

DR. RATNAKAR PANDEY: Sir, I want to know whether he is pleading that case or not... (Interruptions)...

THE VICE CHAIRMAN (PROF. CHANDRESH P. THAKUR): No. Please sit down... (Interruptions)...

(The Deputy Chairman in the Chair)

उपसभापति : आनरेबल मैम्बर, कृपया आप बैठ जाइये । . . (व्यवधान) बिजनेस तो एनाउन्स करने दीजिए । . . (व्यवधान)

श्री ईश दत्त यादव : आपको खांसी भी आ रही है, जरा आराम करिए । . . (व्यवधान)

डा० रत्नाक पाण्डेय : जो आपके साथ हैं, वह कर रहे हैं । . . (व्यवधान)

उपसभापति : आल इम्पियर इन्स्टीट्यूट आफ मेडिकल साइंसेज बंद हैं तो खांसी का ईलाज किथर करायेगे, आज वह हमें डिसकम करना था, बंद हुआ नहीं ।

ANNOUNCEMENT RE. GOVERNMENT LEGISLATIVE AND OTHER BUSINESS

THE DEPUTY CHAIRMAN: I have to inform Members that the Business Advisory Committee, at its meeting held today, the 16th August, 1990, allotted time for Government legislative and other business as follows:—

Business	Time allotted
1. Consideration and passing of the National Commission for Women Bill, 1990, as passed by the Lok Sabha	4 hrs.
2. Statutory Resolution seeking disapproval of the Indian Council of World Affairs Ordinance, 1990	2 hrs.
3. Consideration and passing of the Indian Council of World Affairs Bill, 1990	(To be discussed together)

Business	Time allotted
4. Consideration and passing/return of the following Bills :	
(i) The Constitution (70th Amendment) Bill, 1990	2 hrs.
(ii) The Constitution (71st Amendment) Bill, 1990	2 hrs.
(iii) The Appropriation Bill, 1990, relating to Demands for Grants (Punjab) for 1990-91	2 hrs.

The Committee recommended that the House should sit up to 6.00 P.M. daily and beyond 6.00 P.M. as and when necessary, for the transaction of Government business

ALLEGED INTERFERENCE WITH THE JUDICIAL PROCESS IN THE SYED MODI MURDER CASE—Contd.

THE DEPUTY CHAIRMAN: I think Dr. Vijaya Mohan Reddy is to speak.

SHRI RAM JETHMALANI: No. I have to speak and I just started... (Interruptions)...

THE DEPUTY CHAIRMAN: You are speaking? O.K. Will you be brief?... (Interruptions)...

डा० रत्नाकर पाण्डेय : मैडम, मैंने प्वायंट ग्राफ़ आर्डर उठाया था, माननीय सदस्य संजय सिंह जी के केस में वकील हैं या नहीं यह मैं जानना चाहता हूँ ? ... (व्यवधान) मैडम, मैं आपकी प्रोटेक्शन चाहता हूँ।

उपसभापति : पहले उन्हें बोलने दीजिए फिर पता लग जाएगा वकील हैं कि नहीं। अभी आप बैठिए। ... (व्यवधान)

SHRI GURUDAS DAS GUPTA: Madam, I am on a point of order... (Interruptions)... I am on a point of order... (Interruptions)...

उपसभापति : आप बैठिए तो, आप एक मिनिट तशरीफ़ तो रखिए। आप स्थान ग्रहण कीजिए।

(Interruptions)

SHRI GURUDAS DAS GUPTA: Madam, on a point of order. Rules 235 and 238 clearly lay down the provisions regarding the behaviour of Members of Rajya Sabha, how we have to speak and in what way to speak. Rules 235 and 238 categorically say that while taking part in a discussion no reflection shall be sought to be made on the *bona fides* of other Members. It is clearly written that the question that is sought to be raised by an hon. Member from the other side... (Interruptions)...

THE DEPUTY CHAIRMAN: Mr. Narayanasamy, I have not permitted you. I have permitted Mr. Gurudas Das Gupta. He raised a point according to the Rules. Let me hear it. Have a little patience. Since morning we have been discussing this. Let me deal with it myself please.

SHRI GURUDAS DAS GUPTA: This This is being done with a motive to find

out whether Mr. Jethmalani has been engaged as a lawyer, in the case known as the Modi murder case. The motive being imputed is that he will not be speaking to the House in the way he should speak; he is speaking with a motive. It is clearly a reflection. I do not agree all the time with Mr. Jethmalani. But I say one thing here that the character of every Member should be properly defended and there should not be any attempt in the House by anybody either from this side or that side, to cast aspersions or reflection on the *bona fides* of a Member. Therefore, this is my specific objection to this question. I wish you to give your ruling.

THE DEPUTY CHAIRMAN: Mr. Jethmalani, when he speaks in this House, speaks in the capacity of a Member of Parliament. What he does in his personal life is not the concern of the House. (Interruptions)

SHRI SITARAM KESRI: If a Member is beaten somewhere, that matter should also be brought in the House.

THE DEPUTY CHAIRMAN: That can be raised. If any Member is being ill-treated by anybody, the matter could be raised by that Member in this House. We will allow it. but not now.

SHRI RAM JETHMALANI: Madam, before you sat in the Chair. I had uttered only one sentence. That sentence is one which I wish to repeat.

Before you came here and occupied this Chair, I said that I am speaking in great sorrow. I wish to repeat that; I am speaking in sorrow. (Interruptions)

DR. RATNAKAR PANDEY: Are you pleading the case of Sanjay Singh or not? (Interruptions)

उपसभापति : पाण्डेय जी, हाउस के बाहर कोई सेन्सर क्या करते हैं, यह मेरी जिम्मेदारी नहीं है।

I am not responsible for what they do outside the House. I do not know.

