

اسکے بعد ہم یہ دیکھ رہے ہیں کہ
اندھا دھند طریقہ سے وہاں کی پولیس -
وہاں کے مسلم تعلیم یافتہ نوجوانوں
اور معصوم نوجوانوں کو گرفتار کر
رہی ہے - حد تو یہ ہے کہ رات کے
دو دو تین تین بجے انکے گھروں
میں جا کر انکو اٹھا لیا جاتا ہے اور
انکے سرپرستوں کو یہ نہیں معلوم
ہو رہا ہے کہ انکو کہاں رکھا گیا
ہے - اس سلسلے میں وہاں کی تمام
سیکولر تنظیموں اور مسلم تنظیموں
کی جانب سے وہاں کی ریاستی حکومت
اور وہاں کے چیف منسٹر سے اس
سلسلے میں نمائندگی کی گئی - مگر
اسکے باوجود اسکی سہی طریقہ سے
سنوائی نہیں ہو رہی ہے - میں یہ
بھی کہوں گا کہ پچھلے سہینے جب
ہمارے ہوم منسٹر صاحب حیدرآباد
تشریف لائے تھے تو انکے سامنے اس
قسم کی نمائندگی کی گئی تھی -
مگر اسکے باوجود ہم یہ دیکھ رہے
ہیں کہ دن بدن وہاں پر مسلم
نوجوانوں کی گرفتاری کا سلسلہ برابر
جاری ہے - میں آپکے توسط سے ہوم
منسٹر صاحب سے درخواست کروں گا
کہ وہ وہاں کی ریاستی حکومت کو
مناسب ہدایات جاری کریں کہ یہ
سلسلہ فوراً روکا جائے - شکریہ -]

SHORT DURATION DISCUSSION

ON

J.P.C. REPORT ON IRREGULARITIES IN SECURITIES AND BANKING TRANSACTIONS—Contd.

THE DEPUTY CHAIRMAN : Now, I
have at last Shri Mohinder Singh Lather.

[لاڈر صاحب، میں ایک بات کہہ دوں گی کہ 22
مینٹ آپکی پارٹی کے ہیں اور آپکے تین سٹیپر
ہیں]

श्री महेन्द्र सिंह लाठर : (हरियाणा) : आपको
मेरा टाइम डबल कर देना चाहिये ।

उपसभापति : क्यों, मेरा टाइम नहीं डबल हो
जाये ? तीन बोलेंग, 22 मिनट में ।

श्री महेन्द्र सिंह लाठर : मैडम, सबसे पहले,
अपनी स्पीच शुरू करने से पहले मैं गवर्नमेंट का
ध्यान इस ओर दिलाना चाहूंगा कि कल यहाँ पर
एक मामला उठाया गया था कि क्या इस कोर्टाले
के लिए सरकार ने हाई पावर कमेटी बनायी है
या नहीं बनायी है । जहाँ तक मैं समझ सका
हूँ शुक्ला जी ने कहा था कि नहीं, ऐसी कोई
बात नहीं है । लेकिन मैडम, आज हिन्दुस्तान
टाइम्स में उस कमेटी के चेयरमैन का नाम भी
दिया हुआ है । उसमें है कि :

"The high-powered Committee has
already been constituted and was now
engaged in a combined and coordinated
effort in tracing funds. It will be headed
by Mr. A. K. Menon, who is also the
Custodian appointed under the special
Court of Justice."

मैडम, मैं पूछना चाहूंगा कि—और यह समय
मेरे समय से मत काटिये—सरकार हाउस को
बताये कि कोई ऐसी हाई पावर कमेटी नियुक्त की
गयी है या नहीं ?

उपसभापति : : यह आपकी स्पीच के बाहर है
क्या ?

श्री महेन्द्र सिंह लाठर : हाँ, बिल्कुल बाहर
है ।

उपसभापति : : ऐसा होता नहीं कि स्पीच से
बाहर बोला जाए ।

श्री महेन्द्रसिंह लाठर : यह सवाल कल यहाँ उठा था ।

वित्त मंत्रालय में राज्य मंत्री और संसदीय कार्य मंत्रालय में राज्य मंत्री (डा. अब्दुल अहमद) : उपसभापति महोदया, कल भी यह सवाल यहाँ उठा था और आज माननीय सदस्यों ने दोबारा इस बात को उठाया है । मैं आपके माध्यम से माननीय सदस्यों को यह बताना चाहूंगा कि दूरदर्शन या अखबारों में यह बात कब किस रूप में आई लेकिन 11 अगस्त को आर.बी.आई. के गवर्नर ने एक कमेटी बनाई थी । उस टाइम यह कमेटी बनाई थी, आर.बी.आई. की एग्जीक्यूटिव डायरेक्टर कुमारी वी. विश्वनाथन की अध्यक्षता में, लीडरशिप में बनाई गई थी । उसके अन्दर श्री पी. सी. शर्मा, ज्वाइंट डायरेक्टर, सेंट्रल ब्यूरो आफ इन्वेस्टीगेशन मੈम्बर थे । श्री सी. एम. मेहरा, डिप्टी डायरेक्टर, इन्फोसॅमेंट डायरेक्टोरेट, मੈम्बर थे । श्री सुरेश कुमार, डिप्टी डायरेक्टर (इन्वेस्टीगेशन) इन्कम टैक्स डिपार्टमेंट, मੈम्बर थे । उसके बाद 18 नवम्बर को यह ग्रुप रिकॉस्टीट्यूट किया गया । उसके बाद कस्टोडियन की अध्यक्षता के अन्दर जो नाम माननीय सदस्य ने बताया श्री ए. के. मेनन की अध्यक्षता में बनाई गई । उसके अन्दर कुमारी वी. विश्वनाथन एग्जीक्यूटिव डायरेक्टर, रिजर्व बैंक आफ इण्डिया मੈम्बर थी । डायरेक्टर, सेंट्रल ब्यूरो आफ इन्वेस्टीगेशन या उनका नामिनी, मੈम्बर थे । डायरेक्टर जनरल इन्वेस्टीगेशन, इन्कम टैक्स डिपार्टमेंट या उनके नामिनी, मੈम्बर थे । डायरेक्टर इन्फोसॅमेंट या उनके नामिनी, मੈम्बर थे । यह ग्रुप 18 नवम्बर, 1993 को रिकॉस्टीट्यूट हुआ और शुरू में यह 11 अगस्त, 1993 को बनाया गया था ।

विपक्ष के नेता (श्री सिकन्दर बख्त) : इसका मकसद क्या था ?

[شہری رکندر بخت: اسکا مقصد کیا تھا۔]

डा. अब्दुल अहमद : किस मकसद से बनाया गया था, अगर आप कहें तो मेरे पास दोनों आडबक की नापी है, मैं आपको मकसद पढ़ कर

सुना देता हूँ । सुन लीजिये । पहले जो 11 अगस्त, 1993 का आर्डर था, आर.बी.आई. के गवर्नर के साइन से—

"In consultation with the Government of India, it has been decided to constitute an inter-disciplinary group of various investigation agencies which will decide on the parameters of coordinated actions relating to further investigation regarding tracing of the funds involved in the problem identified by the Janakiraman Committee. Kumari Vishwanathan, Executive Director, Reserve Bank of India will head the group, the other members being from the Central Bureau of Investigation, Income-Tax, Investigation Department and the Enforcement Directorate. The name of the representative nominated by these agencies

जो मैंने अर्थात् तीनों नाम इसके पहले पढे हैं उसके बाद

The group may consist such persons as it may consider appropriate from other required... (interruptions)... which was circulated by the Department of Banking Operations, and Development, Reserve Bank of India they will provide necessary secretarial assistance.

THE DEPUTY CHAIRMAN : Okay, that is enough... (Interruptions)... Are you satisfied ?

SHRIMATI KAMLA SINHA (Bihar) : Why has the Minister of Parliamentary Affairs denied about it yesterday on the floor of the House ?

THE DEPUTY CHAIRMAN : I looked at the record. The question was put by ... (interruptions)... I looked at the record.

डा. अब्दुल अहमद : ओब्जेक्टिव वही है । यह कमेटी 18 नवम्बर को रिकॉस्टीट्यूट हुई । नैम्बर बदले हैं । ओब्जेक्ट्स और बाकी चीजें वही हैं । बाकी चीजें रिप्लाइ में सुन लीजियेगा

THE DEPUTY CHAIRMAN : He has neither denied it nor accepted it. So it was not a kind of denial. He did not say

that any committee was formed after the report was laid. He did not say anything about it. This committee was constituted much before. It was not done after the report was laid... (Interruptions)...

SHRI MOHINDER SINGH LATHER :
Madam, I only submit that this House should not be treated shabbily.

मंडम, कल शयर घोटाले पर बहस शुरू हुई । सब से पहले हमारे साथी अशोक मित्रा जी ने बहुत भावुक स्पीच की । हमने मुरली मनोहर जोशी जी की मुरली भी सुनी । विश्वजित सिंह का भी बहुत हल्का-फुल्का भाषण सुना... (ध्व-धामा)

उपसभापति : भारी-भरकम कहिये । हल्का-फुल्का कैसे कह दिया । आप शायद हाऊम में कल नहीं थे ।

श्री महेन्द्र सिंह लाठर : मदन भाटिया जी का बहुत गुस्से वाला भाषण सुना ।
He was always an angry person.

उसके बाद हमने भंडारे जी की बात सुनी । बहुत क्लेवर स्पीच इन्होंने की और ऐसी स्पीच की जिससे कि मामला उलझ जाए । कुछ न समझे खुदा करे कोई । मंडम, एक बात मेरी समझ में नहीं आई । यह कमेटी जो बनायी गयी थी, सभी पार्टियों ने अपने बेइतरीफ जो नुमाइंदा थे, ब्रेन्स थे वे इस कमेटी में भेजे थे, कांग्रेस पार्टी की तरफ से भी बढ़िया से बढ़िया आदमियों को इस कमेटी में भेजा गया था, जैसे अहलुवालिया साहब थे, जगेश देसाई जी, राम नरेशजी यादव जैसे लोग थे लेकिन जो कल स्पीचें मैंने सुनीं, कांग्रेस के तीन मेम्बर साहबान की और जो कुछ लाइन उनकी पार्टी की लगी, जिस हिस्सा से उन्होंने इस रिपोर्ट की आलोचना को उममें मैं समझता हूँ जबकि कांग्रेस का उनका ही चेयरमैन था, अपने चेयरमैन और अपनी पार्टी के मेम्बरों में उन्होंने अविश्वास प्रकट किया । कमेटी की 90 सिटिंग्स हुई थीं । भण्डारे साहब ने कहा कि इस कमेटी ने कुछ नहीं कहा कि पैसा रिकवर कैसा होगा, कहाँ से पैसा निकालेंगे । वह कमेटी 90 सिटिंग्स तक शब्द मारती रही । मेरी समझ में यह बात नहीं आई कि कांग्रेस पार्टी

का इसके ऊपर क्या रिएक्शन है, क्या उनका रिएक्शन है और उन्होंने क्या निर्णय लिया है । उस रिपोर्ट के ऊपर सब कांग्रेस के मेम्बरों के अंगूठे लगे हुए हैं, लोक सभा के भी और राज्य राज्य सभा के भी । कोई डिमेंट नोट नहीं है । फिर भी रिपोर्ट की इस ढंग से आलोचना की गयी । यह सवाल भंडारे जी ने खास तौर पर उठाया कि जो इतने हजार करोड़ रुपये हैं वे अब निकल नहीं पाएंगे । इस कमेटी ने वह पैसा बरमद करने के लिए कुछ नहीं किया । मैं पूछना चाहता हूँ भंडारे जी और कांग्रेस के अपने मेम्बरों से और सरकार से कि क्या यह कमेटी वह पैसा बरामद करने के लिए बनायी गयी थी । क्या यह काम सरकार का नहीं है कि उस पर फालोग्रफ एक्शन करे और चोरों को पकड़े और पैसा लगाये कि वह पैसा कहाँ गया था और कहाँ से उसको निकालना चाहिए । किस ढंग से निकालना चाहिए । मुझे बहुत अफसोस है कि सरकार इस बारे में बिल्कुल डिलिमाबाजी का इस्तेमाल कर रही है ।

मंडम, कल मुरली मनोहर जोशी जी ने दो तीन नाम लिये । लोक राज लोक लाज से चलता है और ऐसे मिसाल दिये, लाल बहादुर शास्त्रीजी, के का मन्ववीय और स्वागी कृष्णा मूर्ति जी के जिन लोगों ने उनका कत्तर न होते हुए भी अपना इस्तीफा दिया था । रिस्पॉन्सिबिलिटी अपने ऊपर ली थी । कल मेरे कांग्रेस के वोस्कों ने कहा कि अगर रेल गाँवों का ड्राइवर जो जाये तो क्या रेल गाँवों इस्तीफा दे दें इस किस्म का बात की लेकिन यह लोक लाज और भी की बात है । मैं समझता हूँ कि पहले इतने महान लोग थे जो दूसरे की गलती को भी अपनाते थे और अपने ऊपर ले लेते थे ।

मंडम एक और दूसरे चीज से बात कर रहा था कि आज तो गजब हो गया । अपने पूछा क्या हुआ, कि मुझे पता नहीं था कि मेरे सजुर का ट्रांसफर दिल्ली में हो गया है और मैं गलती से चोरी करने अपने समुराल के घर में जा घुसा । खिड़की तोड़कर अंदर चला गया । लोका आवाज हो गयी और मेरे गस समुर खड़े हो गये । उन्होंने बत्ती जगा दी और बत्ती जगाने पर जब उन्होंने मुझे देखा तो वे शर्म से पानी पानी हो गये । ऐसे महान लोग थे जो दूसरे की गलती अपने सिर पर ले लेते थे । लेकिन मुझे बहुत

अफसोस है कि आज कांग्रेस के लोग मनमोहन सिंह के इस्तीफे के पीछे लाइन बांधे अपने आपको बचाने के लिए खड़े हैं। एक आदमी ने इस्तीफा दिया और वह इस्तीफा भी मंजूर नहीं हुआ लेकिन सब के सब मंत्री, सब के सब कलब्रिट्स जितने थे उस इस्तीफे के पीछे छिपने की कोशिश कर रहे हैं।

मैडम, मैं यह कहना चाहूंगा कि इस किसम की बात है। हमें एक मिसाल कायम करनी चाहिए। यह जो जे.पी.सी. की रिपोर्ट है, यह कोई अंत नहीं है। यह शुरुआत है। इस रिपोर्ट पर जब सरकार कार्यवाही करेगी तो इसमें से बहुत सारी बातें निकलेंगी। अफसोस की बात यह है कि इतने बड़े देश में जो बैंकों का पैसा, जो पब्लिक अंडरटेकिंग्स का पैसा, छोटी-छोटी यूनिट्स लगाने पर लगना चाहिए, या मीडियम स्केल की इन्फ्रस्ट्रक्चर लगाने पर लगना चाहिए, या पावर प्रोजेक्ट्स बनाने पर लगना चाहिए या वह ब्रोकर्स को करोड़ करोड़ की शक्ति में दे दिया गया। जो बूटो थी जो पैसा था वह सबमें नाबायज बांटा गया। उसके अंदर सरकार के लोग शामिल हैं, सारे अफसर शामिल हैं। आज हमारे देश के अंदर पोलिटिएशियन और न्यूरोकट्स जो कि बड़ी ऊंचो-ऊंची कुर्तियों पर बैठे हैं, पब्लिक के सामने नंगे हो गये हैं। मैं समझता हूँ कि इस हमास में सभी नंगे हैं।

Every man is naked under the cloths.

मैडम, मैं अर्ज कर रहा था आपसे कि...

मैडम, यहाँ मैं अर्ज कर रहा था आपसे कि जिम्मेदारी कैसे ली जाती है; कैसे शर्म की बात आती है।

मैं आपको एक और बात बताना चाहूंगा।
..... (व्यवधान) नहीं, यह आपके सुनने वाली बात है। (व्यवधान)

श्री विठ्ठलराव माधवराव जाधव : (महाराष्ट्र)
सुनने नहीं,
including the former Prime Minister and
the Deputy Prime Minister also.

SHRI MOHINDER SINGH LATHER :
Including you also.

श्री विठ्ठलराव माधवराव जाधव : वह तो संत कबीर ने ही कहा है। आप नई बात क्या कह रहे हैं ?

श्री मोहन सिंह लाठर : मैडम, मुझे पर्सनल नालेज है कि पब्लिक अंडरटेकिंग्स के एसिलरी यूनिट्स को जो उनकी ड्यू पैमेंट है, वह उनको नहीं दी जा रही है।

They are being starved by the banks as well as the public sector undertakings.

और 6-6 महीने, एक-एक साल तक उनकी पैमेंट नहीं दी जाती, कोई इंस्ट्रेट उनको नहीं मिलता। एक यहाँ कानून बनाया था और कानून बताया अगर ओवरड्यू पैमेंट होगा तो उस पर इन्टरेस्ट मिलेगा, लेकिन साथ में एक शर्त लगा दी उस कानून के अंदर कि उनको कोर्ट में जाना पड़ेगा। उस कंपनी के अग्रेस्ट और पब्लिक अंडरटेकिंग के खिलाफ। कौन जाएगा ? अगर वह कोर्ट में जाकर जेज करेगा, उनको कोई पैसा नहीं देगा, कोई उनको आर्डर नहीं देगा। मैं तो समझता हूँ कि इस किसम का चोटाला जो था वह बहुत सोचा-समझा था पैसे कमाने के लिए।

मैडम, यह जो लोक राज की बात कर रहे थे और मेरे दोस्त भंडारे जी कह रहे थे, मैं फिर वही भंडारे जी पर आ रहा हूँ। बड़ी खूबसूरती के साथ उन्होंने उधर से उधर उस रिपोर्ट को उथल-पुथल करके छोड़ दिया। मेरी समझ में आती है, इस रिपोर्ट के अंदर कौन सी ऐसी बात है, उस रिपोर्ट में सिर्फ प्वाइंट आउट किया है, इशारा किया है कि कहाँ-कहाँ पर घपले हैं और दबी जवान में और कई दफा खुली जवान में उन्होंने मूलाजिसों की तरफ भी प्वाइंट आउट किया। अब यह सरकार क्यों छुपना चाहती है ? यह सरकार की जिम्मेदारी है। यह हाई पावर्ड की कमेटी मेरे सीनियर मैजिस्ट्रेट ने पालियामेंट में पूछा और एक जो यहाँ पर बैठे हैं हमारे पालियामेंटरी अफेयर्स के मिनिस्टर, उन्होंने क्लीयरफट जिमाई किया है यहाँ पर कि कोई ऐसी कमेटी नहीं बनी, क्योंकि एतएज यह था ऐसा इंपार्टट वाइटल डिविजन सरकार ने हाउस के वीर पृष्ठ कैसे लिया। मैडम, मैं एक-दो बातें इसमें से निकाल कर आपको बताना चाहूंगा एकाउंटेबिलिटी के

बारे में और यह एकाउंटेंटिलिटी, इंग्लिश जवान भी बड़ी कमाल की जवान है।

Responsibility, accountability, answerability, constructive, direct, indirect, open, ceiling, technical liability—all these terms are there but the Government is not ready to own any of it.

