

[18 APRIL, 2000]

RAJYA SABHA

SPECIAL MENTION - Contd.

**Role of C.B.I. in the Cases Against Shri Laloo Prasad Yadav
and Shrimati Rabri Devi - Contd.**

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Mr. Prasad.

SHRI RAVI SHANKAR PRASAD (Bihar): Thank you, Mr. Vice-Chairman, Sir.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR) : You will associate yourself.

SHRI RAVI SHANKAR PRASAD: Sir, I rise today to make my maiden presentation in this august House with a great degree of pain. I had great regard and esteem for this august House. But today, when I found that there was a competition to save the corrupt from the course of law, it certainly gave me some pain. As a senior advocate of Patna High Court I had the opportunity to deal with the fodder scam. Therefore, at the outset, I must clarify some glaring factual errors which have been made in some of the presentations by the preceding hon. Members. This entire fodder scam is being investigated by the CBI in consequence of a High Court order dated 11th of March, 1996, in which the High Court had found that there was a systematic loot of public money under State patronage. The State of Bihar went to the Supreme Court in appeal against that and the Supreme Court upheld that and said that this matter be investigated and taken to its logical conclusion along with all ramifications. In order to assuage any problem of bias the Supreme Court said that the Patna High Court monitoring bench would monitor it. I wish to say that all these disproportionate assets cases are being monitored by the Patna High Court and the CBI is giving its regular report about the progress in the investigation to the Patna High Court. Sir, whenever the matter is taken up, on behalf of the petitioners, the matter is raised as to why no chargesheet has been filed. The CBI has given a chargesheet in the case of Shri Laloo Prasad, the CBI is going to file the chargesheet in the case of others. But there is a larger question which is involved and that is this. Can an accused say as to why the investigation was speeded up against me and the others

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were left out? Is this august House a forum to allow a debate on that? This is a very crucial question to be considered. I wish to say that in the case of the chargesheet of Laloo Prasad, Rabri Devi has been put as an abettor upon the statement of Laloo Prasad. Shri Laloo Prasad said that I have taken all this money from my wife. The CBI in the course of investigation found that Rabri has no source of income at all. Therefore, she was put as an abettor. I wish to say that the day the chargesheet was presented, though the investigation was pending and the FIR lodged, then, their Government was in power.

All this matter was taken to the logical conclusion. Sir, one thing is very important. In Bihar, they have their own Government. They have their lawyers. On none of the occasions, before the monitoring bench, was any objection raised by their lawyers that this investigation is *mala fide* or this charge is *mala fide*. I am surprised as to what kind of conduct my friends on the other side are going to bring before this House. Absolutely incorrect. Sir, I wish to say with full sense of responsibility that in the last three years, I have been appearing before the monitoring bench and on none of the occasions any statement was made by the counsel of the Bihar Government or lawyers of the private parties that this DA case is *mala fide*. I wish to say one thing more. Even when the chargesheet was filed, the very next morning, Laloo Prasad, along with his wife, chose to appear and seek a bail. He could have gone to the High Court for questioning the proceedings.

Sir, you are a senior lawyer yourself. You know that one can always challenge any proceedings even of a criminal nature on the ground of *mala fide* but it was not done.

Sir, a mention was made of Sukh Ram. In Sukh Ram's case, chargesheet has been filed.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): We shall refrain from making any reference.

SHRI RAVI SHANKAR PRASAD: Sir, I withdraw. Sir, the larger question is this: When you talk of something, of selective prosecution, you have to come out with a clear evidence. Sir, the entire fodder scam the attending circumstances and the cases are being monitored by the High Court and to use the forum of these proceedings to request for withdrawal

of chargesheet, with great respect, is a complete negation of the well-known principle that howsoever high one may be, he shall be accountable before the law. If they want to defend a corrupt person, then this House ought not to be allowed to be used as a forum for that.

Sir, I am deeply grateful for the time you have given me. I sought that I must correct this blatant incorrect thing that has been presented before the House. Thank you.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Mr. Prasad, you said that you are a senior counsel. Please tell me what the legal position is once a chargesheet is filed, about its withdrawal. Is there a provision that the Government can withdraw it?