डा० रत्नाकर पाण्डेय : यह इस केस में वकील हैं। संजय सिंह . . . (व्यवधान) . . . इसके लिए आपका प्रोटेक्सन चाहिए . . . (व्यवधान)

उपसभापति : मेरा प्रोटेक्सन यह है कि इस हाउस में जो होता है, उसकी जिम्मेदारी मेरी है। इस हाउस के बाहर आप कुछ करते हैं, वह मैं आपसे कुछ नहीं पूछती . . . (व्यवधान) . . . जो इस हाउस में होता है, उसकी मेरी जिम्मेदारी है। हाउस के बाहर कोई मंचर क्या करता है आई एम नॉट रिसपोन्सिबल।

SHRI RAM JETHMALANI: Madam Deputy Chairman, Mr. Sanjay Singh is a Member of this august House. Today he is not here, because from 11 o'clock this morning Mr. Sanjay Singh has been sitting in the court of the learned Sessions Judge, facing his trial for murder. I expect that this House at least will not do, either consciously or unconsciously, anything which causes grave prejudice to an accused who stands his trial on a charge which is fairly serious*

SHRI S. S. AHLUWALIA: Why did he say?*

SHRI MADAN BHATIA: Madam, I am raising a point of order.

THE DEPUTY CHAIRMAN: Please sit down, I am here to protect the Members. Please don't say.*

SHRI RAM JETHMALANI: If he interrupts me every minute, then how do I go on (Interruptions) . . .

THE DEPUTY CHAIRMAN: Don't record. It is not going on record. Please sit down.

. . . . (व्यवधान) . . . रिकार्ड में नहीं गया है। रत्नाकर जी, आप बैठिए।

डा० रत्नाकर पाण्डेय : लेकिन ऐसा नहीं बोलना चाहिए।

उपसभापति : बहुत सी बातें हाउस में नहीं बोलनी चाहिए। आप बैठिए रत्नाकर जी।

SHRI RAM JETHMALANI: It is a most uncomfortable place to be in and I wish and pray that every Member of this House should be spared that unfortunate experience. I expected some compassion, some grace and some kindness from this House towards the colleague who is facing today a charge of murder and sitting in the Sessions Court where the same Prosecutor whom you wanted has opened the case. (Interruptions)

DR. ABRAR AHMED KHAN: It is very shameful.

आप ऐसे लोगों को यहां लाकर बैठा दें और हमसे उम्मीद करें कि हम उनके प्रति सहानुभूति दिखाए। वाह।

SHRI RAM JETHMALANI: The Prosecutor who is supposed to have been displaced . . . (Interruptions) I defend Congressmen also. So, I do not see the difference. How uncomfortable a position it is will be realised by many persons in this House. I know that Mr. Dhawan whom I regard as a friend, whatever he may think about it, went through a life of torture for four years because somebody pointed only a needle of suspicion at him. (Interruptions) A needle of suspicion pointed at him in a grave murder case made him uncomfortable and made him go through torture. Mr. Sanjay Singh is sitting in that Sessions Court today. I would have expected that at least nothing which prejudices his case should have been done. The Leader of the Opposition who has been a distinguished lawyer and who has been the Law Minister must have known that. If you say that the Judge was influenced, could you expect that Judge to do justice to the accused before him?

SHRI P. SHIV SHANKER: Mr. Jethmalani, I never said that the Judge was influenced. Please do not put words in my mouth which I have not uttered.

SHRI RAM JETHMALANI: The Leader of the Opposition does not think that we are all children here. When you insinuated that the Judge has been transferred, you insinuated that the accused

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has now a trial by a hand-picked Judge of his own, you suggested that the prosecutors have been dropped and, therefore, the accused has hand-picked prosecutors of his own. This was the insinuation which...

SHRI P. SHIV SHANKER: By trying to say this, you are condemning the Judge. And the consequences will be obvious.

SHRI RAM JETHMALANI: We know exactly what you meant. Madam, every sane person is presumed to intend the consequences of his act. And a natural consequence of your act today was that the Judge will be now terribly embarrassed in doing justice. If he wants to discharge the accused, he will find it embarrassing to discharge the accused because a Leader of the Opposition in this House has said that the Judge is being influenced. (Interruptions) Didn't the Leader of the Opposition of this House know that no Judges in the Sessions Court are ever posted in any Sessions Court by any member of the Executive? Surely, Mr. Shiv Shanker is familiar with Article 235 of the Constitution which vests the power of transfer, posting and promotion of all District and Sessions Judges in the High Courts of the country. He must, therefore, have known that the Judge who is presiding in the Sessions Court at the trial must have been sent there on some date—not yet known but it is easy to verify—by the High Court of Allahabad. Was it the insinuation that the High Court of Allahabad itself was bribed into bribing the Sessions Judge that you will be promoted and ultimately made a Judge of the High Court if you deal with this case in this particular manner?

SHRI P. SHIV SHANKER: Why was he changed on the day when the matter was posted for the trial?

SHRI RAM JETHMALANI: Mr. Shiv Shanker, you know what I am talking about. Please do not disturb.

SHRI P. SHIV SHANKER: Then you must be responsible for that.

SHRI RAM JETHMALANI: Don't disturb. Did I disturb you? Did I interrupt you? Please settle down.

SHRI P. SHIV SHANKER: You have specifically said about me. That is why I am saying that then you must be instrumental for all these changes.

SHRI RAM JETHMALANI: This is a case of intellectual cowardice. You are willing to wound but afraid to strike. This is what you are trying to do to a poor accused today. (Interruptions).

AN HON. MEMBER: On a point of order.

THE DEPUTY CHAIRMAN: You have to finish it now. (Interruptions)

डा० अब्दुल अहमद खान : जो मंत्री जी ने वक्तव्य दिया, उस पर स्टेटमेंट चल रहे हैं (व्यवधान)

उपसभापति याप अपनी बात खत्म करें तो मैं डा० साहब को बुलाऊँ। (व्यवधान)।

SHRI V. NARAYANASAMY: Madam, is he defending Mr. Sanjay Singh in this House? What is his clarification? (Interruptions)

SHRI RAM JETHMALANI: Madam, control this House.