प्राइम मिनिस्टर साहब कहते हैं कि मैं जिम्मेवार नहीं हूँ। फाइनांस मिनिस्टर साहब कहते हैं कि इस्तीफा तो मैंने दे दिया है, लेकिन मैं जिम्मेवार नहीं हूँ। शंकरानंद जी कहते हैं कि मेरे तो इस्तीफे का सवाल ही नहीं पैदा होता। मैंने तो किया ही कुछ नहीं। मैंने सब को सुना, यज्ञां पर बात चल रही थी, वह कह रहे थे ... (व्यवधान)

श्री त्रिलोकी नाथ चतुर्वेदी: (उत्तर प्रदेश): बोफोर्स के चेयरमैन बनने के लिए उन्होंने इस्तीफा दिया।

श्री महेंद्र सिंह लाठर: जब श्री. पी. सिंह जी की बात घड़ी, फर्नांडिस साहब की बात घड़ी तो मेरे काबिल दोस्त रेड्डी साहब ने कहा कि नहीं-नहीं, उनका कोई कसूर नहीं है। कसर किम्बका है? तो अस्टीमेटलो में इस नतीजे पर पहुँचा कि वह सारा कसूर मेरा ही है, महेंद्र सिंह लाठर का और किसी का नहीं है। मैडम, कमाल की बात है, इतना बड़ा घपसा हुआ और इसको जिम्मेवारी कोई वन को तैयार हो नहीं है। देश के लोग का सोच रहे हैं? वे हमारी तरफ देख रहे हैं और में समझता हूँ, मैं ईमानदारी से समझता हूँ कि एक वक्त वह आ रहा है कि जो कुछ हम कारनामों कर रहे हैं, पोलिटिसियंस एंड ब्यूरोक्रैट्स, एक वक्त आ रहा है जब लोग बानून को अपने हाथ में लेंगे और हमें सड़कों पर वूड-वूड कर मारेंगे। न्यो ... (व्यवधान)

Time is coming fast. And it includes everybody.

मैं किसी पार्टी विशेष की बात नहीं कर रहा हूँ। ... (व्यवधान) मैं आपकी बात से सहमत हूँ। आपने कहा कि "वह" नहीं, "हम", आप "हम" शब्द का इस्तेमाल किया था और दयाल सिंह जी ... (व्यवधान) हाँ। मैडम, मैं यह कह रहा था कि प्रेषण, एक पटवारी

50 रुपए की रिश्वत का अगर उस पर इल्जाम लगता है कि उसने यह रिश्वत ली है। पर्चा दर्ज होता है, तफतीश होती है। उसको पकड़ कर जेल में डाल देते हैं। मुकदमा चलता है। सजा होती है। नौकरी जाती है। आप एडवोकेट हैं। आपसे भी बोल रहा हूँ। लेकिन एक करोड़ की रिश्वत का सवाल था तो कोई पर्चा नहीं दर्ज हुआ कोई तफतीश नहीं हुई। कहते हैं यह जरूरत ही नहीं है। बहुत छोटी रिश्वत है क्या मुक्त है? क्या मुक्त है? एक आदमी कहता है, वह आदमी मौजूद है। वह कहता कि मैंने लिए। वह कहता है कि मैंने फलाने बैंक से वह पैसे निकलवाए और ऑफिस में रख कर दिए।

गवाह मौजूद है जिनके सामने दिए, लेकिन कोई तफतीश नहीं, कोई इन्वायरी नहीं, कोई पर्चा दर्ज नहीं और इल्जाम किस पर है? हमारे प्राइम मिनिस्टर पर। इसी तरह गोल्ड स्टार की बात थी। कल बताया जा रहा था कि केवल दो करोड़ रुपया दिया गया। मैडम, जो नए-नए इंजीनियर्स बनकर आते हैं, एंटरप्राय्ज़र्स, उनको पांच-पांच और दस-दस हजार भी बैंकों से मदद लेने के लिए दर-ब-दर भटकना पड़ता है, लेकिन एक आदमी को दो करोड़ बगैर गारंटी के, बगैर लिखित के, बगैर नोट के दे दिए गए वह आदमी कितना विश्वसनीय होगा? बाप के ऊपर इल्जाम है एक करोड़ का और बेटे के ऊपर दो करोड़ का। तो बाप बड़ा है या बेटा बड़ा है? यह क्या है, क्या सरकार है? आप कहाँ जा रहे हैं? ... (व्यवधान) ... मैडम, मैं यह बात मॉरियसली कह रहा हूँ। यह हुंसे की बात नहीं है। मैं सारियस बात कह रहा हूँ कि अगर हर्षद मेहता के लगाए हुए इल्जाम झूठे हैं तो आपके पास कानून है, सेक्शन 182 है जिसमें अगर कोई झूठा इल्जाम लगाता है तो उसको चैलेंज किया जा सकता है। उस पर मुकदमा चलाया जा सकता है। मगर झूठे इल्जाम के लिए आपने हर्षद मेहता का क्या किया? जो आदमी प्राइम मिनिस्टर पर इल्जाम लगाता है, क्या यह अच्छा नहीं है आपके लिए और आपके पार्टी के लिए कि आप उस पर मुकदमा चलाए कि तूने झूठा इल्जाम लगाया है। कस दर्ज करो, उसके खिलाफ कोर्ट में जाओ क्योंकि प्राइम मिनिस्टर का दामन साफ होना

चाहिए। अगर एक मूलक के प्राइम मिनिस्टर के कपड़ों पर छोटें लगते हैं तो मैं समझता हूँ कि उस देश का कोई भला नहीं कर सकता।

मैडम, सारा ढांचा बिगड़ा पड़ा है। कहां लोग महात्मा गांधी को ढूँढते थे। महात्मा गांधी और जयप्रकाश जैसे लोग आज कहां हैं? आज सारे देश के अंदर, माफ करेंगे बड़े-से-बड़े लीडर्स का बात ले रहा हूँ, उनसे ज्यादा आज जो नाम प्रचलित हैं वह हैं, बोफोर्स का, वह है डकल का, वह है हर्षद मेहता का और वह है शेयर घोटाले का। लेकिन जो कामन आदमी गली में है, जो रिकशा चलाता है, जो नाबू है, क्लर्क है या खेत में काम करता है, उसको इन घोटालों का कुछ पता नहीं है। किसी को कुछ समझ नहीं आता भेरी आप समझ में नहीं आता। मैडम, बोफोर्स का मासला आज तक नहीं सुलटा, कितनी कमेटीयां बना दी आपने? जो भी होता है कमेटी बना दो इनवेस्टिगेशन के लिए, लेकिन क्या निकला इन कमेटीयों से। बोफोर्स का जो मामला था, उसमें जो भी क्लप्रिट्स थे, वह इनविजिबल रहे। इस देश की राजनीति को, इस देश को इकानोमिक्स को आज बड़ धराने, बड़े-बड़े इंडस्ट्रियल हाउसेस अपने कब्जे में रखे हैं। मैडम, हमें शर्म आती है जब सुनने को मिलता है कि बहुत सारे एम. पीज. इंडस्ट्रियल हाउसेस के "पे-रोल" पर हैं। इस तरह की बातें हमको सुनने को मिलती हैं। तो हमें अपने अंदर नहीं झांकना चाहिए, हमें नहीं सोचना चाहिए?

मैडम, आज सरकार कहती है कि हम इस्तीफा क्यों दें? हमने कुछ नहीं किया, सिस्टम ब्रेक डाउन हो गया, लेकिन यह सिस्टम ब्रेक-डाउन किन कारणों से हुआ? इस सिस्टम को करेक्ट कौन करेगा? किसको जिम्मेदारों है उसे करेक्ट करने को? मैडम, मैं तो एक छोटा-सा आदमी हूँ, लेकिन कई दफा छोटा आदमी बड़ी बात कई देता है। अगर हमें इस देश को बचाना है तो इस सरकार को और मुझे माफ करेंगे कांग्रेस के मेरे भाई, आपने बहुत सेवा कर ली अब इस का पीछा छोड़ दो।

Everybody is fed up.

मैं यह कहना चाहता हूँ कि आपका जो मानदार बैंकशाउंड था, मैं मानता हूँ कि कांग्रेस का यह

दरख्त बहुत बड़ा है, बहुत पुराना है, लेकिन अब इस दरख्त की जड़ें खोबली हो गयी हैं। उसको दीमक लग गयी है। यह दरख्त गिरने वाला है और जो इस दरख्त के नीचे से जल्दी-से-जल्दी उठकर भाग जाएगा, वह बच जाएगा।

श्री कैलाश नारायण सारंगः (मध्य प्रदेश) : अजोत भाई सुन रहे हैं

श्री अजोत जोगीः (मध्य प्रदेश) : आपको भी मौका दिया है, लेकिन आप दो साल से ज्यादा टिकते ही नहीं हैं।

श्री महेश्वर सिंह लाठरः और मैं जो बात कह रहा हूँ, वह अपने आपको शामिल कर के कह रहा हूँ मैं कोई आपसे अलग नहीं हूँ। मैं बहुत ईमान-दारी से एक सुझाव देना चाहता हूँ कि इस सरकार को सबसे पहले जो प्राइम मिनिस्टर के ऊपर इल्जाम लगे हुए हैं, उनको साफ करना चाहिए। मैं उन पर कोई इल्जाम नहीं लगा रहा हूँ। मैं नहीं मानता हूँ कि हर्षद मेहता ठीक कहता है या वह इल्जाम ठीक है।

मैं नहीं मानता हूँ, लेकिन सारा संसार इस बात को जान रहा है, देख रहा है, सुन रहा है और आपका सरकार चुप बैठे है, कुछ करती नहीं है। इस सरकार को इस्तीफा देना चाहिए और मेरा एक और सुझाव है, इस पर आप हंसिएगा नहीं। सरकार के इस्तीफा देने पर मैं राष्ट्रपति जी से कहूंगा, अपील करूंगा कि एक नेशनल गवर्नमेंट कंसटीट्यूट की जाए। अण्डर दर प्राइम-मिनिस्टरशिप आफ चैंफ इलेक्शन कमीशनर मिस्टर शेसन।

(व्यवधान) हंसिए नहीं। देखिए, जब कोई एक्सट्रा आडिनरी हालात होते हैं, आप सीनियर लोग भी यहां बैठे होंगे और जानते होंगे, कि जब कोई एक्सट्रा आडिनरी हालात होते हैं तो कोई एक्सट्रा आडिनरी आदमी ही उसको सुलझा सकता है। नेशनल गवर्नमेंट बनाइए। इन घपलों की आप इन्चारी कराइए और इन्चारी कराने के बाद दोषियों को सजा दिलाइए। फिर फ्री एण्ड फेयर इलेक्शन कराइए। दुबारा से मालिकों पर छोड़ दीजिए, जो असली हमारे मालिक हैं, जो वोटर हैं, देश के गांव में जो रहते हैं और जो जो शहरों में रहते हैं, उन पर छोड़ दीजिए।...

(व्यवधान)

श्री एम. ए. बेबी : (केरल) : नरसिंह राव जी को चीफ इलेक्शन कमीशनर बनाना है ?

श्री महेन्द्र सिंह लाठर : : नहीं। मैडम, मैं समझता हूँ कि जो वातावरण हमारे देश में चल रहा है, छोटी-मोटी दवाइयाँ, टेबलेट खाने से इसका इलाज नहीं होगा बल्कि इसका इलाज तो आपरेशन है और आपरेशन ही आपको करना पड़ेगा, चाहे आज कर लो या साल बाद कर लो। आपको लोगों के पास जाना पड़ेगा, जवाबदेह होना पड़ेगा। यह आठ हजार करोड़ का घपला, दस हजार करोड़ रुपए का घपला, इस देश के अंदर यह घपला हो रहा है, घपले ही घपले चल रहे हैं। फिर रिजर्वतखोती, भ्रष्टाचार की बात हो रही है। आप किसी भी दफ्तर में चले जाइए। जब कोई जाता है तो जाते ही बोला जाता है—क्या लाए हो ? नाब, क्लर्क, सेक्रेटरी, जो बैठा होगा, बोलेगा—क्या लाए हो ? जैसे कि उसकी लड़की का ब्याह है और न्यौता लेकर गया हो वहाँ पर। यह हालत हो रही है। ओपन भ्रष्टाचार चल रहा है। या तो आप इसको लीगलाइज कर दो कि लीगलाइज है, इट शुड फ्री फोर आल। चूँकि आप गवर्नमेंट में है, आपको रेस्पॉसिबिलिटी लेनी पड़ेगी। आपको लोगों के पास साफ होकर जाना पड़ेगा।

मैडम, आप लॉक यह समझते हैं कि इस तरह डिजिटल मिजाजी के साथ यह सरकार चल रही है तो चलने दें। यह जो नीति है इनएक्शन की, कि सरकार चल रही है तो चलने दो, अर्थात्क तो टूटने का खतरा नहीं है। आपोजीशन के मैम्बर भी समझते हैं कि हो सकता है बहकर न आएँ और उनकी भी यही इच्छा है कि चल रही है तो चलने दो। मैडम, मेरा एक दोस्त था। उसका नाम मैं नहीं लूंगा। मैं यहाँ दिल्ली में लॉ में पढ़ता था। हम बस में युनिवर्सिटी जाते थे। तो भीड़ भी बड़ी बस में। मैं बिन्कूल पोछेसे बस में लटक लटक कर, धक्का-मुक्की करके उपर चढ़ गया और मेरा दोस्त पोछे रह गया। थोड़ी देर में झगड़ा हो गया और बस रुक गई। मुझे पता नहीं लगा कि क्या हुआ। पता किया, कि एक महिला थी। उसने मेरे दोस्त के पेट के उपर तमाचा मारा। झगड़ा बढ़ गया। वह कहता था—क्यों मारा? उसने कहा—तुम रास्ते में छेड़ते हो मेरे को। वह रुक गई। हमें बाहर निकाल दिया गया बस से। मैंने अपने

दोस्त से पूछा—क्या हुआ? तू तो शरीफ आदमी है। बहुत अच्छा लड़का था, वह अम मर गया बेचारा। वह बोला—मेरी एक गलती है। क्या? कि—उस महिला के बाल मेरे चेहरे पर पड़ रहे थे, वह मुझे ठंडे-ठंडे, गीले-गीले बाल अच्छे लगे और मैंने अपना मुँह उसमें से नहीं हटाया मेरी यही गलती है, मैंने और कुछ नहीं किया। मैंने सोचा पड़े हैं, पड़े रहने दो। अब सरकार बाल रहो है, चलने दो। देश में कुछ हो, चाहे देश में कुछ न हो, आपको कोई जिम्मेदारी इस बात की नहीं है। (व्यवधान)

श्री रजनी रंजन साहू : (बिहार) : लाठर साहब, आपको अफसोस तो नहीं हुआ। (व्यवधान)

श्री महेन्द्र सिंह लाठर : मैडम, एक बात और कहकर मैं अपनी बात खतम करूँगा। हमारे मालवीय जी गुस्से हो रहे होंगे। (व्यवधान)

श्रीमती कमला सिन्हा : मैडम, यह बहुत आपत्तिजनक बात है। लाठर साहब के अपने दोस्त की बात अपनी जगह पर है। इसके बारे में मैं कोई कमेंट नहीं करना चाहती, लेकिन हमेशा महिलाओं के बारे में ही क्यों उदाहरण दिया जाता है। यह बहुत आपत्तिजनक बात है। इसको डिलीट कर दिया जाए, इसको एक्सपोज कर निकाल दिया जाए। (व्यवधान)

श्री महेन्द्र सिंह लाठर : देखिए, अब मैं पुरुष की बात सुनाता हूँ आप लोगों को। (व्यवधान)

उप सभापति : लाठर साहब, बेबी साहब की दाढ़ी की बात क्यों नहीं करी, बाल तो उनके भी हैं ?

श्री महेन्द्र सिंह लाठर : : सुनिए मैडम : एक बहुत बड़े आदमी थे, उनकी गाली देने का आदत थी। वह गाली दिया करता था सबमार्डिनेट्स को और औरों को, क्योंकि बहुत बड़ा आदमी था इसलिए लोग बदायित करते थे। लेकिन बाद में उसको पहचाना जाता था, उसको घर जाकर शर्म आती थी कि तू इतना बड़ा आदमी है और तू गाली देता है, कोई अच्छा लगता है। लेकिन उसके बस की बात नहीं थी। वह मनोवैज्ञानिक के पास गया कि मैं बहुत बड़े दुविधा में हूँ, मेरे को गाली देने की आदत हो गई है, कुछ कीजिए।

उसने उसको कुछ बताया था, कुछ शिक्षा दी और कहने लगा कि एक हफ्ते बाद आना। वह एक हफ्ते बाद गया और कहने लगा कि डाक्टर साहब आपके इलाज से मेरे को बहुत फायदा पहुंचा है। वकील, डाक्टर प्रोफेशनल आदमी हैं, कुछ काम ठीक हो जाए, मरीज ठीक हो जाए तो वे खुश होते हैं। बेखुश हुए और पूछा कि क्या आपने गांठी देना बन्द कर दिया? तो वह कहने लगा कि नहीं डाक्टर साहब, गांठी तो मैं अब भी देता हूँ लेकिन अब मेरे को शर्म नहीं आती। तो किसी को शर्म ही नहीं आती। लोक लाज खत्म हो गई है। आप कुछ ख्याल कीजिए, यह हालत है। लाल बहादुर शास्त्री को, मालवीय जी को, उन लोगों को शर्म आती थी, उनको लोक-लाज आती थी।

(समय की श्रंथो)

मंडम, एक बात और कहकर खत्म करूंगा कि यहां ऐसे लोग जिनको जे.पी.सी. के मामले घसीटा गया, धक्के से बुलाया गया, मुश्किल से कोई आया, लेकिन हमारे बीच में, हमारा पार्टी में, हमारे हाउस में एक आदमी है जिसने चार चिट्ठियां लिखीं जे.पी.सी. के चेयरमैन को कि मेरा नाम आ रहा है, मेरे को मौका दिया जाए, मेरे को मुक्त जाए, मैं अपनी बात को स्पष्ट करना चाहता हूँ, मेरा कोई कुपूर नहीं है, लेकिन मुझे बड़ा अफसोस है, मुझे गिला है जे.पी.सी. के चेयरमैन पर, हमारे मालवीय जी बैठे हैं, चार चिट्ठियां लिखीं लेकिन न उनको जवाब दिया गया, न उनको बुलाया गया। लेकिन मैं समझता हूँ कि उनको न बुलाना और उनका चार चिट्ठियां लिखना, यह अपने आप में एक क्लिष्ट ऐसी चीज है क्योंकि इन्होंने कोशिश की है अपनी पोजीशन साफ करने की। (अवधान)

श्री मुख्याध्यक्ष स्वामी: (उत्तर प्रदेश): आपकी पार्टी का नुमाईदा क्या कर रहा था?

