

**SHORT DURATION DISCUSSION**

**Failure of Government of India to prevail upon Gujarat Government to withdraw circular removing the ban on its employees participating in RSS activities**

THE DEPUTY CHAIRMAN: Now, **we** will have further discussion on the Short Duration Discussion. जेटमलानी जी आपका भाषण खत्म हो गया है या चालू है ?

\*श्री मोहम्मद सलीम ( पश्चिमी बंगाल): मैडम, यह शार्ट ड्यूरेशन डिस्कशन दो रोज़ से चल रहा है। 28 तारीख को मैंने आपका ध्यान आकर्षित किया था और जो वाइस चेयरमैन बैठे थे उनका भी ध्यान आकर्षित किया था कि इसी शार्ट ड्यूरेशन डिस्कशन में जब श्री रामदास अग्रवाल जी हिस्सा ले रह थे तो उन्होंने किसी सरकुलर के बारे में कहा था कि बंगाल....

उपसभापति: इस बारे में आप नया रिकार्ड देख लीजिए, उसमें आ गया है।

\* श्री मोहम्मद सलीम: उस वक्त यह कहा गया था कि या तो वह विदवा करें और नहीं तो सरकुलर प्रोज़्यूस करें। वह तो एक्सपंज कर दिया आपने, उसके लिए आपको बहुत-बहुत धन्यवाद , मैंने देखा कि वह तो चेयरमैन के आदेश से एक्सपंज हो गया ह ऐ। लेकिन हम लोगों का यह कहना था कि ऐसी गलत बात कहनी नहीं चाहिए। एक्सपंज करने से बात खत्म नहीं होती या तो वह सरकुलर बता दें, नहीं तो गलत इल्जाम लगाना सही बात नहीं है।

उपसभापति: सलीम साहब, ऐसा है कि हमारी प्रिविलेज कमेटी इस विषय में विचार कर रही है कि आज टेलीविज़न पर सीधा प्रसारण होता है तो कोई बात हाऊस में कहीं जाए किसी के बारे में भी, कल जो कुछ हुआ, परसों जो कुछ हुआ, वह बात सीधे प्रसारण की वजह से पूरे देश में चली गई है, तो अब उसको रिकार्ड में से निकालने का क्या महत्व या अर्थ रह जाता है? फ्रांस में, यूरोप में और खास तौर पर यू0के0 में उन्होंने एक्सपंज करने की प्रथा को छोड़ दिया है क्योंकि उसका कोई महत्व ही नहीं है- अखबारों में भी उस पर कमेंट्स आ जाते हैं, लेख आते हैं, ऑडिटोरियल्स आ जाते हैं। तो बेस्ट तरीका यह है कि हम इसका कोई इम्प्रीजिएट रिड्रेंसल करें। हम लोग सोच रहे हैं कि

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\*Transliteration of the speech in P ersian script is available in the Hindi version of the Debates.

[1 March, 2000]

RAJYA SABHA

इम्मीजिएटली, उसी वक्त वह डिस्पोज़ हो जाए ताकि अह रिकार्ड टेलीविज़न पर भी आए और प्रेस को भी मिल जाए। तो यह हम करने की सोच रहे हैं।

श्री संघ प्रिय गौतम ( उत्तर प्रदेश): इस प्रसारण से देश की जनता क्या नसीहत लेती है पार्लियामेंट के बारे में?

उपसभापति : देश की जनता के बीच से ही पार्लियामेंट में मੈम्बर आते हैं आसमान से तो टपकते नहीं हैं, तो जैसी जनता है वैसे ही उसके प्रतिनिधि हो जाते हैं, कोई नई बात तो है नहीं।

श्री नरेन्द्र मोहन ( उत्तर प्रदेश ): मैडम, आपके बारे में तो ऐसा नहीं कह सकते, आप पर तो जनता का विश्वास है।

उपसभापति : क्यों ? मैं भी तो जनता में से आती हूँ, अच्छा बिहेव करूंगी तो अच्छी हूँ, खराब करूंगी तो वैसी हूँ। जेठमलानी जी, आप बोलेंगे, कितनी देर बोलेंगे?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS  
(SHRI RAM JETHMALANI): For about 20 minutes.

THE DEPUTY CHAIRMAN: 20 minutes तो आज शाम तक चलेगा। I will have to allow others also to speak. होम मिनिस्टर साहब को जवाब भी देना है, बोलिए।

SHRI RAM JETHMALANI : Madam, since the time is short, I will not repeat any of the things which I said last time. Before I get into the points, which have been raised by the hon. Members, including the distinguished Leader of the Opposition, let me make one more preliminary observation. Madam, it is my respectful appeal to the House that we must judge a political party, an organisation, an institution - even an individual - on its present shape, its present conduct and its present norms. If we go back into the history, there is no rule by which you can stop, at any point, you can go on and on and on backwards into the history and if we judge people by what happened 40 years, 50 years, 60 years or 100 years ago, I do not think any political party, present in this House today, will be able to bear scrutiny. We all change. Change is the law of life, and it is only those who change are able to survive. Madam, biology shows that huge animals like the dinosaurs and others ultimately ceased to exist because they refused to change. So, the longer an institution has existed and survived, you must start with an

assumption that it must have changed and adjusted itself. The Communist Party was born in 1920. If we go forward, I do not think, it even does not do any credit to my intellect, if I were to point out, that they were not even born in India. They were born in Tashkent...(Interruptions)...

SHRI JIBON ROY (West Bengal): Why are you going into the history?... (Interruptions)...

THE DEPUTY CHAIRMAN: How is it affecting you?... (Interruptions)...He is making his point...(Interruptions)...Please have patience to listen...(Interruptions)...

SHRI JIBON ROY: Why is he going back to history?... (Interruptions)...

THE DEPUTY CHAIRMAN: Let him go...(Interruptions)...It is his time... (Interruptions)... It is his speech ...(Interruptions)... If he thinks that it is not irrelevant, let him make his point...(Interruptions)...

SHRI RAM JETHMALANI: If we talk of the Indian National Congress, we do not talk of the Congress of 1888, which was presided over by an Englishman and when they ritually, habitually, dutifully used to proclaim their fidelity and loyalty "to the British C<sup>o</sup>wn. Therefore, I suggest, look at the R.S.S. as it is today. When I say 'today', look at the Constitution by which they are governed. It is perfectly possible, as happens in all organisations, that there are some people who will deviate from the standards of their own Constitution. These individual, occasional lapses always exist in every human institution. But, it behooves us to judge an organisation by its declared objectives and there must be some trust and confidence in the declared objectives of every organisation. Madam, the Constitution of the R.S.S. was ultimately approved by the Government of India.- On the basis of that approval, the Home Ministry of the Government of India lifted the ban imposed on the R.S.S. I will only read one Article from that Constitution and I want to know whether anybody, present in this House, can raise the slightest objection to its declared objectives. I quote, "The Aims and Objectives of the Sangh are to wield together the diverse groups within the Hindu Samaj and to revitalise and rejuvenate the same on the basis of its dharma and Sanskriti that it may achieve an all sided development of the Bharat Varsha. The Sangh believes in orderly evolution of society and adheres to peaceful and legitimate means for the realisation of its ideals in consonance with the cultural heritage

of the Hindu Samaj. The Sangh has abiding faith in the fundamental principles of tolerance towards all faiths."

SHRI GURUDAS DAS GUPTA (West Bengal): What a joke! "Tolerance"!

SHRI MD. SALIM (West Bengal): Do not believe in deeds.

SHRI RAM JETHMALANI: If that is an argument, then your commitment to the unity of India, your commitment to the solidarity of the nation are all matters of serious doubt. But we accept what you say. We hope that you mean what you say, and say what you mean. That is the attitude which has got to be taken. Unless there is some conclusive evidence that there is no intention whatsoever to abide by these ideals which are proclaimed as the goals of that organization; unless there is conclusive evidence to that effect, I think, we must accept what a party or an institution declares as its 'declared objectives'. But I do not want to go merely by the 'declared objectives' of this organization. Kindly see the attitude of the Courts. The attitude of the Courts is reflected in a decision of 1966--a decision that originated in the Mysore High Court. The Government of India appealed against the decision and the Supreme Court of India summarily dismissed the appeal, refused to grant special leave to appeal against that judgement. Therefore, let it be known that the judgement was so impeccable that the contrary of what the judgement had decided was not even worth considering. It was dismissed in limini by the Supreme Court. Now, let us look at what the findings were. There were two findings. The contention on behalf of the petitioner is, first, that a particular activity is a political activity. In support of this, he placed a copy of the questions and answers in the Rajya Sabha, in which Shri Hathi, Minister of Home Affairs, had stated that the RSS is not an organization, included certain lists prepared by the Election Commissioner and also by the Speaker of the Lok Sabha, showing the political parties that take part in elections and which Government servants are precluded from joining. It was stated by the learned Advocate for the petitioner that the ban which had been imposed on the RSS was removed as long back as in the year 1949. All the *above* material showed that, prima facie, the RSS is a non-political, cultural organization, without any hatred or ill-will towards non-Hindus and that many eminent and respected persons in the country have not hesitated to preside over its functions or appreciate the work of its volunteers. So, there were two findings which were recorded, both of which. *(Interruptions)...*

SHRI GURUDAS DAS GUPTA: With the passing of time...  
(Interruptions)...

SHRI NARENDRA MOHAN: Madam, Shri Gurudasji is unnecessarily trying to provoke a controversy. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA : Shri Jethmalani is a leading lawyer. He can plead for an accused. He can plead for the prosecution.  
(Interruptions) The time has not changed since then. ...*(Interruptions)*...

SHRI NARENDRA MOHAN: I think, he is not here as a lawyer. He is here as a Member of Parliament. ...*(Interruptions)* ...

SHRI RAM JETHMALANI: Madam, my friend is right. I can plead for an accused. I can plead for the prosecution, depending upon a particular...  
(Interruptions) Mr. Kapil will tell us. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA : Depending upon the brief.  
... *(Interruptions)*...

SHRI RAM JETHMALANI: That is right. But, at the moment, I want to make it clear that am appearing not for an accused, but for the prosecution.... *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: ...and you have a brief also. Madam, he has a brief also. ...*(Interruptions)*...

SHRI RAM JETHMALANI: Yes. . That is the brief which I am presenting, and that is the brief which seems to- make him nervous. ...  
(Interruptions)...

SHRI GURUDAS, DAS GUPTA:lh consideration of... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Are we talking in a court of law, or, what? ...*(Interruptions)*

SHRI GURUDAS DASGUPTA : Brief in consideration of what?  
... *(Interruptions)*... Brief in consideration of what? ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: It seems that I am not presiding in the Rajya Sabha, rather I am heading a bench of a High Court, or, Supreme Court. Don't make me feel that way. Let me feel that I am in the Rajya Sabha, and let him make his speech. ...-*(Interruptions)*...

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SHRI RAM JETHMALANI: I prefer the judicial finding of the Mysore High Court, supported by the finding of the Supreme Court, which thought that its findings were unchallengeable, rather than the kind of statements, somewhat irresponsible, which are continuously made by those who are somewhat disturbed by the rising power of the RSS. ...*(Interruptions)*... Now, Madam, this matter arose again in 1993. This matter arose again. In 1993, under the Prevention of Unlawful Activities Act, this organisation was declared unlawful. A Judicial Tribunal which was constituted to deal with this problem delivered a judgement in 1994 saying that it cannot be declared unlawful. It is an organisation about which there is no material at all on record on the basis of which the finding of unlawfulness can be sustained. This matter again ended up in the Supreme Court, and the Supreme Court refused to interfere with these findings. So, we have now a consistent line of authority from 1966 and a consistent line of authority in 1993-94, and then we have the Supreme Court speaking through a long and learned judgement of 1995. It is my duty to point out these things. What is being said today against us? A mention was made that we believe in the philosophy of Hindutva. Recently insinuations were made that we want to introduce Hindutva into the Constitution of India.

श्री रमा शंकर कौशिक ( उत्तर प्रदेश): ऐसा कोई नहीं बोलता। ....*(व्यवधान)*...

मौलाना ओबैदुल्ला खान आजमी (बिहार ): कोई भी हिन्दु धर्म के खिलाफ नहीं बोलता। ....*(व्यवधान)*... हिन्दुत्व के नाम पर हिन्दुत्व के खिलाफ जो काम किया जा रहा है, उसके लिए बोला जा रहा है।

SHRI RAM JETHMALANI : Sir, I am very happy to hear from some of the hon. Members that they have never made such an allegation. I do not refer to that, but Hindutva has been named again and again and insinuated.

THE DEPUTY CHAIRMAN : No, not in this House. I have been presiding in this House. It was not mentioned. Yesterday, there was no debate on this subject. ...*(Interruptions)*...

SHRI MD. SALIM : Madam, is the Minister replying to the discussion or advocating the case of R.S.S.?

THE DEPUTY CHAIRMAN : Proportionately I will give you that much time. I promise that. If the Minister is intervening, you will also get the time. This was decided the day before yesterday. Don't worry. We have

just two-and-a-half hours. There is not much time left for this thing, but otherwise, the time is there, the House is there.

SHRI RAM JETHMALANI : Madam, I can see that they have briefed a lawyer. He is there.

THE DEPUTY CHAIRMAN : Which lawyer? I have far too many lawyers before me.

SHRI RAM JETHMALANI : Madam, to put the agitated souls of the hon. Members at rest, let me only read two paragraphs of the judgement.

SHRI GURUDAS DAS GUPTA : Don't put it in an eternal way.

SHRI RAM JETHMALANI : No, not eternal. Thus, it cannot be doubted, particularly in view of the Constitution Bench decision of the Supreme Court that the words "Hinduism" or "Hindutva" are not to be understood and construed narrowly, confined only to strict Hindu religious practices unrelated to the culture and ethos of the people of India. I will pause here for a moment. My good friend, Jayanthi sister, is not present here. Yesterday, she was in a mood of agitation. She proclaimed that she do not like my culture, I have got my own Dravidian culture. There is nothing like one unified culture at all; Madam, I wish she were here. And I wish she were a little more exposed to my culture, I am sure she will begin to like it.