THE DEPUTY CHAIRMAN: You be brief. Then we have Mr. Reddy.

SHRI MADAN BHATIA: Madam, I may be given one minute.

THE DEPUTY CHAIRMAN: Let him finish. Then I will ask Mr. Reddy.

SHRI RAM JETHMALANI: Madam, I only hope that the Judge will rise to the highest stature of his judicial office, not care about what has been said in this House, and proceed to deal with the accused before him in accordance with the law and his conscience. (Interruptions)

डा० अब्दुल अहमद खान : सदन को माध्यम से यह जज को प्रभावित करना चाहते हैं क्लेरिफिकेशन पूछना चाहिए या जो नहीं पूछा बल्कि जज को प्रभावित करना चाहते हैं। (व्यवधान)

डॉ० रत्नाकर पाण्डेय : यह सदन के माध्यम से जज को प्रभावित करना चाहते हैं । . . . (व्यवधान) .

THE DEPUTY CHAIRMAN: Let him finish. (Interruptions) Just a minute. The matter should not have been discussed. It is sub-judice. So, let him finish and then I will ask Mr. Reddy. And that will be over because there are six minutes more.

SHRI MADAN BHATIA: Madam, I have a point of order.

SHRI RAM JETHMALANI: I have to deal with the points raised. You must give me some time.

SHRI P. SHIV SHANKER: He is trying to influence the Judge, taking advantage of his Membership here.

SHRI MADAN BHATIA: Madam, he is using the floor of this House to advance the cause of. . . (Interruptions)

डॉ० रत्नाकर पाण्डेय : ये हमारे स्वातंत्र्य नेता पर आरोप लगा रहे हैं और संजय सिंह को बचाना चाहते हैं ।

SHRI MADAN BHATIA: It is a breach of privilege of the House. This goes against May's Parliamentary privilege. (Interruptions) He is committing a breach of privilege of the House. (Interruptions)

SHRI RAM JETHMALANI: It is a pure accident that I am not in Lucknow today. I thought I will participate in the debate in the House. (Interruptions)

SHRI MADAN BHATIA: You are not participating. (Interruptions) You are guilty of breach of professional ethics. You are guilty of breach of privilege of the House, advancing the cause of your client by misusing the floor of this House. (Interruptions)

डॉ० रत्नाकर पाण्डेय : आप अपने प्रोफेशन के साथ बदकारी कर रहे हैं . . . (व्यवधान) .
मैडम, ये आपकी आपको जज समझ रहे हैं ।

SHRI RAM JETHMALANI: I would like the hon. Minister to give the House

the full details as to when this particular judge who was presiding over the trial was transferred to the Court of Sessions, the circumstances under which he was transferred to the Court of Sessions, who transferred him and whether it was a routine transfer in the ordinary course of transfers that take place in the judicial service, or, it was a special transfer called for by any special circumstance of the case. These are the points on which I seek light. The people of India seek light on these points. I hope you will be able to satisfy the House and the country at large that the Prime Minister of the country had nothing whatsoever to do with either the selection of the judge or the transfer of the judge. (Interruptions)

THE DEPUTY CHAIRMAN: Mr. Jethmalani, I now call upon Dr. G. Vijaya Mohan Reddy to speak.

SHRI RAM JETHMALANI: This takes me to the second point.

THE DEPUTY CHAIRMAN: I have to call Dr. Reddy.

SHRI KAMAL MORARKA: Madam, this is a very important point.

SHRI RAM JETHMALANI: The second point is, it has been said that the prosecutors in the case were dropped. The prosecutors in the case were not dropped. The prosecution was represented by a number of CBI counsel, most senior, and some of them ex-Advocates General of the State and. . .

SHRI P. SHIV SHANKER: It does not behove, on your part, to say so because you are the defence counsel. (Interruptions.) What a shame on the process of law! What a shame on the course of justice that you are trying to bring in! (Interruptions)

SHRI V. NARAYANASAMY: Mr. Jethmalani has had access to the CBI files. Therefore he is saying all these things. (Interruptions)

SHRI P. SHIV SHANKER: Would you give a certificate to the lawyers of

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the prosecution, appearing as defence counsel; What a shame on the course of justice! (*Interruptions*)

SHRI RAM JETHMALANI: I am not giving any certificate to any lawyers, nor am I giving any certificate to anybody you have selected. Not at all. (*Interruptions*) The prosecution was represented by CBI counsel... (*Interruptions*)

DR. ABRAR AHMED KHAN: Madam, Mr. Jethmalani should be allowed only to seek clarifications and not to make any speech.

SHRI RAM JETHMALANI: In this case, the prosecution went out of its way... (*Interruptions*)

SHRI P. SHIV SHANKER: Your speech makes the position much worse. It means that you are out to get his his acquittal. (*Interruptions*)

SHRI MADAN BHATIA: He is pleading the cause of removal of the counsel. This clearly shows the collusion of the counsel in the case with the Prime Minister. (*Interruptions*)

THE DEPUTY CHAIRMAN: I want to bring to the notice of the hon. Members that it is very late. We are discussing this matter which was not listed in the Business. We do not have time. I would request...

SHRI RAM JETHMALANI: Madam, I want five minutes uninterrupted.

THE DEPUTY CHAIRMAN: No. Mr. Jethmalani. I am very sorry. We do not have time. There is one more Member to speak. (*Interruptions*)

SHRI DIPEN GHOSH: What about Special Mentions? (*Interruptions*)

MISS SAROJ KHAPARDE (Maharashtra): Mr. Jethmalani has confirmed that the Prime Minister is very much involved in the case of the murder of Mr. Syed. Modi. (*Interruptions*)

6 P.M

SHRI MADAN BHATIA: His speech has left no manner of doubt that the Prime Minister must come before this

House. Now we demand that the Prime Minister must come before this House. I demand, Madam, that after his speech... (*Interruptions*).

