

इस सदन के चार लोग यह तय कर लेते कि हाउस को चलने नहीं देना। तो क्या हाउस नहीं चलेगा? पिछले एक सप्ताह में हम लोग तैयारी कर रहे हैं कोई लेजिस्लेटिव बिजनेस आयेगा, उसके ऊपर हम अपनी बात कहेंगे। आज बर्कजर्ज पार्टिसिपेशन इन मैनेजमेंट जैसा प्रमुख विषय का बिल है।... (अध्यक्ष) नेशनल कमीशन ऑन रिमेन जैसा एक प्रमुख विधायी कार्य है। दो-दो मंत्रियों ने दस्तावेज देने हैं और उन पर स्पष्टीकरण भी आने हैं। मैं आपसे कहना चाहती हूँ कि आप असहायता क्यों जताती हैं? आप स्वामिन्हाह क्यों बहस करती हैं, आप कहती हैं। if they do not want to listen to me, how am I bothered? नहीं, आपको यह फिटाव तरह-तरह की शक्तियाँ प्रदान करती हैं इस सदन में व्यवस्था बनाये रखने के लिये।

उपसभापति : आप बैठिये, मंत्री जी बोलिये। आप प्लीज, टेक यूअर सीट। ... (अध्यक्ष) मैंने आपकी बात सुन ली।

श्रीमती सुषमा स्वराज : आप उन शक्तियों का प्रयोग कीजिये और सदन की व्यवस्था को बनाये रखिये।

उपसभापति : आप बैठिये।

श्रीमती सुषमा स्वराज : हम जैसे सदस्यों को निराशा हो रही है। महोदय, इस निराशा को मत बढ़ने दीजिये... (अध्यक्ष) सदन को चलने दीजिये... (अध्यक्ष) ताकि जो प्रमुख विधायी कार्य है, संसद का, वह किया जा सके। प्रमुख विधायी कार्य के लिये आप केवल एक-एक घंटा रखती हैं, समय का अभाव बताते हुए और गारा विधान काय गौण हो जाता है और बेकार की चीजों पर घंटों-घंटों खर्च किये जाते हैं।... (अध्यक्ष) ..

THE DEPUTY CHAIRMAN: The House is adjourned for lunch for one hour.

The House then adjourned for lunch at thirty-one minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock.

[The Vice-Chairman (Prof. Chandresh P. Thakur) in the Chair]

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL), 1990-91 (AUGUST, 1990)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Supplementary Demands for Grants,

डॉ० रत्नाकर पाण्डेय (उत्तर प्रदेश) : केसरी जी का पहले है।

SHRI SANTOSH BAGRODIA (Rajasthan): A point of order, Sir. (Interruptions)

वित्त मंत्री (प्र० मधु दण्डवते) : केसरी जी, एक मिनट में खतम कर देता हूँ। इतनी तो कृपा करें हम लोगों पर। हमारी डिमांड इतनी है कम।

श्री सीताराम केसरी (बिहार) : ठीक है।

PROF. MADHU DANDAVATE: Sir, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants (General) for the year 1990-91 (August, 1990).

Thank you, Kesriji.

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

SHRI DINESH GOSWAMI: Sir, I have to respond to two points made by...

श्री सीताराम केसरी : देखिये, चेयर की तरफ से यह कॉमिटमेंट हुआ था कि दीपेन घोष जी के बाद मुझे बोलने दिया जायेगा और उन्होंने मुझे बुलाया भी था, मगर इसी बीच में हंगामे में फिर हाउस एडजर्नमेंट हो गया। इसलिये मेरा आपसे निवेदन है कि चेयर का जो

[श्री सीता राम केसरी]

कमिटमेंट : उसका आप प्रिनर कीजिये और पहले मुझे बोलने दीजिये, उसके बाद उन्हें बोलने दीजिये।

SHRI DINESH GOSWAMI: It is for you to decide.

श्री अटल बिहारी वाजपेयी : (मध्य प्रदेश) : यह मुझसे ठीक है कि पहले केसरी जी बोलें, फिर हम विधि मंत्री जी को सुनें।

SHRI DINESH GOSWAMI: I have no objection.

श्री सीताराम केसरी : उपसभाध्यक्ष महोदय, आरोपों का प्रश्न उस प्रधान मंत्री के ऊपर है, जिनका प्रधान-मंत्रित्व नैतिक मूल्यों पर उभर कर आया है। प्रश्न कानून का नहीं है, प्रश्न राष्ट्रीय-मूल्यों का है, और उन्होंने वर्षों से मूल्यों की चर्चा की है। इसलिये मैं चाहता हूँ कि नैतिक-मूल्यों का सम्मान किया जाये।

महोदय, प्रधानमंत्री के ऊपर यह आरोप हो कि किसी भी राज्य सभा के मेबर के लिये, चाहे वे संबंधी हों या संबंधी न हों, जिन पर एक विनीता केस चलता हो, उनके जज को या उस संबंध में जांच कर रहे सी०वी०आई० आफिसर को ट्रान्सफर करने का आरोप हो, यह आरोप प्रत्यक्ष हो या अप्रत्यक्ष हो और फिर नदन में प्रश्न उठा हो उनके व्यक्तित्व के खिलाफ, उनके नैतिक नेतृत्व के खिलाफ, जिन्होंने मूल्यों की चर्चा आज तक सारे राष्ट्र में की, गांधी जी का नाम लिया, जयप्रकाश जी का नाम लिया, इस चीज का तो मैं सम्मान करता हूँ और इसीलिये मैं साज चाहता हूँ कि जो आरोप उन पर संजय सिंह के संबंध में, जिन पर आरोप है कि जिनकी सोली से उस लड़की के हर्षेड की मृत्यु हुई, यह सत्य है या असत्य, यह कानून के अन्तर्गत न्यायालय का विषय है, मगर... मगर उनको बचाने के संबंध में अगर यह प्रश्न है और यह प्रश्न आया है उनके व्यक्तित्व के खिलाफ तो मैं निवेदन कहूँ कि प्रधान मंत्री

को स्वतः इस सदन में आकर सफाई देनी चाहिये। जो भी सफाई उनके दूसरे मोह, उनके छोटे मंत्री देना चाहते हैं, मैं आपसे कहना चाहता हूँ कि राष्ट्र में इस शंका के प्रश्न के अन्तर्गत यह वादल बहाराता रहेगा उनके व्यक्तित्व पर। यदि उन्होंने नैतिकता की बात नहीं की होती, अगर उन्होंने देश में मूल्यों की बात नहीं की होती, यह प्रश्न कानून के दृष्टिकोण से सदन में बहुत बार आते और जाते रहते हैं। मगर उनका व्यक्तित्व, उनका नेतृत्व इस आधार पर आधारित लोग मानते हैं, यद्यपि मैं मानता हूँ कि नहीं अपनी जगह पर है, मगर जो प्रश्न सामने आया है, जो आरोप उन पर है मैं समझता हूँ कि यह जो वादल उनके सर पर भँडाराया है और यह जो प्रश्न उनके सामने आया है, यह प्रश्न राष्ट्र के हित में है कि प्रधान मंत्री परोक्ष या अपरोक्ष रूप से, उनकी नीयत पर अगर यह आरोप है, तो उनकी स्वतः सदन में आकर सफाई देनी चाहिये। यही मेरा निवेदन है।

उपसभाध्यक्ष (श्री० चंद्रेश पी० ठाकुर):
शेक यू। ... (व्यवधान)...

डा० रत्नाकर पाण्डेय : प्राइम मिनिस्टर
को बुलाइये। ... (व्यवधान)...

SHRI DINESH GOSWAMI: This is very unfair.

DR. RATNAKAR PANDEY: The Law Minister is not competent to make the statement.

SHRI YASHWANT SINHA: Mr. Vice-Chairman, they are again breaking the agreement and are not allowing the Law Minister to speak. Otherwise I shall be compelled to stop... (Interruptions).

SHRI DINESH GOSWAMI: What is this? I am not being allowed to speak.

श्री यशवंत सिन्हा : सुनने की ताकत नहीं है तो बाहर निकल जाओ।... (व्यवधान)...

श्री अटल बिहारी वाजपेयी : सभाध्यक्ष जी, मेरा व्यवस्था का प्रश्न है। . . (व्यवधान) . . .

वित्त मंत्री (प्रो० मधु दण्डवते) : यही दोनों तरफ से चलेगा तो कोई बोल पायेगा ? . . . (व्यवधान) . . .

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : सुबह से इस पर चर्चा हो रही है। लीडर आफ ओपोजिशन ने एक स्टेटमेंट दिया। केसरी जी कुछ कहना चाहते थे। दीपेन घोष जी ने कुछ मुद्दे सामने . . . (व्यवधान) . . .

श्री सुरेन्द्रजीत सिंह अहलुवालिया : हम भी कहना चाहते हैं। . . . (व्यवधान) . . .

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : जरा सुन लीजिये। . . (व्यवधान) . . .

श्री आर०के० धवन : (आंध्र प्रदेश) : केसरी जी ने क्या कहा है ? प्रधान मंत्री जवाब दें। . . (व्यवधान) . . .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Just listen to me. As far as I understand, so far as the Law and Justice Minister is concerned, he wants to clarify the role of his Ministry. (Interruptions). Please listen to me. (Interruptions).

SHRI JAGESH DESAI: The Leader of the Opposition has made it very clear that it is not within the jurisdiction of the Law Ministry. (Interruptions)

श्री अटल बिहारी वाजपेयी : सभाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। . . . (व्यवधान) . . .

SHRI YASHWANT SINHA: This is the way they want to conduct the House. If we have listened to Mr. Kesri, at least they should listen to the Law Minister.

श्री यशवंत सिन्हा : केसरी साहब इनको चुप करा सकते हैं या नहीं ? अगर वह बोल सकते हैं और हम सुन सकते हैं . . . तो इन को . . . (व्यवधान) . . .

श्री अटल बिहारी वाजपेयी : सभापति जी, . . . (व्यवधान) . . .

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : बोलिये अटलजी। . . . (व्यवधान) . . .

श्री यशवंत सिन्हा : आपमें सच्चाई सुनने की ताकत नहीं है इसलिये शोरगुल का सहारा ले रहे हैं। . . . (व्यवधान) . . . सच्चाई नहीं सुन सकते हैं आप। . . . (व्यवधान) . . . He is not your servant. (Interruptions) He is the Prime

Minister of the country. (Interruptions). देश के प्रधान मंत्री का नाम आदर से लेना सीखो। . . (व्यवधान) . . . यह इंस्टीट्यूशंस का सवाल है। यहां पर सारे इंस्टीट्यूशंस को आपने बरबाद कर दिया है . . . (व्यवधान) अब आप लोगों का राज नहीं रहा है . . . (व्यवधान) . . .

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : अटल जी का व्यवस्था का प्रश्न है, इन्हें बोलने दीजिये।

श्री अटल बिहारी वाजपेयी : महोदय, मेरा एक व्यवस्था का प्रश्न है . . . (व्यवधान)

उपसभापति (प्रो० चन्द्रेश पी० ठाकुर) : अहलुवालिया जी, जरा व्यवस्था का प्रश्न सुन लीजिये।

डा० अब्दुर रहमद खान (राजस्थान) : यह प्रधान मंत्री से संबंधित मामला है इसलिये उनको सफाई देनी चाहिये . . . (व्यवधान) . . .

श्री अटल बिहारी वाजपेयी : महोदय, अगर प्रतिपक्ष यह मांग करता है कि किसी मुद्दे पर प्रधान मंत्री आकर सफाई दें तो इस मांग का औचित्य है लेकिन . . . (व्यवधान) यह क्या बात हुई . . . (व्यवधान) लेकिन अगर सरकार का कोई मंत्री जो सीधा संबंधित है उन बातों से, जो बातें आज सबेरे प्रतिपक्ष के नेता ने कहीं तो

[श्री अटल बिहारी वाजपेयी]

उसे अपनी स्थिति स्पष्ट करने का मौका मिलना चाहिये ।

प्रतिपक्ष के नेता ने यह कहा था कि जज का तबादला कर दिया गया । उन्होंने यह भी कहा था कि ऐसे व्यक्ति को जज बनाया गया है जो डेढ़ महीने में रिटायर्ड होने वाला है । उन्होंने यह भी कहा था कि हाई-कोर्ट के प्रमोशन के बारे में अफवाहें हैं । ये बातें सदन में कहीं गई हैं । अब अगर देश का विधि मंत्री इन बातों के संबंध में स्पष्टीकरण देना चाहता है तो प्रतिपक्ष को सुनना चाहिये और सुनने के बाद यह फैसला करना चाहिये ... (व्यवधान)

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : और कुछ कहेंगे आप ?