THE DEPUTY CHAIRMAN : Your personal or your belief.

SHRI RAM JETHMALANI : But, Madam, there is a judicial pronouncement that "there is something like the culture and ethos of the people of India depicting the way of the life of Indian, people. Unless the context of a speech indicates a contrary meaning or use in the abstract, these terms are indicative more of a way of life of the Indian people and are not confined merely to describe persons practising the Hindu religion as a faith. Considering the terms Hinduism or Hindutva, *per se*, as depicting hostility, enmity or intolerance towards other religious sects or professing communalism, proceeds from an improper appreciation and perception of the true meaning of these expressions which emerge from the detailed discussions of the earlier authorities of this Court." Madam, I think that these self-proclaimed secularists and defenders of secularism should at least read this judgement. It defines secularism. It says what secularism is under the Constitution. It proclaims that Hindutva is consistent with India's secularism,

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properly understood, and properly interpreted. Those who are all the time talking of Hindutva as if it is something communal, I am afraid, are saying something which ought not to be said by rational intellectuals or at least, those who today claim that they have loyalty to the Constitution. The Constitution itself requires loyalty to judgements of the Court because that is the law, that is the correct and authoritative interpretation of the Constitution.

Madam, forget the Supreme Court.

SHRI ABDUL GAIYUR QURESHI (Madhya Pradesh): Madam, permit me just to say that, I think, the judgement which the hon. Minister has quoted is the judgement delivered by hon. Justice Verma. The day before yesterday, hon. Justice Verma himself, as the Chairman of the NHRC, has said that the .....

SHRI RAM JETHMALANI: I am not yielding on this.

SHRI ABDUL GAIYUR QURESHI: Government should not be allowed to ...*(Interruptions)*...

I think he has quoted the judgement of Justice Verma. Just the day before yesterday he has criticised the move. He said that the move would destabilise .... *(Interruptions)*...

SHRI T. N. CHATURVEDI (Uttar Pradesh): It is a judicial pronouncement. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: You don't allow me to ask him whether he is raising a point of order or what? Let me find it out.

SHRI RAM JETHMALANI: If he is raising a point of order, he should say so. I will sit down.

SHRI ABDUL GAIYUR QURESHI: It is not a point of order, Mr. Jethmalani. It is a point of explanation.

SHRI RAM JETHMALANI: If it is not a point of order, it is a point of disorder ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Just one second. Please listen to me.

SHRI ABDUL GAIYUR QURESHI: Madam, he is trying to say...

THE DEPUTY CHAIRMAN: You cannot argue with me. Sit down.



Are you raising this under a point of order? If so, I will allow you.

SHRI ABDUL GAIYUR QURESHI: Yes, it is a point of order.

THE DEPUTY CHAIRMAN: Then, I allow you. I just cannot allow anybody to get up and start speaking. ...(*Interruptions*)...

I will dispose it of. It is for me to decide. I will say yes or no.

SHRI ABDUL GAIYUR QURESHI: He said that hon. Members spoke against the Hinduism. As far as I recollect, none of the Members spoke a single word against the Hinduism as such. Hinduism is a great religion. It talks of tolerance. It talks of universalism. It does not talk even of nationalism. Dr. Radhakrishna has been quoted.

SHRI T. N. CHATURVEDI: Where is the point of order?

SHRI ABDUL GAIYUR QURESHI: So, here he is trying to mislead the House by saying that the Members had criticised the Hindu religion and ethos. None has criticised that.

THE DEPUTY CHAIRMAN: What he is trying to say is that during the discussion on this subject in the House the day before yesterday no one in this House mentioned about the Hindu religion.

SHRI RAM JETHMALANI: There was a mention of "Hindutva."

THE DEPUTY CHAIRMAN: The word "Hindutva" was also not mentioned. Please let me convey what he has said, what I could understand according to my wisdom. He is asking: when a matter has not been referred to in this House, has not been mentioned by any Member in any form, how you can reply to that matter because that was never raised? ...(*Interruptions*)...

Who said it? Did somebody mention it? Let me find out who mentioned it.

SHRI VAYALAR RAVI (Kerala): Madam, I am on a point of order under rule 240.

DR. BIPLAB DASGUPTA (West Bengal): It was about a particular interpretation of the Hindutva.

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SHRI VAYALAR RAVI: Rule 240 speaks of irrelevance or repetitions. I will explain, Madam. The rule reads:

The Chairman, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech."

My point is that the rule is very specific. There is the failure of the Central Government to desist the Gujarat Government. The Gujarat Government is making its servants join the RSS. This is precisely the point. The other point is the Central Government's failure to prevent this.

...(Interruptions) ...

Let me finish it.

Here, the hon. Minister is quoting the definition of the Hindutva in the Supreme Court Judgement. The Supreme Court never said that Government servants could join the RSS. It never said it. So, what the hon. Minister is quoting is irrelevant and a repetition. I would appeal to the hon. Chairperson that under Rule 240, the Minister should be asked to discontinue because what he has been saying is not relevant to the context. It has no relevance to the subject.

THE DEPUTY CHAIRMAN: If I remember correctly, I doubt anybody has mentioned anything about the religion. When I am sitting here, I would never allow it. ...(Interruptions)...

श्री रामदास अग्रवाल ( राजस्थान): उस दिन मेरे बोलने पर जो सारा विवाद हुआ था वह होता ही नहीं। अपने इस विषय को एक्सटेंड कर दिया था ....(व्यवधान)...

SHRI RAM JETHMALANI: Madam, I go further. I am assuming that Hindutva was not mentioned by the hon. Members. But I say that the RSS does stand for Hindutva and I am entitled to show to the House that its philosophy is sound, that it is consistent with the Constitution. It advances the Constitutional purposes and there is no need to ban it. There is no need to prevent anybody from going to its meetings.

श्री सनातन बिसि (उड़ीसा): आर.एस.एस. का कौन बोल रहा है ....(व्यवधान)... आर.एस.एस. अच्छा है, यह किसने कहा था....(व्यवधान)... ऐसा बोलने की क्या जरूरत है ....(व्यवधान)...

SHRI VAYALAR RAVI: That is all the more reason. In a secular country you cannot have only one religion. You are accepting that contention. When you say RSS stands for Hindutva, then how can you....

SHRI T.N. CHATURVEDI: Madam, if he gets up every time to say something or the other, then we also be allowed to add something.

SHRI RAM JETHMALANI: Madam, my friend is right. This is a secular country. But it is my claim that it is a secular country because the philosophy of Hindutva is written in the Constitution.

श्री नरेश यादव ( बिहार): यहां धर्म पर बहस हो रही है? ....(व्यवधान)...।

श्री नरेन्द्र मोहन: हिंदुत्व शब्द पर ही इतना विवाद किया जा रहा है....(व्यवधान)... क्यों ....(व्यवधान)...

श्री राम दास अग्रवाल: भंग नहीं हुआ है....(व्यवधान)...

श्री नरेन्द्र मोहन: आर0एस0एस0 के बारे में नहीं बताने जा रहे हैं ....(व्यवधान)... क्या होगा ....(व्यवधान)...

श्री नरेश यादव: धर्म पर कोई चर्चा नहीं हो सकती है। ....(व्यवधान)... ये धर्म के ठेकेदार हैं क्या ....(व्यवधान)... इसका क्या मतलब है ....(व्यवधान)... ये हिंदुत्व क्यों फैला रहे हैं? ....(व्यवधान)... ये हिंदुत्व की तरफदारी क्यों कर रहे हैं? ....(व्यवधान)...

उपसभापति : आप बैठिए, बैठिए, वे बोल रहे हैं, आप बैठ जाइए....(व्यवधान)...

SHRI MD. SALIM: Madam, kindly refer to the topic under discussion. It is a question of failure of the Union Government to protect secularism, which is one of the basic tenets of the Constitution. The Minister and myself have no difference on that. The objection was raised and the discussion was held on the failure of the Union Government to protect the basic tenets of the Constitution. ...(*Interruptions*)...

SHRI RAM JETHMALANI: What I am saying is that the RSS philosophy is in keeping with the basic tenets of the Constitution. ...(*Interruptions*).... Let us put this bogey once and for all to rest. This is the bogey which has been going on for the last fifty years. Sir, this great divine Maulana Wahiduddin Khan wrote a famous book, "The Indian Muslims --

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the Need for a Positive Outlook", a book which has received the imprimatur of the Supreme Court itself; the Supreme Court, in its judgement, has quoted the following this particular paragraph, where the Maulana talked of what happened during Partition, how the country was partitioned, how hostility and lack of friendship developed between the two communities. The Maulana says, "A wrong strategy had been adopted. It is not practicable for solving the minority problem." But he explains what Hindutva is and what it says and why it is impracticable. "Though it is a beautiful idea, the strategy worked out to solve the minorities problems was, although differently worded, that of Hindutva or Indianisation. This strategy, briefly stated, aims at developing a uniform culture by obliterating the differences between all other cultures co-existing in the country. This was felt to be the way to communal harmony and national unity. It was thought that this would put an end, once and for all, to the minorities problems. However, beautiful this suggestion may appear to be, it is certainly impracticable. In the first instance, it was Emperor Akbar who had wanted to have this uniform culture prevail all over the country. Yet, with all his great political strength, he failed. After Independence, Dr. Bhagwan Das spent 30 years in the preparation of his book, "Essential unity of all religions." But it was all to no avail. Mahatma Gandhi also espoused the same cause that Ram and Rahim ek hai. Ram and Rahim are one and the same, but he had no real success with. this policy." Madam, I hope hon Members will coolly ponder over this passage. This passage shows two things.

SHRI GURUDAS DAS GUPTA : That is why Mahatma Gandhi was killed by a person who belonged to the RSS.

श्री नरेन्द्र मोहन : यह बिल्कुल गलत बात की जा रही है।  
....(व्यवधान)... नाथु राम गौडसे का आर०एस०एस० से कोई संबंध नहीं था।  
....(व्यवधान)...

श्री भारतेन्दु प्रकाश सिंहल ( उत्तर प्रदेश): महात्मा गांधी के मर्डर से कोई ताल्लुक नहीं है ....(व्यवधान)...

SHRI RAM JETHMALANI : Madam, if the hon. Members forget party politics and coolly understand the implications of this great passage in that great book, it means two things : That Gandhiji believed in Hindutva; and that Hindutva means Ram and Rahim i^t I . It may be impracticable, but we believe that Ram and Rahim xjg> % and those who believe in this are the only ones who are entitled to the rights of Indian citizenship, who are

entitled to call themselves the citizens of India. The only ones who are entitled to call themselves genuine secularists are those who are prepared to say that Ram, Rahim, Christ and Buddha are all one incarnation of God. Hindutva believes in this. The RSS believes in this. I have already read out from the RSS Constitution. Madam,... (*Interruptions*)...

SHRI MD. SALIM : Can you quote a single sentence from any RSS document that राम और रहीम एक हैं?

SHRI VAYALAR RAVI : Sir, I am on a point of order.  
.. (*Interruptions*)...

THE DEPUTY CHAIRMAN : Let him finish. ..(*Interruptions*)... Let him finish. ..(*Interruptions*)... Let him finish his speech.

SHRI RAM JETHMALANI: That saint had believed in the fundamental tolerance of faith.

श्री जलालुद्दीन अंसारी ( बिहार): राम रहीम पर विश्वास करते हो, बाबरी मस्जिद को क्यों ध्वस्त किया? ....(व्यवधान)... चर्च को क्यों जलाया, बाइबल को क्यों जलाया? ....(व्यवधान)... बाबरी मस्जिद को क्यों तोड़ा? राम रहीम की चर्चा करते हैं। कहते कुछ हैं और करते हुए और हैं। ....(व्यवधान)...

THE DEPUTY CHAIRMAN : Let him finish. ... (*Interruptions*)... No. I will give time to your Party. You can put your view-point.

SHRI RAM JETHMALANI: Madam, let me now go to the main issue which is the subject-matter.

THE DEPUTY CHAIRMAN: Mr. Jethmalani, now, if you are going to take up the subject, I cannot allow you more time because you have already spoken from 2.09 p.m.

SHRI RAM JETHMALANI: Madam, you cannot debit interruptions to me.

THE DEPUTY CHAIRMAN: Interruptions are going to be there. If it means that if there are interruptions, we will sit the whole night, I would say 'no'.

SHRI RAM JETHMALANI: Madam, how much more time will you give me?

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THE DEPUTY CHAIRMAN: Five minutes.

SHRI RAM JETHMALANI: Okay, no problem. May, I request the hon. Members not to interrupt through that time?

THE DEPUTY CHAIRMAN: Let him have peaceful five minutes, please. Let Mr. Jethmalani have peaceful five minutes. I am counting now.

SHRI RAM JETHMALANI: Madam, there are two points. One is the constitutional point raised by my friend Kishore for whom I have great respect and affection. The other is what was just now said. Again going back into history, why was Mahatma Gandhi killed? Mahatma Gandhi, if you ask me, was killed by those who consented to the partition of India. Gandhiji had said, time and again, - "my body will be floating in the Arabian Ocean if anybody has divided India." Those who divided and consented to the political division killed the spirit of Mahatma Gandhi. Thereafter, he was only a shell. ... *(Interruptions)*... You can talk about the murder of Gandhi, but I cannot give my version! ...*(Interruptions)*...

SHRI VAYALAR RAVI: How can he talk like that? *(Interruptions)*.

SHRI RAM JETHMALANI: My version is that those who partitioned India killed him.

SHRI MD. SALIM: Madam, is he giving his own, version or the Government's version?

SHRI RAM JETHMALANI: Let us get to more rational arguments in future, please. Let us put this bogey to rest for god's sake. .. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Mr. Jethmalani, I would ask you to conclude now.

SHRI RAM JETHMALANI: Madam, you gave me five minutes.