THE DEPUTY CHAIRMAN: I think you have had your time to say a few things. We have to finish the business some time or the other. I would request the Member to please have some patience. Let us finish this.

An HON. MEMBER: Let us have it tomorrow.

THE DEPUTY CHAIRMAN: No, tomorrow. Tomorrow is the Private Members' day. We cannot take the Private Members's day. (*Interruptions*). Let us hear him.

SHRI JAGESH DESAI: Madam, normally if a member has an interest, he is not allowed to speak. In a company also if a director has an interest, he is not allowed to speak. You have to give a ruling whether a Member who has got interest in this case can speak or not.

THE DEPUTY CHAIRMAN: Which rule are you quoting? (*Interruptions*). Do not speak in a double voice. Mr. Madan Bhatia, it is not possible for me to deal with two voices at the same time. Either you speak or he speaks. Let one person speak. (*Interruptions*). Which rule are you quoting? There are different rules for Lok Sabha and Rajya Sabha. Which rule are you quoting?

SHRI JAGESH DESAI: I am raising a very important question. If a person has got any interest, even in a company if a director has an interest, he is not allowed to speak. Whether Mr. Ram Jethmalani has got interest in this case or not I do not know.

THE DEPUTY CHAIRMAN: Please quote the rule. Mr. Jagesh Desai.

SHRI JAGESH DESAI: I am talking of the general practice.

THE DEPUTY CHAIRMAN: You are talking of the general practice.

SHRI RAM JETHMALANI: Madam, Mr. Jagesh Desai is right up to a point that there is a convention in the House that if a Member has any interest whatsoever, professional or otherwise, in the subject matter which is being discussed, it is his duty to disclose that interest to the House.

THE DEPUTY CHAIRMAN: Have you any interest?

SHRI RAM JETHMALANI: I am a lawyer. I have said it that I should have been there at 10 O' clock in the morning but unfortunately I had to participate in this debate and, therefore, I have to be here. (*Interruptions*). I disclose you my interest. (*Interruptions*).

MISS SAROJ KHAPARDE: You should not allow him to speak now. He is a lawyer in that case. (*Interruptions*).

THE DEPUTY CHAIRMAN: Let me call Dr. Vijaya Mohan Reddy. You have said what you had to say. Mr. Jethmalani, you have said enough.

SHRI RAM JETHMALANI: I want to deal with the second point. Just because I disturbed you cannot stop me. Just because there is a disturbance..

THE DEPUTY CHAIRMAN: Just a minute. I do not get disturbed by anybody. I can tell you honestly, I can sustain a lot of noise (*Interruptions*). I have not permitted anybody. I am telling Mr. Jethmalani, please do not bother about my being disturbed. I can sustain a lot of noise, but I have to run the House with certain order. You have made your point.

SHRI RAM JETHMALANI: I had to deal with two points. I have dealt with one. (*Interruptions*). You dont know the course of the debate.

THE DEPUTY CHAIRMAN: Complete it now.

SHRI P. SHIV SHANKAR: Madam, please, if not anything else ethics and morality demands that he should not utter a word now.

SHRI V. NARAYANASAMY: He is defending this matter in a court. How can he take it up in this House?

SHRI MADAN BHATIA: He has proved two things—that the accused is interested that this case should be tried only by this judge, and the accused is interested that the Special Public Prosecutor should be removed as the accused happens to be a close relation of the Prime Minister .. (*Interruptions*). Let the Prime Minister come before this House and clarify. (*Interruptions*).

THE DEPUTY CHAIRMAN: We are not discussing any accused. While I was sitting in the Chair, there was no question of any accused. The Leader of the Opposition had made the point regarding some discrepancies. So there is no question of any accused here. I would not permit ... Just a minute please.

आप बैठिये, आप लां की बात करते हैं इसलिये मैं आपसे कह रही हूँ कि इस हाऊस के किसी मेंबर के बारे में कोई बात मत कीजिये। जो दूसरी इररेग्युलरिज हैं आप भी कृपया उन्हीं पर बोलिये। आप किसी मेंबर के बारे में जो सिदिंग...

Without prior permission nobody should mention... No, please. The person is accused or not, he is a sitting Member of this House. We are not discussing him. We are discussing the point which Mr. Shiv Shanker raised which was quite different.

आप रत्नाकर वाकडेय : जो सदस्य हैं इस सदन की सदस्यता छोड़े या उस केस की वकालत ... (व्यवधान) ..

SHRI MADAN BHATIA: BMadam, I can give my personal example.

उपसभापति : आप पर्सनल एक्जाम्पल मत दीजिये। मैंने आपसे रुलिंग .. You cannot question my ruling with your personal or private information.

(व्यवधान) .. आप एक्ज्यूड की बात मत करिये, आप इररेग्युलरिज की बात करिये जो इन्होंने लगायी है।

SHRI RAM JETHMALANI: Since morning, they have been talking about

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the accused being related to the Prime Minister and now you tell me, you should not refer to the accused. It is surprising.

डा० अब्रार अहमद खान : कलॉग प्रिक्वेशन पूछिये, भाषण क्या दे रहे हैं... (व्यवधान)

THE DEPUTY CHAIRMAN: Dr. Abrar Ahmed, I think I can manage it better without your help.

मैं आपको कह देखिये जेठमलानी जी, आपको भी मालूम है।

please strengthen my hands as a lawyer. The book says that nothing can be raised against a sitting Member personally. And it applies to every one not because I am dealing with him now.

(Interruptions).