श्री महेश्वर सिंह साठर: क्या कर रहा था, यह भी जे.पी. में जा रहा था।

हमें इस जे.पी.सी. की रिपोर्ट को इसके असली डेस्टीनेशन पर पहुंचाना चाहिए और हर आदमी को जिम्मेदारी है कि सच्चाई निकाले और सच्चाई निकालकर किसी को भी, चाहे कोई छोटा हो या बड़ा, किसी को बखाने की बात नहीं

होनी चाहिए। देश सबसे बड़ा है, हम सब छोटे हैं।

मंडम, गुस्ताखी हो जाएगी। मैं बौयत्ताम गमा, छोटा सा कट्टी है, मैं वहां 8-10 दिन रहकर आया हूँ। उन्होंने 40 साल तक लड़ाई लड़ी, उन लोगों के अन्दर देशभक्ति कूट-कूट कर धरी हुई है और वह हमसे आगे निकल गया क्योंकि उनके लिए देश पहले है, हमारे लिए हम पहले हैं देश बाद में है।

इन्हीं शब्दों के साथ, मंडम, आपने मेरी बातों को ध्यान से सुना और इस हाउस के अन्दर भी मैंने बहुत विजडम की बातें सुनी हैं, बहुत स्थाने लोग बैठे हैं, मैं किसी पर पर्सनल अटैक नहीं कर रहा हूँ, लेकिन हमें थोड़ा सा सोचना चाहिए कि हमारा देश किधर जा रहा है और हम इसको किधर ले जा रहे हैं। आपका बहुत-बहुत धन्यवाद।

डा. अब्दुल अहमद: मंडम, अपने माननीय सदस्य ने एक जानकारी शुरू में चाही थी, मैंने बताई। लेकिन अपनी बहस के दौरान माननीय सदस्य ने कहा कि कल संसदीय कार्य मंत्री ने यहां उस कमेटी के लिए मना किया था। तो दोनों बातों को माननीय सदस्य को समझ लेना चाहिए। मैं स्पष्ट कर देना चाहता हूँ कि कल जो सवाल पूछा गया था वह यह था कि संसद चूंक चल रही है और इस बीच में कोई कमेटी बनाई गई है, तो उसकी जानकारी नहीं है और संसद के चलते कोई कमेटी नहीं बनी थी। आज जब माननीय सदस्य ने उस ग्रुप के लीडर का नाम लिया तो मैंने बताया कि हां एक कमेटी 11 अगस्त को बनाई गई थी आर.बी.आई. के गवर्नर द्वारा जिसको 18 नवम्बर को रिकॉस्टीट्यूट किया गया और ये उसके मੈम्बर थे। तो कल जो माननीय संसदीय कार्य मंत्री ने बात कही थी, वह बिल्कुल सही थी, अभी इस सत्र के दौरान कोई कमेटी नहीं बनाई गई, जो माननीय सदस्य ने पूछा था। और आज जो माननीय सदस्य ने पूछना चाहा, उस कमेटी के ग्रुप के लीडर का नाम लिया, तो मैंने जो जानकारी दी वह अपनी जगह बिल्कुल उससे अलग है।

तो यह कह कर कि संसदीय कार्य मंत्री ने कल गलत कहा था जवाब नहीं दिया, वह बात बिल्कुल ठीक नहीं है। जो माननीय सदस्य ने कही

एक करोड़ की हर्षद मेहता की बात, माननीय महोदया, हर्षद मेहता के कौन दोस्त हैं, किन्होंने एक करोड़ का एलियेशन पोलिटिकली लगवाया, इसका जवाब यहाँ देने की आवश्यकता नहीं है और किस तरह से उसने अपने समय के लिए बयान बदला, कहां मिला, कब मिला, कैसे मिला.... (ब्यवधान) सुनने की हिम्मत रखिए। एक करोड़ का झूठा एलियेशन आपने लगवाया। उसने समय बदला, उसने जिस तरह से गलत रूप से गलत बयानों को..... (ब्यवधान) पहले कहा दस बजे मिला, फिर कहा 9 बजे मिला, फिर कहा साढ़े नौ बजे मिला..... (ब्यवधान) कौन उस कांड के पीछे है, सारा देश इसको देख चुका है।..... (ब्यवधान) जो लोग हर्षद मेहता के दोस्त बने हुए हैं वही राजनीतिक रूप से उसका लाभ लेना चाहते हैं।..... (ब्यवधान)

SHRI P. UPENDRA (Andhra Pradesh): Is he giving some explanations?..... (Interruptions) On whose behalf is he replying?

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): I would like to know whether the Minister is intervening.... (Interruptions).....

SHRI TRILOKI NATH CHATURVEDI: Why did the Prime Minister not appear before the Committee? That is the point.

डा. अब्दुल अहमद: (ब्यवधान) हर्षद मेहता के सबसे बड़े दोस्त आप हैं, आपने जिस तरह से उसके बयान सँटे हैं..... (ब्यवधान)

SHRI TRILOKI NATH CHATURVEDI: This is not a question about Harshad Mehta. Why don't you haul him up before the Court? (Interruptions) Why did you misuse the CBI?

डा. अब्दुल अहमद:..... (ब्यवधान) वह बात नहीं, जैसे-जैसे उसको समय बदलना पड़ा, कभी कहा 10 बजे मिला, कभी कहा कि 9 बजे मिला, कभी कहा कि 11 बजे मिला, कभी कहा कहां मिला..... (ब्यवधान) क्या आपको मालूम नहीं है कितनी बार झूठ बोला।

श्रीमती सुष्मा स्वराज (हरियाणा): अगर संसदीय कार्य मंत्री को कोई लम्बी बात कहनी है तो अपने यहां शीर्ट डूरेशन डिस्कशन में विनि स्टीयल इंटरवेंशन की परम्परा है।..... (ब्यवधान)

डा. अब्दुल अहमद: मुझे कोई लम्बी बात नहीं कहनी, मुझे सिर्फ यह कहना है कि हर्षद मेहता के दोस्त कौन हैं, इसकी सारा देश जानता है। इन्होंने उससे यह बयान दिलवाया और जिस तरह से उसको बार-बार अपने बयानों को बदलना पड़ा और सारे देश के सामने..... (ब्यवधान)

श्री निरंजन बल्ल: क्या कर रहे हैं यह?.... (ब्यवधान) खामोखां टांग अड़ाते हैं।

شہری سکندر بخت : کیا کر رہے ہیں یہ "مداخلت"
خواصخواہ ٹانگ اڑاتے ہیں۔

उपसभापति: बैठिए सब लोग, बैठ जाइए। श्री एन. के. पी. साल्वे।..... (ब्यवधान)

श्रीमती सुष्मा स्वराज (उत्तर प्रदेश): चोर की दाढ़ में तिनका। (Interruptions)

SHRI P. UPENDRA: He is a Minister. Is he replying or intervening? (Interruptions) Then why is he getting up now? (Interruptions)

THE DEPUTY CHAIRMAN: Shri N. K. P. Salve.

THE MINISTER OF POWER (SHRI N. K. P. SALVE): Madam Deputy Chairman, as I heard the hon. Member, Mr. Lather,—he is going away—I realised that where there is an extremely mundane subject, there can be a lighter side also. He has put forth his points effectively.

Madam, at this stage of the debate, it is not very easy to evaluate and determine as to what the debate has yielded so far to enable one to come to certain firm conclusions on the Report as such. But, as I heard the long debate yesterday—some of the speeches were fairly long-winding—I must submit that it was clear that many of the participants had

studied the Report in great depth and they quoted from the Report extensively. Madam, I submit, in all humility, that though the subject is of national importance, it was clear right from the beginning that the House on the Report was divided and divided very sharply. Undoubtedly, the debate involves questions of Constitutional proprieties and cardinal norms of Parliamentary democracy. Notwithstanding this, one also saw the spectacle of the entire House being divided on party lines. I must submit, at the outset, that to my distress, and to my dislike,—the Report being discussed is a Report of the JPC, the Joint Parliamentary Committee, and the Joint Parliamentary Committee is a mini-Parliament notwithstanding the high status, high position, of the Committee, so far as the Report is concerned very unfortunately, it failed to inspire confidence, it failed to inspire esteem, it failed to inspire any reverence of the entire House as a whole and the report failed to inspire. (interruptions).

SHRI MENTAY PADMANABHAM (Andhra Pradesh) : It failed to inspire the Congress party. (interruptions) . .

SHRI N. K. P. SALVE : When it comes to you, you speak. I personally feel that the way it went about—I will refer to several reports myself—in the House as such, I have seen a few JPC reports, the parliamentary supremacy. (interruptions) . .

SHRI S. JAIPAL REDDY (Andhra Pradesh) : Madam, I am on a point of order. I want to know whether Mr. Salve is speaking as a Member or on behalf of the Government. If he is speaking on behalf of the Government, his remarks would tantamount to rejection of the JPC report by the Government. Therefore, my substantive point of order.

SHRI N. K. P. SALVE : Hon. Member can take my speech in whichever light he wants.

SHRI MENTAY PADMANABHAM : He has to clarify.

SHRI S. JAIPAL REDDY : I rose on a substantive point of order. (interruptions) . .

SHRI MENTAY PADMANABHAM : Is he speaking on behalf of the Government or as a Member of this Council of States ? That he has to clarify. (interruptions) . .

THE DEPUTY CHAIRMAN : Just a minute. Mr. Reddy, yours is not a point of order. It is a point of information.

SHRI N. K. P. SALVE : I am making a statement of fact. (Interruptions) . .

THE DEPUTY CHAIRMAN : You want to find out how he is speaking. He is intervening. You know that he is a Minister.

SHRI S. JAIPAL REDDY : What ?

THE DEPUTY CHAIRMAN : He is intervening.

SHRI S. JAIPAL REDDY : Does he tell me that he is reflecting the viewpoint of the Government ? Does it also, therefore, follow that the Government has decided to reject the report ?

SHRI N. K. P. SALVE : I am entitled to speak both as a Member and as a Minister. (Interruptions) . .

SHRI P. UPENDRA : Madam, you have to give a ruling on this.

THE DEPUTY CHAIRMAN : There is no ruling. It is for Mr. Salve to decide how he is speaking. How can I rule how he is speaking ? (Interruptions) . . How can ten people speak at the same time ?

SHRI MENTAY PADMANABHAM : You can ask him to clarify the position. (Interruptions) . .

THE DEPUTY CHAIRMAN : One minute.

SHRI N. K. P. SALVE : In deference to my esteemed friend, Mr. Jaipal Reddy,

let me clarify my membership of this House.

SHRI S. JAIPAL REDDY : Madam, we appreciate the position of Mr. Salve because as a Member of Parliament, he wanted the Finance Minister to resign. *(Interruptions)*..

SHRI N. K. P. SALVE : I will deal with it. *(Interruptions)*..

SHRI S. JAIPAL REDDY : That statement of Mr. Salve is ringing loudly and clearly in my ears. *(Interruptions)*..

SHRI N. K. P. SALVE : Madam, I will deal with it afterwards. *(Interruptions)*..

SHRI S. JAIPAL REDDY : And now he is speaking as a Minister. *(Interruptions)*..

SHRI N. K. P. SALVE : I assure you. *(Interruptions)*.. I will assure you. *(Interruptions)*..

SHRI S. JAIPAL REDDY : I am, therefore, assuming that. *(Interruptions)*..

SHRI N. K. P. SALVE : How can he assume ?

THE DEPUTY CHAIRMAN : Now, why are you interrupting ? Under which rule are you speaking ? There is no point of order.

SHRI N. K. P. SALVE : I never disturbed any Member. As a Member, I never disturbed anybody.

THE DEPUTY CHAIRMAN : Mr. Salve, please. *(Interruptions)*..

SHRI MENTAY PADMANABHAM : We want to know whether he is speaking as a Minister or in his individual capacity. That is all. That is all we want to know.

THE DEPUTY CHAIRMAN : What is written in the paper is, he is intervening. That is all.

SHRI SOMAPPA R. BOMMAI (Orissa) : Let him establish his identity. He cannot speak remaining as a Minister.

THE DEPUTY CHAIRMAN : People don't intervene as Members.

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh) : We want to know whether he is intervening in the capacity of a Minister or as a Member. That is all we want to know.

THE DEPUTY CHAIRMAN : That is all. I am not allowing any more interruptions.

SHRIMATI RENUKA CHOWDHURY : We just want to know whether he is speaking as a Minister or not. That is all.

THE DEPUTY CHAIRMAN : I don't allow. I am not allowing it. *(Interruptions)*.. I am not allowing. Please, no.

SHRIMATI RENUKA CHOWDHURY : Then, shall we take it that he is speaking. *(Interruptions)*..

THE DEPUTY CHAIRMAN : What you would assume or what you don't assume, it is not for me to decide. It is entirely up to you to assume what you want to assume. You cannot ask for a ruling from the Chair about what you should assume. It is very funny.

SHRI SOMAPPA R. BOMMAI : I want a thing to be made very clear at the outset. You have ruled that he is intervening. You have said that he is intervening. When he is intervening, he is intervening as a Minister.

THE DEPUTY CHAIRMAN : Please sit down. *(Interruptions)*..

SHRIMATI RENUKA CHOWDHURY : Madam, is it the official opinion of the Government or the opinion of Mr. Salve as a Member ?

THE DEPUTY CHAIRMAN : That he will make clear.

SHRI N. K. P. SALVE : I cannot be.. You are quoting constitutional law and are saying that I cannot speak both as a Member and as a Minister. Please bear with me for a change..

SHRI V. NARAYANASAMY (Pondicherry) : You cannot compel a Member to say..(Interruptions)..As a Member of this House, he has got a right..(Interruptions)..

SHRIMATI KAMLA SINHA : He is a Cabinet Minister. He knows the Government policy.

THE DEPUTY CHAIRMAN : You ask him.

SHRI N. K. P. SALVE : Madam, I owe a moral duty..(Interruptions)

SHRIMATI RENUKA CHOWDHURY : Is it the Government's opinion ? You give me permission to ask him..(Interruptions)..

THE DEPUTY CHAIRMAN : I will not. Please sit down.

SHRIMATI RENUKA CHOWDHURY : I cannot speak to him directly.

SHRI N. K. P. SALVE : It is my moral duty..(Interruptions)..I am not yielding to anyone.

THE DEPUTY CHAIRMAN : You don't yield. He is not yielding.

SHRI N. K. P. SALVE : I am not yielding to anyone.

THE DEPUTY CHAIRMAN : Don't yield and continue.

SHRI N. K. P. SALVE : Madam, I submit with respect and humility that I will deal with what I have said earlier about the Finance Minister. I owe a duty to this House, I owe a duty to myself, I owe a duty to this Parliament and I owe a duty to this country. So, I will deal with it but please hold on. Let me go ahead. I am just catching the tempo.

SHRI RAM JETHAMALANI (Karnataka) : You tell us whether you are speaking..(Interruptions)..

SHRI N. K. P. SALVE : Mr. Ram Jethmalani, I have never interrupted you because it has never been worth it. I would request you to reciprocate my feelings and listen to me for a change..(Interruptions)..

SHRIMATI RENUKA CHOWDHURY : Please make it clear that you are speaking as a Minister. That is all..(Interruptions)..

SHRI MENTAY PADMANABHAM : Intervention means he is intervening in the debate as a Minister..(Interruptions)..

THE DEPUTY CHAIRMAN : I am very sorry..(Interruptions)..I am very sorry if the Members do not want to listen to anything I speak..(Interruptions)..I have spoken in the House and I have given my ruling. You are not listening..(Interruptions).. It is wrong. I have said that my papers show that it is an intervention. That is all about it..(Interruptions)..Let him speak now..(Interruptions)..

SHRI N. K. P. SALVE : Madam, I was submitting..(Interruptions)..

SHRIMATI KAMLA SINHA : Madam, is he speaking as a Minister or as a Member ?..(Interruptions)..

THE DEPUTY CHAIRMAN : I am not allowing anything..(Interruptions).. Nothing is going on record except what the Minister is saying..(Interruptions).. There should be some order in this House. You cannot get up like this..(Interruptions).. No, I am not allowing anything..(Interruptions)..

SHRI N. K. P. SALVE : Madam, if the Members were kind enough to hear what I have to say, I shall certainly be in a position to explain how I have made that statement earlier..(Interruptions)..

THE DEPUTY CHAIRMAN : Let nothing be recorded without my permission except what the Minister is speaking. I am not allowing anything..(Interruptions)..

SHRI N. K. P. SALVE : Madam, much to my dislike and much to my distress, it is a truism to say that those who have listened to the debate and those who have read some of the notes..(Interruptions).. would agree with me entirely, Madam, that the JPC Report has not commanded the respect which is due to it, has not commanded the esteem which is due to it..(Interruptions)..

SHRIMATI RENUKA CHOWDHURY : This is the conclusion that the JPC has not commanded respect. In whose opinion ?..(Interruptions)..

SHRI N. K. P. SALVE : I am not yielding to anyone, Madam..(Interruptions)..

SHRI INDER KUMAR GUJRAL (Bihar) : Madam, I am on a point of order..(Interruptions)..

THE DEPUTY CHAIRMAN : No. I am not allowing..(Interruptions).. I am not permitting you..(Interruptions).. I am not allowing you. I will not allow..(Interruptions)..

श्री सिकन्दर बख्त : सदर साहिबा, दोनों हाउसेज की जवाइड पार्लियामेण्टरी कमेटी बनी ... (व्यवधान) ...

[شری سکندر بخت : صدر صاحبہ دونوں ہاؤسز کی جوائنٹ پارلیمنٹری کمیٹی بنی تھی - ... مذاخات - ...]