THE DEPUTY CHAIRMAN: Yes, I gave you five minutes. But please look at the Chair and speak; don't look around.

SHRI RAM JETHMALANI: All right. I am glad that you are asking me to look at a more pleasant sight.

THE DEPUTY CHAIRMAN: That is why I am here for so many years. Unfortunately, sometimes, people forget it.

SHRI RAM JETHMALANI: My last point is this. My friend Mr. Kishore yesterday suggested. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Will you please keep quiet?

SHRI RAM JETHMALANI: He has asked if the Government of India is prepared to give an undertaking that it will issue a directive under article 365 of the Constitution, if I have heard him right. He says 'yes'. I have heard him right. Article 365 does not authorise the issue of any directives. It assumes that a directive has been issued under some other Article. It proceeds to say that if such a directive is issued under some other article which the State Government has failed to comply with, it will be deemed to be a failure of the constitutional machinery calling for the possible political consequence of supersession and imposition of President's rule. Article 365 refers to two Articles-Article 256 and Article 257. These are the two Articles under which the Central Government is entitled to issue directives to the State Governments. Now, these two articles have been interpreted. They have been interpreted by the Sarkaria Commission. The Sarkaria Commission has, in two lucid paragraphs, explained what is the power of the Central Government to issue directions. I will mention them briefly. There is no time left with me for that. I am sure the hon. Home Minister will deal with this. Briefly, Articles 256 and 257 require, as a condition precedent, that there must be a Central law which is in operation in the State. The Central Government in the execution of that order, of that Central law, is entitled to tell the State Government not to execute its own laws in a manner which results in the two coming into a state, of conflict. There is no Central law on this point and therefore, Articles 256 and 257 do not come in and I will give the Sarkaria Commissions commentary on these two articles to my friend Mr. Kishore. I am sure that he is not unreasonable and he will withdraw his suggestion.

SHRI V. KISHORE CHANDRA S. DEO (Andhra Pradesh): Madam, may I say this? Madam, I may be permitted to submit one point.

SHRI RAM JETHMALANI: Mr. Kishore Chandra, let me finish. Thereafter, you can do that. Madam, even when in 1981, the State Government was advised to impose this ban on public servants, the Centre did not issue a directive. It gave advice. Of course, they wanted to ban the Jamaat-e-Islami, but they never had the courage of their convictions. So, they clubbed one more organisation to make it look as if they were very

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neutral. They added the R.S.S. along with the Jamaat-e-Islami. The State Government of Gujarat for five years did not follow these instructions from the Centre. For the first time in 1986, after five years' persistent efforts by the Centre, they succumbed to this pressure from the Centre and put RSS in the List of the Schedule to the Notification. After the 1994 judgment of the Tribunal, there has been a ceaseless, persistent demand from the R.S.S. that in the face of judicial decisions which have proclaimed that they are neither communal nor political, how can you continue to maintain this ban, and the ban has been removed. According to me, it has been rightly removed. But in any event, even if it is wrong, we have no power to intervene. We will not intervene because, I have already said that, this is not the agenda of the coalition Government in power. Until and unless some future contingency arises where public opinion is prepared to accept this, we will not do this. If all that you want is that the Centre should not repeat what the Gujarat Government has done, you have the statement from me. But if you still want to carry on this kind of propaganda, based upon this false bogey, you are entitled to it. It is your freedom of speech.

SHRI PRANAB MUKHERJEE (West Bengal): Madam, I would like to draw your attention to one thing. We are having the discussion under rule 176. But there are instances and we have agreed that it will be converted into a full-fledged discussion. But nonetheless, in all Short Duration Discussions, like Call Attention, the Minister replies to the debate. There is no precedent or position that the Minister intervenes. But surely, as a Member of this House, Mr. Ram Jethmalani is entitled to intervene and he should be given time from his party's time. My respectful submission to you would be that time should be given proportionately to all parties so that they can make their effective contribution to the debate, and it should not be construed that the Government-side will take the total time of the House by fielding two Ministers. This is my first submission, and here, I would like to draw your attention to rule 178 in regard to the reply where it has been pointed out that the Minister will reply, and surely, at least, from this side of the House, I am not going to accept Mr. Ram Jethmalani's intervention as reply to the debate -because he has participated as a Member of this House. ...(*Interruptions*)... Please go through the record. At one point of time, he has stated it. What he said was that he is doing both. Therefore, the reply must come from the Home Minister with whom he was consulting. But he can participate as a Member of this House, and therefore, the time he has taken



should be deducted from the time allocated to the ruling party and our parties must get time proportionately.

THE DEPUTY CHAIRMAN: The ruling party does not have any time. ...*(Interruptions)*... The only time left according to my record is like this. The UPG has three minutes, the Telugu Desam party has five minutes and the Congress party has eight minutes. That is the only time left-according to my record. I don't have any time and I will have to expand the debate because I have to give time proportionately, as was decided on that day. I will have to accommodate other Members also and I will have to give time proportionately to the other Members also. The name of Mr. Ram Jethmalani is listed with 'other Members'. His name is not listed with the Government. His name is listed with 'other Members' and the time of 'other Members' is over, and still, I have three Members to speak on that. One is Mr. Gandhi Azad, the second is Mr. R.N. Arya, and the third one is Mr. S. Peter Alphonse. So, three Members are already listed there while there is no time. So, I will have to give time to them. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Now, the time will go to the Opposition only. ...*(Interruptions)*...

SHRI MD. SALIM: Madam, on the basis of the suggestion made by Shri Pranab Mukherjee, we can calculate the time.

THE DEPUTY CHAIRMAN: The calculation of time is the job of the Secretariat.... *(Interruptions)* ...

SHRI MD. SALIM: So, the Short Duration Discussion will be a long duration discussion. No problem.

THE DEPUTY CHAIRMAN : We have already finished.  
...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : Let us proceed now, Madam.

THE DEPUTY CHAIRMAN : Now we will proceed further.

श्री रमा शंकर कौशिक: मैडम, परसों ही आप ने तय कर दिया था कि हम लोगों को...

उपसभापति : मैं ने अभी कहा कि परसों की बात आज सुपरसीड हो गयी  
[The Secretariat will calculate the time. I don't calculate the time. Meanwhile, we will continue the debate. I will call Mr. Kapil Sibal to speak.

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SHRI VAYALAR RAVI : Madam, I am on a point of order.

THE DEPUTY CHAIRMAN : Now, what is the point of order?

SHRI VAYALAR RAVI : Madam, at 2.38 or 2.37, the hon. Minister was speaking. He is a Minister. He is not Mr. Ram Jethmalani alone or a lawyer. He is a Minister also. He made a serious charge, with all authority. He said, "Mahatma Gandhi had been killed by people who consented to the partition of India." It is a very, very serious charge. The Minister makes a serious charge against people who are no more in this world; the great leaders—Jawahar Lal Nehru, Sardar Patel, Maulana Azad.... *(Interruptions)* ... AH the leaders had consented....*(Interruptions)*... AH the leaders had consented at that time....*(Interruptions)*...What do you mean? ...*(Interruptions)*...What do you mean? ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Don't get angry. Don't get angry.  
... *(Interruptions)*...

SHRI VAYALAR RAVI: Sorry, I withdraw the word.

THE DEPUTY CHAIRMAN : Don't get angry.

SHRI VAYALAR RAVI : Madam, the point I am making is .....  
*(Interruptions)* ...

THE DEPUTY CHAIRMAN: Don't get angry. Don't get angry.  
...*(Interruptions)* ... You are making a point. ...*(Interruptions)*...

SHRI VAYALAR RAVI: I am a Congressman. I am a Congressman. I could have made a mistake, but my point is, the hon. Minister is making a charge. That is a serious matter concerning the murder of Mahatma Gandhi. I do not mind if any Member speaks. He had to speak from the file, from the record. He had to speak from the record. He has made an allegation against the leaders who brought freedom to this country: "They were the killers of Mahatma Gandhi." That can't go on record. ...*(Interruptions)* ... He must withdraw those words. Those words should not go on record.

...*(Interruptions)* ... Go through the record.

SHRI PRANAB MUKHERJEE : Madam, please go through the record and find out. ...*(Interruptions)*...

SHRI VAYALAR RAVI : Madam, please find out; it should not go unchallenged.

SHRI RAM JETHMALANI : Madam, may I make it clear? All that I said was that "Mahatma Gandhi had said that 'My body will be floating in the Arabian Sea if India is divided.'" Those who consented to the division of India, those who furthered the division of India, were the persons who were responsible for the killing of the soul of Gandhiji. Thereafter, Gandhiji remained a shell." ... (*Interruptions*) ...

SHRI VAYALAR RAVI : What is he saying? Madam, it should not go on record. ... (*Interruptions*) ... It should not go on record. ... (*Interruptions*) ...

SOME HON. MEMBERS: It should not go on record.

SHRI GURUDAS DAS GUPTA: Just one minute.

... (*Interruptions*) ...

SHRI VAYALAR RAVI : Madam, it is a treason. It is a treason. ... (*Interruptions*) ...

SHRI GURUDAS DAS GUPTA : Madam, Jethmalaniji is an hon. Member. He is an hon. Minister. What he is saying now is different. Earlier, he said, "Those who had consented to the partition of India had killed Gandhiji." That is on record.

SHRI RAM JETHMALANI: I said, "The soul of Gandhiji". Why don't you read it?

SHRI GURUDAS DAS GUPTA: Now he says that his soul had been killed by them!

SHRI RAM JETHMALANI: Madam, let us read the record.

SHRI GURUDAS DAS GUPTA : Madam, the point is, not only the record should be read, but we must also believe what we have heard. ... (*Interruptions*) ...

SHRI RAM JETHMALANI : You heard me wrongly.

SHRI GURUDAS DAS GUPTA: It is a deep insinuation about the leaders of the country who brought freedom. It is a great insinuation. I not only deplore the insinuation, but I also demand that he may kindly see what

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the implication of his statement is. He must apologise. ... (*Interruptions*) ... It is a cowardly insinuation. ... (*Interruptions*) ... It is a cowardly insinuation. (*Interruptions*).

श्री संघ प्रिय गौतम ( उत्तर प्रदेश): श्रीमती इंदिरा गांधी को एक आदमी ने मारा था, चार हजार आदमी क्यों मारे गए? इसका क्या मतलब है? ....(व्यवधान)...

श्री राजूभाई ए. मरमार ( गुजरात ): गौतम जी, आप गांधी टोपी का अपमान कर रहे हो। ....(व्यवधान)...

THE DEPUTY CHAIRMAN: I heard you. ... (*Interruptions*) ... I heard you.

SHRI GURUDAS DAS GUPTA: Madam, it is a cowardly insinuation...(*Interruptions*)... It is a cowardly insinuation against the leaders by a person who was far away from the national movement.

SHRI PRANAB MUKHERJEE : Madam, here, I would like to make one submission. Every word which a Member says is recorded, whether he is Mr. Ram Jethmalani or some other Member. What Mr. Ram Jethmalani said or whether we heard him wrong or not, is not a matter of statement. This matter is on record. ...(*Interruptions*)... Most respectfully, I submit that his entire speech which has been recorded should be heard. ... (*Interruptions*)...

SHRI RAM JETHMALANI: This matter is on record. (*Interruptions*) If I am wrong, I will apologise; otherwise, you will have to apologise. ...(*Interruptions*)...

SHRI PRANAB MUKHERJEE: Yes; I am prepared to accept your challenge that you have not stated it. But if it is on record that you have stated it, then, we will take whatever action is possible in this House. ...(*Interruptions*)...

DR. BIPLAB DASGUPTA: Madam, what is he referring to? (*Interruptions*)

THE DEPUTY CHAIRMAN: I have heard it.... (*Interruptions*)...

DR. BIPLAB DASGUPTA: Everybody has made his point; I also want to make my point. ...(*Interruptions*)...

SHRI PRANAB MUKHERJEE: He cannot simply amend it by saying that it had killed his soul. ...(*Interruptions*)... He said that those who consented to *partition*... (*Interruptions*)... All of us have heard it.

...(Interruptions)... If it is on record, he cannot simply just go on by saying, "I have not said it" and that Members had heard it wrong. ...(Interruptions)...

DR. BIPLAB DASGUPTA: Madam, what is the objective of making a statement on soul and all that ? (Interruptions)

SHRI PRANAB MUKHERJEE: He cannot run away... (Interruptions) He is a Member of this House. (...Interruptions)...

DR. BIPLAB DASGUPTA: We all know who the real murderer was. (Interruptions) He was Nathuram Godse. (Interruptions) He is not mentioning his name. (Interruptions) He is only mentioning about the killing of Gandhiji by somebody, and his soul and all that. (Interruptions) On the other hand, he is trying to put the real murderer of Mahatma Gandhi...(Interruptions). Madam, he should apologise. ...(Interruptions)...

SHRI PRANAB MUKHERJEE: If he wants to escape a Privilege Motion, he should give an unconditional apology. (Interruptions)

SHRI GURUDAS DAS GUPTA: Madam, I am demanding that the House should be adjourned. (Interruptions) I demand that the House should be adjourned. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Now, let me say...(Interruptions)

SHRI GURUDAS DAS GUPTA: Madam, the House should be adjourned. ...(Interruptions)... This cannot be allowed. ...(Interruptions)...

SHRI PRANAB MUKHERJEE: The record should be verified. ...(Interruptions)... What does he think of himself? (Interruptions) He is saying anything he likes. ...(Interruptions)...

SHRI GURUDAS DAS GUPTA: The House should be adjourned.

SHRI PRANAB MUKHERJEE: I can tell you that we will never allow you to comment like that. ...(Interruptions)... This kind of a thing will never be allowed in this House. ...(Interruptions)... This man should never be allowed to speak in this House. ...(Interruptions)... What does he think of himself? ...(Interruptions)...

SHRI GURUDAS DAS GUPTA: We should adjourn the House. ...(Interruptions)... Let the House be adjourned. ...(Interruptions)...