"You should talk about the irregularities which Mr. Shiv Shanker mentioned.

अब आप जल्दी बोल दीजिये बहुत टाईम जा रहा है।

SHRI RAM JETHMALANI: I will just take two minutes. Let me go into the genesis of this problem of appointment of Special Prosecutors. Petitions have been filed in the Supreme Court and the High Courts by accused persons that they are being prosecuted by Special Prosecutors when others are not being so prosecuted. They have claimed that their right to equality is violated. That is why the Supreme Court of India has recently given some directions about the manner in which Special Prosecutors should be selected.

SHRI MADAN BHATIA: And the Prime Minister knows it.

SHRI RAM JETHMALANI: Don't ask me questions. You will not understand law ever in your life.

(Interruptions)

डा० रत्नाकर पाण्डेय : मैं आपसे कहना चाहता हूँ कि जो इन्दिरा गांधी के हत्यारों की वकालत करते हैं... (व्यवधान)...

SHRI RAM JETHMALANI: The problem of finance can arise by reason of the fact that every victim of an offence is entitled to invoke Art. 14 and say "I want the services of a Special Prosecutor".

(Interruptions)

डा० रत्नाकर पाण्डेय : मान्यवर महोदय, मैं आपके माध्यम से कहना चाहता हूँ... (व्यवधान)

उपसभापति : यह अरुण नेहरू जी का सवाल नहीं है इधर।

डा० रत्नाकर पाण्डेय : कि इन्दिरा गांधी के हत्यारों की वकालत करने वाले को अपने दल से निकालें तब वैल्यू बैस्ट की बात इस देश में होगी और नेहरू खानदान के होने के नाते यह सदन उम्मीद करता है कि आप इस सदन से किसी भी तरह की वकालत को निकाल बाहर करें।

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Madam, can any honourable Member of this House be described in this House*...(Interruptions)

THE DEPUTY CHAIRMAN: No. I will not allow anybody to call anybody as anybody's agent.

SHRI S. S. AHLUWALIA:

THE DEPUTY CHAIRMAN: "It will not go on record...(Interruptions)... It is not going on record...(Interruptions)..."

SHRI RAM JETHMALANI: Madam I don't surrender to disturbance from that side, I don't surrender to lawlessness:

THE DEPUTY CHAIRMAN: You do because you divert. Then how are you not surrendering?

SHRI RAM JETHMALANI: All right, Madam, The question of economy arose as a question of general principle because every person who is involved in an offence does not want Special Prosecutors—and every victim of that offence wants Special Prosecutors. So the question of finance had to be examined as a general case and the Government took a decision...(Interruptions). This is obvious from the answers given by the Home Minister.

SHRI V. NARAYANASAMY: What paper have you brought about the economic measures?

*Not recorded.

THE DEPUTY CHAIRMAN: Let him say. It is his right to say about economy. Why do you object?

SHRI V. NARAYANAASMY: What is the clarification in it?

... (Interruptions) ...

SHRI MADAN BHATIA: I don't understand why the Government cannot, particularly, say about examining the economy because I want to understand what is the economy. ... (Interruptions) ...

THE DEPUTY CHAIRMAN: I don't understand many things. Please sit down. ... (Interruptions) ...

SHRI RAM JETHMALANI: If in every trial the prosecution asks for the services of special lawyers, it will become an intolerable financial burden upon the State.

SHRI MADAN BHATIA: What is this question of economy? ... (Interruptions) ... tion...

THE DEPUTY CHAIRMAN: Now is it over?

SHRI RAM JETHMALANI: Many lawyers are appointed for their merit, and if the Government cannot do without some special counsel, it is their duty to put them on the panel and select them for specific cases. But what is all this hullabaloo about, if unwittingly a prosecutor happened to be removed? The prosecutor went to the *Illustrated Weekly*, went to the *Hindustan Times*, got two big articles written and the Prime Minister, out of his sheer sensitivity to public opinion, said, "All right, have the prosecutor that you want." And that prosecutor, Madam, has started his case today at 11 o' clock in the morning and it is not our fault that midway through his address he fell ill and sought an adjournment. But the case has started.

SHRI P. SHIV SHANKER: Madam, I am on a point of order. Can my learned friend make an allegation against a prosecutor who is not here? ... (Interruptions) ... You are saying that he has gone to the press and got articles written in the

newspapers as a result of which the Prime Minister...

SHRI RAM JETHMALANI: I make that allegation.

SHRI P. SHIV SHANKER: You are appearing in the suit. If you say this, you are irresponsible, you are doing a disservice to the profession. You are most irresponsible and doing a disservice to the profession itself to which you belong.

SHRI RAM JETHMALANI: Don't compare our professions. ... (Interruptions)

SHRI MADAN BHATIA: He is under the aegis of the Prime Minister.

THE DEPUTY CHAIRMAN: Let me know, Mr. Bhatia, who is the Leader of the Opposition here. If Mr. Shiv Shanker is making a point, please have some patience. ... (Interruptions) ... What is wrong with you today? He is on his legs and allow him to say what he wants to say.

AN HONOURABLE MEMBER: He is a Nominated Member, Madam. ... (Interruptions)

THE DEPUTY CHAIRMAN: I am allowing you but why others interrupt you, I do not know.

SHRI RAM JETHMALANI: Madam, I wish to close by saying that it is one of the meanest and filthiest allegations involving the Prime Minister in the change of the prosecutor. The Prime Minister has nothing to do with the change of the prosecutor. ... (Interruptions) ... The only part played by the Prime Minister is that he has restored the Public Prosecutor, he has brought back the Public Prosecutor who has started dealing with this case this morning. Those who are making allegations against the Prime Minister of this country are out to reap political benefits. ... (Interruptions)

SHRI JAGESH DESAI: He is reflecting on Members.