THE DEPUTY CHAIRMAN : Please sit down..(Interruptions)..

SHRI N. K. P. SALVE : Mr. Sikander Bakht..(Interruptions)..

THE DEPUTY CHAIRMAN : Let Mr. Salve speak. Let him speak. I am not

† () Transliteration in Arabic Script.

allowing any point of order..(Interruptions)..The Minister is not yielding..(Interruptions)..I am not allowing anybody..(Interruptions)..I am not permitting anyone to raise any point of order..(Interruptions)..Let him finish..(Interruptions)..

SHRI SIKANDER BAKHT : He can't do that..(Interruptions)..

SHRI S. JAIPAL REDDY : Madam, he can make his comments on the Report, not on the JPC..(Interruptions)..

SHRI N. K. P. SALVE : Will you sit down for a change ?..(Interruptions)..

THE DEPUTY CHAIRMAN : I am not permitting anything..(Interruptions).. This is not the way. In this House, senior Members are behaving like this..(Interruptions).. He has not yielded. He is speaking and he is not yielding..(Interruptions)..I am not permitting anything..(Interruptions)..

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

THE DEPUTY CHAIRMAN : I am not allowing..(Interruptions)..I am not allowing..(Interruptions)..

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

THE DEPUTY CHAIRMAN : I am not allowing..(Interruptions)..I disallow your point of order..(Interruptions)..

SHRI S. JAIPAL REDDY : How ?..(Interruptions)..

THE DEPUTY CHAIRMAN : Don't question me..(Interruptions)..

SHRI N. K. P. SALVE : Madam, the Report of the JPC, I want to submit respectfully..(Interruptions)..

THE DEPUTY CHAIRMAN : All of you, please sit down..(Interruptions)..

SHRI S. JAIPAL REDDY : Madam, as a Member I have every right to raise a point of order.. (Interruptions) ..

SHRI N. K. P. SALVE : Madam, in this House, one cannot question the esteem and reverence.. (Interruptions) .. Madam, it is a truism, it is a statement of fact.. (Interruptions) ..

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

THE DEPUTY CHAIRMAN : He is not yielding and I am not permitting you.. (Interruptions) ..

SHRI N. K. P. SALVE : Madam, there are certain rules of business.. (Interruptions) ..

THE DEPUTY CHAIRMAN : Mr. Jaipal Reddy, please sit down.. (Interruptions) ..

SHRI N. K. P. SALVE : Madam, I am not yielding.. (Interruptions) ..

THE DEPUTY CHAIRMAN : Please sit down. He is not yielding.. (Interruptions) ..

SHRI N. K. P. SALVE : I am not yielding.. (Interruptions) .. I have yielded enough.. (Interruptions) ..

SHRI S. JAIPAL REDDY : We do not want to listen to him.. (Interruptions) .. I am sorry.. (Interruptions) .. We will not listen.. (Interruptions) .. We do not want to listen to anything he says as Minister.. (Interruptions) ..

SHRI N. K. P. SALVE : I am not yielding, Madam.. (Interruptions) ..

SHRI S. JAIPAL REDDY : He is speaking utter*.. (Interruptions) ..

उपसभापति : आप बैठिए, आप बैठिए । भन्ती जी आप बोलिए (व्यवधान) ..

SHRI S. JAIPAL REDDY : We are not prepared to listen to any* from any quarter of the House.. (Interruptions) ..

*Expunged as ordered by the Chair.

उपसभापति : आप बैठ जाइए (व्यवधान) ..

SHRI S. JAIPAL REDDY : Please do not provoke the Members.. (Interruptions) .. Do not trespass on the Members' rights.. (Interruptions) ..

THE DEPUTY CHAIRMAN : Please sit down. The rule is also that when the Chair is speaking, Members should sit down. The Minister, Mr. Salve, is on his feet. He is not yielding.. (Interruptions) ..

SHRI INDER KUMAR GUJRAL : When a Minister is speaking, when I want to raise a point of order, you cannot..

THE DEPUTY CHAIRMAN : You don't want to hear.

SHRI INDER KUMAR GUJRAL : How do you know what I am going to say ?

THE DEPUTY CHAIRMAN : Many people are speaking together..

श्री सिकन्दर बख्त : प्लायंट आफ आर्डर तो उठाने दीजिए .. (व्यवधान) ..

آئرشى سڪندر بخت : پوائنٹ آف آرڈر تو اٹھانے دیجئے .. "مداحت" ..

THE DEPUTY CHAIRMAN : What is your point of order ?

SHRI INDER KUMAR GUJRAL : You can rule me out. But you hear me. I am on a point of order.

THE DEPUTY CHAIRMAN : You want to speak or he wants to speak ? (व्यवधान) ..

एक आदमी बोल सकता है आप बोलिए या वह बोल लें .. (व्यवधान) ..

SHRI INDER KUMAR GUJRAL : Please listen to me.

THE DEPUTY CHAIRMAN : Are you speaking or Mr. Jaipal Reddy is speaking ?

SHRI INDER KUMAR GUJRAL : I have nothing with Mr. Jaipal Reddy.

[] Transliteration in Arabic Script.

THE DEPUTY CHAIRMAN : Okay, Mr. Jaipal Reddy, please speak. I will permit him on a point of order. Let him raise it first.

SHRI INDER KUMAR GUJRAL : No, no. My contention is very different. My contention, Madam, is that you in your right, in your wisdom have called upon Mr. Salve as 'Mananiya Mantriji'. Therefore, you have already identified, and since you identified him as a Minister, my contention is that when a Minister of Mr. Salve's stature is raising an issue which denigrates the JPC Report does it not mean that he is really dissociating the Government from the findings of the Report and wants to see that the unanimous Report submitted to this House and the other House does not command the respect of the Government ?

THE DEPUTY CHAIRMAN : That is for him to say, not for me.

SHRI S. JAIPAL REDDY : Madam, I am on my own separate, substantive point of order. Madam, a Minister or a Member can make comments on the report, can differ with the report. What the hon. Minister has done was to make a comment on the Joint Parliamentary Committee. (Interruptions) Madam, I wish to draw your attention to the substantive distinction between the Joint Parliamentary Committee and its Report. And no Minister of whatever stature can get away by casting reflections and aspersions on the Joint Parliamentary Committee. (Interruptions)

श्री सिकन्दर बख्त : सदर साहिबा, जो रेड्डी जी ने कहा उस पर आपकी हलिय की जरूरत है।

الشرى سکندر بخت - عیدر صاحب - جو ریڈی جی نے کہا اس پر آپکی رواینگ کی ضرورت ہے۔

() Transliteration in Arabic Script.

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THE DEPUTY CHAIRMAN : It was not a point of order. (Interruptions) I reserve my ruling on it. (Interruptions)

श्री सिकन्दर बख्त : पार्लियामेन्टरी कमेटी के रिस्पेक्ट की जरूरत है। दोनों हाउसेज में कहा गया यह मिनो पार्लियामेंट है।

How can it be denigrated by a Minister ?

इसमें आपकी हलिय की जरूरत है।

الشرى سکندر بخت : پارلیمنٹری کمیٹی کی رپورٹ کی ضرورت ہے۔ دونوں ہاؤسیز میں کہا گیا کہ یہ مینی پارلیمنٹ ہے۔ اس میں آپکی رواینگ کی ضرورت ہے۔

THE DEPUTY CHAIRMAN : I am not giving any ruling.

SHRI SIKANDER BAKHT : No Minister can denigrate it.

SHRI N. K. P. SALVE : Whether as a Minister or as a Member, if I have denigrated the JPC.. (Interruptions)

SHRI SIKANDER BAKHT : Nobody has any business to denigrate the status of the Joint Parliamentary Committee.

SHRI N. K. P. SALVE : If I have denigrated the JPC..

SHRI SIKANDER BAKHT : I think, the ruling must come from the Chair for that.

AN HON. MEMBER : Madam, he should explain.

THE DEPUTY CHAIRMAN : He is explaining. What is he doing ? Can't you hear anything ?

SHRI N. K. P. SALVE : Madam, whether as a Member or as a Minister, I have not denigrated the JPC, I shall not.. (Interruptions).. Repeat "not". I have my notes here. If you listened to me what I have said carefully, Madam..

() Transliteration in Arabic Script.

SHRI S. JAIPAL REDDY : We have listened.

THE DEPUTY CHAIRMAN : This is interruption.

SHRI N. K. P. SALVE : Please listen to what I have to say. Bear with me about what I have to say. (*Interruptions*)

THE DEPUTY CHAIRMAN : You don't allow him.

SHRI N. K. P. SALVE : I have not said a word about JPC.

SHRI S. JAIPAL REDDY : Madam, he made a comment on the JPC.

THE DEPUTY CHAIRMAN : I did not hear and I cannot hear in this noise. Perhaps, I will hear it in peace.

If five people speak together, it is impossible for me to give any ruling, and I say it again. So, please keep quiet.

AN HON. MEMBER : He has done it.

SHRI N. K. P. SALVE : Madam, if you find in my speech that even by a word, even by a comma or a full-stop, I have denigrated the Committee, kindly strike it off. I have not. (*Interruptions*) It is simple English I am talking. And I have said at the outset that I must express my distress and my complete dislike that the Report being debated obviously failed to inspire confidence, esteem and reverence of the entire House. Am I talking of the Report or am I talking of the JPC ? I am talking of the Report.

SHRIMATI SUSHMA SWARAJ : Madam, you see the record. He said : '... does not command respect which is due to it.' He is speaking of the JPC that the JPC did not command the respect. (*Interruptions*)

SHRI N. K. P. SALVE : Madam, can't I give my comments on the Report also ?

THE DEPUTY CHAIRMAN : I will look into the record.

SHRI SIKANDER BAKHT : Is he withdrawing those remarks ?

SHRI N. K. P. SALVE : I am withdrawing nothing because I have not said anything. To get his favour I am not withdrawing anything.

SHRIMATI RENUKA CHOWDHURY : I want to know from the hon. Minister with due respect as to what in their opinion is the respect for the JPC. (*Interruptions*). From what he said, does it not mean that the JPC did not command in respect ? Is it not disrespect to the JPC ? (*Interruptions*.)

SHRI N. K. P. SALVE : With all the respect at my command, it has to be made clear that so far as the Report of the JPC is concerned, that is being debated here, either it should not have been brought to the House at all in which case we would not have said anything about it and we would have accepted it as it is because a large many reports come which are binding on the Government, or when it has come for a debate, we have to express our views on it. The JPC's Report has all the sanctity of a direction and a mandate of both the Houses. It has to be accepted by the Government because Parliament is supreme. All those propositions are known to me for these 27 years. I would not allow the grass to grow under my feet. But there is one thing. When the debate has been allowed on the Report itself, Madam, you will kindly allow us in a Parliamentary language to express our views on the Report, on the merits of the Report. If you don't allow us to express our views on the merits of the Report, the entire exercise will be futile and meaningless. That is what I am submitting.

Therefore, Madam, if I were to make an observation that I have found to my distress and to my dislike that it did not inspire the confidence, esteem and reverence, I am only making a statement of

fact. Maybe, I am wrong; maybe, I am right.

AN HON. MEMBER : You are right.

SHRI N. K. P. SALVE : And if it is so, please do not read into it any denigration of the JPC.. (Interruptions). Don't be excited, Ram. I am glad you are here today. I am glad in a way that you are here today.. (Interruptions). Somebody will be able to tackle some of the complications I find in the entire Report on the Constitutional issues.

SHRI RAM JETHMALANI : I am bound by the rule of Parliamentary ethics not to talk about Harshad Mehta. My mouth is sealed. But if you release me from that obligation, I will speak.

SHRI N. K. P. SALVE : Who may I to relieve you ? Gods cannot relieve you. How can I relieve you ? But let me go one step further. In fact, I am one of those who thought that we should have accepted—both the Houses should have accepted—the entire recommendations. But when party lines are adopted, can it be denied that when the Report was debated, the House was sharply divided on party lines ? Or is it that I am denigrating again the JPC ? If the House was divided on the party lines itself, I do submit with all the humility and respect that it divests the entire debate of the objectivity ; it divests itself of merits and sincerity of purpose.

AN HON. MEMBER : The debate or the Report ?

THE DEPUTY CHAIRMAN : It is his opinion. Can you not hear it in peace ? He did not make any comment.

SHRI SIKANDER BAKHT : They are smiling.

THE DEPUTY CHAIRMAN : Then you keep smiling without making any noise. I would be happy if you keep smiling.

SHRI S. JAIPAL REDDY : We follow you.

SHRI N. K. P. SALVE : I wish these party lines had not been adopted and I wish we all had made an objective evaluation of the situation. It is a national issue that we are debating. We are considering questions of Constitutional propriety; We are considering questions which are cardinal to the norms of Parliamentary democracy. I wish all of you could have at least a modicum of unanimity on the matter. That would have helped to resolve many issues because whatever we say here, whatever view we take here today, maybe, it will pass off. I am here today; I may not be here tomorrow. All of us are here today. All of us may not be here tomorrow.

But for posterity, it is necessary, when this kind of a debate has come, when this kind of a question has been posed, when crucial questions were raised about the responsibility of a Minister on the question of certain alleged dereliction of duty, when questions have been raised about joint and several responsibility, impinging on the aspect of resignation of the entire Council of Ministers, that on certain issues at least, we should have a modicum of unanimity.

SHRI INDER KUMAR GUJRAL : We will make an exception in your case.

SHRI N. K. P. SALVE : But everyone was toeing party lines. Everyone was trying to play safe.

SHRI G. G. SWELL (Meghalaya) : I have no party lines.

SHRI JAGESH DESAI (Maharashtra) : You have not spoken.

SHRI N. K. P. SALVE : While ostensibly telling us that they were saying this in the larger interests of the country, what was happening was that everyone was nursing his party's interests and wanting to amass as much political capital as he could. Plenty of sactimonious humbug has gone yesterday.

Madam, this is what I wanted to submit so far as the views and credibility of the report is concerned. So far as the merits are concerned, I will come to it a little later. But before that I want you to disabuse your mind of this completely. I have the highest respect for Parliamentary institutions no less than Mr. Inder Kumar Gujral, my esteemed friend. He has known me for years. Even inadvertently, I will never say anything, I am incapable of making any statement, which will minimise the importance of institutions which parliamentary democracy has built up. We are concerned about it.

SHRI INDER KUMAR GUJRAL : Mr. Salve, I am glad you have mentioned by name. That is why I said, in passing, that when we are demanding the resignation of the Government, we will make an exception in your case.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh) : This is an assurance. This is a recommendation that if you go along with us, when the opposition forms the Government, you will be made a Minister.

SHRI S. JAIPAL REDDY : Of course, under a new Prime Minister.

SHRI N. K. P. SALVE : Normally, his humour is in good taste. But sometimes, it appears that his education has been neglected. Not now.

SHRI G. G. SWELL : Too clever.

SHRI N. K. P. SALVE : Bear with me. I now come to certain very serious points. Bear with me. You may not agree with me. I do not want you to agree with me. Now, having assured you that I will never say or do anything. (*Interruptions*)

Madam, before I come to the murky subject of scam—I am not saying anything about the JPC—I must refer to the three speeches which I heard yesterday. I must tell you, Madam, that in part, the debate did rise to great heights. Here,

I must make a reference to the three speeches which I heard yesterday, namely the speeches of Mr. Ashok Mitra, Mr. Shankar Dayal Singh and Dr. Murlu Manohar Joshi. I have heard a lot about Mr. Ashok Mitra. I hope he is here. But it is for the first time that I have heard him. I must compliment him for making an extremely restrained and dignified speech. So far as Mr. Shankar Dayal Singh is concerned, I must concede straightaway that he did voice extremely lofty ideas. But so far as the former is concerned, I am afraid, Mr. Mitra's speech, to my mind, so far as the merits of the report is concerned, was devoid of any substance. Madam, he pontificated plenty of political morality to us. In fact, 80 per cent of his speech, Madam,—I do not say, for a moment, that what he said was right or wrong—was of a nature which could fit into any subject of current political importance. He preached to us political morality. With an air of injured innocence, he said that he deeply regretted the erosion in the values of public life. We share his sentiments. I came to know yesterday that he comes of a distinguished family of freedom fighters and, therefore, his background being what it is, he voiced concern that the values in public life and politics were going down the drain. I am also of the same pedigree. I also come from a family of freedom fighters.

SHRI INDER KUMAR GUJRAL : Similar pedigree, not same pedigree.

SHRI G. G. SWELL : There his education scores over him.

SHRI N. K. P. SALVE : Madam, I also have the same pedigree and Mr. Gujral also said that he had the same pedigree.

THE DEPUTY CHAIRMAN : Same or similar ?

SHRI G. G. SWELL : Physiologically, it is not possible.

SHRI N. K. P. SALVE : My high pedigree or the high pedigree of Mr. Ashok Mitra is not relevant, not germane, to the subject, we are deciding some other issues. We are wanting the House to make up its mind on something else. Therefore, I wanted to submit that this kind of a moral pontification on political grounds does not cut ice because whenever one politician preaches political morality to others and the latter teaches political ethics to the former, the two deceive each other and no one else. This exercise is simply grotesque, if it is not comical. So far as morality sermon is concerned, it does not cut any ice with any politician. So, it is better if he does introspection with himself, tries to improve himself rather than want to improve any other politician as such.

There is one point on which I want to take him directly. With respect I want to refer him to the point which he made. He said : Look at what the people say, what the panwala says, what the petty shopkeeper says, what the domestic servant says; everyone says that the scam has taken place and the Finance Minister is carrying on. And in the end he has suggested as a friend; It is best that he resigned, if anything else, to improve his image in the people. That is what he was mentioning. It is on this point that I want to take on him and I want to submit and submit emphatically that we are also talking, it is not as though we dwell in the air; we are also on the ground and we are also talking with these very people. We are talking to them independently, and I submit that each and everyone, including everyone here, outside the House, they do not like the idea of Dr. Manmohan Singh resigning. They say that he is the one Minister with an unimpeachable integrity, with impeachable restitude, honest and honourable to a fault..

SHRIMATI KAMLA SINHA : Let the Prime Minister resign. Let the Prime Minister resign who is guilty.

SHRI N. K. P. SALVE : I think Shri Ashok Mitra is hopelessly misinformed if he were to make a plea that anyone in the country wants the resignation of Dr. Manmohan Singh. They believe that there is one Minister who must remain a Minister and it is Dr. Manmohan Singh, nobody else. (*Interruptions*).

SHRI V. NARAYANASAMY : You better hear the Minister when he is making a point.