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SHRI PRANAB MUKHERJEE: The House should be adjourned and the record should be verified. ...*(Interruptions)*... If he is wrong and if he has misled the House, I must tell you that we are not going to allow any business to be transacted in this House. *(Interruptions)*. Yes; the Minister wants to say something. ...*(Interruptions)*...

SHRI RAM JETHMALANI: Madam, you can see the record. *(Interruptions)*. You can see who is right and who is wrong. *(Interruptions)*. If I am wrong, I will apologise. Otherwise, you all will apologize. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Yes; you have to apologise. *(Interruptions)* You cannot just go on saying these things. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Just one minute. The Home Minister wants to say something. *(Interruptions)* Just one minute. *(Interruptions)*. Just listen. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: No expunction. *(Interruptions)* The House should be adjourned. *(Interruptions)*. Either the Minister should apologise, or, the House should be adjourned. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Just one minute. *(Interruptions)* I assure that I will examine the record now. In the beginning of this discussion, when something was referred to by Md. Salim, I had told him that there is no meaning in expunging the matter the next day because it already gets reported in the newspapers. One Member, very agitatingly, went to the Chairman's Chamber and said, "yesterday, some remarks were made on the floor of the House; it was widely reported in the newspapers." Subsequently, even if the record is corrected, the damage is already done. *(Interruptions)* I am talking of yesterday and the day-before-yesterday only. Now, if you feel that I should see the record, I can see the record in five minutes. *(Interruptions)* But, first, let me ask the Home Minister...*(Interruptions)*... Mr. Ram Jethmalani is not giving an explanation. *(Interruptions)* Please sit down. ...*(Interruptions)* I will adjourn the House; see the record and come back again. But let me first listen to the Home Minister. *(Interruptions)* Let me see what he has to say. *(Interruptions)* The Home Minister should say something. He is not making a speech.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Madam, Deputy Chairman, this is not the first time that a debate, or, a controversy of this kind has taken place. In all such cases, the House has always left it to the Chair to examine the record. And if anyone is at fault, he is pulled up and he apologizes readily. My friend, Mr. Jethmalani, is keen on what he has said. He said, 'I have repeated what I have said and if I am at fault, I will apologize. If all those who are opposing me are at fault, they should also be willing to apologize.' But I have never seen earlier; it was never demanded that the House be adjourned and decision taken immediately. I would plead with Gurudas Das Gupta that, as in the past, let the Deputy Chairman to decide the issue. ...*(Interruptions)*... I have no objection. ...*(Interruptions)*...

SHRI VAYALAR RAVI: This is an accusation against the nation-builders. *(Interruptions)*...

SHRI L.K. ADVANI: I have no objection. *(Interruptions)*... I have no objection. *(Interruptions)*... After all, all of us here hold Mahatma Gandhi as well as Pandit Nehru, Sardar Patel and others in high respect. On the issue of partition, there was a difference between the two. But this is certainly true that only when the leaders of the nation, at that time, agreed to partition that we were able to get independence. Some historians may be of another view. What he said was very particular and I remember that even in the first remark he was particular to say "only Mahatma Gandhi's shell remained". The feeling was that when the partition was accepted, his soul died. That was what he said. *(Interruptions)*...

SHRI JALALUDIN ANSARI: Thereafter he said it. *(Interruptions)*... Thereafter he said it.... *(Interruptions)*...

SHRI L.K. ADVANI: Madam, I leave it to you. *(Interruptions)*... Madam, I leave it to you entirely. *(Interruptions)*... The House will accept whatever you say. ... *(Interruptions)*....

SHRI GURUDAS DAS GUPTA: Madam, I respectfully heard Advaniji. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Look, I heard you. *(Interruptions)*... I have to take a decision. ...*(Interruptions)*... I have to take a decision. ...*(Interruptions)*...

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SHRI GURUDAS DAS GUPTA: Madam, I respectfully hear Advaniji. But I only say that great insinuation had been inflicted on Pandit Nehru, Sardar Vallabhbhai Patel and Maulana Abul Kalam Azad because they were the leaders who had consented to partition. *(Interruptions)*... This is a great insinuation to them. ...*(Interruptions)*....

SHRI E. BALANANDAN (Kerala): This is unwarranted. ...*(Interruptions)*...

SHRI NARENDRA MOHAN: These are wrong allegations. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Now, what is the way to solve this problem? ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Madam, my respectful submission is that you adjourn the House for some time and verify the record. If we are wrong, we will correct it and if he is wrong, he will have to tender an apology. *(Interruptions)*.... Short of that, nothing is acceptable to us. *(Interruptions)*.... Mr. Ram Jethmalani has not only repeated it, but he said that the Members heard him wrong. If it is on record, you please check. He went to the extent of saying that the Members heard him wrong. Therefore, let us see the record. Please adjourn the House and verify the record. We are prepared to sit for a longer period, co-operate with the Government and run the Government business. *(Interruptions)*... But this type of arrogance will never be tolerated by the House. *(Interruptions)*...

श्री नरेन्द्र मोहन: हम रिकॉर्ड देखने को तैयार है ....(व्यवधान)... कोई नयी बात आप नहीं कह रहे हैं ....(व्यवधान)...

THE DEPUTY CHAIRMAN: Just one minute. The only solution is this. The written record will come later. The Reporters have to transcribe it. I can adjourn the House for five minutes or ten minutes, listen to the cassette and settle the matter. I am honestly telling you that I hate any message going from either side of the House to be a wrong allegation. Once it is said in the House~I told you this in the morning and in the afternoon-that the television and the media take whatever is said in the House, right or wrong. So, the corrections done on the next day morning have no meaning whatsoever. That is what everybody has agreed to. So, I will adjourn the House. *(Interruptions)*....



श्री नरेन्द्र मोहन: लेकिन मैडम, एक परिपाटी है इस हाऊस की, एक परंपरा है, उस परंपरा के अनुसार अगर कार्य होगा तो हम सबको सुविधा होगी ....(व्यवधान)...

उपसभापति : आप लोग बैठिए ....(व्यवधान)...

श्री नरेन्द्र मोहन: मेरा एक प्वाइंट ऑफ ऑर्डर है ....(व्यवधान)... अब मान लीजिए कि उनका कहना यह है कि जेठमलानी साहब ने कुछ ऐसी बातें कह दी है, जिनसे अब वे इंकार कर रहे हैं। यह उनका आरोप है। अब इस आरोप की जांच करने के लिए क्या इसी समय हाऊस को ऐडजॉर्न कर दिया जाए या इस बारे में रिकॉर्ड आप देख लें अपने चेंबर में ....(व्यवधान)... आपकी परंपरा यह रही है कि अगर ऐसी कोई स्थिति आती है टॉ आआफ उसको देखें। हम इससे इंकार नहीं करते। मैडम, हम यह चाहते हैं कि आप रिकॉर्ड देखें ....(व्यवधान)...

उपसभापति : आप उनकी बात तो सुनने दीजिए। बैठिए। देखिए, यह मामला प्रोसीजर का है।

There is no doubt about it that I am going to see the record, whether I see it just now or I see it tonight. The only thing is whatever the Minister has said is absolutely right. (Interruptions)... He is absolutely right that the procedure which we have followed till today is that the Chair sees the record, whatever is said in the House, and reports it to the House the next day or thereafter so that we know the correct position. But now, in the light of the fact that everything is being telecast live, the Committee has taken the decision. I was very unhappy this morning to see the Member who was very much agitated, saying that the remarks alleged to have been made in this House were widely covered by the newspapers because the decision could not be taken immediately. In my opinion, we will have to change our procedure, according to the need of the hour. When there is a live telecast, if somebody says something today and I correct it tomorrow, it is not proper ... (Interruptions)...

श्री नरेन्द्र मोहन : मैडम, जो परम्परा चली आ रही है ....(व्यवधान)...

श्री संघ प्रिय गौतम : मैडम, कल से कर लीजिए। ....(व्यवधान)...

उपसभापति: देखिए, आपको मालूम है और नरेन्द्र मोहन जी आपको भी मालूम है कि डिस्कशन तभी मीनिंगफुल होता है जब एक-दूसरे की बात लोग सुने। जाहिर बात है कि जो आप इस साइड से कहेंगे वह दूसरी साइड से नहीं सुनेंगे और उस साइड से बोलेंगे तो आप उससे सहमत नहीं होंगे। यही तो डेमोक्रेसी का मतलब है कि अलग-अलग

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तरह की आवाजें आती हैं उसमें से जो भी निर्णय निकलता है वह आता है। मुझे जो हालात हाउस में दिख रहे हैं, अभी सभी मेरी बात चुपचाप सुन रहे हैं, मगर जैसे ही मैं बैठूंगी फिर वहीं बात शुरू होगी। डिसकशन तो कम्पलीट करना है। इसका कोई निर्णय तो होना है, इसका कोई समाधान निकालना भी तो चेयर की जिम्मेदारी है। यह तो नहीं है कि मैं यहां हंगामा और शोर होने दूं। आप भी कुछ नाराज हों और ये भी नाराज हों और डिबेट के ऊपर खराब असर पड़े। पांच-दस मिनट की बात की है। I will adjourn the House for fifteen minutes. I will look into the record and we will meet again.

SHRI RAM JETHMALANI: I have no objection, Madam.

THE DEPUTY CHAIRMAN: Fine. He never said that he had any objection. If he has no objection, I think it is proper.

श्री नरेन्द्र मोहन: मैडम, एक नई परम्परा स्थापित हो रही है। ....(व्यवधान)... आप एक नई परम्परा स्थापित कर रही हैं, आपको अधिकार है। ....(व्यवधान)... आप जो भी परम्परा स्थापित करें, आपको अधिकार है।

उपसभापति : ठीक है। मैं अपने ही अधिकार का इस्तेमाल कर रही हूं। ....(व्यवधान)... देखिए, चेयर ....(व्यवधान)...

SHRI B.P. SINGHAL: Madam, this tantamounts to blackmailing the Chair-

उपसभापति: नो, नो। प्लीज, प्लीज, प्लीज। मैं अपने अधिकार का इस्तेमाल इसलिए कर रही हूं कि किसी के ऊपर भी कोई एलिगेशन नहीं आना चाहिए। अजमेर से राज्य सभा के जो सदस्य हैं, आपने उनकी बात सुबह सुनी होती तो आप वही कहते जो मैं कह रही हूं। I how agitated he was in the morning to see that everything was published in the newspapers about a very responsible son of India, who was no more with us. You look at it from that point. In this case, it is happening with the statement of Shri Jethmalani who is sitting with you. But yesterday, it happened with some other Member sitting on my left side. The rules are equally applicable to all. I am trying to protect the right of the Member, as well as the proceedings of the House. It is not a question of this side or that side. Because, every day in the House, somebody is unhappy, either from the left or from the right. Now, I adjourn the House for fifteen minutes.

The House then adjourned at eight minutes past three of the clock.  
The House reassembled at twenty-eight minutes past three of the clock,  
The Deputy Chairman in the Chair.

THE DEPUTY CHAIRMAN: Hon. Members, I had adjourned the House because the House was agitated on some remarks. We have heard the tape and we have got a copy of the transcript. For the record of the House I would like to read out what Shri Jethmalani said. He said, "Mahatma Gandhi, if you ask me, was killed by those who consented to the Partition of India. Gandhiji had said, time and again, "My body will be floating in the Arabian Ocean if anybody has divided India." Those who divided and consented to the political division killed the spirit of Mahatma Gandhi." I feel if you read the whole sentence, it clarifies that he was not referring to physical killing of Mahatma Gandhi, but spiritual killing of Mahatma Gandhi. I would also like to mention here that when I was.....

SHRI KAPIL SIBAL (Bihar): What about the first part of the sentence?

THE DEPUTY CHAIRMAN: I have read out the first part. (*Interruptions*). Just a minute. In the first part he said, "Those who consented to the Partition of India." Subsequently he said, "Killed the spirit of Mahatma Gandhi." So he clarified what he wanted to say. Perhaps, you did not hear it or you concentrated on the first part of the sentence. It can happen in the House when it is in turmoil. Just before I adjourned the House the Home Minister said that it was a new precedent. I would like to say that we did it in the light of the live telecast because we do not want that any wrong impression should go from the House that this side or that side of the House made some allegations which were not substantiated or which were wrong. Having said that, I would like to again put on record that it should not happen again and again that people make wild allegations or make some kind of a statement which is not proper and we adjourn the House. In the past also, we have done it once or twice. It should not happen that we adjourn the House to see the record. Otherwise, the House cannot run. The House has to run. The debate has to continue. We cannot keep on adjourning the House and I keep on looking at the record. That will not be correct. I will not do it. So, kindly, everybody should restrain themselves to help the Chair in the smooth running of the House and the debate. Yes, the Parliamentary Affairs Minister wants to say something.

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THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND TECHNOLOGY (SHRI PRAMOD MAHAJAN): Madam, I want to make one point. We did this adjournment, as you said, because of the television coverage. There are two parts in this. One is the live coverage and the other is the recorded version which will be shown in the evening on different channels in their news items if they select it. The third part of the record is print journalism, which will print it the next morning. As far as the live telecast is concerned, even our adjournment becomes useless because for those who had seen this live telecast, even expunction would have no meaning because they have already heard it, whether it left a good impression or a bad impression, they had it. So, my request is that the later portion can only be used in print journalism the next morning or on different channels in their news items late evening. So, in future, we should not adjourn like this, because at 6 o' clock, after the House adjourns, you can check up the record, and you can issue the correction to the Press or to the television media. Otherwise, at anytime, anybody can quote this precedent, and as I said, even in the case of live coverage, this will not help. So, all of us should have this in mind in future.

THE DEPUTY CHAIRMAN: I agree with you. The Privileges Committee is looking into this matter. We will present our Report to the House and we will take the consent of the House as to how we should proceed in future. I feel that you can strengthen the hands of the Chair by not making such mentions, by not using that language, which has to be expunged because it is not proper for Members of Parliament that their words are removed from the record. The words of Members of Parliament should become a part of the record for the posterity. Now, I go ahead with Shri Kapil Sibal.