THE DEPUTY CHAIRMAN: I have listened to him. The word is not against anybody. As I heard him, he said, "the meanest allegation." The word "mean" is

[The Deputy Chairman].

qualifying "allegation." The allegation is meant, not the person. If any Member has called other Members mean, I would take care of it. But if he has said... (Interruptions) Just a minute. Mr. Desai, take your seat.

If Mr. Jethmalani or anybody else calls any other Member "mean," I know it is wrong. But if he says, "meanest allegation," I think the English language allows that. It is the language. I can say it is a hard word. You cannot say that anybody is blemished that way. It is qualifying "allegation." I will look into the record and see. Leave it to me.

SHRI RAM JETHMALANI: Madam, I will sit down by saying again that it is a mean allegation unworthy of any Member of this House.

Thank you.

DR. G. VIJAYA MOHAN REDDY: Madam, I want to ask a clarification.

THE DEPUTY CHAIRMAN: The case is *sub-judice*. I do not know why anybody should allow this. It is very unfortunate. We should not have taken it up.

Dr. Vijaya Mohan Reddy, please be extremely brief.

DR. G. VIJAYA MOHAN REDDY: The Modi murder case was widely published through electronic media and statements by Government agencies.

SHRI DIPEN GHOSH: It is not a precedent. Madam, I am on a point of order. When the Leader of the Opposition...

THE DEPUTY CHAIRMAN: All the record will have to be wiped out if you accept that it is being discussed. (Interruptions)

SHRI DIPEN GHOSH: On a point of order. When the Leader of the Opposition made the complaint about the Government's interference in the judiciary and the Minister made the statement, the discussion did not turn out to be wholly a

discussion on the *sub judice* case about the behaviour or involvement of the sitting Member in the *sub judice* case. Actually to put the record straight, it should not be a precedent. I do not know at what point of time the discussion rolled on into this thing, as I heard Mr. Jethmalani and somebody else here. Actually we must take care of it. This is Parliament, this is a House which is guided by certain rules. Today it may help this section or that section. Tomorrow it may go against other sections. We must take care. It cannot go on like this.

श्री अटल बिहारी वाजपेयी : महोदया, श्री घोष न जो कुछ कहा है, मैं उसके समर्थन में खड़ा हुआ हूँ। भारतीय अदालत के विचारशील हैं और मामला हत्या का है, सदन का एक सदस्य उस मामले में फंसा हुआ है। सबरे मामला उठाया गया था और वहीं समाप्त हो जाना चाहिए था, लेकिन आज दिन भर चर्चा हो रही है, क्या इस चर्चा का उस मामले पर असर नहीं पड़ेगा? क्या न्यायदान में यह चर्चा बाधक नहीं बनेगी? श्री शिव शंकर जी बहुत बड़े वकील हैं, मैं उनकी राय चाहता हूँ। क्या यह तरीका है कि इस तरह से देश में जो अदालतों में मुकदमों चलते हैं उनके बारे में सदन में बहस होगी जैसी आज सबरे से हो रही है? कोई न कोई सीमा होनी चाहिए।

SHRI P. SHIV SHANKER: Madam Deputy Chairman, I agree that we should not discuss a matter which is *sub judice*. But we have not discussed this in that form. Unfortunately, the last speaker has given a direction to it. In fact, it is he who is solely responsible for this drift. He being a lawyer in that case, should not have behaved in this form. This is unfortunate. That is why I said, ethically and morally he should not have spoken at all. But unfortunately because he is interested... (Interruptions) It is the last speaker, who cast aspersions on the public prosecutor and the lawyers engaged. He went to the extent of browbeating the judge taking advantage of this forum. This is reprehensible.

SHRI YASHWANT SINHA: Mr. Shiv Shanker was not here during the entire

discussion. I have been sitting through it.

SHRI P. SHIV SHANKER: I am sorry he behaved most irresponsibly today.

SHRI YASHWANT SINHA: Mr. Shiv Shanker, you had gone inside for the Business Advisory Committee meeting. I have been listening to all the speeches like many other Members present here. Madam Deputy Chairman, what exactly has happened in this House is a conviction of that person who is an accused in the case.

SHRI P. SHIV SHANKER: Not at all. Nobody said on the merits of the case. Nobody said a word on the merits of the case.

SHRI YASHWANT SINHA: I tell you, you go into the record and you will find that the whole discussion has taken a totally different turn. Mr. Shiv Shanker has made certain allegations. Now, we should have confined ourselves to those allegations and there have been some Members on that side who have actually convicted that accused.

SHRI DIPEN GHOSH: I request you to go into the record and expunge all the remarks of the hon. Members who have made observations on the sub-judice case and involvement of a sitting Member in the case.

SHRI P. SHIV SHANKER: If there is any remark on the merits of the case, yes, I agree. But it is not like that. Unfortunately, let us not make it a party affair. The last speaker was most irresponsible.

SHRI YASHWANT SINHA: I am not making it a party affair.

SHRI P. SHIV SHANKER: He should never have made the speech. (Interruptions) It is unbecoming of him. (Interruptions)

SHRI YASHWANT SINHA: He has commented on the merit of the case. (Interruptions)

SHRI P. SHIV SHANKER: Madam, nobody spoke on the merits of the case except the last speaker. He took advantage of his own standing and his appearance in the case.

THE DEPUTY CHAIRMAN: What some Members have mentioned and you said that it was not mentioned, in that respect I will look into the record; and if anything which should not have been spoken on the merits of the case or its being sub-judice or has a bearing on a sitting Member, then that would be expunged. But anything which is about the Government, that would go.

अब आप बोलेंगे ? मंत्री जी को बोलने दीजिए । (अवधान) नहीं नहीं कल नहीं होगा । We will finish it today.

अभी आप बुरे रहिए । प्राइम मिनिस्टर नहीं आये तो आपने क्यों बहस शुरू कर दी । आपने अलाऊ कर दिया तो हो गया । (Interruptions) I don't know who gave the assurance. I didn't. I never give assurance of anybody in the House, including you.