SHRI N. K. P. SALVE : He also alleged that it is we who orchestrated the demand that there should be no resignation, or the resignation should not be accepted. That was the allegation he made. In four days' time we orchestrated, all the papers started writing in our favour, everyone propagating, saying and canvassing, "Kindly do not accept the resignation of Dr. Manmohan Singh." Madam, if we had ever the authority to orchestrate.... (*Interruptions*).

THE DEPUTY CHAIRMAN : May I request the hon. Members not to interrupt ? They can ask questions if their party's time is there. (*Interruptions*). No you do not have the right, honestly. I have not given permission.

SHRI N. E. BALARAM (Kerala) : How is he allowed to speak ?

THE DEPUTY CHAIRMAN : It is his right to speak in the House because his party has got the time. (*Interruptions*). Just a minute, Mr. Salve. I allowed in rapt silence the speech of Mr. Ashok Mitra. Mr. Salve, as a Member of this House and as a Minister also, has full the right to speak what he wants to speak.

I request the Members to have this much courtesy for each other—and I refer this to every Member in this House. Please... (*Interruptions*).. Whatever he is speaking, it is not my point of view.

SHRI N.K.P. SALVE : Madam, I assure you, I will be strictly within the parameters of parliamentary decorum ; I shall never go out of it. And if I go out of it, please pull me up. Any Member can pull me up. But certainly I can meet a point he has made.

He has made an allegation that we orchestrated this kind of a demand. Nobody raised this demand. The papers are writing in our favour. People are saying all things in our favour. He also mentioned some names. They are also talking in favour of Dr. Manmohan Singh. And this, he says, is manipulated manoeuvred. I want to assure him and I want to assure the House, Madam, this kind of a thing can never be orchestrated. You cannot canvass for popularity or for a demand for a Minister that he must not resign. If at all anything happens, if there is one demand raised for the resignation of a Minister, everyone join in damning the man, condemning the fellow as far as possible. In my limited experience in politics, I would submit, this is for the first time that I have seen a spectacle where a Minister resigns and the whole nation says he must not resign. It is not for nothing.

SHRI DINESHBHAI TRIVEDI (Gujarat) : One small question.

THE DEPUTY CHAIRMAN : No, I am not permitting... (*Interruptions*)..

SHRI DINESHBHAI TRIVEDI : Madam, I fully appreciate the sentiments put forward by hon. Mr. Salve. I just want to seek one small clarification. If the entire nation and the Opposition ask for the resignation of some other Ministers, why do you keep quiet then ?

SHRI N. K. P. SALVE : Madam, that is a hypothetical question... (*Interruptions*)..

SHRI N. E. BALARAM : About Mr. Shankaranand everybody knows.

SHRI N. K. P. SALVE : I am dealing with an allegation which has been made

by an hon. Member, an esteemed Member of this House, that we were orchestrating. Such matters can never be orchestrated... (*Interruptions*)..

SHRI PRAKASH YASHWANT AMBEDKAR (Nominated) : Mr. Salve, will you yield for a minute ? I would refer to Mr. Nanda's case in Bombay. There was a public opinion that Admiral Nanda should not be hanged or should not be punished. That was a public opinion expressed by all papers and all people living in Bombay. Even after that, the judgment of the High Court went against Mr. Nanda. What is your comment on that ?

SHRI ASHOK MITRA (West Bengal) : I think Mr. Salve's nation consists of only foreigners.

SHRI N. K. P. SALVE : Well, if he finds that we are all foreigners, I think he is colour-blind.

As far as Mr. Prakash Ambedkar is concerned, the hon. Member has completely misunderstood the point I was making. I am not on the question whether he should resign or not.

SHRI PRAKASH YASHWANT AMBEDKAR : It was only a question of public opinion.

SHRI N. K. P. SALVE : Madam, I am not on the question whether he should resign or not as a result of adverse or favourable public opinion. All that I am saying is that this allegation that we orchestrated this demand is untrue, ill-founded and a figment of imagination which is not very fertile. I want to submit that in deference it has to be understood, and understood clearly, that a Minister earns or does not earn—he has not been in politics for too long—this kind of trust and faith, and it is not given to every Minister, to beget which he did get.

Madam, so far as Mr. Shankar Dayal Singh is concerned, he made an extremely eloquent speech and he really voiced

some very lofty sentiments. But I am unable to find any nexus in what he says with the merits of the report which we are debating. Unfortunately he is not here and I do not want to make any uncharitable comments about what he said, but I fail to find it and I do hope somebody will explain what it was.

Madam, so far as Joshiji's speech was concerned, I regret very deeply that when I stood to intervene—I am a serious-minded debator and parliamentarian—he declined to yield. I have never had it in my life. Mr. Sikander Bakht has always yielded; Atal Bihariji has always yielded. Yesterday when I stood up, it was not to disturb Mr. Joshi, not for a moment, but it was to add some depth to what he was saying and to the debate. He declined to yield.

Madam, there are certain conventions of this House. If a Member expects to command respect in this House, it is necessary that he must equally respect others and respect certain conventions. I regret it very much. He is unfortunately not here. I hope someone will convey this to him. If you find that I am getting up to disturb you, to break your chain of thought, please don't yield for a moment, but, if you think that I am likely to make some serious point, please yield to me. May be, what I say is ill-founded, what I say is incorrect, what I say is untenable. That is not the issue. The view of the other man has to be heard with respect. That is a cardinal principle. He did not yield yesterday. Mr. Sikander Bakht will have to tell this to him: You have always yielded to me, and I have always yielded to you.

SHRIMATI SUSHMA SWARAJ : You yourself did not yield to Mr. Jaipal Reddy when he wanted to say something today.

SHRI N. K. P. SALVE : Madam, to put the record straight—I am grateful for your going to his rescue—I yielded to him in the beginning.

SHRIMATI SUSHMA SWARAJ : You didn't.

SHRI N. K. P. SALVE : I beg your pardon, Madam, I never tell a lie to a lady like you.

श्री सिकन्दर बख्त : मैं यह बर्त कर रहा था कि,

"जिद मेरा मुझे अच्छा है कि उस महफिल में है।"

"ए दिल सामोम भरी महफिल में कुछ कहना नहीं अच्छा।"

"आदाब पहना करीना है मोहबत के करीनों में।"

मैं आदाब पेश करता हूँ।

اشرى سکندر بخت : میں یہ عرض کر رہا تھا کہ -

ذکر میرا مجھ سے اچھا ہے کہ اس ساجل میں ہے -

اے دل خاموش - بھری ساجل میں کچھ کہنا نہیں اچھا -

آداب پہلا قرینہ ہے محبت کے قرینوں میں -

میں آداب پیش کرتا ہوں -

श्री एन. के. पी. सल्वे : आपका आदाब कबूल है और साथ ही साथ यह पैगाम पहुंचा लीजिए जहाँ पहुंचाना है। पार्लियामेंट की गरिमा, सदन की गरिमा, सदन की प्रतिष्ठा कभी-कभी कम्बेशन पर चलने पर भी रहती है।

श्री सिकन्दर बख्त : मैं पहुंचा दूंगा, अगर आप भी पहुंचा लीजिए।

SHRI N. K. P. SALVE : Madam, therefore, I want to submit that Joshiji started very well initially. He was trying to make out a case for how there was a nexus, how there was a dereliction of

† () Transliteration in Arabic Script.

duty, how there was constructive responsibility, moral responsibility, administrative responsibility irrespective of some of the lapses, which have been mentioned, of the Finance Ministry, the public sector undertakings and the banks and the financial institutions working under the Finance Ministry. Suddenly he lost track. He ran utterly wild, so wild that he spoke a few words, a few phrases, at which, as his friend and admirer, I am very much disappointed. It does not behove a person of the eminence of Mr. Joshi, his culture, his learning and his restraint. यह छद्मचार का नाला है।

You can use this word. You can use any other word. You can use a stronger word. But, I have never heard this kind of a language from Mr. Atal Behari Vajpayee. I have never heard it from Mr. Sikandar Bakht.

And this is very important. I am going to submit to you that everyone in this debate yesterday was saying in general everything that he wanted to say. General quantification was done. General allegations were made. Things were said and said on the basis of this...

श्री संघ प्रिय गीतम (उत्तर प्रदेश) : मैडम, गलती हो गई, नाले की जगह समुद्र कहना चाहिए था।

उपसभापति : बेटिए-बेटिए। यह भी कोई तरीका नहीं है, आप बार-बार इस तरह से खड़े हो जाते हैं। (ब्यवधान)

You are helping your leader at all....
(ब्यवधान)

मैंने कोई इजाजत नहीं दी। (ब्यवधान)
मैंने आपको कोई परमिनेट इजाजत खड़े होते रहने की नहीं दी है। (ब्यवधान)

SHRI N. K. P. SALVE : Madam, I want to come to the next point immediately.

In the entire debate yesterday, I am happy that at least one expert. (Interruptions)

Listen to me.

SHRI JIBON ROY (West Bengal) : If the hon. Minister will yield for a minute, foreign banks were tall players in the scam. Why has the Government taken no steps against any bank even till now ?

SHRI N. K. P. SALVE : Madam, if the Government has not taken action against foreign banks or Indian banks or any other bank for criminality, criminal act on their part, I want to assure the hon. Member that the Government has acted, it is acting and it shall act. We take the Report seriously. It is not a joke.

SHRI JIBON ROY : No action was taken.

SHRI N. K. P. SALVE : We take the report seriously. (Interruptions)

It is no use, your shouting and my shouting back. That will not solve the issue. If you want that action should be taken, that is the right thing, that is the right approach. If at the end you find that we have not. (Interruptions) Why have we taken it right now ? (Interruptions)

THE DEPUTY CHAIRMAN : Please. I have not permitted you, please.

SHRI N.K.P. SALVE : The difficulty with him and his partymen sometimes is that they do not have the patience to listen to the other man's point of view. I am conceding straightway that not only action, but stringent action and severe action must be taken against the guilty. Not one should be spared. We have done so, we are doing so and we shall do so. And at the end of the day, if you find that we have left anyone out, please do write to me. Though I am not in charge of it, I shall see that action is taken. We take the Report seriously. It is not a joke for us. It is not a laughing matter for us. It

is not a matter for securing only a debating point. It is a matter in respect of which we must take stringent and proper action and to ensure that again after a few years, after another decade, we are not faced with another scam. We do not have this kind of large-scale corruption, Himalayan corruption, ever again seeping into our system, dismantling the entire banking system. The entire financial instruments have been abused, the entire financial institutions have been eroded, the entire financial market has been put out of gear. We do not want such a situation ever to come about... (Interruptions).

SHRI VIZOL (Nagaland) : Only one minute. I would like to know whether he is speaking on behalf of the Government or on his own behalf... (Interruptions) I would like to know whether the discussion on the JPC Report is over or not. Is he speaking on his own behalf or on the behalf of the Government ?

THE DEPUTY CHAIRMAN : You have heard the whole story and now you are asking who the author of it is. It is like that. Please sit down... (Interruptions)

SHRI N. K. P. SALVE : Madam, this is not the first time in my life that after narrating the entire Ramayana, the query starts what the relationship between Rama and Sita was. If he quietly listens to what I have to say, he will be a lot more wise. I have no doubt.

SHRI N. E. BALARAM : There is no Ramayana in Nagaland. You should know that way.

SHRI N. K. P. SALVE : I am saying about the story.

THE DEPUTY CHAIRMAN : This is a simile and metaphor which is being used in Hindi language all the time, which Salve is translating into English.

SHRI N. E. BALARAM : I am not going into it. They speak a different language. A different culture.

THE DEPUTY CHAIRMAN : I know. That is the trouble. There is a lack of communication.

SHRI N. K. P. SALVE : I submit respectfully that resignation was demanded yesterday not only of the Finance Minister, but of the entire Council of Ministers on the principle of joint and several responsibility in respect of the alleged dereliction, on account of the supposed indictment of the Finance Minister on the charges, but I want to submit respectfully—and I am glad that is why Mr. Ram Jethmalani is here today—that if resignation is to be sought if the indictment has to be sustained, it has got to be on the charges levelled in the Report and the manner of the charges levelled in the Report. It cannot go by the generally vague ideas of each individual that so many things have happened, as Lather Ji said just now that, after all, Rs. 10,000 crore worth scam has taken place, someone must go, someone must be hanged. That is not the way how we can function and have to go. This document will have to be considered. The findings will have to be considered, the gravamen of the charge will have to be considered and then only it will have to be determined whether or not the demand of resignation is at all justified or not; and not on the basis of what anyone else has to say generally.

Now, Madam, here I am commenting entirely on the Report.

THE DEPUTY CHAIRMAN : Mr. Salve, before you speak, let me ask the House, because at 1.30 we adjourn for lunch. If the House so agrees, we can dispense with the lunch hour.

SEVERAL HON. MEMBERS : Yes.

THE DEPUTY CHAIRMAN : But I would expect Members to be brief, because so many names keep coming and I do not know how we will finish it by 5.30.

SHRI S. JAIPAL REDDY : I suggest the lunch hour be dispensed with so that Members can have more time.

THE DEPUTY CHAIRMAN : Members can have more time, but it would be only one hour extra.

SHRI S. JAIPAL REDDY : One hour of prime time is very valuable.

THE DEPUTY CHAIRMAN : That is agreed that we would not have lunch hour. But then we would have to conclude by 5 o' clock or by 5.30 P.M.

SHRI N. K. P. SALVE : Madam, if I am given an uninterrupted audience, I will be able to finish very early.

Madam, hundreds of reports have been received from Committees of Parliament adversely commenting on the working of the Government and the Government has to accept it because I accept the authority of the Parliament over Government as unquestionable and supreme. So far as this report is concerned, there are certain unfortunate features. I submit in humility they themselves have devalued the report and left its moral authority. Several reports of its proceedings, several differences, several occasions of give-and-take that went about, appeared. In fact, some of the journalists were flaunting the report much before it was published. These are all factors, these are all aspects of the matter. These are all features which have devalued the report and its moral authority. It has become clear now that the report is undoubtedly unanimous. I shall be pointing out from the report itself and from the notes of the Opposition Members that the report was undoubtedly unanimous but it was certainly not impartial. It was signed by all the Members. But it has not been signed out of conviction. I will be reading from the report itself; and a question is asked.. (Interruptions).

SHRI MENTAY PADNABHAM : Mr. Salve, you are committing the same mistake. This casts aspersion on the Mem-

bers of the JPC who have signed the report. Out of conviction—(Interruptions).

SHRI N. K. P. SALVE : I will show one of the Opposition Members has said that the report was partial.. (Interruptions).

SHRI S. JAIPAL REDDY : Mr. Salve, being a senior Member is committing .. (Interruptions). I should say.

SHRI MENTAY PADMANABHAM : Madam, he is offending all the Members of the Committee.

SHRI N. K. P. SALVE : Madam, there is no one to be offended as long as it is not my contribution. I will be reading from the report.

SHRI S. JAIPAL REDDY : You are attributing motives to Members. You are again.. (Interruptions).

SHRI N. K. P. SALVE : Didn't they appear in the newspapers ? What could you do to the newspapers ? Think that they did not appear in the newspapers, it was an extremely unsavoury remark. I am submitting here that all these things went to erode the moral authority of the report. These things should not have happened.. (Interruptions). Madam, what is he worried about now ?

SHRI S. JAIPAL REDDY : How can he impute motives to Members of the JPC ? He can comment on the report.

SHRI N. K. P. SALVE : I am not yielding. Please sit down.

SHRI N. E. BALARAM : I never expected this remark from Mr. Salve that they have signed the report without conviction.

SHRI S. JAIPAL REDDY : I am sure, he has not read the report itself. His hour-long speech did not contain a single reference to the report. Why should Ministers be so ignorant ?

THE DEPUTY CHAIRMAN : Half of the speeches did not refer... (*Interruptions*)

SHRI PRAMOD MAHAJAN : Madam, he is also not speaking with conviction. He is speaking under compulsion... (*Interruptions*).

SHRI N. K. P. SALVE : Mr. Mahajan, you are a very able parliamentarian. You are a witty person. I want to tell you one thing. Please never try to overreach as you are trying to do now, at the moment.

Madam, I am referring to something. I am not making these remarks in the air. They are not my contributions.

SHRI N. E. BALARAM : You said that they have signed without conviction. Are you sticking to that point ?

SHRI N. K. P. SALVE : Yes.

SHRI N. E. BALARAM : I am sorry.

SHRI N. K. P. SALVE : I am sorry to say that Members have not turned the papers of the report.

SHRI N. E. BALARAM : Please read from the report.

SHRI N. K. P. SALVE : Sit down I will read out, Mr. Balaram. Have some patience. I am not one of those who would make irresponsible statements. The totality of this would show that they are lacking in conviction. Madam, I am reading from the note by Shri K. P. Unnikrishnan, I submit on the banking system it was a total system failure.

SHRI S. JAIPAL REDDY : You have given licence... (*Interruption*).

THE DEPUTY CHAIRMAN : He can speak. His party has got the time.

SHRI S. JAIPAL REDDY : I am talking of his formulations.

THE DEPUTY CHAIRMAN : What formulations?... (*Interruptions*).

SHRI N. E. BALARAM : He has made an unfortunate statement.

The Vice-Chairman Syed Sibtey Razi in the Chair

SHRI N. K. P. SALVE : Sir, I am reading from page 339 of the report, a note by Shri K. P. Unnikrishnan, M. P. "The banking system would have benefited a great deal if we had conducted a probe into the fissures of the system rather than take an obsessive interest in the role of the individuals." Is this complimentary? "Rather than take obsessive interest in the role of the individuals." That means you forgot your real purpose.

And "that you took excessive interest in the role of individuals." He further says: "What was its linkage to the policy regime of immediate past and the environment it created? While fixation of individual culpability and responsibility was important, preoccupation with some VIPs would only create a myopic view of the problem." It is all right. It is a myopic view... (*Interruptions*). I am glad, all right, it is a myopic view. If a report has a myopic view its moral authority is eroded. "I wish the Committee had explored its line of enquiry in detail to the question of missing millions rather than allowing itself to get involved in pursuing certain cases of individual responsibility, beyond the limit warranted by the offence or the terms of reference." His allegation is, you have gone beyond the terms of reference and this preoccupation prevented a deeper and meaningful probe into more relevant issues. "I wish to come to these questions later. The Committee should have looked into the RBI Statute book more closely." I am afraid they have not looked into the various relevant Statutes, the Reserve Bank laws, the Reserve Bank Act, the Banking Law, the FERA, the Income-tax Act. "It has

looked into them only perfunctorily. It should have gone into much greater detail to find out what is at the root of the entire malaise. How was so much money allowed to be plundered away like this? And how is it that the entire mechanism, the entire system failed? Not only the system failed but also it failed to show any red light to any of the monitoring authorities, inspecting authorities and the auditors." He further says, "These are some of the negative aspects of the JPC work which, though not deliberate, has caused considerable misgiving."... (Interruptions) No, he is a signatory to this report and this is what he says. "It is a pity that the Committee did not find enough time to discuss these questions with some of our leading economists, including some of the former RBI Governors." "There is nothing," and this is very crucial, it may not suit you to listen to this. But it is very much there. It is not my contribution. He says: "Our report would not gain much credibility to contribute to the health of the banking system and national economy by focussing the issue as one which only allowed certain individuals like the Finance Minister of the then Governor of the Reserve Bank."