SHRI B.P. SINGHAL: Madam, I wish to add one more point. One of the Members was dictating to you, "this should be done, that should be done". Now, that has become the trend. This denigrates the entire prestige of the House. Therefore, I would like you to kindly say a word about that also..

श्री राजनाथ सिंह "सूर्य" ( उत्तर प्रदेश): महोदया, इन लोगों को इस बात के लिए सदन से माफ़ी मांगनी चाहिए। ....(व्यवधान)... जिन लोगों ने यह गलत बात कही है, उनसे माफ़ी क्यों नहीं मगवाई जाती है?

THE DEPUTY CHAIRMAN: Mr. Singhal, I thank you for your comment. But the main thing is that nobody dictated any terms to me. Nobody can force *me...*(*Interruptions*) When the Chair is speaking, you stop for a minute, and then you can continue. The main thing is, I did it on my own free will because I felt that the correct record should be seen and either side should not go badly. There was a dispute on it. It was an important debate. Surely, it cannot happen every day on a Special Mention or anything.

SHRI RAM JETHMALANI: The adjournment has served the purpose. We have, at least, ended the controversy here.

SHRI B.P. SINGHAL: My point is totally different that Members should not get up and tell the Chair that this should be done and that should be done. That is a general thing that I want to be stopped because this is denigrating the respect of the House.

THE DEPUTY CHAIRMAN: I agree with you. Nobody can tell me what I should do. I should tell everybody what they should do. I thank you very much. I think your party should give you a seat in the front, not at the back, to enable you to come to my help all the time, i

SHRI KAPIL SIBAL : Madam Deputy chairperson, I rise to participate in this discussion. In fact, I am a little pained that after 50 long years we are having a discussion of this nature, and the hon. Minister, who is a Member of this House, has to vociferously defend the indefensible. The other thing that I am pained about is this. By now, at least, the hon. Minister ought to have placed before this House the exact circular that was withdrawn because, then only, can a constructive debate take place. Madam, the circular that we are talking about is dated June 5, 1986. It was issued by the Government of India and this is what the circular says. If my learned friend, the hon. Minister, had read the circular, he would not have found it necessary to have said what he said. And now I realise why my learned friend has proposed, in respect of advocates, that after five years, they must renew their knowledge so that it becomes fresh. I am only advising my learned friend, I could realise why you have now suggested that for the advocacy, you should try to renew your knowledge every five years so that you ultimately come up with correct facts. But be that as it may, Madam Deputy Chairperson, this is what the circular says and I read it "Rule 3 of Gujarat Civil Services Conduct Rules, 1971 provides that no Government servant shall be a member or

associate with any political party or organisation". Similarly, Rule 24 of the Conduct Rules referred to above prohibits Government Servants from participating in the activities of associating with any communal institution, even if activities of such institution are of a social or educational nature. Whether the parties are political or not is a matter to be decided by the Government. Government of India has issued instructions that the Central Government employees should not take part in the activities of organisations listed by the Government of India. Government of India has accordingly advised the State Government to revive the existing instructions so as to provide that the State Government employees should not also either participate or associate with the party's organisation, the activities of which.... this I am providing the emphasis myself, the activities of which are apparently on the face of it social or religious or education. But, in reality, such organisations are, in fact, political or communal. The former Government of Bombay, Political and Services Department circular August, 26, 1955 had eight listed organisations, membership of which would be considered as a proper ground for acting against the State Government employees under the conduct rules. Having regard to the instructions of the Government of India -- not the advice of the Government of India -- the State Government have reviewed the position. Accordingly, the State Government hereby directs that the State Government employees should not participate and associate in the activities of whatever nature of the political party's organisations listed in Annexure A appended to this circular. Breach of these instructions shall be treated as breach of the provisions of the conduct rule 5 read with rule 24 for the purpose of taking appropriate action against such Government employees. In Annexure A, Item 7 is the Vishwa Hindu Parishad which we are not concerned with today. Item 14 is the RSS. Pursuant to this circular of June 5th, 1986, on December 14, 1986, the General Administration department of the Government of Gujarat issued another circular in which it said, "All Government employees are hereby directed that any participation association, in the activities of these organisations by these is to be treated as a breach of rule 5 and rule 24." This is the circular. We are not here concerned with whether a private person should be a Member of the RSS or not. Nobody can have an objection to that. We are not concerned with whether a Member of the RSS should be entitled to espouse whatever ideology he has. That is something that we are not concerned with today. That is something that we are not concerned with today. We are

concerned with a narrow issue. When we have a secular Constitution of India, when we have a Government in power, a Government which has taken oath under the Constitution of India, can a Government employee, whether of the Central Government or of the State Government, associate in the activities of an organisation which, on the face of it, may be social or educational, but is, in fact, political or communal? That, Madam Deputy Chairperson, is the issue before the House. That has not been answered or even attempted to be answered by the hon. Minister. Instead, without anybody else having gone into the history of the matter, the hon. Minister had tried to justify the ideology of Hindutva which we were not concerned with. He has tried to justify what the RSS stands for and said that it is, in fact, a secular agenda. I am shocked at what my learned friend has said. So, for the record, let me, at least, put the facts of history straight, before I go further.

The RSS has had views on five major issues — martyrdom, minorities, National Flag, imperialism and patriotism. I won't take too much time of the House. But on each of these issues, I will tell this House what the RSS stands for.

I start with martyrdom. When people were sacrificing their lives for independence, for the freedom of all of us, this is what the RSS had to say and I am quoting from 'A Bunch Of Thoughts' by Golwalkarji, at page 283. This is what he said about our martyrs I quote. "We have not looked upon their martyrdom as the highest point of greatness to which men should aspire for, after all, they failed in achieving their ideal and failure implies some fatal flaw in them". This is what the RSS stands for as far as those great people who sacrificed their lives are concerned.

About minorities, this was what was stated by RSS. Again, I am quoting from Golwalkar's book 'We Or Our Nationhood Defined'. He said, "It is worth bearing well in mind how these old nations" — and he was talking about Germany -- "solve their minority problem. They do not undertake to recognise any separate element in their polity. Immigrants have to get themselves naturally assimilated in the principal mass of the population, the national race, by adopting its culture and language and sharing in its aspirations, by losing all consciousness of their separate existence, forgetting their foreign origin. There are only two courses open to these foreign elements - either to merge themselves in the national race and adopt its culture or to live at its mercy so long as the national race may allow them to

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do so and quit the country at the sweet will of the national race". This is the culture that the hon. Minister is talking about. This is the Hindutva that they are talking about.

Now, I go to the third aspect of what they thought about the National This is what they said. I am now referring to the fact — and Madam Deputy Chairperson, you would also immediately remember it -- that after the Lahore Session of the Congress in December, 1929, the Resolution of Poorna Swaraj was passed and the National Congress and the people of India were called upon to observe 26th January, 1930 as the Independence Day. That is how the 26th January is observed as the Independence Day. But, see, what Hegdewar had to say about it. He was the Sarvasangha Sanchalak at that time. When this Resolution was passed, Hegdewar issued a circular to all the RSS shakhas to worship the *भारवा झंडा*, not the National Flag. You know he said, and I quote. "We firmly believe that in the end, the whole nation will bow down before the saffron flag." This is how they regarded our national flag!

I come to their concept of imperialism, how they collaborated with imperialism. This is what they said, and this is what the Guruji himself said. I am astounded. Either they must clarify that they do not believe in this ideology-- they have never said so in the last 50 years - or they cannot talk about Hindutva being secular, and feed lies to the people of this country. Now, this is what was stated by him. In 1942, on June 8, Golwalkarji said, and I quote, "Sangh does not want to blame anybody else for the present degraded state of society. When the people start blaming others, then, there is weakness in them. It is futile to blame the strong for the injustice done to the weak," He was talking about the British, because the British was strong. "Sangh does not want to waste its valuable time in abusing or criticising others. If we know that large fish," - he was meaning the British - "If we know that large fish eats the smaller ones, it is outright madness to, blame the big fish. Law of nature, whether good or bad, is true all the time. This rule does not change by terming it unjust." In other words, if the big fish eats the small fish, you cannot blame the big fish, you have to blame the small fish. ...*(Interruptions)*...

Lastly, Madam, is their concept of patriotism because, yesterday, my learned friend, the hon. Minister, said - and he said it very seriously -that the RSS is the most patriotic organisation that he knows of. I can tell you



what they say about patriotism, and I quote here. I am quoting Hedgewar again, "Patriotism is not only going to prisons. It is not correct to be carried away by such superficial patriotism. He used to urge that while remaining ' prepared to die for the country when the time came, it is very necessary to have a desire to live, while organising for the freedom of the country. It is indeed a pity that fools like Bhagat Singh, Rajguru, Sukhdev, Asfaq-ulla-khan and Chandrasekhar Azad did not come into contact with this great patriotic thinker. If they had *(Interruptions)*... I will tell you. I am reading from a publication of the RSS on Golwalkar and what he said. So, he said, "If they had..." *...(Interruptions)*...

SHRI B.P. SINGHAL : What is that publication?

SHRI KAPIL SIBAL : "If they had the great opportunity..." *...(Interruptions)*... Okay, I will give you the publication. It is the Sri Guru's Samagra Darshan. I will give you the volume. It is volume V, pages 61-62.

श्री रामदास अग्रवाल: कहां से लाए हैं, कौन इसका प्रकाशक है इसका, किसने लिखा है....(व्यवधान)...

SHRI KAPIL SIBAL : It is an RSS publication. *...(Interruptions)*... Why are you hurt when the truth comes out? When the truth comes out, why are you hurt? *...(Interruptions)*... When your true colours are exposed... *...(Interruptions)*...

SHRI LALITBHAI MEHTA (Gujarat): Madam, he should give the name of the author. *...(Interruptions)*...

मौलाना ओबैदुल्ला: खान आज़मी: पर्दे में रहने दो, पर्दा न उठाओ। पर्दा जो उठ गया तो भेद खुल जाएगा ....(व्यवधान)...

SHRI B.P. SINGHAL : He should give the name of the publisher.

SHRI LALITBHAI MEHTA (Gujarat) : Madam, can we expect from a Member like Shri Kapil Sibal not to give the name of the author and the publisher? *...(Interruptions)*...

SHRI B.P. SINGHAL: That kind of a publication he is having! *...(Interruptions)*... God help it. *(Interruptions)* He has to give the name of the publisher .....*(Interruptions)*...

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श्री नरेश यादव : आपका भेद खुल रहा है । ... (व्यवधान) ....

श्री रामदास अग्रवाल : उनको अँथंटीकेशन करना चाहिए।  
... (व्यवधान) ....

THE DEPUTY CHAIRMAN: I will find out. (*Interruptions*) He is telling you that. I will ask him to identify that book. (*Interruptions*) I am asking him to give the name also. Do not worry, I will ask him to do that. .. (*Interruptions*)...

SHRI KAPIL SIBAL: I am giving you the name. (*Interruptions*) I am giving you the book. I am giving you the publication details. (*Interruptions*)

THE DEPUTY CHAIRMAN: I am asking him to give the name. (*Interruptions*)

SHRI KAPIL SIBAL: Madam, I am giving the name of the publication. (*Interruptions*)

उपसभापति : आप सुन लीजिए, क्या कह रहे हैं। किसकी लिखी हुई किताब है, वह बता रहे हैं। ... (व्यवधान) .... If you sit down, he will give you the name. He should identify the book from which he is referring.

SHRI KAPIL SIBAL: I am reading from a publication called Freedom Movement in the RSS', published by Joshi Adhikari Institute of Social Studies. (*Interruptions*)

SHRI T.N. CHATURVEDI: That Adhikari? Who is this Adhikari? (*Interruptions*) I can bring it from my house. Madam, give me permission. Within ten minutes, I can bring it. (*Interruptions*) This is a publication of the Left. This is a publication of the Communists. Give me ten minutes, Madam. (*Interruptions*) He is quoting, 'Dr. Hedgwar used to say...' which is a third person's saying. It is a Communist publication. ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Let me restore order in the House. (*Interruptions*)

SHRI T.N. CHATURVEDI: Madam, I have brought five books for this purpose. Madam, I have this book from which I can quote about those who have aided and abetted in making this statement. (*Interruptions*) What is it that these people were saying about Gandhiji and Jawaharlal Nehru till 1956? Madam, you give me permission. You allow me to do that, Madam. ... (*Interruptions*)...

श्री रामदास अग्रवाल: भगत सिंह के बारे में जिस प्रकार के शब्दों का उपयोग किया गया है ...(व्यवधान).... क्या चन्द्रशेखर आजाद ...(व्यवधान).... उनके बारे में ऐसा किसी ने नहीं कहा है। ...(व्यवधान)....

SHRI T.N. CHATURVEDI: I can tell you about Dr. K.M. Ashraf and the entire history of his. Shall I take out more books? *(Interruptions)* Communists are responsible for this. This is the lie of history and they are repeating it. *(Interruptions)* Who is this Adhikari? I can give you all the papers. I will give you my books. All purchased for you from PPH.. *(Interruptions)*...

SHRI T.N. CHATURVEDI: I am surprised that a person like Kapil Sibal is quoting like *this..(Interruptions)*...

श्री रामदास अग्रवाल: हम उस को सेल्यूट करते हैं, हम उस को शहीद मानते हैं, उस के बारे के बारे में ये शब्द गलत हैं। आप कहना क्या चाहते हैं? ...(व्यवधान)....

उपसभापति : बैठिए प्लीज, अभी आप नाम पूछ रहे थे जिसे उन्होंने बता दिया। अब आप उन का भाषण खत्म हो जाने दीजिए, उस के बाद जब आप बोलेंगे तो जवाब दे दीजिए। ...(व्यवधान)....