SHRI VISHVJIT P. SINGH: Madam, on a specific request of the Leader of the House in the Chamber of the Chairman, we agreed that both the Ministers would make a statement and we would then seek clarifications waiting for the Prime Minister to come.

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Just a minute. Let me speak. Mr. Vishvjit Singh, if the Leader of the House said this, to whom did he say? Did he say this to you?

SHRI VISHVJIT P. SINGH: Yes. He told me categorically if you are not satisfied with the reply...

THE DEPUTY CHAIRMAN: Let the reply be over. Then you show your satisfaction or dissatisfaction.

SHRI YASHWANT SINHA: What the Leader of the House told Mr. Vishvjit Singh was that if he was not satisfied, he could walk out. (Interruptions)

SHRI VISHVJIT P. SINGH: I fail to see the reasons, but I would humbly request him to confine his remarks to the pointed issues rather than making them personal.

THE DEPUTY CHAIRMAN: Mr. Vishvjit Singhji you have said that the Leader of the House has said something to you. You said that he told you "If you are not satisfied..." (Interruptions)... Now let me allow the Minister to reply. If he cannot satisfy you and only the Prime Minister can satisfy you, it is up to you. But let the young Minister have his try... (Interruptions)... If you are still not satisfied, it is up to you.

DR. G. VIJAYA MOHAN REDDY: Madam Deputy Chairman, I want to seek two clarifications from the Minister. May I know whether it is a fact that the Modi murder case was widely publicised through electronic media and also through statements by the Government agencies day in and day out so as to defame Sanjay Singh, a prominent leader of the Janata Dal before the Lok Sabha elections? Is it the policy of the Government to make such a wide publicity during the investigation of murder cases?

(2) On the polling day of the Lok Sabha elections, Shri Sanjay Singh was shot at and mortally wounded which was the finale of organised rigging by the Congress party in Amethi. What is the stage of investigation? We want to know who has made the murder attempt on Mr. Sanjay Singh?

उपसभापति: मंत्री जो जवाब दे रहे हैं, ध्यान से सुनिए।

श्री सुबोध कांत सहाय: उपसभापति महोदय, मैं माननीय सदस्यों की बात को धुन रहा था और सोच रहा था कि रेलवे सवाल उठाए जाएंगे जिनका जवाब देना बहुत लम्बी होगी। माननीय नेता विरोधी इतने कुछ सवाल उठाए हैं लेकिन ज्यादातर माननीय सदस्यों ने जो सवाल उठाए हैं जो मुख्य मुद्दा उठाया गया था उससे संबंधित नहीं कर के बल्कि जैसे कि आपने अपना औत्तरवेशन दिया है सबकुछ मामले पर ज्यादा बहस चलाई गई जिससे हमारा कोई संबंध नहीं है। उपसभापति महोदय, मैं बहुत साफ बताना चाहता

हूँ, चव्हाण साहब नहीं हैं उन्होंने बहुत रेलवे सवाल उठाया था कि इवेंट्स क्या थे किस तारीख को क्या घटना हुई और दूसरा यह कि वकीलों की नियुक्ति में यह जो फैसला किया गया है यह रवेन्यू से संबंधित जो हाते हैं जिसमें बड़े पमाने पर रवेन्यू इनवाल्व होता है क्या उनके लिए पनल लायर रखे जाएंगे या कोई विशेष व्यवस्था की जाएगी। इसी से मिलते-जुलते ज्यादा सवाल माननीय सदस्यों ने उठाए हैं। यहां रेलवेन्ट प्वाइंट पूरा बहस में मिलते हैं। मैं कहना चाहता हूँ कि यह जो इकोनोमी डाइव है यह सिर्फ पनल लायर्स की नियुक्ति के लिए ही नहीं बल्कि गवर्नमेंट ने जनरल हर एक मिनिस्ट्र ने फैसला लिया है कि हम अपने खर्च में कटौती करेंगे और उसका कोई न कोई सिस्टम इवाल्व करेंगे हर एक मिनिस्ट्र ने किया है। (व्यवधान) उपसभापति महोदय, मैं कहना चाहता हूँ कि इवेंट्स देख कर के लगेगा, इवेंट्स देख कि किस दिन क्या घटना घटी। मैं गर्व के साथ इस बात को कहना चाहता हूँ कि 6 अगस्त को सर्कुलर निकला और वह सर्कुलर एड्रेस है—

"Addressed to all Secretaries to the Government of India, branch Secretaries of the Ministry of Law and Justice, Department of Legal Affairs, Bombay, Calcutta, Madras and Bangalore." ... (Interruptions)... I am giving you the evidence of events which the Member wanted to know and kindly listen

10 तारीख को मोदी केस के जो लायर थे इनको टरमिनेट किया गया। 13 अगस्त का हमने प्राइम मिनिस्ट्र का फैसला आपको पढ़ कर सुनाया। 10 अगस्त को टरमिनेट किया गया सिर्फ तीन दिन के अंदर और आज हम 16 तारीख को बहस कर रहे हैं। अगर यह बहस होने के बाद फैसला हुआ होता तो जो इस सरकार की और प्रधान मंत्री की नीयत पर एक प्रश्न चिन्ह उठ सकता था। लेकिन हम बहस कर रहे हैं। तीन दिन के अंदर फैसले को रिव्यू किया गया, सिर्फ इसलिए कि देश को लगे कि सिर्फ न्याय ही नहीं बल्कि न्याय मिलना भी प्रतीत हो रहा है... (व्यवधान)

श्री कपिल वर्मा (उत्तर प्रदेश) : प्रैस
उनका रिव्यू हुआ था उसके बाद आपने
रिव्यू किया।