"There is nothing in evidence to suggest in either of these cases that they have colluded in any way and brought about the Scam. As far as the perpetration of the Scam is concerned, with its principal actors identified by the Committee sweeping generalisations, based on market gossips and narrow interpretation of action, done in good faith, even if they had led to error of judgment or mistake, would only create a situation where nobody would take any decision." If you were a signatory, would you still say so? ... (Interruptions).

SHRI INDER KUMAR GUJRAL: Sir, my hon. friend is an eminent lawyer also. He knows that sometimes even in the

judiciary, there are different judgments and ultimately the majority judgment holds water. In this case Mr. Unnikrishnan may be having his views but surely the unanimous report, where his own party Members have also signed holds water and nothing else.

SHRI N.K. P. SALVE : Sir, I only want to submit that someone.

I will immediately come to the demand of the resignation. Now what is happening? I will not take very long and I will deal with this matter, and I hope somebody will be able to clear that point, so far as I am concerned, it is this. Sir, on pages 222 and 223 and then on page 209 there is a direct indictment of the Ministry and there is the indictment of the Finance Ministry. If that indictment can stand, if the findings can stand for the reasons given in the Report—and not any extraneous reasons—then I would submit, the demand for resignation is a demand which is a valid demand; but if the findings of indictment cannot bear the scrutiny of justice and fairplay then, I am afraid, this kind of a demand is not tenable at all.

The second aspect could be about the joint responsibility. To what extent, will the joint responsibility be coming about? And we have an expert on Constitution today. Clause(3) of Article 75 speaks of collective responsibility of the Council of Ministers. And to what extent is this principle of joint responsibility to be taken in case there is dereliction of duty by one of the Ministers? I will immediately come to this point, and this is very crucial and I hope the concerned Members will listen to it carefully. I am reading it out from page 209—this is the Government of the charge and this is the indictment—"The Committee have examined this matter in depth. The Finance Minister and the Ministry during evidence have termed the scam as a "system failure". In the context of the banking

sector the Government being the owner (or trustees on behalf of the people of India) of the entire nationalised banking industry and given that there exist various methods and mechanisms of information and control, the MoF failed to...—that is the Ministry of Finance—“...to anticipate the problem; respond to it purposefully when it first surfaced; manage adequately thereafter the consequences of it; apply the needed correctives with despatch; and punish the guilty in time and resolutely.” These are the five points on which there is indictment.

Now, if it can sustain itself, I have nothing to say, but I will immediately come first to page 223—and this is more important—and here it says: “FM has raised a point to which the Committee feel it should react. In his written submission the Minister has stated:

‘As regards the functions of the FM, he oversees the work of the Ministry and provides overall guidance to the officials. Revenue and Expenditure decisions are the direct responsibility in these areas. He is also responsible for broad policy decisions affecting the financial system where the Finance Ministry is involved. However...

And this will drawn the distinction—

‘...FM cannot be held responsible for administrative failures or management deficiencies in the case of individual banks and other financial institutions.’

To this, the finding of the Committee is very interesting—“The Committee feel that such a distinction cannot be sustained by the constitutional jurisprudence under which the parliamentary system works.” Which constitutional jurisprudence are they referring to? There is only one article, there is an Article in the Constitution 77 which deals with allocation of work. There is no other article. I do not know the constitutional jurisprudence which

seems to have shown its compulsion to the Committee to say that they cannot accept a distinction. If you go through the Constitution, the only Article I am able to find is 77(3) which lays down conduct of business of the Government of India: “All executive action of the Government of India shall be expressed to be taken in the name of the President.” “(3) The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.” This is the only Article, this is the only clause. Now, where do they find this sort of a compulsion? Unless they were to find that in the allocation of business. This is a notification issued in pursuance of the Constitution injunction: “In exercise of power conferred on clause (3) of Article 77 of the Constitution and in supersession of previous rules and orders of subject, the President hereby makes the following rule.” And the rules are made. This contained the allocation of work. So far as the Ministry of Finance is concerned, it deals with exchange control, foreign aid for economic development, miscellaneous acts, budget; it deals with insurance division, department of expenditure, economic advice, management of the economic services, department of revenue, largesses, etc. Was this document examined by the Committee before they say that they cannot accept the distinction if what explanation had been given is correct? The responsibility he takes is what is enumerated here and the rest of the responsibility that is, administrative failure and management deficiency, are not within the postulates of this document. May I ask what the basis is for this Committee?

SHRI INDER KUMAR GUJRAL :
May I ask a question ?

SHRI N.K.P. SALVE: I am arguing a legal point. Bear with me. I will reply to you later. This is a legal point I am

arguing. Nobody raised this point yesterday. Someone should have explained to us what is meant by constitutional jurisprudence on the basis of which they pilloried the Finance Minister. They said, "there is no distinction." They virtually meant that for the administrative failure and management deficiency the Finance Minister is responsible and that is his constitutional obligation.

SHRI INDER KUMAR GUJRAL: May I with your permission, Sir, seek from my hon. friend one clarification? He has quoted from the Business Rules and the jobs allotted to the very particular Minister. What is his construction when the Committee says this? Whose responsibility is it if not the Finance Minister's responsibility? Which Minister's responsibility, is it? If not of any specific Minister's responsibility, does it mean that it is the Prime Minister's responsibility?

SHRI N. K. P. SALVE: This is a relevant question. But it is the Committee that should have put this question to the Finance Minister, not you.

SHRI INDER KUMAR GUJRAL: No. I am asking you.

SHRI N. K. P. SALVE: If you are asking me, my respectful submission is that I am only speaking about the Finance Minister on the basis of the finding. I am not going outside the finding. It is not for me to answer and it is not given to anyone now to question: Why did this not happen? Why did that not happen? The resignation is being asked not on what you say. It is being asked, so far as the Committee is concerned, on the basis of their negating the contention raised by the Finance Minister that he is not responsible for administrative failure or management deficiency in the case of individual banks and financial institutions and that indictment comes because they say that this cannot be sustained by constitutional jurisprudence. Can we go merely by the *ipse dixit*? Will it

be the exacting of an pronouncement? You are trying to ruin the public life of a distinguished man, an eminent economist, who is recognised all over the world. You are entitled to do it certainly if he is getting over and above law. But in doing so, write a speaking order at least. Give your reasons. Enumerate the article. Under his article this is the principle that comes about and in this it is impossible to find out. But it is the Bible so far as the responsibility is concerned under the Constitution. If you read the Bible, is there a comma, is there a full-stop, is there a word written anywhere which would rope in the responsibility of the Finance Minister for administrative failure or management deficiency?

If it is not there, please point out to me any line, a single sentence, anywhere in the Report which would sustain the indictment.

SHRI DINESHBHAI TRIVEDI: May I point out a legal point?

SHRI N. K. P. SALVE: I am arguing a legal point.

SHRI DINESHBHAI TRIVEDI: After that I want to point out a legal point, a legal document which I have.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Let the Minister complete.

SHRI N. K. P. SALVE: Let me, Sir, finish. Trivediji, I respect you. But I don't want you to deny it. All that I am trying to submit, Sir, at this stage is, please look at the whole matter objectively. What is at stake? It is not only the brilliant career of a man of what kind he is, I have already described but to what extent we are going to take this approach of constructive responsibility. In my Ministry I have a large many public sector undertakings. Many of them are making crores of rupees each day. Supposing Rs. 30 crores or Rs. 40 crores worth cheques were not sent to the

bank and the matter remained undetected for two or three years, am I to be damned? Am I to be condemned? Are we going to make the working of the Ministry impossible or are we going.... (Interruptions). Sir, let us reasonably say, if he is not responsible, if the law does not enjoin on him, even the Presidential Order does not enjoin on him, any obligation whatsoever to look into the administrative failures and the management deficiencies, it was utterly unwarranted, unjustified and unsustainable.

For this Committee to have condemned him on the ground of constitutional jurisprudence, the judgement to this extent without there being any basis can only be described, the indictment can only be described, as untenable and frivolous. It cannot be described in any other way.

Let me come to the Ministry. Again the same thing holds good. Should this not have been examined? Should this not have been looked into? You are very sensitive, very touchy about the impartiality of the Members, about the stature of the Members. What kind of a demeanour is it. You don't look into what responsibility is cast on them under the Constitution, under the Presidential order. You want to indict them left, you want to indict them right and you want to indict them at the centre. You want his resignation. You not only want his resignation but also resignation of the entire Council of Ministers. (interruptions).

SHRI G.G. SWELL: There is no scam. There is no failure. About Rs. 10,000 cross... (Interruptions).

SHRI N. K. P. SALVE: Sir, I don't like to reply to any intervention.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : You don't reply to it. Why are you yielding ?

SHRI N. K. P. SALVE: I don't want to reply to any intervention which is

devoid of any sense. I would like to submit that....

SHRI S. JAIPAL REDDY: Mr. Salve, will you kindly recollect, before the JPC was constituted, even before the scam was brought out in full, you expressed a categorical opinion that the Finance Minister should resign. How do you feel about your own remark ?

SHRI N. K. P. SALVE : I had promised to the House, I owe it to you, I owe it to the House, I owe it to the nation, I shall deal with it. At the moment I am only on the merits, the limited question of the merits of the indictment by the JPC. I am glad today that there is some one here who understands the Constitution. He is an expert. I am only a humble student of the Constitution. I am not an expert.

SHRI I. K. GUJRAL : You are an expert.

SHRI N. K. P. SALVE : I am not an expert. I don't claim to be an expert. I am only a humble student.

SHRI I. K. GUJRAL : I think he has been very modest. I don't accept it.

SHRI N. K. P. SALVE : The difficulty it seems is, as long as he overestimates his friends, it is all right. But he starts overestimating himself.

Now I come to page 209. Here is an indictment to the Finance Ministry. It says :

The Committee have examined this matter in depth. The Finance Minister (FM) and the Ministry during evidence have termed the scam as a 'system failure.'

This kind of a total failure of inspections, auditing, monitoring sustained for 10 years The Finance Minister is only to be blamed because during his time , it

was exposed. The Committee itself said, "It has gone on for years." It is going on for over a decade. A very systematic corruption has been practised on the country. A fraud has been committed on the people.

The Committee further says, "The Ministry of Finance should have anticipated the problem." Do they anticipate the problem when it is over? What is the problem?

It is not in their realm, it is not in their domain. Then what would they anticipate?

It further says:

"Respond to it purposefully when it first surfaced."

It was first surfaced in 1980 when Shri V. P. Singh was our Finance Minister. Then the report says:

"Manage adequately thereafter the consequences of it; apply the needed correctives with despatch."

Should they not have spelt out the correctives? Should they not have gone extensively into the legal aspects of the matter? It is all right you want to damn the Finance Minister. But if this Committee had to do the real job, if it was worth its salt, I repeat, then it was necessary for the Committee to go into these technicalities and specially into the laws. I am astounded, I am surprised, that a bunch of auditors, year after year, did not point out all these irregularities. They never verified the securities. They never looked into the income and expenditure account to find out that they were violating every possible norm which had been prescribed. How did this go on? Belonging to that profession, my pride of profession is hurt terribly that we should have been so deficient about it. What had happened to the Reserve Bank of India in respect of regular inspections? They failed to take care of the matter.

If only one thing had been done those who understand accounts would have understood it; Mr. Chaturvedi has gone, he would have understood it only had the SGL ledger been reconciled. If only the securities had been physically verified this scam would not have occurred. These are the two simple things which we had not done. He is a Chartered Accountant. He is nodding his head to me. If this has happened, Jageshji, your profession and my profession are equally to be blamed for our failure. I will never be able to live with this kind of shame so far as my profession is concerned. The nation is deprived. The people are deprived. This kind of stigma has been attached to the entire society. It is all right if we are debating like this. But go abroad and hear what they talk in England, what they talk in America and what they think of the scam. They seem to feel that we are a set of unscrupulous, unprincipled and dishonest people and we only thrive by fraud. This kind of argument does not hold good. Finally, it says, "...punish the guilty in time...". For this you want Dr. Manmohan Singh to resign. For this you want the rest of the Ministers to resign for something which was not entrusted to him. Something which was not his duty, something which was not his responsibility, he is held for dereliction of duty. It does not stop here. All of us are damned like this. So far as this is concerned, generally, it can be said that there is a scam. Ten thousand crores of rupees have gone and I myself might say that you are not revealing anything. You are telling that to me and, therefore, the Government should go. That might be your view of the matter. I am going by the views of the Committee and that alone will matter and nothing else. Now about joint responsibility, let us look at it. There is article 75 and I feel a little diffident when I talk on the Constitution in front of one of the greatest giants on Constitutional Law. The Council of Ministers shall be collectively responsible to the House of the people. Any

decision taken by a Minister is binding on all the Ministers. But is it a wrong action binding? Is there an element of agency in a wrong action? In touting there can be an agent. In a criminal act, there can be an abettor; there can be a conspirator. In a partnership with unlimited liability, if a partner were to commit a murder, will the other partner who has nothing to do with the murder, invite this kind of a criminal liability because of this agency?... (Interruptions).

SHRIMATI RENUKA CHOWDHURY: I have no background of law. But one assumes that when you have committed a murder and your partner is a witness to it but has not reported it, he will be equally responsible... (interruptions)...

SHRI N.K.P. SALVE: Madam, I said.. (interruptions)... Will you listen to me? I said, 'a partner who has nothing to do with it.' You speak out of turn which is too much... (Interruptions).

SHRIMATI RENUKA CHOWDHURY : If he has committed it by virtue of partnership... (Interruptions).

SHRI N.K.P. SALVE : I cannot answer you... (Interruptions).

There is a joint and several responsibility. But this is in respect of limited authority that is conferred on them for continuing the business as such. Are you going to hold him responsible for a wrong act? What is the answer? Did anyone try to deal with it? Did anyone in the Committee try to deal with it? We are told to resign, to get out and to stay out. It cannot be done like this. Let there be a little objectivity. Please do not try to pillory people like this. It will not do good to our democracy. It will not do good to our system. It will not do good to our nation. It will not do good to our posterity if we are to pillory an innocent man and indict

him for an offence that he has not committed and hold him guilty of dereliction of duty which was never given to him, along with this, everyone else also. This should not be done. Only one more point and I am done. It is true as to what I said when I was a private Member and I read it out: 'If so much money had been put through so recklessly because of the operations of the bulls, because of the speculators. (interruptions)...

SHRI PRAMOD MAHAJAN : Is it from Parliamentary debates or from somewhere else?... (Interruptions).

SHRI N.K.P. SALVE : I am reading out what I said I am quoting. I think I had made that clear. This has been given in the Report of Shri Gurudas Das Gupta... (interruptions)... Is that also a matter on which we should resign?... (interruption)...

SHRI PRAMOD MAHAJAN: Whenever a Minister refers to something he must mention the source.

SHRI N.K.P. SALVE: I will tell you the source. The source is a Parliamentary debate. But I am reading from a book titled 'Securities Scandal, a Report to the Nation', written by Shri Gurudas Das Gupta... (Interruptions)... You could have asked Dr. Murli Manohar Joshi from where he was quoting. But he is your leader and you wouldn't ask him. Anyway, I am quoting from this book:

"I accept in this House that if so much of money has been put through so recklessly because of the operations of the bulls, because of the speculators and gamblers, it was for the Finance Minister sitting here to arrest it and put an end to what was happening. In a particular forum, when I raised it, I was told that the people had so much money that the market will not crash. Now what kind of an approach is this? Where does the money come from? It has come from this kind of a source

absolutely through a fraud perpetrated by some people. Then, if I had been the Finance Minister, if I had allowed this kind of a situation to arise where genuine, honest, investors middle-class people, salaried people, were likely to be cheated, I am afraid I would not simply be sitting in office. I would have thought, Madam, that it was best that I went home from office. Madam, I am not attacking the Government's..”
(Interruptions)

SHRI INDER KUMAR GUJRAL: You please close your speech here.

SHRI N.K.P. SALVE: If that satisfies you, I am willing to do it. You abide by one condition. Make sure, accept that the entire demand of the resignation of Dr. Manmohan Singh and the resignation of the Council of Ministers is utterly untenable, unjustifiable, improper and unwarranted. You agree to that and I will sit down.

SHRI INDER KUMAR GUJRAL: Sir, I am glad that he said it. I am willing to withdraw if he sticks to his statement. If he says it, then I will withdraw because this is enough.

SHRI N.K.P. SALVE: Please let me explain. This is what I said. I am squarely attacking—you see, I am not attacking the Government's policy—the inertia of the Government, the total neglect shown by the Government towards this kind of a thing. If the Finance Ministry does not even know that this kind of a thing was happening, then, I am afraid, the Finance Ministry is not worth at all. (Interruptions).

SHRI INDER KUMAR GUJRAL: We totally agree with you.

SHRI N.K.P. SALVE: Bear with me. I have referred to it. I am not going to run away.

श्री ब्रह्मदेव आनन्द पासवान (बिहार): उप-सभाध्यक्ष महोदय, मैं आपके माध्यम से सम्मानित

साल्वे जी से पूछना चाहता हूँ कि घोषाघड़ी और जालसाजी एक बार, दो बार, तीन बार और चार बार हो सकती है, लेकिन 87 हजार बार हुई और 12 हजार करोड़ का नहीं, 12 लाख करोड़ का प्रतिभूति घोटाला हुआ है।

उपसभाध्यक्ष (सैयद सिन्ने रज़ी) : आपका बिन्दु क्या है ?