SHRI T.N. CHATURVEDI: These words must be withdrawn. *...(Interruptions)...* He said only a few minutes back that it was an RSS publication. *...(Interruptions)...* This is a double mistake. *...(Interruptions)...* He just now said that it was an RSS publication. *...(Interruptions)...* Madam, now I ask for the adjournment of the House. *...(Interruptions)...* I am asking for a meeting of the Committee of Privileges. *...(Interruptions)...* I again ask for adjournment. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Why do you want adjournment? *...(Interruptions)...* Do you not want a discussion? *...(Interruptions)...*

SHRI T.N. CHATURVEDI: Now my Communist friends are trying to help out. *...(Interruptions)...* I have many publications about the history of Communists. *...(Interruptions)...* Mr. Sibal is an honourable person. *...(Interruptions)...* He should withdraw it. *...(Interruptions)...*

श्री रामदास अग्रवाल: मैडम, पहले उन्होंने कहा था कि आर०एस०एस० के पब्लिकेशन से कोट कर रहे हैं ...(व्यवधान).... बाद में उन्होंने अपना कहा बदला है। ...(व्यवधान).... यह आर०एस०एस का पब्लिकेशन है, इसे प्रूव करो। ...(व्यवधान)....

**4.00 P.M.**

SHRI T.N. CHATURVEDI: He is misleading the nation. ...*(Interruptions)*...

SHRI S. PETER ALPHONSE (Tamil Nadu): Madam, I am on a point of order... *(Interruptions)*...

श्री ओंकार सिंह लखावत (राजस्थान): मैडम, यह उस को आर0एस0एस0 का पब्लिकेशन कहकर पढ़ रहे हैं। ...*(व्यवधान)*.... मैडम, जो उन्होंने कहा है, उस को कार्यवाही से निकाला जाए या वह उस को विदग्ध करें, खेद प्रकट करें क्योंकि इन्होंने आर0एस0एस0 के मुंह से गलत बात कहलाने की कोशिश की है। यह मेरा निवेदन है।

SHRI S. PETER ALPHONSE: Madam, I have a point of order. ... *(Interruptions)*...

SOME HON. MEMBERS: There is no point of order. ... *(Interruptions)*...

SHRI S. PETER ALPHONSE: Madam, who are they to say that there is no point of order? ....*(Interruptions)*... Madam, it is for you to decide. ..*(Interruptions)*... It is for the Chair to decide. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Mr. Alphonse, please sit down. ..*(Interruptions)*... Let us restore order in the House. ...*(Interruptions)*... You asked that he should identify the book. I asked him to identify the book. .... *(Interruptions)*...

श्री राजनाथ सिंह 'सूर्य': मैडम, उन्होंने इसे आर0एस0एस0 का पब्लिकेशन कहा था ...*(व्यवधान)*....

उपसभापति : इतना गुस्सा मत करिए। ...*(व्यवधान)*.... एक मिनिट रुक जाइए। बैठिए तो, मैं बोल रही हूं, इतना गुस्सा मत करिए। ...*(व्यवधान)*.... बैठिए, मेरे बोलने के बाद गुस्सा मत कीजिए।

श्री ओंकार सिंह लखावत: मैडम, कोई और बोलता तो बाद समझ में आती । ...*(व्यवधान)*.... कपिल सिब्बल जी बोलते हैं, वह वकील हैं, जिन्होंने रामास्वामी की वकालत की वे ऐसा बोलते हैं। ...*(व्यवधान)*....

उपसभापति : देखिए, इंटेलीजेंस केवल पढ़े-लिखे लोगों का ही ह थोड़े ही है,

श्री राजनाथ सिंह 'सूर्य' : मैडम, हाउस एडजॉर्न कर के सब की बात सुनिए। यहां उन्होंने गलत 'कोट' किया है, उस को कैसे सुना जाएगा। ... (व्यवधान)....

THE DEPUTY CHAIRMAN: I will allow you also to speak after him. There is no problem. ... (Interruptions)... You want to say only one sentence. ... (Interruptions)... Do you not want this discussion to continue? ... (Interruptions).. If you want ... (Interruptions)... You see, I said it just now and since morning I have been saying this that when they say something you do not agree and you object to it and when on this side of the House they say something you do not agree and you object to it. Now, we have to have some discussion. The best way would be whatever he says -when Mr. Jethmalani was speaking, I said that you can answer him - you can answer him. ... (Interruptions)..

श्री राजनाथ सिंह 'सूर्य' : यह आर0एस0एस0 का पब्लिकेशन है, यह उन्होंने कहा है। ... (व्यवधान)....

उपसभापति : एक बात मेरी सुनिए। हम लोग यहां पर लफ्ज 'झूठ' का इस्तेमाल नहीं करते हैं, हम यह कहते हैं कि उन्होंने 'असत्य' कहा है। अगर उन्होंने सही बात नहीं कही है तो आप उसको सही कर दीजिएगा, कौन सी बड़ी बात हो जाती है भी रिकार्ड में आएगा। ... (व्यवधान).... बैठिए न। आपने उनसे पूछा ... (व्यवधान)....

श्री भारतेन्दु प्रकाश सिंहलः मैडम, जो उन्होंने कहा वह रिकार्ड में है, उसको तो निकलवा दीजिए।

उपसभापति : आप अगर मुझे बोलने का मौका देंगे तो मैं उनसे पूछूंगी क्योंकि इस हंगामे में मैं तो नहीं सुन पाई कि यह पब्लिकेशन, जो वे कह रहे हैं कि यह आर0एस0एस0 का है, तो कैसे आर0एस0एस0 का है, यह तो मुझे मालूम होना चाहिए न। तो मैं यह पूछ तो लूं उनसे।

श्री लाल कृष्ण आडवाणी : मैडम, ....

उपसभापति: आडवाणी जी, आप कुछ बोलेंगे। बोलिए। यैस।

[1 March, 2000]

RAJYA SABHA

श्री लाल कृष्ण आडवाणी: मैडम, ...

उपसभापति: आडवाणी जी, आप कुछ बोलेंगे। बोलिए।

SHRI S. PETER ALPHONSE: Madam, I have a point of order...  
(Interruptions)...

उपसभापति: अभी, आपको नहीं कह रही हूँ, मैंने आडवाणी जी, को  
यैस बोला था। He is the Home Minister...(Interruptions)...Please, I have  
asked him to speak... (Interruptions)... I only wanted to restore order in the  
House so that somebody can be heard... (Interruptions)...

श्री लाल कृष्ण आडवाणी: महोदया, आज प्रातः काल जब इस प्रकार का  
विवाद खड़ा हुआ था तो आपने जिस प्रकार से हस्तक्षेप करके उसे शांत किया, मुझे  
लगा कि चाहे प्रिसिडेंट नया बन रहा है तो भी आपका अधिकार है क्योंकि आप  
चाहती थीं कि ठीक प्रकार से बहस चले। मैं मानता हूँ कि अभी जो बात हुई, उसका  
प्रमुख कारण है कि जो बातें कही जा रही थीं वे इस नाते कही जा रही थीं कि किसी  
आर0एस0एस0 के प्रकाशन में लिखा है कि डा0 हैडगोवार ने कहा कि जेल जाना  
बहुत गलत है, यह कोई पैट्रियाटिज्म नहीं है और भगत सिंह, चन्द्रशेखर आज़ाद या  
इस प्रकार के जो क्रांतिकारी थे, वे मूर्ख थे। तो जो लोग संघ को थोड़ा-बहुत भी  
जानते हैं, जैसे मैं जानता हूँ और जिनको पता है कि डा0 हैडगोवार स्वयं अनेक बार  
जेल गए, जितने भी कांग्रेस के आन्दोलन हुए, जन सब में वे गए क्योंकि वे विदर्भ  
कांग्रेस के जनरल सैक्रेटरी थे, तो उन सबको लगा कि ये कैसे, कहां से बात कह रहे  
हैं, य अह कम से कम आर0एस0एस0 का पब्लिकेशन तो हो ही नहीं सकता और  
इसीलिए इतना प्रतिवाद हुआ। उसी प्रकार से हमारी धारणा रही है, जो लाग  
आर0एस0एस0 में रहे, कि भगत सिंह, कि भगत सिंह, चन्द्रशेखर आज़ाद जैसे  
क्रांतिकारियों के बलिदानों की इस देश ने पूरी चिंता नहीं की, उनके प्रति पूरा आदर  
नहीं किया और ये कह रहे हैं कि यह आर0एस0एस के लोग कहते हैं कि वे मूर्ख थे,  
ऐसे थे, ऐसे थे, वैसे थे। इसीलिए ताज्जुब हुआ और सबने कहा कि कहां से वोट  
कर रहे हो, क्यों कर रहे हो और फिर उस पर जब उन्होंने कहा कि यह तो  
आर0एस0एस0 का पब्लिकेशन है तो स्वाभाविक रूप से यहां वैसी ही प्रतिक्रिया हुई  
जैसी कि पहले वहां से हुई थी कि अभी हाउस को ऐडजॉर्न करके देखो कि इनके  
पास पब्लिकेशन कौन सा है क्योंकि यह सरासर गलत है। आर0एस0एस0 के किसी  
भी पब्लिकेशन में ऐसी बात कभी नहीं कही गई। फिर जब उन्होंने नाम बताया तो  
चतुर्वेदी जी ने पहचान लिया कि यह तो कम्युनिस्ट पब्लिकेशन है, यह  
कोई आर0एस0एस0 का पब्लिकेशन नहीं है, जिसको वे वोट कर रहे हैं, इसलिए  
यह सारा

विवाद हुआ। इसलिए मेरा निवेदन होगा कि कम से कम कपिल सिब्बल जी से अपेक्षा थी कि वे जब यहां पर अपना केस प्रस्तुत करेंगे तो अधिकृत आधार पर करेंगे, ऐसे नहीं बोलेंगे, जैसे बोल रहे हैं। ....(व्यवधान)....

SHRI S. PETER ALPHONSE: Madam, I am on a point of order...  
(Interruptions)...

उपसभापति : अभी कोई प्वाइंट आफ आर्डर नहीं है। Now, there is no point of order...(Interruptions)...No. ....(Interruptions)... Now, I am not allowing any point of order because no point of order has arisen yet.

श्री कपिल सिब्बल: मुश्किल यह है कि अगर आप लोग बोलते नहीं तो ....(व्यवधान)....

श्री लाल कृष्ण आडवाणी: बेहतर होगा कि आप कम से कम इस कागज को अलग रखकर बोलें, कम से कम सदन को गुमराह न करें।

श्री कपिल सिब्बल : नहीं, नहीं, मैं बिल्कुल अलग नहीं रखूंगा । ....(व्यवधान).... एक मिनट, एक मिनट, आप मुझे बोलने दीजिए। ....(व्यवधान).... अब आप मुझे बोलने दीजिए। ....(व्यवधान)....

श्री नरेन्द्र मोहन : अपने बयान को रिकार्ड से विदझा करें। ....(व्यवधान)....

कपिल सिब्बल : आप मुझे बोलने दीजिए....(व्यवधान)....I am not yielding. He has given his explanation. Now, you do not even give me an opportunity to explain what I said.. (Interruptions)...Whatever I said is absolutely accurate. I do not withdraw even a single word and I will repeat it. And, now, I will read out what is stated because this is not my publication...(Interruptions)...Let me read it...(Interruptions)...

श्री ओंकार सिंह लखावत: मैडम, फिर हमको आपत्ति है। ....(व्यवधान)....

SHRI KAPIL SIBAL: This is very strange...(Interruptions)...

SHRI T.N. CHATURVEDI: We will not allow the House to function... (Interruptions)...

SHRI KAPIL SIBAL: This is very strange...(Interruptions)...

SHRI SANGH PRIYA GAUTAM: We will not allow the House to function... (Interruptions)...

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SHRI T.N. CHATURVEDI: You are an hon. person and is this the kind of statement you are making?... *(Interruptions)*...

SHRI KAPIL SIBAL: So are you. That is why I expect you to sit down... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Let me handle '^. *(Interruptions)*..

THE DEPUTY CHAIRMAN: Just one second... *(Interruptions)*... Let me ask him... *(Interruptions)*...

SHRI T. N. CHATURVEDI: You are just misleading the House... *(Interruptions)*...

SHRI KAPIL SIBAL: I do not mislead the Members of this House. I have so much respect for the Members of this House that I cannot think of misleading them... *(Interruptions)*... If you listen to me for two minutes... *(Interruptions)*... I do not understand... *(Interruptions)*...

SHRI T. N. CHATURVEDI: I will bring that book... *(Interruptions)*... He is deliberately quoting... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Okay. Let me ask... *(Interruptions)*  
आप बैठिए, मैं उनसे पूछती हूँ।

SHRI KAPIL SIBAL: They do not understand.. *(Interruptions)*...

SHRI LALITBHAI MEHTA: Let him correct himself first... *(Interruptions)*...

उपसभापति : आप बैठिए, मैं पूछती हूँ। There is a dispute. अच्छा, आप बैठिए ....*(व्यवधान)*.... There is a dispute. There is a dispute that what you are calling is an RSS publication, is not an RSS publication. *(Interruptions)*

SHRI T.N. CHATURVEDI: I can tell more about what he. 4s quoting. *(Interruptions)*

SHRI KAPIL SIBAL: That is not correct. This is what the author says that this is an RSS publication. ...*(Interruptions)*

श्री नरेन्द्र मोहन: महोदया, इनको बताना चाहिए कि आर०एस०एस० ....*(व्यवधान)*....



THE DEPUTY CHAIRMAN: Would you like me to listen to it or not? ...*(Interruptions)*...

SHRI KAPIL SIBAL: And, Madam, I will give the source. *(Interruptions)* If the hon. Members of this House would listen to me just for a few seconds, I will explain the position. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: The argument is that...*(Interruptions)* Aggarwalji, you don't want me to interfere and settle the matter. If you want to settle it yourself, please go ahead and do it. Let me ascertain, as Advaniji said that when there was a dispute on something in the House, I even went ahead to adjourn the House because I really wanted the debate to go on in a proper manner. This is the desire of every presiding officer, including me. Now, the dispute is that he says that it is an RSS publication, while you say that it is not so. So, I have to ask him, if it is not an RSS publication, from where he is quoting, how he is quoting. He should give the source, so that the matter is over and we can continue. ...*(Interruptions)*...