श्री आर० के० धवन : जो प्रश्न मैंने
अये थे उनका जवाब दीजिए।

श्री सुबोध कान्त सहाय : मैं उनका हो
जाव दे रहा हूँ।

श्री आर० के० धवन : यह उनका जवाब
हो है। मेरे प्रश्नों का उत्तर दीजिए...
(व्यवधान) ऐसी कोई कोई है कि नहीं
आप उसका जवाब दीजिए।

श्री पी० शिव शंकर : 6 अगस्त
परान अर्डर इश्यू करते हैं जनरल और
10 तारीख को आप उनके एपॉइंटमेंट को
मिनैट करते हैं। आप हमको भरोसा
करने के लिए बोलते हैं? 6 अगस्त को
मैंने जनरल अर्डर इश्यू किया और उसी
1 रैसिस पर 10 तारीख को... (व्यवधान)
मिनैट करने हैं। कौन मानता है? कोई
मानेगा?

श्री आर० के० धवन : आप मेरे प्वाइंट
का जवाब नहीं दे रहे हैं।

श्री सुबोध कान्त सहाय : अगर मैं कह
ता हूँ तो मेरे ऊपर प्रिविलेज चलाने के लिए
आपको आमंत्रित करता हूँ। जो मैं
थि इंगिन कर रहा हूँ जो अर्डर पर...
(व्यवधान)

श्री आर० के० धवन : वह अर्डर ठीक
डेट ठीक है... (व्यवधान)

श्री पी० शिव शंकर : आपकी बात को
मैं नहीं कह रहे हैं। आपने जो कहा है,
यह है लेकिन यह है कि कैसे माना जाये
6 प्राइम को प्राइम अर्डर इश्यू होता
जनरल अर्डर और 10 अगस्त को आप
मिनैट कर देते हैं... (व्यवधान) आप
जो बोलते हैं उसमें कुछ न कुछ अलग ही होगा।

श्री सुबोध कान्त सहाय : यह सदन को
मानता चाहता हूँ कि प्रधान जो इकनामिक
प्रोसेस के सवाल पर बहुत ही ...

SHRI VISHVJIT P. SINGH: We had
ried ourselves with the Government
that worked faster. I have now rea-

lised that we have the Government
that works the fastest.

THE DEPUTY CHAIRMAN: Mr.
Desai, he has just started. Let him
finish (Interruption). Let him finish.

श्री सुबोध कान्त सहाय : एक माननीय
सदस्य ने कहा कि जब का ट्रांसफर कैसे
किया गया था। मैं सदन को बताना चाहता
हूँ कि महीने दो महीने की अवधि हुई है और
इसमें एक जब का नहीं चैन आफ जेज के
एडमिनिस्ट्रेटिव उसके तहत यह किया गया
था। दो महीने के लगभग उसका वक्त
गुजरा है। जो एडमिनिस्ट्रेशन डिजीजन
के तहत चैन आफ ट्रांसफर हुए थे, उत्तर
प्रदेश के तहत जिनका फैसला किया गया
था, इसको दो महीने हो गये हैं। इकना-
मिक सैटर में जो लायर्स इन्गेज करने का
सवाल है तो मैं इस सदन को पूरी तरह
आश्वस्त करना चाहता हूँ कि जहाँ पर
सरकार के रेवेन्यू का सवाल हो या जस्टिस
का सवाल हो कैबिनेट के स्तर पर अगर
इसका फैसला होगा, अगर बाहर से लायर्स
बहाल किये जाने के बारे में किसी मंत्रालय
के द्वारा कैबिनेट के स्तर पर

we are very much serious about the eco-
nomic drive. और उस स्तर पर फैसला
हो कर न्याय मिले इसका प्रोटेक्शन
किया जाएगा। यही नहीं माननीय
सदस्य ने जानना चाहा है, हमारे
बुजुर्ग और हमारे सीनियर नेता हैं, नेता
विरोधी दल, उन्होंने पूछा कि पनल लायर्स
के खर्चे में और बाहर के बहाल किये गये
लायर्स के खर्चे में क्या फर्क होता है? तो पूरे
सदन के लोग जानते हैं कि जो पनल में
लायर्स होते हैं उनको नामिनल मिलता है,
जबकि जिनके ऊपर बहस कर रहे थे, अगर
जेठमलानी जी को रखा जाये तो उनके चार्जेज
या उस तरह के एडवोकेटस को कितने चार्जेज
देने पड़ते हैं सरकार को, इसके बारे में आप
जानते हैं।

इस सारे सवाल पर मैं कहना चाहता
हूँ कि जितने सवाल आपने उठाये हैं और
सदन से मैं अनुरोध करता हूँ कि तीन दिन
के अन्दर प्रधान मंत्री जी ने जो सवाल
जो सिर्फ मोदी केस से नहीं थे, जबकि बल्कि
इस देश के एक्स प्राइम मिनिस्टर-उनके

[श्री सुबोध कान्त सहाय]

बारे में कोई बहस नहीं कर रहा हूँ—यों-
अन्य केसेज में जी लायर्स इन्गेज किये गये
थे, उनके जो काउन्सेल इन्गेज किये गये
थे उनको भी बर्हाल किया गया है कि देश
के सामने न्याय आ सके और एक साफ वाता-
वरण देश की राजनीति में स्थापित हो सके।
इतना ही मैं कहना चाहता हूँ और चाहता
हूँ कि प्रधान मंत्री जी को देश इसके लिए
बधाई दे।

SHRI P. SHIV SHANKER: Madam,
we are not satisfied. The reply is

not satisfactory. Therefore, we will
demand that the Prime Minister should
come and make the statement. (In-
ruption).

THE DEPUTY CHAIRMAN:

House stands adjourned till 11.00
on Friday.

The House then adjourns
at thirty-five minutes past
six of the clock till eleven
of the clock on Friday, the 1st
August, 1960.