श्री अटल बिहारी वाजपेयी : अभी मेरी बात पूरी नहीं हुई है ... (व्यवधान)

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : ठीक है, आप बोलिये ।

श्री अटल बिहारी वाजपेयी : मैं इस सदन में किसी को टोकता नहीं हूँ लेकिन अगर मुझे बोलने नहीं दिया जायेगा तो कांग्रेस पार्टी के किसी मेंबर को बोलने नहीं दिया जायेगा ... (व्यवधान)

श्री माखन लाल फोतेदार : अटल जी, आप बोलिये । हम चाहते हैं कि आप बोलें ।

श्री यशवन्त सिन्हा : आपकी परमीशन की जरूरत नहीं है ... (व्यवधान)

श्री अटल बिहारी वाजपेयी : आप क्या चाहते हैं यह भी आपको मालूम नहीं है (व्यवधान) मैं बोल रहा था तो धवन साहब ने मुझे टोका ... (व्यवधान)

श्री लक्ष्मीराम अग्रवाल (मध्य प्रदेश) : यह ठेकेदारी नहीं चलेगी, नहीं चलेगी ।

श्री कैलाश नारायण सारंग : (मध्य प्रदेश) : अटल जी को टोकना बन्द कीजिये वरना हम आपको भी नहीं बोलने देंगे ... (व्यवधान)

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : बैठ जाइये, प्लीज ... (व्यवधान)

श्री कैलाश नारायण सारंग : अटल जी को नहीं टोका जा सकता ... (व्यवधान)

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : सिट डाउन प्लीज ।

श्री अटल बिहारी वाजपेयी : उपसभाध्यक्ष जी, मैं अपनी बात समाप्त करना चाहता हूँ । मैं प्रतिपक्ष से अनुरोध करना चाहता हूँ कि उन्होंने सवेरे जो बातें कहीं हैं उनकी संख्या के आधार पर और उनके महत्व के आधार पर, सरकार उन बातों का कैसे उत्तर देती है यह उन्हें सुनना चाहिये ।

डा० रत्नाकर पांडेय : हम प्रधानमंत्री के मुंह से सुनना चाहते हैं क्योंकि वह विजिलेंस की बात है ।

श्री अटल बिहारी वाजपेयी : देखिये, इन्होंने फिर बोलना शुरू कर दिया ।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : रत्नाकर जी, आपसे अनुरोध है कि इनकी बात सुनिये ।

श्री अटल बिहारी वाजपेयी : अगर कानून मंत्री और गृह मंत्री को सुनने के बाद प्रतिपक्ष इस नतीजे पर पहुंचता है कि उनका संतोष नहीं हुआ है ... (व्यवधान) अभी तो यह लगता है कि ये लोग तय करके आये हैं कि हम सदन की कार्यवाही नहीं चलने देंगे । यह भ्रम दूर होना चाहिए । इसलिए वह सुनें और फिर तय करें कि क्या करना है । आखिर यह सदन कैसे चल रहा है, यह देश देख रहा है ... (व्यवधान)

SHRI M. S. GURUPADASWAMY:
Are you afraid of our reply? (Inter'

ruptions) Please watch your steps. (Interruptions). You have no moral courage. Don't be absurd. Don't destroy the institution of Parliament here. What you are doing is, you are destroying the institution of Parliament. Be careful. You are destroying the institution of Parliament, (Interruptions').

SHRI YASHWANT SINHA; Mr. Vice-Chairman, Sir, let the Law Minister speak in this House. If his speech cannot be allowed, then nothing can be allowed. (Interruptions). . You have been thrown out by the people. (In. interruptions). You will have to go out and face the people.

SHRI M. S. GURUPADASWAMY; I say it with full responsibility — you are all insulting the House. You will repent later for what you are doing. Be careful. Don't destroy the institution of Parliament. Don't do that. (Interruptions),

SHRI YASHWANT SINHA: The Leader and the Deputy Leader of the Congress Party have absolutely no control. They are not in a position to control their hon. Members. That is a truth and let Mr. Shiv Shanker. .. (Interruptions)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Let me make a request to you. Just listen to me. (Interruptions). Friends, shouting and counter-shouting is not helping us. Everybody is shouting. (Interruptions). Some are shouting louder. (Interruptions). Don't get excited. Please sit down. (Interruption), Let us cooperate.

PROF. MADHU DANDAVATE;
Shri Atal Bihari Vajpayee did not shout.

THE VICE-CHAIRMAN PROF. CHANDRESH P. THAKUR): It is possible for us to get excited.

SHRI ATAL BIHARI VAJPAYEE:
There was a gentleman's agreement. You permitted Kesri ji to make a submission and after Kesri ji, the Law Minister was to be called. (Interruption).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Mr. Ahluwalia, please sit down. There are two-three issues which are very clear. We want this House to function and for that it is important that we listen to each other. (Interruption). You are still speaking. I have not finished.

SHRI DIPEN GHOSH; Mr. Jagesh Desai wanted a discussion on the Industrial Policy. You are obstructing the discussion on the Industrial Policy... (Interruptions) . . .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Everybody is speaking. You also speak. What can I do?

SHRI YASHWANT SINHA. Mr. Vice-Chairman, (Interruptions) are not interested that this House should proceed with. . . (Interruptions). Two or three of them are only interested in stalling the proceeding. (Interruptions). You must discipline them and make them sit down. Nobody is ... (Interruptions) .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please. I have to make three requests. No. 1: All of us should have patience for each other. (Interruptions).

SHRI DIPEN GHOSH; We had been patient. (Interruptions).

श्री सिकन्दर बख्त (मध्य प्रदेश) :
महोदय, इतना इन लोगों ने... (व्यवधान)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let me complete. (Interruptions). Jageshji please sit down. V. LAM

श्री कैलाश नारायण सारंग : यह
आपको भी नहीं बोलने देना चाहते हैं
अटल जी को भी नहीं बोलने देना चाहते
हैं... (व्यवधान)

उपसभाध्यक्ष (श्री० चंद्रेश पी०
ठाकुर) : आप तो बोलने दीजिये। बैठिये,
बैठ जाइये।

श्री लक्ष्मीराम अग्रवाल : यह किसी को नहीं बोलने देना चाहते। ऐसे कैसे काम चलेगा।

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please sit down, you just listen to me. There are three issues. One is just common to everybody and that is 'let us have patience with each other'. You want to make a point and unless the House (unctions, nobody can make a point. The second tiling is that some contentious issues have, been raied by the Leader of the Opposition, Shri Dipen Ghosh and Kesriji. In that, there are two sub-issues. One is; Should the Prime Minister come personally to respond to that? (*Interruptions*). Let me speak.

PROF. MADHU DANDAVATE; Let him sum up.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I am summarising the situation. One sub-issue is: Should the Prime Minister personally come and explain in view of the fact that the person concerned against whose. . . . (*Interruptions*).

SHRI GURUDAS DAS GUPTA (West Bengal); There has never been a precedent in this House. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR)- I am not giving any ruling. Just listen. The demand for the Prime Minister's presence is in view of the fact that the person against whom the cases were pending is alleged to be related to him. That is one. (*Interruptions*).

SHRI SUBODH KANT SAHAY: Are we discussing relations here? This is not fair.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The second aspect is that the CBI is under the control of the Prime Minister's Secretariat. (*Interruptions*). Wait a minute.

SHRI DIPEN GHOSH: We have understood. (*Interruptions*).

SHRI M. S. GURUPADASWAMY: Your formulation is wrong.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let me complete.

SHRI M. S. GURUPADASWAMY: Your formulation itself is wrong. (*Interruptions*). Your formulation itself is wrong.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); You have not heard me fully. Let me formulate the issue. (*Interruptions*). You have not heard me. (*Interruptions*). Please sit down.

SHRI YASHWANT SINHA; We all heard what they have said.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I will formulate what you are saying also.

SHRI YASHWANT SINHA: They should have the patience to hear the reply. That is all. There is no other issue. All these are totally irrelevant. (*Interruptions*). You should ask the Congress (I) benches to keep quiet _____ (*Interruptions*). . .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); To be fair to the issue . . . (*Interruptions*) . . . Just a minute. Let us be fair to the issue. At the same time... (*Interruptions*).. .

डा० रत्नाकर षण्डेय : ऐसे मिनिस्टर नहीं बनेंगे आप . . . (व्यवधान) ।

श्री यशवन्त सिन्हा : आप कहाँ बन गये मिनिस्टर । आपके लिये मिनिस्टर बनना बहुत बड़ी बात होगी । मैं तो उसको जूते की नोक पर रखता हूँ । मैं आपको बताना चाहता हूँ कि आपकी कल्चर और हमारी कल्चर में जमीन और आसमान का फर्क है . . . (व्यवधान)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Don't speak profusely. The other point is that

the Leader of the House is listening to the demand here; let him convey it to the appropriate person. In the meantime, let us hear the Minister of Law *fund* let us see what he is trying to say.

श्री चतुरानन मिश्र (बिहार) : मेरा प्वाइंट आफ आर्डर है... (व्यवधान)...

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : चतुरानन जी आपका क्या प्वाइंट आफ आर्डर है ?

श्री चतुरानन मिश्र : उपसभाध्यक्ष महोदय, जब सदन में चर्चा चल रही है तो जो हम लोग कहते हैं कि हम आपको नहीं बोलने देंगे और आप लोग कहते हैं हम तुम्हें बोलने देंगे तो यह ठीक नहीं है। हम में से किसी को हक नहीं है कि किसी को हम बोलने से रोकें। यहां दोनों तरफ से यह दावा है कि हम नहीं बोलने देंगे... (व्यवधान)

श्री माखन लाल फोतेदार : आपकी सरकार का एक पहिया कह रहा था... (व्यवधान)

श्री चतुरानन मिश्र : आपकी तरफ से भी यह बात आ रही है... (व्यवधान)

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : आपका प्वाइंट आफ आर्डर क्या है ?

श्री चतुरानन मिश्र : प्वाइंट आफ आर्डर यह है कि जब सदन में हम लोग फिर से बैठें तब केसरी जी ने यह बात उठायी... (व्यवधान) जब हम लोग फिर जमा हुये लंच के बाद तो केसरी जी ने यह बात उठायी थी कि चेयर की तरफ से कहा गया था कि केसरी जी बोलेंगे...

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : वह तो बोल चुके।

श्री चतुरानन मिश्र : आप भी बीच में बोल रहे हैं। स्पीकर वह है जो कम बोलता है और जो ज्यादा बोले वह

लेक्चरार होता है। आपने दोनों को कम्ब्राइंड कर दिया। (व्यवधान) उन्होंने कहा कि इनके बाद ला मिनिस्टर को बोलने दिया जाय। यहां पर वाजपेयी जी भी थे जब यह चर्चा हुई थी और आपने भी उस समय अपनी सहमति व्यक्त की थी। जब केसरी जी बोल चुके हैं तब आपका यह आदेश होना चाहिये कि ला मिनिस्टर बोलें। उसके बाद बात उठती है कि प्रधान मंत्री आयें या न आयें। इस पर विपक्ष को हक है और हम लोगों को भी हक है, इस पर जो कहना है कहें और गवर्नमेंट उसको डिसाइड करे। (व्यवधान) जब यह एक बार बात तय हो गयी आपके रहते हुये, आपकी सहमति से कि केसरी जी बोलेंगे और उसके बाद ला मिनिस्टर बोलेंगे, इसका हम लोगों को उल्लंघन नहीं करना चाहिये। (व्यवधान)

श्री जगेश डेसाई : ऐसा नहीं हुआ।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : आपका व्यवस्था का प्रश्न क्या है ?

श्री चतुरानन मिश्र : मेरा व्यवस्था का प्रश्न यह है कि एक बार जब वह बोल चुके उसके बाद यह बोलेंगे...

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : मैं इस प्रयत्न में हूँ कि ला मिनिस्टर के बोलने के लिये वातावरण तैयार हो... (व्यवधान)

श्री चतुरानन मिश्र : आपके सामने यह तय हुआ कि केसरी जी बोलेंगे और उसके बाद ला मिनिस्टर बोलेंगे। जब एक बात तय हो गई तो फिर यह क्यों उठ रहा है... (व्यवधान) यह बात नहीं है और न ही मैं यह कहता हूँ कि वह प्राइम मिनिस्टर के आने की बात न कहें... (व्यवधान)

3 P.M.:

यह तय हुआ था और आपके सामने तय हुआ था। इसका ये लोग उल्लंघन करने हैं, यह मेरा व्यवस्था का प्रश्न है। जहां तक प्रधान मंत्री के आने की बात है, जो होम मिनिस्टर ने स्टेटमेंट दिया है उसमें

[श्री चतुरानन मिश्र]
लिखा है कि ला मिनिस्ट्री ने एक जनरल
आदेश दिया था कि जहाँ सरकारी पैनल
के एडवोकेट हों उनको ही लिया जाय;
प्राइवेट को न लिया जाय। इसके आधार
पर उन लोगों को कैसिल कर दिया गया
... (व्यवधान)।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) :
यह व्यवस्था का प्रश्न नहीं है। आपका
व्यवस्था का प्रश्न क्या है ?

श्री चतुरानन मिश्र : प्रधान मंत्री ने
आदेश दिया, यह स्टेटमेंट में दिया है। ला
मिनिस्टर इसको क्लेरिफाई कर सकते हैं।
स्टेटमेंट तो हाउस में आया है ...
(व्यवधान)।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर)
इसमें नई बात कुछ नहीं है।

SHRI MADAN BHATIA: On a point of
order...

SHRI DIPEN GHOSH; We shall not allow
it. You cannot allow them like this. They are
obstructing. We will not allow it. The
Minister must be heard.

SHRI YASHWANT SINHA: Only the
Minister should be heard and nobody else.

SHRI DINESH GOSWAMI; When I was
on my legs, I yielded only at the request of
Mr. Kesri...

SHRI DIPEN GHOSH; Now we must hear
the Minister. We have a right to hear the
Minister.

THE VICE-CHAIRMAN (PROF.
CHANDRESH P. THAKUR): I am
trying to see that the Minister makes his
statement.

SHRI DIPEN GHOSH: They have made
the charge; we have heard the charge. Now
we want to hear the Government. Then we
will decide who is right and who is wrong.

THE VICE-CHAIRMAN (PROF.
CHANDRESH P. THAKUR); There is a
point of order...

SHRI DINESH GOSWAMI; The point
is when they made their statements, we
did not obstruct. But when I stand up
to make my statement why do they
obstruct? I yielded only at Kesriji's
request.

THE VICE-CHAIRMAN (PROF.
CHANDRESH P. THAKUR); It is not
obstruction. When I allowed Atalji and
Chaturanan Mishraji on their points of order,
to be fair, I should allow the points of order
of the other Members also.

SHRI DIPEN GHOSH; No, no. The
Leader of the Opposition spoke on
behalf of the entire Opposition. One sec-
tion of the Government side also must
be heard now,

THE VICE-CHAIRMAN (PROF.
CHANDRESH P. THAKUR); Mr. Dipen
Ghosh, you are a very senior Member of the
House. A point of order is a point of order.

SHRI DIPEN GHOSH; Let me tell you, Mr.
Vice-Chairman, when I spoke in the morning I
said that the Leader of the Opposition speaking
on behalf of the entire Opposition made a
serious charge. We have heard that charge and
now we are entitled to hear the views of the
Government. Let the Government be heard
now and then only the other Members, if they
have anything to say.

