also another substantive matter that remains, whether

there has been ministerial responsibility and the official responsibility in the matter. Sir, you will be pleased to recall that when the debate took place during the last session the question raised was not only whether these Members were associated with that memorandum or not but also whether the ministerial responsibility and the official responsibility was attracted or not. My hon. friend Shri Atal Bihari Vajpayee, who moved the motion made certain charges against the Minister who had dealt with this matter. In fact, the whole House looked forward to the report of the CBI from this point of view, whether there was ministerial responsibility involved in this or not, whether there was the official responsibility involved in this or not.

Now, we do not go for the heads of the officials. If any, it must be the ministerial head. Any Minister worthy of his position and honourable possibility squarely and he will not enough will himself accept the residue it away on the shoulders of the officials. In fact, in parliamentary system, we are concerned with the ministerial responsibility. In this case, that matter also remains.

Some of the hon. Members have tried to tell us, "If the gist of the document has been given to you, why do you complain and murmur?" May I ask them: Who will determine whether the gist contains the distillate of all the findings of the CBI? I ask you in all humility at my command whether the gist contains the distillation of all the findings of the CBI. That can be determined only on the basis of the report of the CBI.

Now, after all the experience that we have had in this matter that the Minister makes a clear and categorical assurance that he would come to the House and the Minister goes to the court, after all that, would my hon. friends there seriously suggest to us that we should believe them? Would you ask us to believe you?

Here is a trickery, a fraud, perpetrated on Parliament that the Government goes to the court after giving an assurance to the House that they would come before the House.

It is not an ordinary ruling that the honourable Speaker has given. The honourable Speaker has found the Government guilty of impropriety. What that impropriety means? When it comes to an institution like Government, any Government, on the basis of your ruling, would have come forward with resignation then and there when being heard about it because this sticks to them.

Then, the House gave two options to the Government. The first course is that you must produce the document in consonance with the assurance that you have given to the House. There is the other variant, a moderate variant, which was given by my hon. friend, Shri S. M. Banerjee and Prof. H. N. Mukerjee. The two options have been given. You do not accept any option, either produce the document for the entire House or produce the document for the consideration by a Committee of the House, if you think that the entire matter should not come into the open. Now you are not even prepared to do that. Then your ruling would remain only non-ruling. Ruling means that it has to be observed in all its implications. Now the ruling is that two discussions can take place, one on the adequacy or inadequacy of the information supplied and the other on the conduct of an hon. Member. If this document is not produced, it is our humble submission, the discussion cannot take place. How can the discussion take place? How are we to judge? Then, your ruling would be construed to mean, when it comes to discussing the conduct of the hon. Member, Shri Tulmohan Ram, that we should only go on mounting attack on him. If I have to defend the hon. Member, Shri Tulmohan Ram, where is the material for it? Does your ruling only amount to mounting an attack

[Shri Shyamnandan Mishra]

on him? It may well be that that source material, that mother document, the report of the CBI, might contain many aspects which might go to the defence of the hon. Member, Shri Tulmohan Ram. We are not after the blood of this Harijan member of this House....

SHRI N. K. P. SALVE: If he has any serious intention of defending Shri Tulmohan Ram, then I can suggest a way out. He should call for the man and take his instructions; then he will be able to defend him much better than by reading the CBI report.

SHRI SHYAMNANDAN MISHRA: He belongs to the worker section of the community and he, indeed, deserves all the sympathy and commiseration that we can muster. We would like to have all the material which can go to defend him.

Finally, Mr. Speaker, some hon. Members have taken objection to *satyagraha*. I ask them: what does *satyagraha* mean? Does *satyagraha* mean intimidation? No; it never means that. *Satyagraha* only means that we are going to stand on truth. Now, the hon. Members from the other side say: are we going to be coerced by the minority? No. I agree with their proposition. But, by the same token, I ask them: should we be coerced by the majority? Mr. Speaker, it is said here that a debate can take place in the House and the debate will lead to ascertainment of House in the presence of the hon. Member, God forbid, from this side of the House is beaten by an hon. Member from the other side of the House in the presence of the hon. Speaker who has no eyes or ears, and if it has to be decided by majority, then we would get beaten all the time. I have submitted to you on many occasions that, in this House, even murders may be decided by majority. Therefore, Sir, my humble submission to you is that you should exercise your own discretion. I do

not agree with the view that the hon. Speaker is so helpless in this matter, as my hon. friend from this side would like to suggest, that the Speaker cannot direct. The Speaker can direct and here is one occasion when a direction from the Chair is needed. Otherwise, this House would be reduced to a great force. My hon. friends may bear in mind that this side of the House may be small in number as has been mentioned by them, but we do represent, in terms of the electorate, 56 per cent of the electorate, and we cannot be stifled like this in this matter.