SHRI KAPIL SIBAL: I will read the paragraph, atf «ftoFt eft ^t *(Interruptions)*...

SHRI RAMDAS AGARWAL: Do not read the paragraph. *(Interruptions)*

THE DEPUTY CHAIRMAN: That is what I am asking. *(Interruptions)* That I am asking. That's what I said.

SHRI SANGH PRIYA GAUTAM: You tell us the name of the publisher and the name of the author. ...*(Interruptions)*...

SHRI KAPIL SIBAL: There is nothing wrong in what I am saying. It is absolutely accurate. ...*(Interruptions)*...

SHRI LALITBHAI MEHTA: Madam, the publication is lying with him. Whether he can verify the publisher..*(Interruptions)*... This should be verified ...*(Interruptions)*...

SHRI KAPIL SIBAL: One second, let me explain. *(Interruptions)*

THE DEPUTY CHAIRMAN: Exactly. ...*(Interruptions)*... Just one second. ...*(Interruptions)*... When anybody quotes anything in the House our procedure is... As I had asked Mr. Agarwal can he authenticate what he

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was saying. He said, "No". As I ask them, can they authenticate what they are quoting, So, I am asking him. I am going according to the procedure. Let me continue with the procedure. If he is making a statement, he should authenticate from where is he reading. He can say OK" I cannot take the responsibility because I have not seen that boy. So, let me ask him. Now. what was your point of order for such a long time, Mr. Alphonse. *(Interruptions)*...

SHRI S. PETER ALPHONSE : What is this happening. You allow us to speak. ...*(Interruptions)*... Please listen to us. ...*(Interruptions)*...

SHRI T.N. CHATURVEDI: Smile and smile ...*(Interruptions)*... This can work in the other House, but not here. *(Interruptions)*

SHRI KAPIL SIBAL: It will work here. It will work. *(Interruptions)*

SHRI T.N. CHATURVEDI: You said, "Joshi Adhikari", You show that book, or you say that it is not published by RSS. ...*(Interruptions)*...

श्री परमेश्वर कुमार अग्रवाला ( बिहार): एक भी किताब बताइए ....*(व्यवधान)*.... आर०एस०एस० की कोई भी किताब में अगर भगत सिंह को गाली दी गई है तो मैं हाऊस से रिज़ाइन करने को तैयार हूँ।

SHRI KAPIL SIBAL: I will show .it. Madam, after.... *(Interruptions)*...

SHRI S. PETER ALPHONSE: Madam, whenever you ask us to sit. We sit down. But we don't argue. *(Interruptions)* They are not prepared to hear us. I think, I can also shout. ...*(Interruptions)*...

श्री कपिल सिब्बल: अरे, बोलने तो दो। बोलने नहीं दोगे तो कैसे होगा? ....*(व्यवधान)*....

THE DEPUTY CHAIRMAN: Let first the point of order be settled then I will allow. I will permit you after that. ...*(Interruptions)*...

SHRI S. PETER ALPHONSE: The subject of today's discussion is an organization, which is nearly 75 years old. We have to collect materials from various sources. We have got the excerpts, actual quotes from so many sources, including weeklies, magazines and publications of other responsible organizations. ...*(Interruptions)*... Please allow me to speak. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: What is your point of order?  
...(Interruptions)...

SHRI S. PETER ALPHONSE: Please allow me to speak.  
(Interruptions) Let me complete. ...(Interruptions)...

SHRI T.N. CHATURVEDI: He has misled the House. He mentioned about Joshi Adhikari. ...(Interruptions)... The number two thing he said is that it is a R.S.S. publication. ...(Interruptions)... Joshi Adhikari in Delhi has been publishing these things.

THE DEPUTY CHAIRMAN : I think now enough is enough. Please sit down. I have not permitted. ...(Interruptions)... No, I have not permitted. No, please. ...(Interruptions)... Let me dispose of one by one ...(Interruptions)... Just one second because I have to tell Mr. Alphonse that you are not speaking ...(Interruptions)... No, you are not speaking, nobody is agitating on whatever you have not said. So, you better sit down. ...(Interruptions)... There was no point of order. He is talking about something which he will speak in future. Let him sit down. That is over. Now, you have said that Mr. Kapil Sibal mentioned about a book, which is not an R.S.S. book. Right. That is what you have said and you have given the names. ...(Interruptions)... Please keep quiet. Let me hear him. Let me ask him because he was agitated.

SHRI T.N. CHATURVEDI : Madam, he quoted in third person that "he" used to say this. This was quoted from a book. We asked, "which is this book?" First, he said, it is "Samagra Darshan". Now, it is on record. The number two thing is that when I said that it cannot be in the "Samagra Darshan", after some time he said that it is " Joshi Adhikari Institute". First he said that it is an R.S.S. publication. That was a libelous statement, a wrong statement, and I thought a person like Mr. Sibal will withdraw it and the matter ends. But then he also named the Joshi Adhikari Institute, which belongs to C.P.I. We can still have copies of that book from P.P.H. I do read what they write. I have been doing it for the last 40 years, and I do it today. If you give me some time, I will search and bring it. Shri Kapil Sibal made a libelous statement. He made two statements. He is misleading not only the House, but also the entire nation. First he said that it is "Samagra Darshan". It is only in two volumes. One is of Deen Dayal Upadhyay, and the other is of Guru Golwalkar Samagra Darshan, a commentary by some people. Shri Sibal gave wrong names of the books. He attributed it to R.S.S. Despite my

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requesting him to correct himself, he said that it is an R.S.S. publication, and he still insists on that. Let him produce the books. Let the House be adjourned.

श्री रामदास अग्रवाल : मैडम, मैं

उपसभपति : नहीं अग्रवाल जी। अग्रवाल साहब आप बैठ जाइये।  
....(व्यवधान)....

SHRI T.N. CHATURVEDI : He is a very honourable person always smiling and smiling. He thinks by this he can get away. He is a personal friend of mine, but the point is, he can't get away with murder. *(Interruptions)*...

SHRI KAPIL SIBAL : Madam, a lot of people have got away with murder; I am only trying to get away with a smile. ...*(Interruptions)*...

श्री ओंकार सिंह लखावत : मैडम, इन्होंने कहा है कि मैं शब्द वापस नहीं लूंगा फिर क्या आंसू बहाना । ....(व्यवधान)....

THE DEPUTY CHAIRMAN : Mr. Kapil Sibal, a lot of questions have been put to you. Please answer them. I have to take a decision.

SHRI KAPIL SIBAL : Madam, I want to clarify to the hon. Members ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : Do that.

SHRI KAPIL SIBAL : Absolutely, Madam, I want to clarify. .. If I am allowed to speak, I will clarify ...*(Interruptions)*...

SHRI T.N. CHATURVEDI : I am not asking him to withdraw other comments. ...*(Interruptions)*... You can adjourn the House. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : If you so desire, I will adjourn the House till tomorrow.

SHRI T. N. CHATURVEDI: Here is a case. He must apologise for it. He has done wrong. Now he is still insisting on and persisting in it. He is misleading the House. He continues to mislead the House. He has misled the House ..... *(Interruptions)* ...

श्री नरेश यादव : मैडम, हाउस ऐडजर्न कीजिए।

SHRI KAPIL SIBAL: Mr. Jethmalani, you are a believer in the 'freedom of speech.

श्री रामदास अग्रवाल : देश के शहीदों को बदनाम करते हुए शर्म आनी चाहिए। ....(व्यवधान).... आलोचना करते करते शहीदों को बदनाम करते हो। ....(व्यवधान)....

SHRI GOPALSINH G. SOLANKI (Gujarat): Madam, it is a very sorry state of affairs about Mr. Kapil Sibal who is a senior level advocate. When he was asked, he said, "I am referring to the "A Bunch of Thoughts." Then, he said, "I am referring to the Smagra Darshan." He also said, "I am referring to a publication of the RSS." Thereby, he has misled the House. I would like him to apologise for that.

SHRI KAPIL SIBAL: Let me clarify it.

SHRI GOPALSINH G. SOLANKI It is not a publication of the RSS. He must apologise for it.

SHRI T. N. CHATURVEDI: Then he clarified that it is a publication of the RSS.

श्री नरेश यादव: मੈबर को बोलने नहीं देंगे तो कैसे चलेगा? ....(व्यवधान)....

SHRI KAPIL SIBAL: The source of the material has been given in this book. I am quoting from there. It is not my quotation. This is not a prohibited publication. This publication gives the source. The source given is, "RSS". What can I do about it?

SHRI T. N. CHATURVEDI: Adjourn the House now and ask him to produce it in original. Let him not get away like this.

SHRI KAPIL SIBAL: It is not possible for me. Why am I not allowed to answer in the House? I want to explain the matter. ... (Interruptions). ..I have a right to answer.

SHRI T. N. CHATURVEDI: They are very sensitive to every other thing. ... (Interruptions) ...

SHRI KAPIL SIBAL: I am entitled to answer.

SHRI T. N. CHATURVEDI: This is something on record.

SHRI KAPIL SIBAL: I have every right to explain my position.

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SHRI T. N. CHATURVEDI: No further explanation is needed.

श्री परमेश्वर कुमार अग्रवाला: आप सच्ची बात सुनिए। आपसे सच्चाई को सुनने की पेशेंस होनी चाहिए। ... (व्यवधान)....

श्री नरेश यादव: अगर हाउस को आप इस तरह रोकेंगे तो क्या हाल होगा? यह रवैया गलत है। ... (व्यवधान)....

श्री ओंकार सिंह लखावत: मैडम, आप किताब मंगाइए। ... (व्यवधान)....

मौलाना ओबैदुल्ला खान आजमी: सरकारी पक्ष कह रहा है कि हाउस ऐडजर्न कीजिए, यह कौन-सी परम्परा है? ... (व्यवधान)....

SHRI T. N. CHATURVEDI: If people have given you a wrong brief, ask Mr. Das Gupta..... (*Interruptions*) ....

SHRI RAJUBHAI A. PARMAR: He should be allowed to speak.

SHRI KAPIL SIBAL: Then, we will not allow them to function like this. I have the right to speak in this House.

श्री दीपांकर मुखर्जी ( पश्चिमी बंगाल): यह नयी परम्परा चालू कर रहे हैं। ... (व्यवधान)....

THE DEPUTY CHAIRMAN: Are we going to continue the discussion or not? The question before the House is whether we should continue this debate or we should continue the acrimony. Certain questions were put, and objections were raised by the Members on my right about the authenticity of what Mr. Kapil Sibal said. They feel that this is a wrong statement that he has made. If he can satisfy the House that what he has said was correct or not, we will take a decision. He says that he wants to quote the source. If you are satisfied that he has given the correct source or whatever it is .... (*Interruptions*)....

आप मेरी बात सुन लीजिए, ऐसा नहीं करना चाहिए। मेरी बात सुनिए। ... (व्यवधान)....

If he says that he stands by what he has said, then, I will take a decision on that..... (*Interruptions*)....

Just a minute. Let me at least find it out because when he spoke, you objected to it. After that he has not spoken. Therefore, let me hear him also. Then, I will take my decision.

You should rest assured that I am not going to take anybody's side. I can assure this to the House. I have never done it before. However, let me at least give him a chance.

ठीक है, मेरी रूलिंग से आप अबाइड कर रहे हैं, सिर्फ इसलिए कि मैं मालूम करना चाहती हूँ कि वह क्या कह रहे हैं। जैसा मैंने पहले किया था। मुझे मालूम हो जाए फिर I will take my own decision. Let me hear him.

श्री राजनाथ सिंह 'सूर्य': सुबह आपने जेठमलानी जी की बात पर विश्वास नहीं किया था। ... (व्यवधान)....

उपसभापति : मैंने विश्वास किया था। ... (व्यवधान)....

That was a very serious matter. If you want, I can do it.  
...(Interruptions)...

Sit down. ... (Interruptions) ...

I will adjourn the House if you treat the Chair like this. Just keep quiet. Don't help me. I can help myself. I am also saying: Please hear the word also. If you want me to repeat, I will say it again. Everything said in this House is serious. That is why everybody is agitated. If the matter was not serious nobody would be agitated and we would have a very peaceful debate and half of the House would not have been over here at this time of the day. If Mr. Kapil Sibal can explain himself and if the House is satisfied, then you can continue. Otherwise I will adjourn the House.

SHRI EDUARDO FALEIRO (Goa): Please don't do that.  
...(Interruptions)... Madam, I would like to know...

THE DEPUTY CHAIRMAN: No, I am not allowing.

SHRI EDUARDO FALEIRO: Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: You cannot have a point of order on the Chair's observations. And you are not making a statement.

SHRI EDUARDO FALEIRO: But, please, don't adjourn the House.

THE DEPUTY CHAIRMAN: I will decide on that later on. But, let me first say something.

SHRI KAPIL SIBAL: First of all I would like to say that I have the

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highest respect not only for the Chair, but also for the feelings of the hon. Members of this House. I will never ever intentionally mislead any Member of this House. Secondly, what I said was: 'I am reading from a publication which state. This publication states, I do not state....(*Interruptions*) Let me explain'.

THE DEPUTY CHAIRMAN: Let him complete the whole sentence. उनका सेन्टेन्स पूरा तो होने दीजिए। अगर उन्होंने उसमें दोबारा कोई गलत बात कही तो हम ऑब्जेक्ट कर सकते हैं पर उनको पूरा सेन्टेन्स तो बोलने दीजिए।

श्री कपिल सिब्बल: उसमें लिखा हुआ है, मैं पढ़ रहा हूँ। ... (व्यवधान).... अरे पढ़नी तो दीजिए।

According to his biography published by the RSS.

THE DEPUTY CHAIRMAN: Whose biography?

SHRI KAPIL SIBAL: This is Dr. Hedgewar's biography published by the RSS and it is the quotation. What does it say? ... (*Interruptions*)...