SHRI YASHWANT SINHA; Mr. Vice-
Chairman, what is your ruling on Mr.
Chaturanan Mishra's point of order? You
must give your ruling on that first before you
take up any other point of order.

श्री कैलाश नारायण सारंग : आज की
हालत पर मैं यह शेर सुनाना चाहता हूँ :

हम जलेंगे तो तुम्हारा भी जलेगा दामन
ये समझते हो तो फिर आग लगाते क्यों हो,
रोनेघोने से मुकद्दर तो बदलने से रहा, भीगी
पलकों में इसी ख्वाब सजाते क्यों हो, जिनको
पीने का शलीका न पिलाने का शऊर
ऐसे कमजर्फ को महफिल में बुलाते क्यों हो।

SHRI MADAN BHATIA: Sir, you
have permitted me to speak... (Interrup-

tions).. . Why are these honourable Members not prepared to hear me?... (Interruptions) ... I want to raise a point of order.. . (Interruptions).. .

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया :...
आप (व्यवधान) हम और
किसी को नहीं सुनना चाहते हैं.....
(व्यवधान).....

SHRI YASHWANT SINHA: Understanding the rules of this House they are doing this.. (Interruptions) [..

SHRI DIPEN GHOSH; They were not allowing the Minister to speak... (Interruptions).. . They have not allowed the Minister to speak.. (Interruptions).. .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I am afraid... (Interruptions)... I am afraid... (Interruptions).. .

SHRI CHATURANAN MISHRA; You cannot ask any other Member to raise a point of order before disposing of my point of order... (Interruptions)... No; you cannot do that.. (Interruptions)... You rule it out or you accept it and then you can ask anybody else to raise a point or order.. But you cannot do that before disposing of my point of order... (Interruptions).. .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); If you want my ruling on your point of order, then there is no scope for much ruling on that because you have simply Said that this was the understanding between the two.. . (Interruptions).. .

SHRI CHATURANAN MISHRA: In your presence; in your presence... (Interruptions) ...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): There is no scope for any ruling... (Interruptions) .. Everybody has heard it... (Interruptions) ...

SHRI CHATURANAN MISHRA; You dispose of my point of order first.. . (Interruptions) .. You may accept or you
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may reject my point of order. But you give your ruling first and then ask for any other point of order... (Interruptions) .. Don't put all the points in your pocket. Dispose of those points one by one.. (Interruptions).. . You can say, "I have not heard this."; you can say "I do not accept this.". But you have to give your ruling before you allow any other point of order... (Interruptions).. .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Just a minute... (Interruptions).. .

SHRI CHATURANAN MISHRA: I am sure you were a party to it.. (Interruptions)

...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Don't get excited... (Interruptions).. Don't get excited Mishraji.. (Interruptions).. .

SHRI CHATURANAN MISHRA: I am not at all excited. I am like a spectator, sitting here and seeing all the things. ... (Interruptions)... I have never raised any irrelevant point of order... (Interruptions) ..

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): At the same time, let me tell you that you are a much more senior Member than myself... (Interruptions).., and by implication, you should not create an impression that while I am here I do not know what I have to do... (Interruptions).. I know what I have to do and I think that here the understanding definitely was that after Kesriji spoke, you should speak... (Interruptions) .. Wait a minute. Did you not hear when I called Mr. Dinesh Goswami to speak?... (Interruptions).. .

SHRI CHATURANAN MISHRA: Yes.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Then what was the point of order?... (Interruptions) ...

SHRI DIPEN GHOSH: But when the Minister was about to speak, he was not allowed to speak... (Interruptions).. .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Just a minute. Even when the Minister starts speaking, if somebody raises a point of order, he is allowed... *(Interruptions)*... So, let us be fair. When I have allowed Atalji and yourself to make points of order, then, under what condition will I disallow two other points of order, Mishraji?... *(Interruptions)*...

SHRI CHATURANAN MISHRA: I am not asking for that; I have never asked for that... *(Interruptions)*... I said, "Dispose of my point of order." This is what I have said... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): My request to Shri Dipen Ghosh and other senior Members is this: Don't dictate to the Chair... *(Interruptions)*,...

SHRI DIPEN GHOSH: We are not dictating... *(Interruptions)*... We are not dictating... *(Interruptions)*... But we cannot be spectators all the day... *(Interruptions)* ... I only appealed to the Leader of the Opposition... *(Interruptions)* I don't dictate... *(Interruptions)*,...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): When I asked Dinesh Goswamiji to speak, he got up... *(Interruptions)*,...

SHRI DIPEN GHOSH: But he was not allowed to speak... *(Interruptions)*... These people are holding the House to ransom... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): If some body wants to raise a point of order, then it is my pleasure to allow or disallow that point of order... *(Interruptions)*... and it is in that context that I am allowing these two points of order and you have to cooperate with me... *(Interruptions)* ... You have to cooperate. Please don't say that I should not give points of order.

SHRI MADAN BHATIA: There are two most reprehensible things which have happened in the courts.

SHRI YASHWANT SINHA: Let him

quote the rule first. Under what rule?
(interruptions)

SHRI S. S. AHLUWALIA: Under which rule is he objecting? *(Interruptions)*

SHRI MADAN BHATIA; Sir, the two most reprehensible things have happened. One is the transfer of the Sessions Judge who was conducting the case, on the eve of the framing of the charges. The second thing which has happened is that all the three Special Public Prosecutors were removed by a fiat.

SHRI DIPEN GHOSH: What is the point of order?

SHRI MADAN BHATIA: My point - of order is this. So far as the appointment, transfer or removal of a Sessions Judge is concerned, the Minister of Law of the Union of India has no concern with it. Our charge against the Prime Minister is that it is his invisible....
(Interruptions)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); That is not a point of order.

SHRI DIPEN GHOSH: He is trying to mislead the House. In the garb of a point of order, he cannot make an accusation.

SHRI MADAN BHATIA: It was the invisible hand of the Prime Minister which resulted in the transfer of the Judge who was conducting the case of his son-in-law.
(Interruptions)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Please sit down.

SHRI YASHWANT SINHA: You cannot allow him to utter even one more sentence.
(Interruptions)

SHRI DIPEN GHOSH: He does not have a point of order.

SHRI MADAN BHATIA: If there is a charge against the Prime Minister, then

only the Prime Minister can answer.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let me react.

श्री शंकर दयाल सिंह : महोदय . . .

उपसभाध्यक्ष (प्रो. चंद्रेश पी. ठाकुर): लीडर की बात सुनिये। शंकर दयाल जी एक मिनट मेरी बात सुन लीजिए। आप बैठ जाइये . . .

श्री शंकर दयाल सिंह : मैं यह कहना चाहता हूँ कि विपक्ष के नेता शिव शंकर जी का हम लोग आदर करते हैं और . . .

उपसभाध्यक्ष (प्रो. चंद्रेश पी. ठाकुर): आप मेरी बात सुनिये। मैं आपकी भावना से सहमत हूँ।

श्री शंकर दयाल सिंह : मैं एक मिनट में अपनी बात कह देना चाहता हूँ। मेरा आपसे निवेदन यह है कि शिव शंकर जी जब बोलते हैं तो हम लोग धातिपूर्वक सुनते हैं। हमारा आपसे यह कहना है कि प्रतिपक्ष के लोगों के नेता शिव शंकर जी का हम आदर करते हैं इसलिए मेरा कहना यह है कि हमारे नेता का भी वही आदर होना चाहिए . . . (व्यवधान) मेरा यह भी कहना है कि जितनी बार आप उधर मौका देते हैं उतनी ही बार आपको इधर मौका देना चाहिए। अगर ऐसा नहीं होता है तो सदन का चलना मुश्किल हो जाएगा।

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): We are all anxious to settle down to business. We have tried collectively. We have not succeeded. It had been left to the wisdom of the Leader of the House and the Leader of the Opposition to sort it out on our behalf. Let us see what has been the outcome. It is not a question of prestige. We want to make progress in the conduct of the business of the House. They have, already talked. (*Interrupt-*

tions) .Both of them have talked. Plea* don't raise new issues.

SHRI P. SHIV SHANKER: Mr. Vice-Chairman, Sir, we had sufficient discussions. I propose that the hon. Ministers who wanted to speak may speak. They can say whatever they want to say. We had made certain averments and we thought that the Prime Minister himself be pleased to make his observations. So, if we are not satisfied by what the hon. Ministers are pleased to say here, we would still insist on the Prime Minister's coming and making a statement.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): It is all right.

SHRI DINESH GOSWAMI: Mr. Vice-Chairman, Sir, I am one of those Members who normally do not interrupt anyone. In fact, when any of the Members of the opposition was speaking, I did not interrupt. I feel that that should be reciprocated to me. Mr. Bhatia said that as Law Minister I have got nothing to do with the points raised by him. With all respect to the Leader of the Opposition, Mr. Shiv Shanker, I am grateful to him that he has said that he made no accusation against me. Mr. Bhatia has also referred to the same. But still, two points have been made which concern directly my Ministry, the Ministry of Justice. And any reflection on the Ministry is also a reflection upon me, and I have a duty to clarify the position.

The first point made by Mr. Shiv Shanker is that he has heard a rumour that the Judge who is now trying Dr Sanjay Singh—I do not know his name—is being elevated.

SHRI P. SHIV SHANKER: I said, respectfully, rumours are floating.

SHRI DINESH GOSWAMI: I believe, Sir, that the responsibility of us also demands that we do not give credence to rumours. I want to make it emphatically clear that there is no proposal whatsoever to make that Judge a Judge of the High Court. Sir, I have also made it clear.

[Sh. Dipen Ghosh J

publicly that so long as I am the Law Minister,, nobody will be appointed to the Bench without the recommendation of the Chief Justice of India, and I stick to it. I have made this public pronouncement. I have made it in the House and I have made it outside. There is no constitutional limitation for a Government to appoint anyone. But I have put that restraint upon myself, and so long as I will continue to be the Law Minister, that restraint will apply to me, and I will not recommend any name which has not been recommended by the Chief Justice of India. The other allegation that he has made is that the Judge has been transferred. And Mr. Mrdan Bhatia very correctly said that the Minister of Law and Justice has nothing to do with the appointment and transfer of a Sessions Judge. Sir, the transfer of a Sessions Judge, is done by the High Court. If it is the view, If it is the allegation of Mr. Shiv Shanker that the High Court of Allahabad had motivatedly transferred a Judge, then I will ask him to feel for himself: Is he doing service to the judiciary? So long as I am the Law Minister, I will not tolerate any such allegation against a High Court or a Chief Justice of the High Court. The Government does not has not and will not in any way interfere, and cannot under the constitutional provisions interfere. And I have got full faith that the Chief Justices in the High Courts of this country have sufficient independence to discharge their duties. (Interruptions). These two points were made so far as my Ministry is concerned, and I thought it proper to clarify. So far as the other matter of CBI is concerned, as it does not concern me, I am not clarifying. But I would also like to make it clear that from the Ministry we have issued a circular that we would like in all cases the panel lawyers should be appointed. But, if at any point of time any Department feels that they want special counsels, they may ask for our approval. This we have done in view of the economy drive. And we have found that in all public sector and Government, . (Interruptions) So far as the lawyers are concerned, in spite of the fact that in the Supreme Court

and the High Courts we have got large number of lawyers, the Panel lawyers' assistance is not taken. I have made this position clear. I take full responsibility of that circular.

SHRI P. SHIV SHANKER: Sir, I would just like to submit on two points raised by my friend. My friend has very emphatically said that as long as a person is not recommended by the Chief Justice, he would not appoint. I would like to make the position absolutely clear. I have myself been a Law Minister between 1980 and 1982. I would like to tell the hon. Minister that at no point of time, in the last ten years..

SHRI MURLIDHAR CHANDRAKANT BHANDARE; Or even earlier.

SHRI P. SHIV SHANKER: Or earlier, of course. I am speaking from 1980. At no point of time, any person has been appointed without the recommendation of the Chief Justice.

SHRI DINESH GOSWAMI: Somebody was appointed to the Supreme Court without the recommendation of the Chief Justice, What are you talking about?

SHRI P. SHIV SHANKER; I am sorry...

SHRI DINESH GOSWAMI: I am prepared to place it on the Table of the House. Persons have been appointed, not on the recommendation of the Chief Justice. (Interruptions)

SHRI P. SHIV SHANKER: Mr. Vice-Chairman, Sir, it is very serious....

SHRI MURLIDHAR CHANDRAKANT BHANDARE; He must lay it on the Table.

SHRI P. SHIV SHANKER: Sir, a very serious remark which is highly uncalled for, which is not to the status of the Law Minister, has been made in this House. This is a serious matter. (Interruptions) It is not a question of party. (Interruptions) I would like the hon. Law Minister to place all the facts and let us discuss the whole thing here. (Interruptions) To my knowledge, it has not happened. I specifically deny the alle-

gation made by the hon. Law Minister. (Interruptions) Since he is in possession of the records, let him place the records. We will discuss and if we have committed a mistake...

SHRI DINESH GOSWAMI: I own full responsibility.

SHRI P. SHIV SHANKER;... I am prepared to amend by offering a public apology. I will take the punishment, if it is true. This is one point. If it comes out to be wrong, you must be prepared to... (Interruptions)

SHRI DINESH GOSWAMI: This is in regard to appointment of persons without the recommendation of the Chief Justice.

SHRI P. SHIV SHANKER: The -second point is...

SHRI SITARAM KESRI; Otherwise, you will be punished.

SHRI DINESH GOSWAMI: Yes.

SHRI P. SHIV SHANKER: Please place all the records on the Table of the House.

On the second point, Mr. Vice-Chairman, I did not earlier make any imputation. I only said that Mr. Mathur who was there as a District Judge has been transferred and Mr. Pradhan has been appointed who is due to retire shortly. This was the point which I made. I did not make any allegation against any court or anything of that type. It is not in the nature of an allegation. I do not know how you are reading it as an allegation.

SHRI DINESH GOSWAMI; Let me put the record straight. I have not said that he made any allegation. What I said was that Mr. Shiv Shanker would kindly realise that if he says that a transfer is motivated ..