SHRI RAVI SHANKAR PRASAD: When the chargesheets are being framed....

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Whose prerogative is it, of the court or of the Government?

SHRI RAVI SHANKAR PRASAD: There is no provision at all.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Thank you very much, Mr. Prasad. We have finished with the subject of CBI chargesheet against Shri Laloo Prasad. If we take up the Minister's clarification after the lunch hour, I think, better counsel will prevail and we will have more Members here.

So, I adjourn the House till 2.20 p.m.

The House, then, adjourned for lunch at twenty-two minutes past one of the clock.

The House reassembled after lunch at twenty-four minutes past two of the clock, the **Vice-Chairman (Shri Adhik Shirodkar)** in the Chair.

SHRI VAYALAR RAVI: Sir, you were kind enough to give your ruling before the House adjourned. Mr. Kapil Sibal was speaking, and something happened. You know that. The only point that I want to submit is that we, the Opposition, may always be a little aggressive and criticise the Government. But, it is the tolerance of the ruling party that runs the House properly. You may agree with me on that point. Unfortunately, you also witnessed that tolerance and the way some hon. Members from the other

side were interrupting. I do not have any quarrel with Mr. Venkaiah Naidu. He was on a point of order. I can understand that because it is a matter of ruling. But, some other Members - I do not want to name them - constantly interrupted Mr. Kapil Sibal as a result of which he could not complete his speech. So, it was an unfortunate situation that developed.

I am only seeking your protection that they must show some tolerance in the House and towards the Opposition. Otherwise, we will also be forced to do something which is not good for the public who watch us.

SHRI SATISHCHANDRA SITARAM PRADHAN: Is it a threat?

SHRI VAYALAR RAVI: What do you want?

SHRI SATISHCHANDRA SITARAM PRADHAN: You are saying, "We will be forced to do something." Are you threatening us?

SHRI VAYALAR RAVI: I am not threatening. I only act. I never give any threat; I only act. I hope the sentiments of this side would be taken into account because you may not like our aggressive expression. I only appeal to you that this kind of a thing is not good for the House and for the smooth running of the House. This is my only submission.

SHRI M. VENKAIAH NAIDU: I totally agree with him; both sides should respect each other.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): This chapter is closed now.

DR. BIPLAB DASGUPTA (West Bengal): I feel, there has to be a clear understanding among the parties; may not be here, maybe, somewhere else. There has to be a proper understanding. What was seen and witnessed this morning really horrified me. I was interrupted about 30 to 40 times...*(Interruptions)*...You see, they are still continuing the same thing...*(Interruptions)*...What I am saying is this. The tenor has to be set by the ruling party. If the ruling party cannot restrain its Members and if some of the very important leaders of the ruling party take part in it lightly, obviously, we will also learn lessons from them. What I am saying is, let us not copy each other like this. Let there be a proper, restrained and reasoned debate, not howling at each other. Let us listen to each other. One can cut a joke and there could be some minor interruptions. But there should not be any continuous interruptions. Otherwise, the House cannot be run. What I am saying is this. If they want to run an empty House, they can do so, but

you will not be in a position to continue in this House where our speech, our opinion, is not being listened to. The other point I would like to make is, there should some uniformity in the directions given by the Chair.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): May I suggest one thing? All of us are in agreement that something needs to be done; something needs to be done on an urgent basis and on a priority basis. Why not all the leaders have a meeting with the Chairman and evolve a proper strategy to prevent the recurrence of such unfortunate incidents?

DR. BIPLAB DASGUPTA: May I mention my second point? There should be some uniformity in the rulings of the Chair. I am not casting any aspersions on the Chair. I am not casting any aspersions on the directions of the Chair.

SHRI M. VENKAIAH NAIDU: Is it a direction to the Chair?

DR. BIPLAB DASGUPTA: What I am saying is, obviously, the Chair, whoever is in the Chair, has to exercise its own judgment. But on issues on which he is not sure, he should really not give his opinion immediately. He should refer it back to the Chairman.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): If the Chairman feels that he is incapable of giving a ruling instantaneously, with a little legal background, I think, we are used to it. So, without accepting any ...*(Interruptions)*...