श्री राजनाथ सिंह 'सूर्य': किस पब्लिकेशन का है? ... (व्यवधान)....

SHRI NARENDRA MOHAN: Madam, I am on a point of order. He must refer to the book he is quoting from.... (*Interruptions*)...

श्री राजनाथ सिंह 'सूर्य': मैडम, पहले इन्होंने कहा था कि आर०एस०एस० का पब्लिकेशन है। ... (व्यवधान)....

SHRI KAPIL SIBAL: No, this is not a banned document.

SHRI NARENDRA MOHAN: He has to specify from where he is making the reference.

THE DEPUTY CHAIRMAN: Mr. Sibal, they are not objecting to your quoting the name of the book and they are not saying that this is a banned document. They want to know which this book is.

SHRI KAPIL SIBAL: This book says that according to the biography of Hedgewar published by the RSS...

SHRI NARENDRA MOHAN: We want to know the name of publisher.

SHRI KAPIL SIBAL: This book says: "according to the biography



of Dr. Hedgewar published by the RSS this is the quotation and then the source is given. The source given is in note 29, Bishikar 1994, page 21.

THE DEPUTY CHAIRMAN: Page 21 of which book?

SHRI KAPIL SIBAL: Bishikar 1994. He is the author of the book. He is from Nagpur. He is an RSS man. That is what he says. I am not saying it. It is this book which is saying so. (*Interruptions*)

उपसभापति : अग्रवाल जी, बैठिए ... (व्यवधान).... बैठ जाइए .... आप लोग बैठ जाइए। अग्रवाल जी, बैठिए। ... (व्यवधान).... Let me find out. I want to know the book. Every book has a title. Which book are you referring to? Mr. Sibal, which book are you referring to.

SHRI KAPIL SIBAL: Madam, I am referring to the "Freedom Movement of the RSS" published by Joshi Adhikari Institute of Social Studies. In that book at page 20... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Let it come on record. Please keep quiet.

SHRI KAPIL SIBAL: In that book at page 20, following is stated. I am quoting now from this publication. According to his biography published by the RSS... (*Interruptions*) I am reading the quotation. (*Interruptions*)

SHRI NARENDRA MOHAN: Madam, I am on a point of order.

SHRI KAPIL SIBAL: The source of this quotation is Bishikar 1994, page 21.

SHRI T.N. CHATURVEDI: Now the record is there.  
.. (*Interruptions*)...

SHRI NARENDRA MOHAN : Madam, he wants to malign.  
.. (*Interruptions*)...

SHRI KAPIL SIBAL : Madam, I will give it to you. You can take a look.

THE DEPUTY CHAIRMAN : I don't have to look at it. You have to authenticate it and put it on the Table of the House.

SHRI KAPIL SIBAL : I don't have to. I am entitled to quote from this book. If I am asked a question : "Have you read from Bishikar's 1994,

page 21?" I will say, "no". I have not read it. But I am entitled to quote from this book. They can say that this is not an RSS publication.

SHRI T.N. CHATURVEDI : Madam Chairperson, he has mentioned that it is an RSS publication. *...(Interruptions)...* He said that it is an RSS<sup>1</sup> publication. Now he says that it is *Samagra Darshan*. Now he says that it is according to some biography by Bishikar. Now, Mr. Darda is helping him in this.

THE DEPUTY CHAIRMAN : Who is Bishikar? *...(Interruptions)...* Now the record is clear. *...(Interruptions)...* Take your seat. The record is clear. It says that Mr. Sibal is through the book which is in his hand. He is referring to some Mr. Bishikar's book which has been quoted in this. He refers to page 21 of Mr. Bishikar's book. He is not quoting from Mr. Bishikar's book. But he is quoting from somebody who wrote something about Mr. Bishikar's book. This is what he says. *...(Interruptions)...* I have a solution. *...(Interruptions)...*

SHRI KAPIL SIBAL : They can check up the original. If the original doesn't contain it, I will apologise to this House. *...(Interruptions)...* If the original doesn't contain it, I will apologise to this House. But that can't shut my mouth. *...(Interruptions)...*

SHRI L.K. ADVANI: Will he authenticate it?

SHRI KAPIL SIBAL: Why should they be worried? *...(Interruptions)...* Why should they be worried? If the original is not there, I will apologise. I am only reading from a source. The fact is that the original will be there.

श्री दीपांकर मुखर्जी: हाउस चलाना चाहते हो या नहीं ... (व्यवधान)....

श्री जीवन राय: हो गया, हो गया ... (व्यवधान)....

उपसभापति : बैठिए, बैठिए , आप कुछ कहना चाहते हैं ... (व्यवधान)....

श्री लाल कृष्ण आडवाणी: उपसभापति महोदया, राष्ट्रीय स्वयं सेवक संघ के खिलाफ मैंने स्वयं बहुत कुछ पढ़ा है लेकिन जब आज यहाँ पर कपिल सिब्बल जी बोल रहे थे वे इस ढंग से कोट कर रहे थे जैसे मानो डा० हेडगेवार जी जीवनी, जो राष्ट्रीय स्वयं सेवक संघ ने प्रकाशित की है, उसमें यह-यह कहा गया, डा० हेडगेवार वगैरह। I felt outraged. मैंने कहा कि संघ का कोई प्रकाशन नहीं है। और प्रकाशकों ने बहुत कुछ

खिलाफ कहा है। लेकिन हमारे किसी प्रकाशन, राष्ट्रीय स्वयं सेवक संघ के प्रकाशन से, इस प्रकार डा। हेडगेवार को कोट किया है तो मुझे लगा कि ऐसा कैसे हो सकता है। और इसीलिए सब लोगो ने कहा है कि किसने कहा? तो उन्होंने जवाब दिया कि आर०एस०एस० का पब्लिकेशन है ...(व्यवधान).... उन्होंने यह कहा कि यह आर०एस०एस० का पब्लिकेशन है इसके कारण यहां पर नाराजगी हुई इश्यू इतना ही है। उस पुस्तक में लिखा होगा लेकिन इनका यह कहना कि यह राष्ट्रीय स्वयं सेवक संघ का प्रकाशन है ...(व्यवधान)....

श्री कपिल सिब्बल : मैंने ऐसा नहीं कहा ...(व्यवधान)....

श्रीमती सरला माहेश्वरी ( पश्चिम बंगाल ) : आर०एस०एस० का प्रकाशन नहीं है? ...(व्यवधान)....

SHRI KAPIL SIBAL : I did not say. The book says it is an RSS publication. I did not say it.

SHRI T.N. CHATURVEDI : Madam, let the record be checked up.  
.. (Interruptions)...

THE DEPUTY CHAIRMAN : I will definitely see the record. But the matter is he is saying that it is not an RSS publication. That much is put on the record, correct. Now, from where he is saying..(Interruptions)...

SHRI KAPIL SIBAL: No, Madam. - I am not saying.  
..(Interruptions)... I am not saying, it is an RSS publication.

THE DEPUTY CHAIRMAN: Is it an RSS publication?

SHRI KAPIL SIBAL : The book says so. It says so. The book says so. It says, "According to his biography published by the RSS". I am not saying this. It is saying this.

THE DEPUTY CHAIRMAN: I agree with it. ...(Interruptions)... Let me put the things properly. In this noise, nothing is heard. What Mr. Kapil Sibal is saying now is that he is referring from a book and the book says, Bishkar's publication, RSS publication. (Interruptions). One minute. But this book which he is referring to is not an RSS publication. This book which he is reading from, the document which he is reading from, is not an RSS publication. Put it on record. But that publication which he is reading from says that it is being quoted, the source is an RSS publication.

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(*Interruptions*). We do not have the original document which is published as an RSS document about Hedgewar's biography. So, he cannot authenticate it. He cannot ...(*Interruptions*)....

SHRI KAPIL SIBAL: Madam, I am entitled, as a matter of law, as a matter of procedure, to quote from a publication.. .(*Interruptions*)....

THE DEPUTY CHAIRMAN: Yes, you are. (*Interruptions*). One second. Just one second, please. The matter is that like anybody quotes from a newspaper or a magazine, he says, "I am quoting from this particular publication". But he is not authenticating that it is the original. He is only saying it from his book. So, that record is clear. This reference which he has made is not an RSS publication from which he quoted. Please put it on record. It should be reported. He did not quote from an RSS publication. Correct? If he says so, or if he was understood by everybody....(*Interruptions*). If he says that it was an RSS publication or it was understood by everybody...(*Interruptions*). I think I will ask you to (*Interruptions*). : देखिये, अफसोस की बात यह है कि आपकी आवाज़ बहुत ऊंची It does not mean that you can take the Chair for granted. It is clear now that he did not refer from an RSS book, he quoted from a document in which the source has been alleged to be from RSS. Correct? So, the record is correct that the book from which he quoted is not an RSS publication. Satisfied? And he has not authenticated it. If any reference to that has been put in the record, it will have to be corrected. He did not quote from an RSS publication. On that, the record has to be corrected. I will correct the record. The record will be corrected.

SHRI T. N. CHATURVEDI: It is very kind of you to have said that the record will be set straight. But the point is that when he was asked about it, he said, "It is from *Samgra Darshan*". ..(*Interruptions*)....

SHRI KAPIL SIBAL: Yes. I have got that only.

SHRI V. KISHORE CHANDRA S. DEO: Madam, it is a matter which concerns the rights of Members in this House. (*Interruptions*). In this House, any Member is permitted. ...(*Interruptions*)...

SHRI T. N. CHATURVEDI: Madam, either I should complete and then Mr. Deo should speak, or he should speak and then I should get an opportunity.

THE DEPUTY CHAIRMAN: He was very much wanting to speak for quite some time.

SHRI V. KISHORE CHANDRA S. DEO: I have not been shouting and interrupting. (*Interruption*). I just wanted to clarify the rights of Members. Any Member in this House can quote from any book unless such book is, by notification, banned. If such publication is banned, we cannot put it. Otherwise, I think every Member is free to quote from any book. In this particular case, you, Madam, in your wisdom, mentioned that he did not quote from the RSS, which is right. It is not a publication from the RSS. But while quoting from this book which is not a publication of the RSS, he can quote something from the book wherein the author of that book says that it is from a RSS publication. I think it will be well within the right of the Member to have that in the record. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: I only wanted to correct him.  
... (*Interruptions*)...

SHRI V. KISHORE CHANDRA S. DEO: Madam, what I am trying to say is that if somebody is not satisfied with that particular publication, you can sue them or you can ask the court to get it banned. But you cannot object to the Member when he is quoting from this book or from any other book, I want your ruling on this point.

THE DEPUTY CHAIRMAN: I have already given the ruling. The problem was that the House wanted to know, some Members in the House wanted to know as to from where he is referring. This particular pamphlet is published by the R.S.S. Now the matter is clear. Mr. Kapil Sibal himself has said that it is not an R.S.S. publication. But whatever is being quoted is stated to have been quoted from the R.S.S. note. That is it. For example, a person can quote from the newspaper but he cannot authenticate it. Mr. Kapil Sibal cannot authenticate somebody else's document. He can refer to it and the same is being put on the record in the correct perspective. So, the words stated by him are not his words. He is quoting from some book which is a publication of some other organisation. ...(*Interruptions*)...

SHRI T.N. CHATURVEDI: Madam, he has had his say. Now, I can make my submission.

SHRI KAPIL SIBAL: I will explain about that also so that the matter is clear. Madam, allow me to speak for a minute. ...(*Interruptions*)...

[1 March, 2000]

RAJYA SABHA

SHRI T.N. CHATURVEDI: Madam, how many times will he give his clarifications? ...*(Interruptions)*... Madam Deputy Chairman, it is very nice of you to have said that you want to put the record straight. It is very nice of Mr. Kapil Sibal that he has repeatedly been giving clarifications. But by doing so, he is creating more complication and confusion. My request to you is that you please listen to the tape. When we have put a question to Mr. Sibal as to which book he is referring to, he has said that he would tell us about the same later on. But after one minute he said: "*Samagra Darshan*". He did not mention 'Bishikar' or anybody else. *(Interruptions)* Madam, I want your attention. Then again he said: "Joshi Adhikari Institute". While reacting to that I said: "This is our friend, Gurudas Dasgupta's party organisation. This is not an R.S.S. organisation." He has repeatedly said that it is an R.S.S. Publication.. Now, he is trying to wriggle out of the situation after having misled the House repeatedly, after having misled the nation, after having made libellous statement against one of the greatest leaders of this country. He wants to wriggle out by saying ...*(Interruptions)*...

SHRI KAPIL SIBAL: You do not want to hear me. This is your problem. You do not want to face the truth. ...*(Interruptions)*...

SHRI T.N. CHATURVEDI: I have no objection. *(Interruptions)* The simple thing is that Mr. Kishore Chandra Deo and some other constitutional experts have come to his rescue by stating that he cannot quote from a banned book but he can quote from anywhere. ...*(Interruptions)*... It is not a question of banning,. We want a debate.

SHRI KAPIL SIBAL: You do not want a debate on this. ...*(Interruptions)*... If it is so, then when your turn comes, you can say that this quotation is not from that book. Face the truth. *(Interruptions)*. You just now said that you believe in the freedom of expression. But you do not believe in it.

SHRI T.N. CHATURVEDI: We want a debate on this. Let me speak. Madam, what was good for him in the afternoon, what was good for the Opposition parties in the afternoon, what was good for Dr. Biplab Dasgupta, is also good for us. You please adjourn the House for some time and let Mr. Kapil Sibal listen to the tape. We can reassemble today itself. ...*(Interruptions)*... He never mentioned Bishikar's name... *(Interruptions)*...

RAJYA SABHA [1 March, 2000]

THE DEPTUY CHAIRMAN: I think this is not going to settle. So, I adjourn the House till 11 o'clock tomorrow.

The House then adjourned at thirty-nine minutes past four of the clock till 11 O'clock on Thursday, the 2nd March, 2000.