SHRI P. SHIV SHANKER: I did not make any imputation. I would be the last person to make any imputation on the High Court, I never said a word. (Interruptions)

SHRI DINESH GOSWAMI: It is an imputation. (Interruptions) I ask him to consider that if the allegation is that a judge has been transferred by the High Court for political motivation.

SHRI P. SHIV SHANKER; You are reading too much into it unnecessarily.

SHRI DINESH GOSWAMI: What can I do? (Interruptions)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I think, the matter ends there. (Interruptions)

श्री राम नरेश यादव महोदय, प्रश्न यह कि माननीय मंत्री जी ने कहा कि इस सदन में... (व्यवधान) रखे जाएंगे तो किस तारीख को रखे जाएंगे ?

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर): आप बैठ जाइये ।

SHRI P. SHIV SHANKER; Let the Minister of State for Home speak. Then friend's from this side would also like to speak.

SHRI MURLIDHAR CHANDRA KANT BHANDARE: Sir, the Deputy Chairman had promised that she would allow me to speak. I do not mind speaking after Mr. Sahay. But it should not have happened that I do not get an opportunity.

श्री सुबोध कांत सहाय : उपसभाध्यक्ष महोदय, माननीय नेता विरोधी दल ने जिस गंभीरता के साथ इस मामले को उठाया था सरकार उसी गंभीरता के साथ उसका जवाब देना चाहती थी (व्यवधान) ।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) प्लीज, आप इनको बोलव दीजिए ।

श्री सुबोध कांत सहाय : लेकिन यह दुर्भाग्य रहा कि कुछ साधियों ने इस पर राजनीतिक तौर पर बहस करनी चाही । मैं धन्यवाद देना चाहता हूं कि नेता विरोधी दल को कि उन्होंने इस गंभीरता को फिर से रेस्टोर किया है, इसलिए मैं

[श्री सुबोध कांत सहाय]

कहना चाहता हूँ कि सरकार ने अपने इकोनोमी ड्राइव के तहत... (व्यवधान)

उपसभाध्यक्ष (श्री चन्द्रेश पी० ठाकुर): बोलने दीजिए ।... (व्यवधान)

श्री सुबोध कांत सहाय : अहलुवालिया जी, कोई बात होगी तो हम लोग बाहर उस बात को कर लेंगे, लेकिन यहाँ तो आप धीरज कीजिए प्रोपरली ।... (व्यवधान) बाद में बात कर लीजिए।.. (व्यवधान)

श्री सुरेन्द्रजीत सिंह अहलुवालिया : आप मेम्बर को धमका रहे हैं मेम्बर को धमका रहे हैं आप ... (व्यवधान)

श्री सुबोध कांत सहाय : धमकाने का काम तो अहलुवालिया साहब, आप कर रहे थे ।

SHRI S. S. AHLUWALIA: He should withdraw his words. (Interruptions)

श्री सुबोध कांत सहाय : हर वक्त आपकी नहीं चलेगी ।

SHRI S. S. AHLUWALIA; He is threatening a Member, (Interruptions) He Should withdraw these words. He wants to create pressure on me inside the House. What is he speaking? ifg ifcffi

के मंत्री हैं ... (व्यवधान) ...

श्री सुबोध कांत सहाय : मैं माननीय नेता विरोधी दल के बारे में कह रहा था कि ... (व्यवधान) ...

श्री सुरेन्द्रजीत सिंह अहलुवालिया : ये पुलिस के मंत्री हैं ... (व्यवधान) ...

श्री सुबोध कांत सहाय : मैं पुलिस का मंत्री बाद में हूँ, पहले सुबोध कांत हूँ । ... (व्यवधान) ... उपाध्यक्ष महोदय, मैं उसी गंभीरता के साथ कहना चाहता था ... (व्यवधान) ...

श्री सुरेन्द्रजीत सिंह अहलुवालिया : उपसभाध्यक्ष महोदय, ये तो दूसरी बात है । मंत्रीजी इतनी दरीया दिली दिखाए कि वापिस ले ल ।

श्री सुबोध कांत सहाय : हमने नहीं कहा ... (व्यवधान) (... कोई ऐसी बात नहीं कही । ... (व्यवधान) ... जो आपको समझ में नहीं आएगा, उसको लाबी में समझा देंगे। जो रिप्लाय समझ में नहीं आएगा तो वह लाबी में समझा देने ... (व्यवधान) ... मैं आपके ही तरीके से बात कर रहा हूँ । ... (व्यवधान) मैं कहना चाहता (व्यवधान)

SHRI VISHVJIT P. SINGH: On a point of order. (Interruptions).

THE VICE CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let us take one point of order. Yes, what is your point of order? (Interruptions).

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SHRI VISHVJIT P. SINGH; Sir, I am on a point of order.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Yes, what is your point of order.

SHRI VISHVJIT P. SINGH: Mr, Vice-Chairman, Sir, I greatly appreciate the enthusiasm and fervour of my friend the hon. Shri Subodh Kant Sahay, but I have one very simple request to make, I would like to have a ruling on that. (Interruptions).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): He is trying to learn your voice.

SHRI YASHWANT SINHA: His voice and not his girth. (Interruptions). Do not go by words only.

SHRI VISHVJIT P. SINGH: Whatever hon. Mr. Sinha has said... (Interruptions). I can yield to my hon. friend, Mr. Yashwant Sinha, provided I can understand him. Sometimes I fail to understand him. (Interruptions^

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): But what is your point of order?

SHRI VISHVJIT P. SINGH: My point of order is that this is not the first-time that the hon. State Minister for Home has referred—this is not the first time—

in very categorical words. "बाहर आ जाओ, आपको बाहर समझाएंगे ।"

I would like to know what he means by that. (*Interruptions*). This is not in that spirit. (*Interruptions*). No. Such a statement made by the Minister of State for Home carries even further ramifications. I seek your protection, Mr. Vice-Chairman. He has said these words in your presence and in the presence of this House on numerous occasions. On numerous occasions he has threatened various Members, including myself. I seek your protection, Mr. Vice-Chairman.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I have heard the Minister. I take it that he made that remark in a friendly gesture I take it.

SHRI V. NARAYANASAMY: If that is so, let him withdraw those words.—Let him say that.;

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): He made a reference to the behaviour of a person, but later he retracted that he did not mean to offend Mr. Ahluwalia.

SHRI S. S. AHLUWALIA: I need your protection

मैं आपको रिकार्ड दिखा सकता हूँ इससे पहले भी इसी तरह उन्होंने मुझे धमकी दी है। इसी तरह धमकी दी है।

SHRI VISHVJIT P. SINGH: Let me remind the House, this is the same hon'ble gentleman who refused to apologise and withdraw a remark for which his brother Ministers apologised, the Leader of the House apologised and finally he himself had to withdraw that remark and apologise.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You are

saying that the same Minister did withdraw and apologise. You give him credit for that.

SHRI VISHVJIT P. SINGH: It was on an issue which I do not want to raise here,

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Today also he has already retracted and he has said that he did not mean to offend him. Let us take it in that spirit and let him speak.

SHRI V. NARAYANASAMY: Let him repent for it. Let him say that.

SHRI VISHVJIT P. SINGH: Sir, it is on record that he has, in the past, told the Minister of Parliamentary Affairs, Siiri Satya Pal. Malik, 5[^] sprat

If he can say so to a Minister, you can imagine what he says to us.

SHRI S. S. AHLUWALIA: Sir, I need your protection."

SHRI P. SHIV SHANKER: All the three of you belong to Bihar. It is better you sort it out between yourselves.

SHRI SABODH KANT SAHAY: Fortunately or unfortunately, we belong to the same, एक ही चौरहे पर रहने वाले हैं।

SHRI S. S. AHLUWALIA: It is because of this reason that I am afraid of him. He is a police Minister. We belong to the same mohalla. Sir, he should withdraw his words.

SHRI DIPEN GHOSH: We need that police which can cool down Mr. Ahluwalia. We need a Vice-Chairman or Deputy Chairman who can cool down Mr. Ahluwalia.

SHRI S. S. AHLUWALIA: Sir, he is a police Minister. (*Interruption*).

श्री चतुरानन मिश्र : उपसभाध्यक्ष जी
.... (व्यवधान)

उपसभाध्यक्ष (प्रो. चन्द्रेश पी. ठाकुर) :
वतुरानन जी, बिहार के सम्बन्ध में लीडर
आफ़ आपोजीशन ने कमेंट दिया है कि ये
तीनों बिहार के हैं ।....

I can assure the Leader of the Opposition and
the whole House that Bihar is capable of —
and has demonstrated much earlier for—a lot
of better things So let us . . . Wait a minute
Here also, I am sure Bihar has provided a very
energetic Minister. Out of his youthful Justice
exuberance, he is knowing the ropes. The in a certain case at the request of some Ministry of
very fact that he has retracted from the Department. . . ."
statement is enough; so let him continue.

श्री आर.के. घवन : होम मिनिस्टर
साहब, आप यह बताइए कि मिस्टर शर्मा,
..... (व्यवधान) डी. आई. जी.,
सी. बी. आई. ने क्या रिक्मण्डेशन की है ?
उसका जवाब चाहिए ।

SHRI SUBODH KANT SAHAY:

"It may be recalled that the Ministry of Law and
Justice had approved the engagement of private counsel
counsel for Government litigation should be
dispensed with with immediate effect."

श्री सुबोध कान्त सहाय : उपसभाध्यक्ष
महोदय, मैं बता रहा था कि सरकार के
फ़ैसल के मुताबिक कि खर्चों में कटौती
की जाए, सरकार ने फ़ैसला लिया कि
प्राइवेट जो काउंसल है, इन्हें, हम सरकार
के जो विभिन्न मामले कोर्ट में लंबित हैं,
उनके लिए अनुबंधित नहीं करेंगे, उनके
लिए इन्हें एंगेज नहीं करेंगे और जो
सरकार के पैनल में नाम है, उसी के तहत
हम उनको जिम्मेदारी देंगे कि वे सरकारी
केसों का निपटारा करें । उसी के साथ,
जिस केस के बारे में माननीय नेता विरोधी दल
ने इंगित किया,

एक माननीय सदस्य : नाम भी बता ए ।

श्री सुबोध कान्त सहाय : मैं नाम बता रहा
हूँ, वह मोदी मंडर केम, जिनके बारे में
कहा गया किउ समें जो काम कर रहे थे,
जो एंगेज थे लायर, उन्हें हटा दिया
गया ।

उपसभाध्यक्ष (प्रो. चन्द्रेश पी. ठाकुर) :
श्रीर लोगों को भी हटाया गया या केवल
इन्हें ही ?

श्री सुबोध कान्त सहाय : मैं बता रहा
इन्हें, जनरल आर्डर के तहत जितने भी सरकार
के काम के लिए कोर्ट में लायर एंगेज
किए गए थे, सारे लोगों को
(व्यवधान)

"In the context of containing Government
expenditure, it has been decided by the
Department that the engagement of all private
counsel for Government litigation should be
dispensed with with immediate effect."

This is the order.

श्री आर.के. घवन : होम मिनिस्टर
साहब, आप मुझे बताने की कृपा करेंगे
कि क्या किसी सीनियर आफिसर, जिसका
नाम शर्मा है, उसने रिक्मण्डेशन की कि
..... (व्यवधान)

श्री सुबोध कान्त सहाय : मैं यह जनरल
आर्डर (व्यवधान)

श्री आर.के. घवन : इसकी बात नहीं है,
उसका जवाब दीजिए आप । (व्यवधान)
... आप यह कहिए कि यह निश्चित
कैसे हुआ ?

श्री सुबोध कान्त सहाय : मैं तो जनरल
आर्डर (व्यवधान)

श्री आर.के. घवन : जनरल आर्डर
का सवाल नहीं है । क्या मिस्टर शर्मा
ने .. (व्यवधान)

श्री अटल बिहारी वाजपेयी : उनको
बात पुरी तो करने दो ।

श्री आर.के. घवन : मिस्टर चित्तामणि
शर्मा ने फ़ाइल में लिखा कि इस वकील

को सैयद मोदी केस से हटा दिया जा
या नहीं, इसका जवाब चाहिए?...
(व्यवधान) ...

श्री सुबोध कान्त सहाय : खर, मैं यह
बता रहा था ... (व्यवधान) ...

SHRI V. NARAYANASAMY: Sir, he
is evading the answer; he is not giving
direct answer... (Interruptions)...

श्री आर.के. घवन : मिस्टर चित्तामणि
शर्मा, जो सी. बी. आई. के आफिसर हैं,
ने फ़ाइल में यह लिखा था नहीं कि
सैयद मोदी केस से इस आदमी को हटा
देना चाहिए और यह फ़ाइल किसके
पास गई, किसके दस्तखत हुए और उसके
बाद यह जनरल आर्डर हुए कि नहीं ?

श्री सुबोध कान्त सहाय : मैं आपकी बात
का जवाब दे रहा हूँ ... (व्यवधान)

डा. रत्नाकर पाण्डेय : फ़ाइल सदन
में लाइए। पूरी फ़ाइल सदन में लाइए।
... (व्यवधान) ...

श्री सुबोध कान्त सहाय : उपसभाध्यक्ष
महोदय, इसके बाद ... (व्यवधान) ...

SHRI MADAN BHATIA: Sir, on the basis
of... (Interruptions) Sir I may be
permitted to speak after this.

SHRI MAKHAN LAL FOTEDAR: On a
point of order... (Interruptions)...

श्री सुबोध कान्त सहाय : पहले हमें
बोल लेने दीजिए, उसके बाद बोल लीजिए
... (व्यवधान) ...

SHRI MAKHAN LAL FOTEDAR: I will
help the Minister to come to some fruitful
conclusions.

SHRI SUBODH KANT SAHAY: Both
have run the Prime Minister's House. So, let
me finish, I am a new man... (Interruptions)...
I know that you are all experts in that.

श्री आर.के. घवन : हम इसीलिए
तो कहते थे कि प्रधान मंत्री जवाब दें।
... (व्यवधान) ...