DR. BIPLAB DASGUPTA: There is some confusion because, in this House, we have umpteen times discussed *sub judice* matters because the House has also got a right. If the court has got any right, we have also got a right. We have discussed hundreds of times many issues which have also, simultaneously, been examined in courts.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please listen to me. The conduct of the Chairman or his rulings cannot be discussed in the House in this manner.

DR. BIPLAB DASGUPTA: I am not discussing the conduct of the Chairman.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): So, kindly refrain yourself. Today, there is a meeting of the Business Advisory

Committee. Kindly take it up with the Chairman and kindly evolve a strategy so that we can avoid it. I have understood both your points. I myself will communicate them to the hon. Chairman. We shall treat this subject as closed. Thank you.

STATEMENT BY MINISTER

Reply to the clarifications to the increase in Prices of Certain Petroleum Products - Contd.

पेट्रोलियम और प्राकृतिक गैस मंत्री (श्री राम नाईक) : सभापति जी, कल जिन 13 माननीय सदस्यों ने अपने विचार रखे, उनको मैंने गंभीरता से सुना है और उनको मैं इसके लिए धन्यवाद देना चाहता हूँ। साथ ही साथ मैं उनको भी धन्यवाद देना चाहता हूँ जो कल यहां देर तक बैठे और उन्होंने सबके विचार सुने। इसके अतिरिक्त जो यहां मुझे शांति से सुनेंगे, उनको भी मैं प्रारम्भ में ही धन्यवाद देना चाहता हूँ। मिट्टी का तेल, घरेलू गैस की कीमतें और उसका उपयोग करने वाली जनता -- यह एक महत्वपूर्ण प्रश्न है। इसमें कोई दो राय नहीं है। यह सौ करोड़ लोगों का देश है और हर परिवार को पकाने के लिए या तो मिट्टी का तेल चाहिए या एल.पी.जी. गैस चाहिए। अगर यह दोनों चीजें नहीं मिलती हैं तो जंगल में जाकर वह लकड़ियाँ लाते हैं। इसलिए मैं समझता हूँ कि हर परिवार का मिट्टी के तेल और एल.पी.जी. के साथ संबंध है और इसी भूमिका में गंभीरता से विचार करके हमने सभी पहलुओं को सामने रखा और फिर निर्णय किया। माननीय सदस्यों ने जो स्पष्टीकरण पूछे हैं, मैं उनका उत्तर देने की पूरी कोशिश करूंगा। पहली बात तो यह आयी कि हमने अचानक दाम बढ़ाए। संसद के सत्र का पहला हिस्सा समाप्त हुआ था, सेशन का दूसरा हिस्सा शुरू होना था और ऐसे समय में हमने दाम बढ़ाए। यह पार्लियामेंट की अवहेलना है। इस प्रकार के विचार माननीय सदस्यों ने रखे। पहले तो मैं यह स्पष्ट करना चाहता हूँ कि संसदीय परम्पराओं के बारे में मेरे मन में और हमारी सरकार के मन में काफी आदर है और उसके अनुसार हम चलने की कोशिश करते हैं। लेकिन इसके साथ-साथ मैं यह भी स्पष्ट करना चाहता हूँ कि यह सारे कीमतों के जो मामले हैं, यह ऐडमिनिस्ट्रटिव प्राइसिस हैं और ऐडमिनिस्ट्रटिव प्राइसिस के संबंध में पहले सदन में पेश करना ही चाहिए, ऐसी कोई बात नहीं है। मैंने कोशिश की और पिछले दस साल की जानकारी मेरे पास है कि वह दाम कब-कब बढ़ाए गये। मैंने देखा कि एल.पी.जी. के दाम पिछले दस साल में अब तक सात बार बढ़ाए गये जिसमें से पांच बार उस समय दाम बढ़ाए गए जब सदन नहीं चल रहा था। इसी प्रकार डीज़ल के दामों में 13 बार परिवर्तन हुआ जिसमें से 11 बार बजट सेशन नहीं चल रहा था।