श्री ब्रह्मदेव आनन्द पासवान : मेरा बिन्दु यह है कि वे कह रहे हैं कि फाइनेंस मिनिस्टर निर्दोष हैं। मैं चाहता हूँ कि वे बड़े-बड़े पदों पर रहें। क्या वे फाइनेंस सचिव के पद पर नहीं रहे ? क्या वे रिजर्व बैंक के गवर्नर के पद पर नहीं रहे ? क्या वे फाइनेंसियल एडवाइजर नहीं रहे ? क्या वे विक्रम मंजी नहीं रहे ? वे इन सब बातों को जानते हैं ... (व्यवधान)।

उपसभाध्यक्ष : (सैयद सिन्ने रज़ी) : साल्वे जी आपकी बात समझ गए हैं।

श्री ब्रह्मदेव आनन्द पासवान : यह भारत को खत्म करने की एक साजिश थी ... (व्यवधान)

उपसभाध्यक्ष (सैयद सिन्ने रज़ी) : पासवान जी, आप कृपया ब्रेक जाइए, डिबेट को चलाने दीजिए।

Mr. Minister, do you want to respond?

श्री एन० के० पी० साल्वे : आपकी बात में सही मानता हूँ। आप मुझे नक्श दीजिए, आप मुझे माफ़ कीजिए। जब प्रमोद महाजन जा हार गए तो हमारा क्या अँकात। आप जो आँकड़े दे रहे हैं, मैं चार्टर्ड एकाउन्टेन्ट हूँ, ये आँकड़े सुनकर तो मुझे गंश आ रहा है।

What happened at that time was we did not know how this corruption had been perpetrated, for how long this culture had permeated in terms of which the bullish activity was going on and on. When the Sensex at one time and touched the 4500 mark, I tried to tell the Finance Minister what was happening. I think it is because—I have something to do with corporate finance—I did not know the working. I thought there was something wrong somewhere and I tried to

tell him this. He seemed to believe. Perhaps for this reason or for whichever reason, so far as stock exchange is concerned, it is hardly his responsibility or his Ministry's responsibility. Then, what happened? One day I read in the newspapers that a Rs. 600 crore cheque was paid by one Mr. Harshad Mehta. One cheque of Rs. 600 crores was paid to make good the deficiencies in the securities. Having worked in the corporate finance, I had a very serious apprehension and that came true. My apprehension has perhaps come true. I did not know that banks, Central public sector undertakings and financial institutions were financing this money. What I was thinking—and I share my view with several of my friends—was that perhaps some syndicate of mafia had pumped this kind of money into the stock market and they would make money, make a big buck and run away with the principal and the loot. That was my apprehension at that time. That is why I used the words, 'fraud perpetrated by some people.' There is no mention of a bank, there is no mention of a financial institution, there is no mention of any Dalal or anybody else. I know that there is no one in India who can ever give straightway a cheque for Rs. 600 over night... (Interruptions).

SOME HON. MEMBERS: Rs. 600 crores.

SHRI N.K.P. SALVE: ...Rs. 600 crores overnight without there being some irregularity or some fraud and that was why I said, "wake up, please wake up and take action. Please do something to arrest this".

SHRI INDER KUMAR GUJRAL: What was the end result of your urging? When you asked him to wake up, did he wake up?

THE VICE-CHAIRMAN (Syed Sibtey Razi): Let him complete. It is not fair. Let him complete. Let him make his own points.

SHRI E. BALANANDAN (Kerala): After he completes, I want to put a small question. I may read a portion from the report. It is para 2.7 and I quote:

"There is also some evidence of collusion of big industrial houses playing an important role. It is because of these elements that the economy of the country had to suffer and while some gained thousands of crores, millions of investors lost their savings..."

This is the unanimous finding of the Committee. What do you say about it? You read your statement and this together. You read both of them together and then answer.

SHRI N.K.P. SALVE: I had made it utterly clear when I was dealing with it that consequential action should be taken, that whoever is guilty, whether small, medium or big, nobody should be spared.

SHRI MENTAY PADMANABHAM: Except the Minister.

SHRI N. E. BALARAM: We understand that except the Minister, everybody else should be punished.

SHRI MENTAY PADMANABHAM : Except the secretaries, everybody else can be punished.

SHRI N.K.P. SALVE: After all this, they are not able to understand. For what should they be punished? What is their responsibility?

SHRI V. NARAYANASAMY: There is no culpability.

SHRI N.K.P. SALVE: There is culpability... (Interruptions). This kind of general and vague talk plenty of vagueness, and plenty of rhetoric is not going to help... (Interruptions). It is impossible for me to speak.

THE VICE-CHAIRMAN (Syed Sibtey Razi): Please continue.

SHRI N.K.P. SALVE: In the end, I want to talk about the indictment of Mr. Thakur. I will take two minutes. I don't want to leave him. Look at the way the things have been moving. It is most unfortunate. I am referring you to page 235 of the report.

Now, the first search on HSM group was conducted on 27-9-90 and the second search was conducted on 8-4-1992—nearly one year and eight months later. It has not enquired into why it took so long to conduct the second search. Those who are conversant with the scheme of searches and seizures under section 132 of the Income-tax Act know it very well that if you have to violate the privacy of a person, you have got to do it in accordance with the law.

And, if you have got to do it, you cannot carry out your searches in driblets. You have got to find out the tax-evaded money and find out the secret wealth and find out the totality of the evaded tax and determine his liability. Why did it take up to two years, nearly two years? This is what happens. He submits a note on the 9th May and about Mr. Thakur it is said, "The Committee finds that the file containing the note of the Member was sent on 8th April. This file remained pending with the MOS for quite some time until 6-5-92, that is, 27 days." It was asking for prosecution under the provisions of the Income-tax Act. The Minister is nowhere in the picture. There are authorities who are to prosecute a person. The Minister is not going to conduct the raid or give a summary or statement under section 132(5). Please understand the scheme of inspection before you find fault with the Minister. I could understand if you attributed motives. But as a result of these 27 days, if there was some impairment either to the inquiry or impairment to the final finding or if the person in the meanwhile slashed away some assets, one can understand that. But, purely because it was delay, is it fair to say so? It

is said, "The Committee expresses its unhappiness over this delay." What is the unhappiness about?... (Interruptions). What is the cause of unhappiness? They need not have to be happy or unhappy. They should have looked into the deficiencies and drawbacks of the scheme of searches and seizures as to why the person got away. When once you have attacked a person, have conducted a raid and entered his house for search and seizure, why don't you carry it out at one time? Why don't you decode the computer? NO that there is no observation. See the perversity of the entire finding. I am sorry, I am using a strong language. You want to pillory a man only for a delay which has not caused any harm whatsoever? Likewise, about Mr. Shankaranand, what do they say? He invested some money with the public sector banks belonging to the OIDB. "It has become the usual plea."—this is what it says—"He explained, 'I have done what has been the practice all the while and I adhered to that practice.'" As a result of that, they have said that it is unavoidable that this has created doubts that the public sector banks have received a preferential treatment at the hands of the OIDB. It is only an expression of a doubt and there is nothing to dispel the suspicion? Why don't you narrate all your suspicions? Is suspicion enough? Can you, on conjecture, on suspicion, on doubt pillory a person? Is it fair? It is almost worse than criminal liability. Criminal action you are taking against a person and you are not even mentioning the suspicion. What according to you is a wrong thing which he has done is based on suspicion and that is not even mentioned. There can be suspicion about anything.

In the end, I submit that if you take the Report in its totality, the entire indictment, one after another is a zero and if you add thousands of zeros to it, the Report is a big zero and it has to be rejected lock, stock and barrel. Thank you Sir.

THE VICE-CHAIRMAN (Syed Sibtey Razi): Now, Mr. Viduthalai Virumbi.

SHRI DINESHBHAI TRIVEDI: Sir, I have got legal documents with me. Can Mr. Salve explain? ... (*Interruptions*)...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): No, please. I have already called Mr. Viduthalai Virumbi. He has already taken a lot of time and there are so many other speakers who want to speak. Please take your seat. Yes, Mr. Viduthalai Virumbi.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, from the Report submitted by the JPC constituted to inquire into the irregularities in securities and banking transactions, we are able to find only one scenario and that is nothing but the scenario of unanimity. No Indian citizen can find out where the huge amount siphoned off by the scam has gone. The JPC would have served a better and useful purpose had they been provided with the proper investigating agency. The entire inquiry became futile because of this lacuna. No substantial information has come out from the report even though it was constituted to bring out the truth. Even the people who were found to be holding promoters' shares have also been left to go scot-free.

Sir, from the note submitted by hon. Gurudas Das Gupta, a Member of this august House, I quote :

"The JPC Report while describing in detail the market malpractices, has not followed through with its findings, to establish where the illegal funds went, and falls short of indicating some of the individuals in the bureaucracy who played foul with the system. But the biggest failure of the Report is in having overlooked the sordid business of promoter quota shares, whereby all sections of bureaucracy and banking—perhaps, even the Cabinet as was evident in the P. Chidambaram case—were influenced. It would have been in order for the JPC to have ordered an enquiry into the entire mechanism of

promoter quota shares. The fact that this has not been done, despite my specific plea to do so, gives rise to the fear that too many names would have been exposed in too sensitive places."

Mr. P. Chidambaram has failed in his duty to inform the Prime Minister at the proper time about the newly-acquired wealth according to the code of conduct of Council of Ministers. This clearly shows that he has deliberately violated the code of conduct of Council of Ministers. This has not been thoroughly inquired into by the Committee. Now the same people have been going around saying that they have been exonerated when it is not so. This fraudulent practice has been going on corrupting the public servants and people in high office.

Sir, if we go through the history, we can come across several persons who had resigned from the Cabinet on moral grounds and to uphold the principle of democracy like Lal Bahadur Shastri, R. K. Shanmugam Chettiar, C.D. Deshmukh and T. T. Krishnamachari.

Sir, I, therefore, demand that the Ministers responsible for this type of unprecedented scandal of this country should quit from the Council of Ministers. And also I demand that the Government should take appropriate action against the persons responsible as indicated in JPC, and should report every six months in this august House about the action taken by the Government and the result thereof so as to safeguard the principles of democracy.

With these words Sir, I conclude. Thank you, Mr. Vice-Chairman, Sir.

SHRI R. K. DHAWAN (Andhra Pradesh): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity. As this august House knows, the scam surfaced in April, 1992. The whole nation was shocked and horrified to find out as to

what was happening. Men and women, across the land, were shocked, we all know, beyond words, and were very anxious to know as to where the thousands of crores of public money has gone, where it has vanished and who the beneficiaries of it are. This was the most momentous question that was agitating their minds. And, I think, as the hon. Members will agree, this was also reflected in the debates of this House. What was required of the Government? What did the House expect of the Government at that time? Our hon. Prime Minister share the concern of the people and immediately announced in the Parliament a Joint Parliamentary Committee to go into the entire gamut...

SHRI BENTAY PADMANABHAM : Not immediately, but after some time.

SHRI R.K. DHAWAN: ...of the gigantic fraud, of unparalleled proportions. And this is how the Committee came to be constituted. And the Report which is being discussed is the result of the action taken by the Prime Minister at that time. And now you know what was expected of the Committee. Well, the Committee has been told to explain, to bring out the mechanism adopted by certain unscrupulous elements to siphon off funds and all that. But the Committee has really failed to find out as to where the money has gone. People knew that the money has gone. But they were more anxious to know to whom it has gone. This was one of the main expectations of the people from this Committee. And as the hon. Members will understand, this has not come out. And it is very unfortunate that while discussing this Report, we are not rising above party lines.

They are taking this opportunity—my friends from the other side—to project the ideologies of their own parties. As Mr. Salve said, it is a national issue. The entire country is concerned about it. But

what we are trying to project here is the ideologies of the parties. And here I heard Mr. Lather. He was saying things in a lighter vein. There was no seriousness in his speech. One shudders to think whether this is what is expected of us. I can understand Joshiji's obsession with the word 'resignation' of the Government. Since yesterday, in their speeches, all my colleagues and friends from the other side, have been just concentrating on the resignation of the Finance Minister. It is surprising as if this is the only issue. They are not bothered as to what the Committee was expected to do. They are not bothered as to what the Committee has produced or what more the Committee should have done. They are not concerned. Their only obsession is with the resignation of the Government. Of course, this is not a new thing. Day in and day out they have been saying only about the resignation of the Government. Not only that. They have been nourishing their wishful thinking that probably this Government will not last; it will not complete its full term and it will go within six months. But how are they concerned whether this Government lasts or it does not last? If the Government lasts, it lasts. If it fails in fulfilling its promises to the people, it will not last. But it is fulfilling all its promises made to the people and certainly it is going to last. But what are they concerned with? Look at their attitude right from the day this Government came into being. Their stand has been for the resignation of the Government and they say this Government will not last. They are not bothered about what they are doing or what they are not doing or what they should do.

I was surprised to see Joshiji echoing the voice of my hon. friend, Mr. Mitra. He says that the Minister should be responsible for each and everything that happens under the sun. Even for spilling of the ink, the Minister should be held responsible. I think Joshiji does not copy

him to hold the Minister for Urban Development responsible if a bulb here gets fused. If that is the stage we have come to, I don't know what we are discussing here. What can the Ministers do? Or can any Minister of any party function in this manner? If that is the attitude towards the Ministers, I don't think any Government can survive and function. The Governments are elected by the people. They have to deliver to the people; They have to fulfil the aspirations of the people; they have to meet their needs and requirements. But if you start holding the Ministers responsible for petty things like spilling of the ink or fusing of a bulb, God alone can help them.

Joshiji also quoted some land case where a Minister had to resign. But while saying so, he himself gave the answer. He said that he had to resign because the Minister misled the public. Why are you equating it with Dr. Manmohan Singh? Does this Committee anywhere and at any stage say that Dr. Manmohan Singh misled the House or misled the public or for that matter misled anybody? What was he trying to say? He said that the Minister had to resign because he misled the public. That is the finding. But there is no such finding against our Minister here.

I listened to Mr. Lather this morning. He was giving sermons about the parties, the ideologies and all that. Yet, he mentioned many names and ended with 'ghotala'. I was hoping that he will complete the sentence with better reasons but he probably forgot. He was giving sermons to us about the parties and their ideologies and he quoted that there were occasions when people used to take responsibility of others on their own shoulders. But what about his own party? Has he forgotten that his party belongs to leaders who believe in snatching the gaddi? They do not want to take the responsibility of others; they believe in snatching the gaddi of their mentors. He

was trying to give us sermons. But he should search his own heart, his own conscience and see to what party does he belong, what are their principles, before he says anything about the Congress party.

Everybody knows what his party has done. They always join hands, they unite, the moment any elections are announced be it Assembly elections or Parliament elections—to mislead the public. But, what do they do afterwards? Normally, they break up when the elections are over. But this time, they were extra brilliant. They formed their own party. They dismembered the party and they formed their own party even before the elections were held.

Sir, when the report was being discussed yesterday, everybody was demanding the resignation of the Finance minister. Instead of helping him, what are they trying to do? They are making him feel embarrassed. Instead of this, I think they would be doing a good thing if they stop it and try to strengthen his hands to see as to how best he can control the irregularities that have come to light in the report and how he can put an end to all these things for ever. No. They are not concerned about it. My friends opposite are not bothered about what is given in the report. They are not bothered about helping him to know who are responsible. People in this country want to know who are responsible.

This Committee, though they have not done their job fully, to an extent, they have exposed the unscrupulous elements who were indulging in this whole affair. My friends opposite are not bothered about that. They are only interested in embarrassing the Finance Minister. What is this after all? They are all seasoned leaders. They have a number of years of political experience behind them. I think they should rise above political levels. They should not try to embarrass a person for the wrong-doings of others. As I said, no-

where, at any place, the Committee has said that the Finance Minister is responsible. For the wrong-doings of others, they are trying to embarrass him instead of joining hands with him to see that he takes expeditious action and the guilty are punished as well as to ensure that such things do not happen in future. They are not doing it. They are only embarrassing him. This only shows that they are not interested in identifying the real culprits. They are not interested in knowing where the money has gone. They thought that from the JPC report, they would be able to get something, some inkling, by which they could embarrass the Government. But I am sorry to say that their hopes have been belied.

When they are levelling these charges, they should remember one thing. Howsoever well-intentioned a Minister may be, howsoever well-intentioned a bureaucrat may be, howsoever a Minister here or a bureaucrat there is competent, he cannot manage the system, he just cannot manage the system, unless the persons who are doing various jobs manage the system, manage the day-to-day functioning, properly. A Minister or a bureaucrat may be very brilliant, may be well-intentioned, may be honest to the core. But what can he do if the persons in charge of managing the affairs, managing the day-to-day functioning, do not discharge their duties properly?

SHRI MENTAY PADMANABHAM : That means the LDCs and the UDCs?

SHRI R. K. DHAWAN : And the poons, according to you. This only shows your interest. This only shows your total lack of interest. This only shows that you have not gone through the JPC report. If you had gone through the report, you would have known as to who were the persons who were responsible for the day-to-day functioning. You are only interested in interrupting and saying something. You have not read the report.

SHRI MENTAY PADMANABHAM : Mr. Dhawan, I have read the report. You do not have to give a lecture on that. You please proceed with your speech... (*Interruptions*).

SHRI R. K. DHAWAN : You have not even read the report. It has become a habit with you to just get up and interrupt. Anyway, this would not deter me from saying what I want to say. Please remember that.

Reverting to the JPC report, what does it say? What is the crux of the report? What is the main theme of the report? I would just quote one line only. Mr. Padmanabham might have read it, or he might not have read it. The report says that 'the scam is, basically, a deliberate and criminal misuse of public funds through various types of securities transactions with the aim of illegally siphoning away funds of banks and public sector undertakings to select brokers for speculative returns'.

SHRI JAGEGH DESAI : Over the years.

SHRI R. K. DHAWAN : To that I will come later. This is what the report says. This is the essence of the report. So, I would ask my friends on the opposite side, where does the Finance Minister come in this, where does the Finance Minister figure in this? I am surprised that they have not said a word condemning the fraudulent manipulations by unscrupulous elements that have come to light. Since yesterday I have been listening to the speeches to the hon. friends. On the one hand, they are treating the report as a Gospel truth, a God's gift, and on the other, none of them had the audacity of saying a word about the fraudulent manipulations that were being adopted by these unscrupulous elements at various levels in various institutions. I do not know whether they mean to suggest that the culpability of

those people involved, of those unscrupulous elements, will be over once the Finance Minister resigns. Your interest in national affairs is limited only up to that. You are not bothered about the culpability of the unscrupulous persons or the real persons who are responsible for it. I think all of them will become your worshippers or you will treat them demigods once the Finance Minister resigns. I think for them everything will be over once the Finance Minister resigns. Specially for the information of Shri Padmanabham I would like to say that I have been associated with the governmental work at various levels, from stenographer to Additional Secretary to the Government of India.