श्री यशवंत सिन्हा : यह कैसे चलेगा ?
... (व्यवधान) ...

SHRI MAKHAN LAL FOTEDAR: On
a point of order.

श्री आर.के. घवन : मिस्टर सिन्हा ;
आपको मालूम नहीं है कि ... (व्यवधान)

श्री यशवंत सिन्हा : मैं यह जानना
चाहता हूँ कि शिव शंकर जी ने क्या
एग्जिमेंट किया है कि होम मिनिस्टर बोलें
..... (व्यवधान) जब तक होम
मिनिस्टर नहीं बोलेंगे, सरकार साहब नहीं
बोल सकते। ... (व्यवधान) ...
सारे एग्जिमेंट तोड़ दिए। ... (व्यवधान)

SHRI MAKHAN LAL FOTEDAR: On a
point of order

उपसभाध्यक्ष प्रो० चन्द्रशेखर पी. ठाकुर :
बोलिए, बोलिए ।

SHRI DIPEN GHOSH: After the Minis-
ter finishes,

SHRI MAKHAN LAL FOTEDAR: The
explanation given by the Minister 01 State
for Home.... (Interruptions)...

SHRI ATAL-BIHARI VAJPAYEE; He
has not completed... (Interruptions)...

SHRI P. SHIV SHANKER: Sir, the
Minister is being interrupted by . Mr. Sinha. .
(Interruptions) ...

SHRI MAKHAN LAL FOTEDAR:
Sir, the point raised by Mr. Shiv Shanker
is that the CBI has made some recommen-
dations... (Interruptions)... We would
like that that file should be placed on the
Table of the House because that order. .
(Interruptions)... Mr. Vice-Chairman,
that order has been passed under suspi-
cious circumstances because, in this case
the son-in-law of the Prime Minister is
involved. That is No. 1 No. 2 is ----- (In-
terruptions) ___ The CBI is directly under
the charge of the Prime Minister.....
(Interruptions)... So, this is the charge
that the Leader of the Opposition h««

[Shri Makhan Lai Fotedar] made against the Prime Minister himself. .. (Interruptions)... It is very bad that the Minister of State is not holding charge of the CBI but the Prime Minister is in charge of the CBI. This indicates the Prime Minister's guilty conscience not to come to the House and explain his conduct. .. (Interruptions) ...

THE VICE-CHAIRMAN (PROF.

श्री शंकर दयाल सिंह : संजय सिंह जी इस सदन के एक माननीय सदस्य हैं, उनके बारे में ... (व्यवधान) ...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The Leader of the House wants to speak.

डा० रत्नाकर पाण्डेय : विश्वनाथ प्रताप सिंह के दामाद हैं कि नहीं ? ... (व्यवधान)

श्री सोमपाल (उत्तर प्रदेश) : नहीं है दामाद उनके । आप असत्य बोलते हैं । ... (व्यवधान) ...

डा० रत्नाकर पाण्डेय : उनके भाई की लड़की है कि नहीं है ? ... (व्यवधान)

वह वी० पी० सिंह के दामाद हैं ... (व्यवधान)

श्री सोमपाल : पाण्डेय जी, इस तरह से * करके हाऊस नहीं चल सकता है... (व्यवधान)

डा० रत्नाकर पाण्डेय : वी०पी० सिंह का दामाद है या नहीं यह बताइए ?

श्री सोमपाल : इतना बदनाम कर दिया है कि शर्म आती है यह बताते हुए कि हम इस हाऊस के मेंबर हैं ।

डा० रत्नाकर पाण्डेय : (वी० पी० सिंह ने कन्यादान किया है, संजय सिंह को कन्यादान किया है ।

श्री सोमपाल : दामाद नहीं हैं, यह* बोल रहे हैं ।

CHANDRESH P. THAKUR). This word will not go on record I am sorry. (Interruptions)

*Expunged as ordered by the Chair.

SHRI MAKHAN LAL FOTEDAR: I say that the file should be placed on the Table of the House because the charge is directly against the Prime Minister. (Interruptions)

SHRI DIPEN GHOSH: The Leader of the Opposition made a proposal to the Leader of the House. We agreed that the Minister of State will complete his statement and that thereafter the Law Minister will finish his statement. He himself raised the point. (Interruptions)

SHRI S. S. AHLUWALIA: Mr. Som Pal is using unparliamentary language. It should be expunged. ..

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR). That Will be expunged. I have already said that it would be expunged.

SHRI M. S. GURUPADASWAMY: When the Leader of the Opposition and I met in the chamber, we took into consideration various aspects of the problem raised in the House. Finally we agreed that the two Ministers have to make their statements. We also agreed that before they would make their statements, the Leader of the Opposition would speak a few words. That he did. I never thought that the agreement between me and the Leader of the Opposition would come to such a sad ending so soon. (Interruptions)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let him speak.

SHRI M. S. GURUPADASWAMY: I am just making a reference to the agreement between us. We thought that it would be respected by the House. With all sincerity we made that agreement. But unfortunately...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Sir, the agreement is still continuing.

SHRI M. S. GURUPADASWAMY: Please, you have to bear with me, the

Chair has to bear with me when I make a statement. So, this understanding should be kept up by all the sides of the House. That is my request. In your emotion you should not lose tract of the situation and balance. I would beg of you to restore calm and peace. We can have debate on any issue calmly. We are not objecting to that at all so far as we are concerned. We are not afraid of a debate Nor do we take objection to your right to demand a debate. You have got a fundamental right, basic right to demand any debate on any issue, vital issue. That has been conceded. That is parliamentary democracy. That is how we have to function here.. Therefore, may I again repeat and say that whatever agreements have been entered into between us Should be respected by all the Members of the House, and there should not be any confusion, acrimony or any emotional outburst? It is not necessary. (*Interruptions*)

SHRI A. G. KULKARNI: It is a million dollar question. Who listens to which leader?

SHRI M. S. GURUPADASWAMY: That is also my question. I am raising the same question. May I request the Members of the House to listen to my colleague, the Home Minister. (*Interruptions*) .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR). Let him speak. Look, the agreement must be respected. It is proceeding except that there are far too many frequent points of order I request all the Member: Let us listen to the Minister. After that if you have points of order or clarifications to ask, I am sure he will be happy to answer.

श्री सुबोध कान्त सहाय: "महोदय, मैं आपको प्रधान मंत्री का एक आर्डर सुनाना चाहता हूँ—

"It is understood that in the general economic drive of retaining only the Government lawyers and doing away with all additional private lawyers, the services of the additional private lawyers engaged in the case regarding attempt on the life of the ex-Prime

Minister, Shri Rajiv Gandhi, and in the Modi murder case have been terminated...."

The Prime Minister has, however, directed that in the interest of justice the private lawyers who were so far handling the above case, be re-engaged."

This is the order of August 13 and this was a General Order, in which... (*Interruptions*)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You will get your chance. (*Interruptions*);

श्री सुबोध कान्त सहाय : उपसभाध्यक्ष महोदय, यह फ़ैसला ऐक्सेप्शनली किया गया है सिर्फ़ इसलिए कि जस्टिस मिले नहीं बल्कि जस्टिस दिखाई भी दे। इसलिए प्रधान मंत्री ने अपनी कलम से इसका फ़ैसला करके इन दोनों केशों के जो प्राइवेट लायर थे इनको एनगेज कर रखा है। इसलिए सरकार की नियत साफ़ है। इस पर बेवृत्तियाद चार्ज लगाया गया था, यह राजनीतिक उत्प्रेरणा से लगाया गया था। सरकार साफ़ तरीके से इन चीजों के बारे में आई है। इतना ही मैं कहना चाहता हूँ।

SHRI R.K. DHAWAN: I just want to make a very small point. I have already made it and I will repeat it.

SHRI GURUDAS DAS GUPTA: This is maiden speech.

SHRI R. K. DHAWAN: It is a clarification, not a speech. Will the hon. Home Minister please state when was this move or initiative taken to issue the first Order? Who was responsible for asking for the issue of this Order? What was the file that was moved in this connection? Did a senior Officer or a senior Officer by name, Chintamani Sharma, record a note recommending that such and such lawyer engage in the Modi Murder case be removed and somebody

[Sh. R. K. Dhawan] else be appointed? If so, to whom did that file go? Who approved his note, because he is not the authority? When was this matter brought to the Prime Minister? When the second Order was issued and who was responsible and what was the note at that time? This is the clarification I want to have.

SHRI MURUDHAR CHANDRAKANT BHANDARE: This undoubtedly raises a very very serious question. In the morning the Deputy Chairman said that this was a matter of collective responsibility. As I see it, above the collective responsibility is the personal responsibility. And both in law, in propriety, in morality and in dignity this responsibility lies fairly and squarely on the Prime Minister. In law, because the CBI is under the Department Of Personnel, which is today under the Prime Minister. Therefore, legally it is his responsibility. It is not a collective responsibility that for something which may happen in the Railway Ministry or something which may happen in some other Ministry, the Prime Minister owns the responsibility. This is a direct legal responsibility under our Constitutional system which is based on the British model

Secondly, there is also the moral responsibility like the whole of the country is agitated that one of the finest sportsmen and one of the finest gentlemen of our country had been shot in the most dastardly fashion, when he was coming out of the stadium, I, as a citizen of this country, am very unhappy that the murderer of such a dastardly crime is not traced or goes unpunished. But the things have gone beyond that stage. Things have gone where there is a chargesheet and the trial is on. The least that can be done is to ensure that there is a fair trial. And the way the things have been happening, the way for the first time when a Member was taking oath, the entire Opposition had to walk right, should have really opened the eyes of the Government. But I think this Government is bent upon ignoring....

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): What is the clarification you are seeking?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: The clarification is this. *(Interruption!)* I am on a point of order. —4

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): He is speaking on a point of order.

SHRI YASHWANT SINHA: I may be permitted to say that it is not a point of order. You ask him whether he wants to seek a point of order or is seeking a clarification. You have to give your ruling. If you have permitted a Member to seek clarifications on a statement, then, all of us will give our names. Let there be a full scale debate in this House.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): It is not a debate.

SHRI YASHWANT SINHA: It is then, why are you permitting all of them to seek clarifications? One can understand a point of order but to their getting point of clarification, you are permitting them.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Mr. Sinha, don't. *(Interruptions)*. Mr. Bhandare, you continue.

SHRI YASHWANT SINHA: You cannot yield to a Member. Mr. Vice-Chairman, you give your ruling on the point of order I have made.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let him complete the point of order.

SHRI YASHWANT SINHA: He is not completing it. Mr. Dhawan wanted a clarification and you have allowed him. Now you are allowing Mr. Bhandare. *(Interruptions)*. Are you permitting him to raise a point of clarification?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I am permitting him.

SHRI YASHWANT SINHA: On what? *(Interruptions)*. He is making a statement.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): That h why I asked him "What is your point of order?"

SHRI YASHWANT SINHA: Let him say if there is a point of order. Let him say.

THE LEADER OF THE HOUSE (SHRI M. S. GURUFADASWAMY): Mr. Vice-Chairman, let (here not bel any misunderstanding.

SHRI MURUDHAR CHANDRAKANT BHANDARE: I am not yielding.

SHRI M. S. GURUPADASWAMY: You can continue. We shall continue. I am not coming in the way. I only draw your attention to this that an issue was raised this morning and various reactions came from various quarters. But ultimately we have decided that the two Ministers should reply to those points raised by the Leader of the Opposition and others and they have replied. Now on clarifications—it can be limited very limited but please bear in mind they have not made any statement. It is only just a reply. I want, to draw this distinction. It is not a statement made by the Government. It is only reply to the issues raised by my friends opposite and further you want to have a debate in the name of clarifications, it is not done. That is all I would say.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let me clarify, I think Mr. Bhandare has been raising his hand since morning. Several times he had raised. . . (Interruptions) . . . Mr. Bhandare, continue.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: The main charge... (Interruptions) . . .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I think the matter engaged the serious attention of the House. It has created a lot of noise. In due deference—when the Minister made that statement—I know that it is not a formal statement—to that on the issues

formal clarifications are made. But carrying the spirit of agreement between the out Let the people who want to ask the Opposition we should take the stink out. Let the people who want to ask questions or clarifications from the Minister be allowed. Let us accept that he will respond to that.

SHRI YASHWANT SINHA; Mr. Vice-Chairman, you give a ruling. You say that you will treat as a statement and that you will permit the Members from the whole House to seek clarifications. We have also a point of view to clarify. Let there be a full scale debate. It will be very unfair if only the Congress Members are allowed to raise points of clarification. This is very unfair. I am very sorry. . . (Interruptions) . . .

SHRI CHATURANAN MISHRA: Yes. CHANDRESH P. THAKUR): Mr. Sinha, your remark is totally uncalled for. You have assumed that I am not going to allow anybody else. It is totally uncalled for. . . (Interruptions) . . .

SHRI YASHWANT SINHA; You say that you are going to call everyone. We will be very happy. Mr. Bhandare is not on a point of order. He is on a point of clarification. This is the point I am making.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Mr. Sinha, I request you to please sit down. The simple point I am making is that carrying the spirit of agreement between the Leader of the House and the Leader of the Opposition the matter should be handled in such a way that the stink is out. Please cooperate in the matter.

SHRI YASHWANT SINHA: Whew is the stink?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You are adding.

4.00 P.M.

SHRI YASHWANT SINHA: I am sorry, I don't see any stink, There was

[Shri Yashwant Sinha]

a, agreement. I recall exactly what the Leader of the Opposition said. (*Interruptions*). I challenge it. You can see the record. (*Interruptions*). Mr. Shiv Shan-ker's statement should be seen. He did not say anything about seeking clarification. I think we are carrying it too far.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): These comments having been taken into consideration, I still suggest that Mr. Bhandare should complete his point of order and then others, who want to seek clarification on that, will have an opportunity.