अध्यक्ष महोदय : रोज इसी तरह से चलता है —सदा-दो, ढाई बज जाते हैं— इस तरह से कैसे चलेगा । रोज यह नहीं चलना चाहिये ।

श्री मधु लिमये : सरकार के दिमाग को ठीक कीजिये, सरकार को सुधारिये ।

अध्यक्ष महोदय : मैंने तो रूलिंग दे दी है ।

श्री मधु लिमये : मुझे सप्लीमेन्ट्री रूलिंग चाहिये । दो-तीन नये मुद्दों पर मुझे आप की रूलिंग चाहिये, इस लिये मुझे प्रस्ताव मूव करने दीजिये ।

SHRI SHYAMNANDAN MISHRA: We have come to a dead end

SHRI MADHU LIMAYE: I want a supplementary ruling.

SHRI JYOTIRMOY BOSU: I want a clarification...

MR. SPEAKER: I am not allowing

What I propose is that we may take this up tomorrow. Meanwhile I do not accept anything, except what is already there. I cannot accommodate all of you before lunch time. We will take this up tomorrow.

Now, we adjourn to re-assemble after lunch at 2.15 p.m.

13 18 hrs.

The Lok Sabha adjourned for Lunch till Fifteen Minutes past Fourteen of the Clock.

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The Lok Sabha reassembled after Lunch at Eighteen Minutes past Fourteen of the Clock.

[MR DEPUTY-SPEAKER in the Chair]

MR DEPUTY-SPEAKER Now, Papers to be laid .

श्री मधु लिमये (बाका) उपाध्यक्ष जी, मेरी आपसे विनम्र प्रार्थना है और एक व्यवस्था का सवाल है । कल जब मैं सिक टैक्सटाइल ग्रन्डटेकिंग के बारे में .

MR DEPUTY-SPEAKER That is not coming up today

श्री मधु लिमये मैं आप की रुलिंग चाहता हूँ, आप को ही रुलिंग देनी थी ।

MR DEPUTY SPEAKER Why not raise this when it comes up tomorrow, when this Bill comes up tomorrow?

श्री मधु लिमये बिल तो नहीं पता कब आता है । लेकिन मैंने जो मामला उठाया उस पर रुलिंग नहीं आयी । मैं रुलिंग चाहता हूँ । बिल का उस स कोई सम्बन्ध नहीं है । मेरा स्टैंचुटरी रिजोल्यूशन से सम्बन्ध था, उस पर वोटिंग खत्म हो गई । लेकिन रुलिंग नहीं आयी । आप एक मिनट मेरी बात सुन लें । कल मैंने अपने भाषण के दौरान नोटिस दे कर ब्रिटिश इंडिया कॉरपोरेशन के बारे में माननीय उभाशकर दीक्षित के ऊपर अभियोग लगाया, जिस के बारे में जानकारी मुझे एक मर्बोदयी कार्यकर्ता कुमारी सरोजा ने दी थी । और उन्होंने कहा था बी० आई० सी० के श्री पी० सी० जैन के कांग्रेस पार्टी के ट्रेजरेर,

श्री उभाशकर दीक्षित को 10 लाख ₹० दिया । मेरा सवाल यह है कि कल माननीय पाई साहब ने इस का जवाब दिया । लेकिन रुल यह है, जरा आप शकधर की किताब ले लीजिये, पृष्ठ 354 ...

MR DEPUTY SPEAKER Order please I say that this can be brought up tomorrow before we resume discussion on this Bill Why bring it now?

श्री मधु लिमये मुझे पता नहीं वह कब लायेगे बिल । मैं केवल यही आश्वासन चाहता हूँ कि इस का व्यक्तिगत स्पष्टीकरण दीक्षित जी को करना चाहिये । पाई साहब नहीं बोल सकते हैं । शकधर कोल की किताब में यह लिखा हुआ है

"Personal explanation can be made only by "

MR DEPUTY SPEAKER I know that This may be brought up when the Bill comes

श्री मधु लिमये इस बीच में माननीय रघुरमैया का आदेश दीजिये । उस दिन माननीय दीक्षित जी उपस्थित रहे और मेरे अभियोग का जवाब नहीं आया ।

MR DEPUTY SPEAKER Again I say this is not the proper occasion. When discussion on this Bill is resumed you can raise this point and at that time this point will be disposed of

श्री मधु लिमये आप रहेगे उस समय? या तो स्वीकर रहे या डिप्टी स्वीकर रहे । चैयरमैन तो रुलिंग देते नहीं है । इलेक्टेड आफिसर्स तो दो ही हैं, क्यों माननीय रघुरमैया जी? या तो स्वीकर या उपाध्यक्ष । मैं क्या कर सकता हूँ, मेरे साथ न्याय नहीं होता है इसीलिये मुझे बोलना पड़ता है । माननीय रघुरमैया जो उस दिन दीक्षित जी को पकड़ कर ले आये ।