SHRI MENTAY PADMANABHAM : Notional.

SHRI R.K. DHAWAN: Notional; that is for you.

SHRI MANTAY PADMANABHAM : Not for me. I never worked in the Government.

SHRI R. K. DHAWAN : The Government may not have thought it fit to give you a job. That is why, probably, you never worked. The Government did not give you a job.

I have had occasions to deal with various enquiry reports, reports of various agencies and various commissions. But I must confess that no enquiry report has concluded such disrespect for rules and regulations. There have been condemnations. Various enquiry reports have cited instances, but no report has ever said that all those agencies, all those institutions had total disrespect for rules, regulations and guidelines. To me it appears my friends may not agree with me—as if it is something like driving without a licence, on the streets, having no lights, and the crossings being managed by unscrupulous elements. To me it is just like driving without a licence....

THE VICE-CHAIRMAN (Syed Sibtey Razi): Mr. Dhawan, we have a constraint of time.

SHRI R. K. DHAWAN : I have spoken for ten minutes only. I am told that I have to speak for 20 minutes and I will take 19 not 21.

We should also remember that after all, the system of transacting public funds is shared by some common sense of responsibility. If we go by their report, this was totally amiss of these institutions. My friends should have read the report to see what had happened, what had appeared and what had not appeared. At least, they should appreciate that the Prime Minister did not waste time. Some people say something, some people say some other thing, but they are not bothered about the system failure. They are saying from house-tops that it is a unanimous report, unanimous report, but the report clearly says that it is a system failure. But they are not bothered about that. And the systems failure was not overnight. It is not that the systems failed the moment this Government took over. It has been over the years.

Sir, I would like to refer to para 14.114 of the report. In the case of PFC it has been alleged that in respect of certain investment transactions between PFC and UCO Bank during the period July 1990-May 1991, the amount involved was Rs. 394 crores. Later on it went up to Rs. 600 crores. My idea is not to apportion blame to anybody. I am saying here is a document before you..(Interruption).. It says it was a failure of the systems. It was going on for years and it was not overnight. But they are not trying to say anything about it and they feel that probably we are defending the Finance Minister. The general impression is that we are all defending the Finance Minister. We are defending the Finance Minister

all right. We are defending him not because he is indispensable to the Congress Party. This is not our case at all. And we are also not defending him saying that he was the architect of the New Economic Policy. The hon. House knows, we all know and the whole country knows that the real architect of the New Economic Policy is the hon. Prime Minister, Shri P.V. Narasimha Rao. He is the real architect. So, when he is the architect this argument does not hold good. It was the vision of the hon. Prime Minister which has brought about a silent economic and industrial revolution in the country. Dr. Manmohan Singh was used only as an instrument to carry forward, to implement, the vision of the Prime Minister which he displayed in giving a new policy to the Government. Why are we defending Dr. Manmohan Singh? Because the reasons for which you want him to go are baseless. There is no reason at all, there is no justification given by my friends on the opposite side, for him to go. You try to find out the reasons, then say these are the reasons.

Even though I feel that the Committee should have done better to understand and find out where the money has gone, I am sorry to say that this has not been done. But, to some extent at least, they have been able to pinpoint the functioning of certain institutions. You know that as far as the RBI is concerned, the real factor which lies at the core of the scam is the inability to tackle the problem of sufficient balance in the SGL accounts held by authorised dealers in securities. The RBI just failed to tackle this problem. And what was the fallout of this spin-off? The fallout of this spin-off was the issue of fake Bankers' Receipts. If the Reserve Bank had been able to tackle this problem, this fake Bankers' Receipts problem would not have arisen.

Well, I have said about the RBI, but there are other institutions also, non-banking companies and mutual funds

which, according to the Committee, made a mockery of the guidelines. My request to hon. Members on the opposite side, please go through the report line by line.

They only say that the Prime Minister should resign or that the Finance Minister should resign. What has happened here? They were making a mockery of the system. There was total, gross disrespect for the rules, guidelines and all that. The guidelines were very clear that the deposits should be accepted for one year or more, but what have they done? What to talk of one year or more, certain banking companies have been accepting these deposits for one day. Is this the way?

My senior colleague, Mr. Salve, has briefly dealt with the role of the auditors. One shudders to read what has been said in the Report about the role of the auditors. Auditors are considered, according to me, to be semi-gods. They are watchdogs of the entire system. The post of the Comptroller and Auditor-General is constitutional. Wherever anything is to be done, when any quota is to be given, when any licence is to be given, when any figures are to be presented, what does one say? Do you have a certificate of the chartered accountant? Mr. Chaturvedi is there. He was Comptroller and Auditor-General. He knows it. What do our Committees, the Public Undertakings Committee or the Public Accounts Committee do? Which reports do they consider? They are prepared by the Audit. The Audit prepares the reports. They are discussed, and decisions are taken on them. What have the auditors of these banks and other financial institutions been doing? What has the Committee to say about these auditors? There are many observations, but I would like to read only one. I quote:

"The Committee regrets to note that the auditors failed in performing their professional duties, and this failure permitted the officials to play with the

funds of PSUs by irregularly investing, lending them in contravention of the statutes and guidelines and principles.”

There are many observations. One does not really know what the auditors were doing. If the auditors behave like that, who will be able to find out faults and all these things?

Sir, these were my submissions. Before I conclude, I would just like to say that the Committee has suggested a certain line of action. I would certainly urge the Government to initiate action expeditiously. No one should be spared of that.

Before I conclude, I would like to compliment the Finance Minister for having given regulatory powers to the SEBI to serve as a watchdog on the capital market. This is a very bold step, and I think he deserves our compliment for this... (Interruptions).

If it had been done by the earlier Government this need would not have arisen. Then the earlier Government would have got the compliments.

Lastly, I would also like to draw your attention to the restlessness in the share market. Even then what is heartening to note is that the Finance Minister has acted fast in transferring the volatile shares from the forward list to the cash list and then by ordering at least a part of settlement on successive *badla* days.

These are my submissions.

Before I conclude, to you and, through you, to the entire House I wish a happy new year.

Thank you.

SHRI S. MUTHU MANI (Tamil Nadu): Even with scars of compromises, as admitted by the Chairman of the JPC, this report has laid bare the most inefficient working system of the entire banking industry, besides pinpointing a number of cases of fraudulent misuse of

powers to siphon off public money. That a scam of this unprecedented magnitude could take place during a period when the country was going through a severe financial crisis, only highlights how hopeless is the monitoring mechanism in various departments of the Finance Ministry. What has been exposed by the Committee is just not the departments, institution and individuals responsible for the scam, but also the vulnerability of the banking system which could be exploited by individuals to swindle the nation's wealth.

What is amazing is the attitude of the Government for it feels its paramount duty is to protect persons indicted by the Committee, rather than pursue the recommendations of the report. Therefore, my prayer to the Government is not to treat this report as most other reports in the past, not to let it gather dust in the archives, because such attitude will be a death-knell to the economic fibre of this great nation. No person found guilty in the scam should go unpunished.

We must give credit to the Committee for the volumes of information it has unearthed from various sources in the course of fact-finding. The report, while putting the criminal misuse of public funds in the scam at Rs. 8,383 crores, fixes two types of responsibilities. The first is the breakdown of supervisory mechanism at all levels and places and the second is the collusion between the brokers, public sector undertakings, managements and the bank itself. I wish to deal with some of the important points of the report.

It need not be a far-fetched idea if it is said that the scam would not have taken place if checks and balances which are the *sine qua non* of any institution, particularly for banks, had been carried out by bank managements in the spirit in which it should have been carried out by them. The Committee, in Chapter II on page 7, observes:

"The scam is basically a deliberate and criminal misuse of public funds through various types of security transactions with the aim of illegally siphoning off funds of banks and PSUs. The latest irregularities are manifestations of this chronic disorder since they involve not only the banks, but also the share market, financial institutions, PSUs, the Central Bank of the country, even the Ministry of Finance and other economic Ministries in varying degrees."

It is a pity that the Government not only failed to take preventive measures, but also let scandals flourish without bothering as to what was happening around. It is a tragedy that different levels of RBI administration was complacent just with issuing guidelines and repeating them after a period of time.

In Volume II, Appendix XIV, a circular of RBI regarding transactions in securities, is reproduced by the Committee. That letter dated 20-6-1992, under the signature of a chief officer of the RBI speaks of various guidelines regarding investment policy, ready forward deals, transactions in Government securities, bank receipts and internal control system. That letter, *inter alia* says:

"There should be a clear functional separation of trading, settlement, monitoring and control and accounting. The aforesaid instructions will be applicable *mutatis mutandis* to subsidiaries and mutual funds established by banks."

However, as I said earlier, the issuance of guidelines was only a ritual. Even the Ghosh Committee recommendations regarding the inadequacies in the working of the vigilance departments in the banks were not taken seriously. This attitude of bank management led the JPC to observe on page 67 of Volume I that:

"the recommendations contained in the Ghosh Committee report will be updated and implemented urgently."

Accountability which is foremost in banking institutions has been given a go-by on many occasions.

This fact finds expression in the report where the Committee laments that "the most noteworthy and unexplained aspect of the accountability of officials has been the absence of prompt and deterrent action against the guilty." Even in cases of action initiated, it has been selective and partisan. One wonders, as to how the banking industry has been surviving with such deep-rooted shortcomings and mismanagement.

What is more surprising is the way of functioning of the Central Bank of the country, the RBI. When the then Deputy Governor of RBI, Mr. Ghosh was asked about the file concerning Augustine Kuria's letter on BRs, he has stated categorically to the Committee that in his tenure in the RBI he had not seen any other file except the Syndicate Bank file. This is the position of the Deputy Governor of RBI. The Committee has rightly expressed its displeasure as to how such an ignorant and reluctant officer was given an important assignment even after retirement. This raises a very serious question. If this is the calibre of a higher official in the Central Bank of the country who had to monitor the working of the banking system, then, the entire episode of the scam was a natural corollary. Therefore, what is needed is to weed out inorganic growth of officials and tone up the administration by choosing right officials to head vital departments.

The role of foreign banks in the scam is so astounding that the Government might have to review the functioning of these banks over the years and discipline them failing which they should be asked to wind up.

With just 4 per cent of total presence in the entire banking industry, the foreign banks accounted for 33 per cent of total

profits earned by the entire banking industry in March, 1992. Of the total profit of Rs. 1299 crores, Rs. 433.09 crores was earned by foreign banks. And the profits earned by these banks registered an unbelievable increase in five years. That is, from Rs. 66.59 crores in December, 1987 it rose to Rs. 433.04 crores in March, 1992. Native banks with 96 per cent total presence earned a poor 67 per cent profit, while foreign banks outsmarted all Indian banks by walking away with 33 per cent of total profits. This data highlights the way of functioning of our banks as also the method adopted by foreign banks. The foreign banks have miserably failed in meeting priority sector lending targets with a view to make quick money. As against the stipulated target of 10 per cent, 12 per cent, 12 per cent and 15 per cent lending in priority sector, during the last four years, foreign banks lending was a dismal 7.67 per cent, 9.84 per cent, 9.45 per cent and 7.86 per cent. Such violation of norms enable them to earn more profits. But what is shocking is the total lack of observation of this fact by the Ministry of Finance and RBI. The foreign banks are on top of the list of violators of RBI guidelines. Even among foreign banks, the Citibank, Bank of America, ANZ Grindlays Bank and Standard Chartered Bank are prime culprits in the scam. The report on page 191 notes with concern the casualness with which Citibank persistently responded to the queries of RBI. It observed, "Citibank prevaricated, answered partially or inadequately, perhaps, deliberately and never had a ready response to the requirements of the Central Bank of the country."

The Committee has not only passed severe strictures against these four banks but also asked the Government to impose stringent penalties including suspension of their licences. An official of the RBI while deposing before the Committee replied in the affirmative, when asked whether the erring foreign banks would be asked to pack up. Therefore, I want a categorical

answer from the Government as to what action it proposes to take in respect of these four banks. Because the Citibank and the Bank of America have their roots in America and the Grindlays Bank and the Stanchart Bank are from U.K., the Government should not compromise on punitive action. The colonial hangover and the image of 'Uncle Sam' should not deter the Government from taking action against these banks.

The involvement of the public sector undertakings in this Scam has raised several questions because of the way in which the public money has been misused. Here, I cannot but comment on the liberalisation policy of the Centre. In the name of liberalisation and privatisation, without bothering for the consequences, the Government has compromised with the efficiency and integrity of the public sector. The oft-repeated slogans of the Government to modernise and privatise the industries to make the public sector units more profitable, sent wrong signals to the higher officials there. They construed that they should leave no stone unturned including retrenchment of workers to earn a pat from the Government. Some PSUs went a step further and diverted their funds to brokers and used them for purchase of shares of private sector companies, in utter violation of the Government guidelines. The Committee makes an accurate observation on page 115 and I quote: "Serious irregularities were noticed by the Committee in the utilisation of funds generated or obtained by the PSUs from various sources. The sanctity of the purpose for which funds were raised was completely disregarded in several cases." So I appeal to the Government to review its policy of liberalisation and privatisation even at this stage and remove the underlying malady in the public sector. If funds are siphoned off in this way, the employees in the lower ranges are not responsible for it. This only means that the system, with all the loopholes, has been misused by the

higher authorities to misappropriate funds. The employees who have nothing to do with the policies or the system should not be punished through privatisation. So, I appeal to the Government to enforce the recommendations of the JPC in letter and spirit to see that such diversion of funds does not take place in future.

The role of brokers has been gone into by the Committee. But, I feel, the Committee has not been as harsh as it could have been in describing their role in the Scam. Yet, the underlying problems in the empanelment of brokers, their access to stock market and nexus with banks, have been analysed by the Committee with great care. The report says that even new brokers easily got empanelled on several banks. This is very vital because about 58 per cent of the transactions during April 1991 to May 1992 of the value of Rs. 7,43,604 crores were conducted by banks and institutions through the brokers. Since these brokers have a role to play in these transactions, the RBI guidelines for empanelment of brokers were deliberately violated. As a result the influential brokers had a field day in dubious transactions. This has led the Committee to observe on page 96 as under:

"The close nexus between certain PSUs, banks and brokers enabled them to have unauthorised access to funds leading to diversion of huge public funds from this banking sector to the brokers to enable them to channelise these funds into the stock market as also the call money market and so on...

It is only after the matter was highlighted by the Committee, during the course of taking evidences that RBI further tightened the instructions to banks and institutions. And I quote: "Keeping in mind the role of brokers, the Government should bring foolproof guidelines so that brokers do not outreach their limits in transactions. As recommended in the

Report, the Government has to see whether at all there is need for brokers for inter-bank securities transactions. Besides doing away with this, avoiding malpractices will also save money paid to them as commission.

As regards the end-use of money, the Committee has expressed its regret for not being able to trace the monies involved in this scam. So it has recommended to the Government setting-up of a committee to identify the end-use of monies. This is a very important aspect because identification of the end-use of money can throw up more facts about the entire network of this scam. The amount of money is also extraordinarily very large; so it is necessary and important to trace it out. There were press-reports about constituting a high-powered committee for this purpose. But the hon. Minister for Parliamentary Affairs refuted this on the floor of the House yesterday. Therefore, I would like to know the reaction of the Government on this matter; whether it is ready to constitute a committee on for this purpose or not. Since a scam of such magnitude can put our economy to peril, the Government should take necessary action against all those who are involved in the scam irrespective of the status they hold in society. Then only, the Government can save itself from being criticised for squandering the wealth of the country.

Before I conclude, the question before Parliament is not just to debate, in order to get a few heads rolled. Our country is passing through a crucial period with many megaschemes on the anvil, quite a few with international aid. We should realise that our nation cannot afford another such scam. That will be disastrous for us and bring us down not only in the eyes of the world but also in our own eyes. Time has come when we have to do some serious introspection to set our house in order. So, in all humility, I call upon the Government to

take every line of this Report seriously and review the entire gamut of systems involved in this scam and make them fool-proof, with stringent penalty for non-compliance, in order to see that public money is not siphoned off this way, putting all of us to shame. Thank you, Sir.

SHRI V. NARAYANASAMY : Mr. Vice-Chairman, I thank you for giving me this opportunity to speak. The securities scam was proved by the Joint Parliamentary Committee and I would like to place on record the horrendous job done by the Joint Parliamentary Committee and ...*(Interruptions)*...

SHRI MENTAY PADMANABHAM : Tremendous or horrendous ?

SHRI V. NARAYANASAMY : Both: according to your ability you can take it. Now, the point is whether the Finance Minister or any other Minister Shri Rameshwar Thakur or Shri Shankaranand

(THE DEPUTY CHAIRMAN in the Chair)

—the three persons who have been indicated by the Joint Parliamentary Committee, and those persons who have been doing their duty during the tenure of ministership can be culpably punished. Sir, it is the report which very clearly shows that as far as Dr. Manmohan Singh is concerned, he took over the office in June, 1991. In September 1991 that is, within three months, he found that the share prices were increasing. He gave instructions to the RBI Governor in September 1991 that there was an indication that a lot of public funds were being diverted to the speculative market and, therefore, there should be a watch on it. Within three months from the date he took over the office, in January, 1992, the SEBI Chairman sent a letter to the Secretary (Finance). Since the budgetary provisions had to be made in February they did not want the entire economy to panic

and, therefore, all the possible steps had been taken in March. The SEBI was given teeth in January itself for the purpose of controlling the stock market. Madam, because of constraints of time I am giving only points.

THE DEPUTY CHAIRMAN : I am very thankful to you. I hope that everyone else would do that.

SHRI V. NARAYANASAMY : In March, 1992 he called the stock-brokers and he had a discussion with them. He warned them about the flaws in the system, in the functioning of the stock market. He called the bank officials and told them that the money which had been specifically provided for the development purposes of this country should not be illegally diverted for the purpose of stock market. He called the industrial houses.

THE DEPUTY CHAIRMAN. May I ask you to yield just for a minute? We have some guests over there.

WELCOME TO LORD CHANCELLOR OF U. K.

THE DEPUTY CHAIRMAN: Hon. Members, I have an announcement to make.

We have with us, seated in the Special Box, Rt. Hon. Lord Mackay of Clashfern, Lord Chancellor of United Kingdom, Lady Mackay and Lord Templeman, currently on a visit to our country, as our honoured guests.

On behalf of the Members of the House and on my own behalf I take pleasure in extending a hearty welcome to our distinguished guests and wish them an enjoyable and fruitful stay in our country. Their visit to our country will further strengthen the friendly bonds that exist between India and the United Kingdom. Through them we convey our greetings