SHRI VISHVJIT P. SINGH: I must be allowed after Mr. Bhandare.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Who is not allowing you? Mr. Bhandare, you go ahead. (*Interruptions*). From this side also, you will have. I noticed Viren Shah. I noticed Mr. Dipen Ghosh.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Sir, I am deeply grateful to you. (*Interruptions*) ■

SHRI GURUDAS DAS GUPTA; Mr. Vice-Chairman, Sir, you have not noticed me. U& ■

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Now, you who want to speak will get a chance. Wait a minute.

SHRI MURUDHAR CHANDRAKANT BHANDARE; *Me.* Vice-Chairman, Sir, in the background in which I have said it is both under the personal as well as the collective, responsibility..

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Now, you come to your point of order.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; I have just two more sentences. Now, certain further things have come before' the House namely that in fact a file was initiated by a senior officer and I am attributing a clear motive because if this is the position, here is a saying in law which says *res*

ipsa loquitur, that is, the things speak for themselves. A file was moved for the purpose of changing one of the most eminent lawyers from Bombay, a very senior and eminent lawyer, who has been engaged as prosecutor in this case, Mr. Samant. to remove him from the scene. It is itself or a ruse to really achieve the earlier eloquence of the motive and the results which the Government desire. There is a further allegation that this was all in the knowledge of the Prime Minister. There is a further allegation that this so-called circular—and I will come to it in due course of time we have 15 days to go and I will point out to what extent this circular has been observed in breach or otherwise. This circular has been a tool or a ruse to really achieve the earlier object of getting rid of Mr. Samant as the prosecutor in this case. This is also an allegation which is to be met by the Prime Minister. Thirdly, it has to be found out that after so much of public hue and cry that things have been restored. My point of order is that is this a case of collective responsibility—as in the morning, the Chairman, on a *prima facie* view, without a debate being there, said that it was a case of collective responsibility—or is this also a case of a personal responsibility which the Prime Minister must own and must come to this House and tell the nation as to what he has done in the matter?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Shri N. K. P. Salve (*Interruptions*).

SHRI YASHWANT SINHA; Sir, there are a number of Members who are on this side and who want to speak. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Mr. Salve has been raising his hand for quite some time.

SHRI VIREN J. SHAH (Maharashtra): Sir, you might look in front of you, Sir. Silence should not be ignored.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): How can I miss your colourful beard?

SHRI N. K. P. SALVE (Maharashtra); Sir, all the Members who have participated in this debate cum-shouting have invariably agreed that it is an extremely serious matter—serious because the allegations made by the Leader of the Opposition relates to the Prime Minister. All of us know. I do not need to educate anybody on the extremely crucial and important role of the Prime Minister in the affairs of the nation. When there is a question raised impinging on his probity, on his impartiality and on his bonafides, the ruling party would have done well to realise that we would do our homework very well. I have been watching the young Home Minister. He is a well-meaning young man and I wish him all success. I have nothing against him personally.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): He is a good Bihari.

SHRI N. K. P. SALVE: He is very good. *(Interruptions)* But there is no substitute for experience. He does not know things in his own Ministry which we know. That is why. *..(Interruptions)* . I am not speaking sarcastically. I mean it.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please continue.

SHRI N. K. P. SALVE: You will also do well to realise that there are many things you do not know which the Opposition people know. Therefore, Sir, it was not a casual or a frivolous matter which we raised. The question of charge against the probity of a Prime Minister could not be a matter of mere rhetoric. It was not so with us. I am sorry about the turn the entire debate took. But one thing is clear. In the din and the noise that have taken place, let us not lose sight of the very crucial issue that the Prime Minister has been charged of having violated all the norms which are cardinal to ensure an honest course of justice in a matter

involving a very heinous offence, an offence of murder of one of the greatest athletes. I want to submit that there were reasons why we were asking for the Prime Minister to come. Unfortunately, it took a turn which I only call unfortunate. It is the Prime Minister who alone could have answered our queries and not the Home Minister of State, for the simple reason that he also does not know. Sir, does he want us to accept seriously that the panel of (lawyers was removed because of economic drive? We are talking of economy in terms of thousands of crores. He is talking of economy in terms of a few thousands.

SHRI VIREN J. SHAH: Every drop counts.

SHRI N. K. P. SALVE: All I want to submit is, people would do well to remember never be penny-wise and pound-foolish. And Sir, I have no doubt in my mind, if it was a genuine endeavour for economy, I am the one who is shouting hoarse for economy. I accuse Atal Bihariji Vajpayee and the left parties that they did not join us when the Budget came. But that is a different issue. Economy is a matter on which we will have absolutely nothing to say. But economy for grounds of economics is something different from ostensible economy for some tendentious and meretricious purposes. It is an extremely deceptive argument. When we challenge the very bona fides of an order, is he entitled to fall back upon that order and say it is in pursuance of that order that they have withdrawn the panel of lawyers? That is point No. 1.

Secondly, Mr. Dhalwan made express allegations and asked certain questions. He has not been able to deny them. If he was not able to deny them was it fair of him to say that what we are saying is malicious untruth and politically motivated? If what Mr. Dhawan has said is borne out by file, then I will have to say that the young Home Minister has

LShri N. K. P. Salve] been simply innocent, not even ignorant. Unless and until, therefore, Sir, these crucial issues are resolved, the Government will remain under cloud. I am reminded of what happened in 1979. Sitting here, precisely where Mr. Dhawan was sitting, I made charges on the Prime Minister, vis— a— vis his son and they were brushed aside. Later on that grow into a wholesale crisis within their party itself and ultimately, the Prime Minister had to go away. Sir, if the slate of Mr. V. P. Singh Is clean, we are the last people interested. . (*Interruptions*). .

SHRI SHANKAR DAYAL SINGH: Sir, where Is this debate going?

SHRI N. K. P. SALVE: Have I said anything unparliamentary' (*Interruptions*).

SHRI V. NARAYANASAMY: No, no, it is not a point of order, Sir. It is a clarification.

SHRI SHANKAR DAYAL SINGH: May I know if the debate is going on?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): No, it is not a debate. Please be brief, Mr. Salve.

SHRI N. K. P. SALVE: Sir, I was explaining to the House the rationale...

SHRI SHANKAR DAYAL SINGH: Mr. Salve is going to make his speech, I think, in not less than an hour.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): No, no, he will not speak for an hour.

SHRI SHANKAR DAYAL SINGH: We are also Memers of this august House and we also want to submit something here.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You will get your chance.

SHRI SHANKAR DAYAL SINGH: You have already allowed three Members from the other side continuously.

SHRI N. K. P. SALVE; Sir, this matter cannot be dealt with perfunctorily. It cannot be dealt with casually.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please be brief. Mr. Salve.

SHRI N. K. P. SALVE: Give me one minute, Sir. When the Prime Minister has come under such a serious tioud, it is not desirable that this .sort *ci* a bulldozing should be sought to be done by the ruling party saying "No, it is the joint responsibility, the common responsibility, etc. etc.; anybody can speak". That is a technical point which all of us know. But when this kind of an allegation is made, and his bona fides are challenged, then, Sir. with full knowledge the Prime Minister must alone come to the House, answer each one of our queries necause it is not merely the House, it is not merely the press, now the whole nation will be watching as te how Mr. V. P. Singh acquits himself. And. therefore. I submit that in all fairness, Mr. V. P. Singh must come, and not treat this matter as casually and as perfunctorily, as has been treated by the ruling party so far. Thank you, Sir.

SHRI VIREN J. SHAH: Sir, . .

SRHI VISHVJIT P. SINGH: Sir...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): There are several people. I think, in order of priority, Mr. Viren J. Shah's name *comes* first. It is a choice between two bearded persons.

SHRI VISHVJIT P. SINGH: Sir, I would like to speak. I want your permission to speak. I was supposed to speak immediately after Mr. Bhandare. Now may I speak after Mr. Viren ,T. Shah?

SHRI VIREN J. SHAH; Is there any condition about a Member speaking who will speak after whom?

SHRI VISHVJIT P. SINGH: May I speak after Mrs Viren J. Shah?

with the Judicial

उपसभाध्यक्ष (श्री. चन्द्रेश पी. ठाकुर) :
 हर काश्मीर को खूबी हैं। विजय एड-
 वाइजरी कमेटी की मीटिंग 4 बजे होने
 वाली है। बहुत से मेंबर उस कमेटी
 के मेंबर हैं। वहां लीडर आफ़ अर्पोजी-
 शन को जाना है, लीडर आफ़ हाउस
 को जाना है, विष को भी जाना है।
 इसके सम्बन्ध-सम्बन्ध इस पार्टी के बहुत लोग
 बोल चुके हैं उधर के लोग भी बोलें इसलिये
 It is a choice between two bearded
 persons.

श्री विश्वजित पृथ्वीजित सिंह : मैं आपसे
 कहना चाहता हूँ और यह मांग करता
 हूँ कि प्रधानमंत्री जो यहाँ... (व्यवधान)...

SHRI VIREN J. SHAH: No, I am not
 yielding. I will finish in three minutes. Mr-
 Vishvjit, I am not yielding.

श्री शंकर दयाल सिंह : मैं यह चाहता
 हूँ... (व्यवधान)... जो कुछ भी इस
 सदन में हो रहा है और किया जा रहा
 है, वह प्रधानमंत्री जी की छवि को
 खराब करके लिये किया जा रहा है।
 जो हमारे भाई यहाँ पर बोल रहे हैं...
 (व्यवधान)

SHRI DIPEN GHOSH: Sir, the other
 Members want to seek certain clarifications;
 they should be allowed. But look at the way
 they are he-having.

श्री शंकर दयाल सिंह : प्रधानमंत्री के
 ... (व्यवधान) ... के भाषण से ये लोग
 खिन्ना गये हैं। जनता पर इसका जो
 असर पड़ा है मैं... (व्यवधान)... मैं
 चाहता हूँ कि उनके बाद आप हमको
 भी समय दें।

SHKI VIREN J. SHAH: Sir, I do not intend
 to go into the merits and make a long speech,
 as has been done by many other hon.
 Members, but I have a query, in my mind,
 about the functioning not only of the House
 but also of the Government, when one hon!
 Member cited a number of notings—Mr.
 Bhandare supported and Mr. SaJve also—and
 wanted the file

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to be placed on the Table of the House or a
 Minister to confirm several notings by
 different officers. Is this the way in which the
 Government is going to run? It is not
 important whether the Government is of party
 A or party B or party C. We are laying down
 certain traditions of functioning of the
 Government and functioning of Parliament in
 which if every five, every noting by every
 officer, is to be brought out and discussed, I
 think everyday we will be sitting from
 morning till midnight only to look at one
 issue. If someone feels that he has got some
 notings, some issue on a file, which should be
 discussed and decided here, my humble
 opinion—I was a Member of this House from
 1975 to 1981 and earlier of the other House
 also—I don't think this kind of a tradition was
 ever brought in with Ministers being asked to
 explain different notings by different officers
 on different files, who finally decided what,
 because the Government functions...

SHRI P. SHIV SHANKER: Mr. Viren
 Shah, this is an open Government.

THE VICE-CHAIRMAN (PROF:
 CHANDRESH P. THAKUR): Let him
 complete.

SHRI VIREN J. SHAH: I have the greatest
 respect for the Leader of the Opposition, apart
 from his being a personal friend. It is not a
 question of the Government answering or the
 Opposition answering. As a Member of
 Parliament I am concerned about the
 functioning of this institution and the
 Government as such. Mr. Shiv Shanker, even
 if we were sitting on that side of the House
 and you on this side, I would still have raised
 this issue as a Member of Parliament about
 having certain traditions and conventions of
 functioning, that to ask for files or notings on
 files to be confirmed or denied by Ministers
 everyday will make the Government non-
 functional. The issue is not whether the
 honourable Prime Minister

[Shri Viren J. Shah]

must come and answer or the other Ministers could answer, because earlier from the Opposition Benches it was said by Mr. Salve -----{*Interruption*} When Mr. Bhatia was speaking I didn't interrupt him even once. They should allow me to have my say. Mr. Salve, mentioned about collective responsibility of the Government and in that collective responsibility of the Government, the concerned Minister* are the ones who come and reply to the matters, whether a particular individual Minister is mentioned by name or the Prime Minister if mentioned. It is the concerned Minister who comes and answers. Therefore the Government must clarify whether the order about economy related only to these three lawyers or it applied to hundreds of other lawyers. After all, there are lawyers in Bombay, in Allahabad, in Calcutta and in other parts of the country who are practising lawyers being paid Rs. 5,000, Rs. 10,000 per day, and they might all have been out on account of this particular economy drive. Therefore, it should be clarified by the Minister whether it was only these three lawyers who were sought to be removed; if it was so, then certainly it is a matter that requires consideration.

SHRI R. K. DHAWAN: I must be allowed to answer.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): But you didn't make any statement.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) :
इस साइड वालों को बुला रहे हैं, उस
साइड वालों को बुला रहे हैं लेकिन बीच
वालों को नहीं बुलवा रहे हैं। हम बीच
वालों को भी बुलवाइये।

SHRI GURUDAS DAS GUPTA: Mr. Vice-Chairman, there should be a way of drawing up the list of speakers. I have no objection to anybody being called either from This side of the House or from that side of the

House. We shall be listening to every one. But kindly prepare an order. I expect the disorder in the House not to be reflected in a disorder of the judgment. ...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I hope you realise what you are speaking.

SHRI GURUDAS DAS GUPTA: Yes, I do. I say the disorder in the House should not be reflected in the judgment.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Where judgment?

SHRI GURUDAS DAS GUPTA: In the judgment of everybody, in the judgment of yours, in the judgment of all of us, not excluding mine or anybody else's.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I am trying my best to encourage order, relative order, out of a total disorder. And don't add to the disorder.

SHRI YASHWANT SINHA; Mr. Vice-Chairman, since the Zero Hour, since the so-called Zero Hour this morning, we have been witnessing certain scenes in this House. All of us who are aware of the procedure of this House know that a point raised by a Member, including the Leader of the Opposition, need not be immediately replied to by the Government. There is absolutely no obligation on the part of the Government to immediately give a reply to any point which might have been raised in this House. There is not such procedure. In view of the seriousness of the charges levelled by the Leader of the Opposition, the two Ministers who happened to be present in this House, namely, the Minister of State for Home Affairs and the Minister of Law and Justice, wanted to clarify the position of the Government. But it appeared! as if the Opposition had come determined not to allow the Minister to have his say

oor the Government to have its say in the matter and it is only after a great deal of discussion and the unfortunate bitterness in this House that they finally decided to put forth the point of view of the Government on this issue (*Interruptions*)... I shall say exactly what I want to say and I am not going to be cowed down by any *toka-toki* on your part. Let me make it clear to you ... (*Interruptions*) So, Mr. Vice-Chairman, I -was saying that the two Ministers who happened to be present in the House decided to put forth immediately the point of view of the Government on this particular issue and let us not forget that the matter that we are discussing is—I agree entirely with whoever is raising this matter on that side—a serious matter,...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Yes.

SHRI YASHWANT SINHA:in the sense that the Opposition is trying to cast aspersions on no less a person than the Prime Minister of this country and they are casting personal aspersions on the Prime Minister. Now, on the basis of the facts, and also on the basis of the understanding which was reached between the Leader of the Opposition and the Leader of the House the two Ministers have made a statement, and you, Sir, in your judgment, have allowed the Members to seek clarifications. Now, when they are seeking clarifications^ I find that the same charges which were being levelled by the Leader of the Opposition and some other Members in the House when they got an opportunity to speak, are being repeated. Now, the two Ministers have made the position of the Government amply clear that it was an economy drive and, in that economy drive, across the board, I say, across the board, all those private lawyers who were retained by the Government or by any one in the Government were axed and •throughout the country this happened that all those private lawyers who were engaged in various cases were asked

to leave under the economy drive of the Government and the circular has also been quoted by the honourable Minister of State for Home Affairs and he has also further stated that the Prime Minister, on whom the personal charge is sought to be levelled by the Opposition, has himself ordered that in this particular case, namely, the Syed Modi murder case, the private lawyers who were engaged earlier should be engaged again and if there had been any axing of those lawyers, they should be brought back so that the interest of justice does not suffer. This is the order which the Prime Minister has passed himself and this is something which is in the knowledge of the public because this has appeared in the newspapers.

SHRI VIREN J. SHAH: It should be appreciated.

SHRI YASHWANT SINHA: But, in the case of this matter, Mr. Vice-Chairman, Sir, a number of very unseemly charges have been levelled, a number of charges, which have absolutely no foundation or no basis whatsoever, have been levelled. Now, if the opposition is determined only to cast aspersions on the person of the Prime Minister, if it is their intention to politicise an issue, and if they want to politicise an issue which need not be politicised, and ■ if they want to cast aspersions... (*Interruptions*)—they are welcome... (*Interruptions*) ...

SHRI VITHALBHAI M. PATEL (Gujarat); Sir, what is the clarification in this? ..(*Interruptions*) ...There is no clarification at all in, this... (*Interruptions*)....

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please have patience.

SHRI VITHALBHAI M. PATEL: He is only casting aspersions on the Members)... (*Interruptions*)...

SHRJ VISHVJIT P. SINGH: Sir, he is not, seeking any clarification at all, (taierup.tjtans/...

SHRI YA^SWJANT. SI^HA': Mr. Vice-Chairman, Sir, I am, saying that if the Opposition is determined, and if they want, to level all? gatiop& with; any foundation, with any basis or without, any basis, despite clarifications by the Ministers, against the Prime Minister, they were quite welcome to do, so, they let me remind them(Interruptions)... that not only this House, but also the whole nation is watching and the whole nation is aware also of the truth and truth, shall prevail, and, whatever allegations ... (Interruptions) were raised in this House will be answered ... (Interruptions)Therefore, Mr. Vice-Chairman, I am pleading, through you, with folded hands, with my friends on the opposite side: Let them give up this canard, let them give up this practice, let them give up this whole approach, which holds the whole House to ransom and which causes disruption of the business of the House, if it was a matter which calls for serious consideration, then you would have joined hands. But I am afraid Mr. Shiv Shanker and his colleagues... (Interruptions) The truth is out. Therefore, you should not waste any further time of the House and let the business go on.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Shri Dipen Ghosh(Interruptions) Truth should prevail.

SHRI YASHWANT SINHA: Shall prevail.

SHRI DIPEN GHOSH (West Ben. gal) ; When I wanted that whatever statement the Government has to make, let the Minister, whoever he may be, be allowed to make a statement so that the Members present today know what the Government has

to say, and if Members feel necessary they also can seek certain clarifications, in fact, afterwards it has been possible, as you have said, with the agreement between the Leader of the Opposition, and the Leader of the House. In fact, if in the morning it was allowed then we could utilize the whole day; even, to get at the truth on, this issue, which now we are trying, thanks to, Mr. Salve, Mr. Bhandare or even Mr. Dhawan and other Members, because, at least now the Members will realise that simply the charge was very serious. Still I think the charge is very serious; nobody will disagree. And as I have said in the morning, that we are entitled to know as Members of Parliament. At least I am not involved or none of our party members are involved this side or that side. As representatives of the people we must know whether at all the Government had interfered with the dispensation of justice, whether at all the Government has interfered with the independence of the Judiciary. That is why we wanted a statement. After all, wisdom has finally prevailed and we get a chance to seek clarifications, because I have heard the statements.....

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR). You have heard two statements, and a third one also.

SHRI DIPEN GHOSH. Mr. Yashwant Sinha has quite effectively stated that as a consequence of the economy drive all the private counsels...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Come to the clarifications.

SHRI DIPEN GHOSH: Just, listen. Let me formulate my point. The services of all the Counsels, private Counsels, who were appointed in connection with various Government cases throughout the country have been dispensed with as economy drive. Afterwards, the Prime Minister, having known that in two important cases?— of the two important cases one is the Sja*d

Modi case and another is the case relating to the attempt on the life of Mr. Rajiv Gandhi—the services of private counsels who were appointed have also been dispensed with—and so the Prime Minister has given orders to reinstate them. These two things are there.

So my clarifications will arise from these. A general economy drive order was issued as we have come to know from the newspapers. But when the Ministry of Law and Justice gives orders and similarly certain other Ministries have given orders, they are expected to apply their mind, to apply their intellect, to apply their intelligence as to why private counsels are appointed in addition to the Government panel lawyers? Only in order to defend the case more effectively. Always the Government panel lawyers are not capable of defending the case. So some important private lawyers are also engaged to defend the case, even though at a higher cost. So I am to apply my mind while dispensing with the services of private counsels in terms of the merit of the case, in terms of the importance of the case. It is good that the Prime Minister had realised—whether afterwards or previously; that is different—that in these two cases the engagement of private counsels should not have been dispensed with. So they have been reinstated. But it was expected of the Department while dispensing with or giving orders to dispense with the services of private lawyers to keep in view the importance of the cases whether the dispensing with the services of private lawyers would harm the cases; that should have been taken into consideration.

My clarification is whether such a review was taken while taking a decision to dispense with the services of private counsels engaged in connection with these two cases by the concerned Department or the Minister of the officials of that Department. This is one aspect.

Second is that now that the Prime Minister in his wisdom has reinstated the private counsels in respect of these two cases, there may be other case also. It is not only that throughout the country only these two cases which have been ear-

marked by the Prime Minister are important. So I want to know whether a review will be taken up in the matter of engagement of private lawyers whose services have been dispensed with, whether there are other important cases where the reinstatements of private counsels who were engaged to defend such cases were necessary. Not only these two cases are important but there may also be other cases. It is not simply that the life of Rajiv is so important or the life of Syed Modi is so important. There may be some other persons who might have been killed; some ordinary people might have been killed. And in these murder cases where the Government has to defend the case whether the engagement of private counsels in respect of those cases where they might have been engaged but afterward, dispensed with because of economy drive—whether that review will be taken up, and if necessary, similarly the private counsels who were similarly the private counsels who were earlier engaged but later dispensed with, will be reinstated. To me it is, yes, the life of Rajiv Gandhi is much more important, the life of Syed Modi is important, but at the same time the lives of other citizens are also important. We should not see the economy drive mechanically and in order to apply the economy drive we will weaken the defence cases in a thousand and one other cases so let the issue be reviewed and the Government tell us whether a similar action need be taken in respect of other cases.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): We have one problem.

SHRI VISHVJIT P. SINGH (Maharashtra): I want exactly two minutes.

उपसभा-यक्ष (प्रो० चंद्रेश पी० ठाकुर) :
मेरी बात तो सुनिए, मैं यह जानना चाहता हूँ कि कितने और लोग इस पर स्पष्टीकरण जानना चाहते हैं? सुनिए; इससे संबंधित यह भी दूसरा प्रश्न है कि समय भी अब कम है। तीसरी बात यह है कि कुछ लोग कई बार बोल चुके हैं और कुछ लोग एक बार भी नहीं बोले हैं और हर आधमी रिपीट भी कर रहा है।

श्री संघ प्रिय गौतम : महोदय, जो नहीं बोलते हैं, उन्हें बुलवाइए।

श्री विश्वजीत पृथ्वीजित सिंह : मैं कुछ नहीं पिपीट करूंगा।

श्री प्रमोद महाजन (महाराष्ट्र) :
उपाध्यक्ष महोदय, इसके साथ इसका भी पता चले कि इसके आगे क्या विजनेस लेंगे, स्पेशल मेंशन होंगे।

SHRI GURUDAS DAS GUPTA: Sir, I have a submission. There is a meeting going on...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR)- I know you have to go.

SHRI GURUDAS DAS GUPTA: That is why I request you, and I will not take more than three minutes.

SHRI P. SHIV SHANKER: I will take only minute.

Mr. Vice-Chairman, Sir, in the morning I started with challenging the *bona fides* of the order removing the Counsel. The hon. Minister had been phased to say that in view of the fact that there are panel lawyers who should be engaged, the services of these lawyers, therefore, were dispensed with and that this is in pursuit of the drive for economy. My submission is that the reasoning given by the hon. Minister does not convince anyone because even the panel lawyers have got to be paid. If they appear in the case, they have also to be equally paid. If that be so, how much difference does it make for the purpose of payment of these lawyers over and above the panel lawyers? Has this been gone into at all? How have to be paid. What is the big economy involved, based on which the services of these lawyers have been dispensed with? Has this been gone into. I & Mr. Dipen Ghosh was putting it and I would like to put it slightly in a different form. That is why the question that was raised by one of my friends on this side arises. How did it emanate? Did the whole procedure emanate based on economy? Or was it because that somebody proposed that the services of these lawyers should be dispensed with? I am finding

that on the basis of the information revealed by the hon. Minister, there seems to be more revelations that are coming out and quite a bit of skeletons seem to be in the cupboard. I would therefore, like to know whether this issue has been gone into in this fashion, and whether it has been assessed that the panel lawyers will have to be paid so much and if these lawyers have to be paid separately, they will be paid more, so that on that basis you could dispense with the services of the lawyers. Secondly, Sir, I would also like to know one thing from the hon. Minister. It had been our experience. Based on the circular, you cannot dispense with the services of the lawyers who have been engaged. Would the hon. Minister go into this issue that where there are thousands and thousands of court matters, particularly excise, taxation and FERA matters often it so happens that on the panel, people are there and you just mark the file to a panel lawyer would you consider engaging proper lawyers even if they are private because you will be getting tremendous money back? Because of improper pursuing of such cases, hundreds and thousands of crores of rupees are lost to the revenue. Therefore, would you consider this aspect of the matter and see if proper lawyers are engaged in the matters where the revenue is involved? Thank you, Sir.

SHRI MADAN BHATIA: I may be permitted just a minute.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); You have already got up. There are other names. Mr. Das Gupta.

SHRI GURUDAS DAS GUPTA: Sir, at the beginning, I say it without any hesitation that the Government should not have practised austerity in such a sensitive field without fully realising its implication, I have no doubt that it is part of a general austerity plan and as a result of the austerity plan, disengagement of lawyers in these two particular cases had taken place. It is a statement the Government is making. I accept the statement But while accepting this statement, I have no hesitation in saying that the Government had acted in an irresponsible manner, at least

in this particular case. The Government has given ample chance to the Opposition and the Opposition seeks to utilise that.

Therefore, I must say (hat this is not the way the Government should function. And this is not the first time that we come across such an irresponsible behaviour. There is an element of suspicion in the whole thing. Why the whole rhin? is sought to be raised is because of this element of suspicion. The element of suspicion is there because the person against whom the arrow of suspicion is being pointed out is a person who is an important man in the politics of UP., and he is a person who is related, even remotely or distantly, to a very important person of the country. Therefore, the person himself is a source of generation of suspicion. This is one thing.

Secondly, there has been a murder and the murder trial is continuing and this person is an accused in that case. While the trial has been going on, while 'lie 'rial has not exonerated him of the charge of murder, he has been inducted to an important forum of the nation. I do not think that this action on the part of the ruling party is above criticism. A person who is an accused, a person whom the charges have not been cleared, should not have been brought to this House, the way it has been done. All these are indications of halfheartedness and all these are indications of giving ample chance fo the hostile political forces to throw stones on you. Please do not allow this opportunity to the others. This is my humble submission to the Government.

While criticising the Government, I believe that in this way, if susrjcion is sought to be raised in the House, there is reaction from the Government and, as a result of the suspicion, if proceedings of the Hou^e are sought to be brought to a standstill, the Parliamentary system in the country will seriously suffer. Let us take some lesson from what is happening in Pakistan. The responsibility of running the Government does not rest with the Government alone. It rests with the Opposition also. If Parliament is not allowed to function, a time may come when India will have to slip into the road which Pakistan is tread-

ing at the moment.

With these remarks, I .all upon the Government to straight away say why the austerity programme had to be taken up hurriedly.

My second question is, while taking up the austerity programme, why did not the Government think if convenient to leave out these two specific cases, namely, the case of the murder of Mr. Modi and the case of the attempt on the life of Mr. Rajiv Gandhi?

My third point is, *there* are a number of sensitive cases going on in the courts involving crores of tax evasion. Tax evasion cases worth crores of rupees. If a particular lawyer was conducting a case and if he is changed in the midstream, does not the Government believe that that way the prospect of the case gets vitiated? Therefore, it should not have been a blanket change. Of course, Government should resort to austerity. We need austerity. But while implementing the austerity programme, it should have been selective. Therefore, my third question is, why did not the Government take up a selective austerity programme?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Mr. Vishvjit P. SINGH.

DR. RATNAKAR TANDEY: Madam,

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): There is no Madam now. You are so used to 'Madam' that you have difficulty in accepting that there is a change. Mr. Singh please.

SHRI VISHVIIT P. SINGH (Maharashtra): Mr. Vice-Chairman, Sir. I would like to seek some very pertinent clarifications from the hon. Minister. For one thing, I believe, and categorically, that there was no need asking for the Prime Minister to come here because it is a fact, as hon. Member, Mr. Som Pal said here, that Shri Sanjay Singh is not related to the Prime Minister in any manner whatsoever! Mr. Som Pal Singh has said it very correctly

[Shri Vishvjit P. Singh]

that Mr. Sanjay Singh is not related to Shri Vishwanath Pratap Singh, the Prime Minister. So, there was no question of any suspicion. Secondly, Sir, I would like to know, is it not true that Sanjay Singh had nothing to do with Syed Modi or his wife or anybody? He had nothing to do with the case. This is a fact and I would like to go a little further.

SHRI YASHWANT SINHA: The matter is *sub judice* and he cannot discuss the merits of the case. He cannot speak on the merits of the case.

SHRI VISHVJIT P. SINGH- I am myself saying that he has nothing to do with the case and I am going a little further that he is a prominent personality of the country.

SHRI YASHWANT SINHA: You cannot acquit him either.

SHRI VISHVJIT P. SINGH: He is an apt replacement for that great Gandhian. Shri Virendra Verma. He is an apt and appropriate replacement.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): What is your question?

SHRI VISHVJIT P. SINGH: I am coming to that. Further I would like to state, building a premise from this and going a little further, that the general order which the hon. Minister had read out had nothing to do with the file which was moved earlier by Shri Chintamani Sharma, where he had expressed grave doubt that because of the participation of Mr. Samant there would be a conviction in the case and, therefore, it is important to remove him. So, Sir, that general order had nothing to do with that file because the general order came after the file was moved. It had nothing to do with that file. Is it not a fact, Mr. Minister that that, general order is independent of that file? Furthermore, as far as the Prime Minister is concerned. I am convinced because the fact, is that when the Chief Minister of Haryana was sworn in, that Prime Minister did not know about it; when murders took place in Fatahpur he came to know only after 12

days about that. Therefore, the Prime Minister did not know, I am convinced about it. Therefore, there was no need to ask the Prime Minister to come here. The time of the House has been wasted for no rhyme or reason. The fact is that the Prime Minister should not have been called because in the light of these circumstances he had no knowledge of it. Secondly, he is not related in any manner to Mr. Sanjay Singh. Why these allegations are being levelled I do not understand. I would like to know this from the Minister. What is the reason for that?

श्री संजय प्रिय गौतम : मान्यवर, मैं दो स्पष्टीकरण चाहूंगा। पहले दो मिनट का समय भूमिका में लूंगा। माननीय श्री शिव शंकर जी ने सुबह एक मामला उचाया और बताया कि यह गंभीर है। उपसभाध्यक्ष जी, इससे सैंकड़ों गुने ज्यादा गंभीर मामले देश के सामने लंबित हैं और इससे हजारों गुने गंभीर मामले हुए हैं जब ये सत्ता में थे। तीन-तीन न्यायधीशों को सुपरसीड करके चीफ जस्टिस बनाया गया था सुप्रीम कोर्ट का। मा-यवर, मैं आपको धटेशन चाहूंगा और आपके द्वारा सदन को ले तो उस समय भी गंभीर मामले हुए हैं। लेकिन एक कहावत है "सुबह का भूला शाम को घर आ जाये तो उसे भूला नहीं कहा जाता"। उन्होंने स्पष्टीकरण दे दिया, मामला समाप्त हो जाना चाहिए।

मैं दो निवेदन करना चाहूंगा, स्पष्टीकरण चाहूंगा। जैसा कि एक माननीय सदस्य ने पहले भी कहा कि छोट ब्रादमी की जान भी उतनी ही कीमती है जितनी कि श्री संजय सिंह जी की और श्री राजीव गांधी जी की। देश में हर एक व्यक्ति के वोट की कीमत बराबर है। संजय सिंह और राजीव गांधी का वोट किसी गरीब महिला के वोट से ज्यादा कीमती नहीं है। तो क्या वे लायर्स, वे अधिवक्ता जो गरीबों के अन्य मामलों में एग्ज थे और हटा दिए गए हैं, क्या उनके गरीबों के मामलों को डिफेंड करने के लिए वे भी दोबारा नियुक्त किए जायेंगे? दूसरा स्पष्टीकरण, क्या यह सरकार इन लोगों की उन नकलों को दोबारा नहीं करेगी जिससे इन्हें कटघरे में खड़ा होना

और सदन का समय बर्बाद हो और सारे मामलों, जो इस समय सदन के सामने विचारार्थ हैं, वे लंबित रहें और देश मजाक उड़ाता रहे इस सदन का? यह मेरा दूसरा स्पष्टीकरण है।

श्री ईश दत्त यादव (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, सदन के इतिहास में मेरा योगदान तो थोड़े दिन से है लेकिन मैं समझता हूँ इस तरह का शायद ही कोई दिन आया हो कि जब लगभग 6 घंटे से यह बहस चल रही है और निष्कर्ष सभी जानते हैं। इससे अच्छा तो यह था कि इस पर चर्चा हो गई होती डिस्कशन हो गया होता।

उपसभाध्यक्ष (प्रो० च ब्रेश पी० ठाकुर) : आप फिर से डिस्कशन चाहते हैं क्या?

श्री ईश दत्त यादव : मुझे, सरकार तो किसी भी चीज पर डिस्कशन करने के लिए हमेशा तैयार है। प्रतिपक्ष के नेता ने जो विषय उठाया, हमारे न्याय मंत्री जी और गृह मंत्री जी ने उसका उत्तर भी दे दिया। मान्यवर, मेरी राय में अनावश्यक रूप से इस मामले को तूल दिया जा रहा है।

मान्यवर, मैं केवल दो प्रश्न पूछना चाहता हूँ। थोड़ी-बहुत कानून की जानकारी मुझे भी है जिसके मूलाधिक आई०पी०सी० और सी०आर०पी०सी० ऐक्ट में यदि किसी व्यक्ति की हत्या हो जाए या किसी व्यक्ति पर प्राणघातक हमला हो तो इनमें कहीं कानून में कोई अंतर नहीं किया गया है। सैयद मोदी इस देश के खेल जगत के गौरव थे और उनकी निर्मम हत्या हुई। यह दुःखद घटना है। यह धिनीना काम था। मान्यवर, पूरे देश को इसका दुःख है। देश के भूतपूर्व प्रधान मंत्री पर भी प्राणघातक हमला हुआ जिसका अभी केस चल रहा है। यह भी दुःखद घटना थी।

मान्यवर, जो मैं आपके माध्यम से इस सरकार से जानना चाहता हूँ वह है कि सरकार ने खर्च में कटौती करने के लिए एक निर्णय लिया कि जो प्राइवेट

काउंसिल एन्जो किए गए हैं, सरकारों वकील तो हैं ही हर अदालत में, उनके अलावा जो प्राइवेट काउंसिल एन्जो किए गए हैं, उन लोगों को हटा दिया जाए। फिर क्या कारण हुआ कि केवल दो केसेज में—एक तो सैयद मोदी हत्याकांड के केस में और दूसरे भूतपूर्व प्रधान मंत्री श्री राजीव गांधी पर प्राणघातक हमले के केस में—इस तरह का आदेश दिया गया कि जो प्राइवेट काउंसिल एन्जो किए गए थे, वह लोग भी पैरवी कर सकते हैं। मुझे दोनों घटनाओं का दुःख है लेकिन कानून तो सबके लिए समान है—“एवरीवन इज इक्वल बिकोर लां”। किसी विशेष व्यक्ति के लिए अलग से वकील रखे जायें, मेरी राय में यह ठीक नहीं है।

मान्यवर, मैं चाहता हूँ कि सरकार एक मानक तय करे। या तो सरकारी वकीलों के अलावा जितने भी प्राइवेट काउंसिल थे सभी मुकदमों में, उनको फिर से बहाल कर दिया जाए अन्यथा यदि सरकार का खर्च में कटौती करने का दृष्टिकोण है तो इन दोनों केसेज में से भी प्राइवेट काउंसिल को हटा-ड़ा किया जाए। सरकार इस पर विचार करेगी या नहीं, यह मैं जानना चाहता हूँ क्योंकि मेरी राय यह है कि इस देश के अंदर न्याय का एक ही मापदंड होना चाहिए; दो मापदंड नहीं होने चाहिए।

मान्यवर, दूसरी बात यह है कि जो जज ट्रायल कर रहे थे, उनके बारे में सवेरे से न्याय के लिए तो कम राजनीति के लिए ज्यादा शोर मचा है। मेरी जानकारी के मूलाधिक इस सदन के सदस्य श्री राम जेठमलानी उसमें सफाई पक्ष के वकील हैं। अभी मेरी उनसे बात हो रही थी। उन्होंने मुझे बताया है कि आज तक जज नहीं बदले गए हैं। जो जज पहले से इस मुकदमे का ट्रायल कर रहे थे; वही जज आज भी हैं। मान्यवर, मैं गृह मंत्री जी से और सरकार से यह जानना चाहूंगा कि क्या इलाहाबाद हाई-कोर्ट ने इस जज का, जो ट्रायल कर रहे थे, स्थानांतरण किया है? और अगर स्थानान्तरण हुआ है तो मान्यवर, उत्तर

[श्री ईश दत्त यादव]

प्रवेश बहुत बड़ा प्रदेश है और दुनिया का छठा देश के बराबर ; इसका हाई कोर्ट भी बड़ा है जिनके माननीय न्याय-धीशों के संख्या भी बहुत अधिक है, इसके जो डिस्ट्रिक्ट जज हैं उनकी संख्या भी बहुत अधिक है। तो मैं जानना चाहूंगा कि यदि ट्रांसफर हुआ है तो का केवल एक ही जज का हुआ है और इलाहाबाद हाई कोर्ट के अंतर्गत काम करने वाले हर जिले के बहुत से जज लोगों का ट्रांसफर हुआ है? अगर बहुत से लोगका ट्रांसफर हुआ है और उनके साथ इनका भी हुआ है तो मैं निवेदन करूंगा प्रतिपक्ष के लोगों से कि वे राजनीति की रटों इससे सेकने की कोशिश मत करें। धन्यवाद।

SHRI RAJ MOHAN GANDHT (Uttar Pradesh): Mr. Vice-Chairman, Sir, I will speak only for two or three minutes and I hope I will be heard.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You have to speak louds... (Interruptions).

SHRI RAI MOHAN GANDHI: My first point, Mr. Vice-Chairman, is that when we heard earlier today about the very serious situation, it was certainly clear that people on the other side of the House were very anxious that the killers of Syed Modi be identified and punished. I think that anxiety was there, but I felt that there was an equal if not greater, anxiety to kill the reputation of Vishwanath Pratap Singh.

Secondly, I would like to express my very great sadness that our very distinguished Leader of the Opposition—I am sorry, he is not here just now; I have to speak in his absence—chose to give currency to rumours—very serious rumours, very grave rumours—regarding our judiciary. He stated that they were rumours. He protected himself: he said he was not making the charge himself. But he gave currency to rumours and I am sad that he did so.

My third point is that we here trade charges against each other and we regard ourselves as regard on opposite sides. People on the other side, I voderstaftd, are perfectly justified in stating that the tactics of stalling • discussion or preventing speeches

were also carried out by peopli on this side of the House I believe that is fair and I think we on this side of the House have to see that and accept that. But, although we in this House regard ourselves-as opponents and foes, the public of India sees us as one institution, the Parliament of India and the public of India sees this institution as squabbling and quarrelling in this moment of crisis in our land and this reflects on all of us.

My final point is this—and this is the clarification I seek from the Minister: The Prime Minister has very rightly ordered the cancellation of the earlier order for the removal of those private counsel, and that step of his ought to be welcomed—that he reinstated the counsel. But the question before us, which the public of India asks, is this: Not only in this case but in all other cases, ^with so many crimes that go undetected and unpunished and drag on for years and years, what are we now going to do, finally? We have been talking about it for years, but how are we going to ensure that the enormous time taken to bring the criminals to book is reduced? And let me remind those on the other side also that this Syed Modi murder case was on the books for about a year and a half or two years. You were not able to bring it to a conclusion then. This Government must be pushed to bring it to a conclusion, but let us use this occasion to again take a fresh look at the slowness of our judiciary and our process of convicting and punishing people which produces so much dis illusionment and disappointment in the public of India.

Thank you, Mr. Vice-Chairman.

श्री अनन्त राम जायसवाल (उत्तर प्रदेश) : उपसभ्यक्षर्ज; यों मैं कोई सवाल नहीं पूछना चाहता था लेकिन सुबह से यह चर्चा चल रही तो मेरा मन भी चाहता कि मैं भी सवाल पूछूं। पहली बात यह कि यहां पर बर्ल भी रोन होते हैं, डकैती भी पड़ती है, चोरियां भी होती हैं और इससे भी ज्यादा गंभीर क्राईम्स होते हैं। लेकिन जब कोई संगीन मामला हो जाता है—जैसे मान लीजिए प्रधान मंत्री जी की ही

जान पर घातक हमला हो जाये या सियद मोदी जैसे खिलाड़ी को मार ही डाला जाए, तब सरकार जो भी हो चाहे हम लोगों की सरकार जैसे आज चल रही है या उधर जो लाग बैठे हैं उनको सरकार ही, तो उनका फर्ज ही जाता है कि वह ऐसे मामलों के मुल्जिमान को रखर सता दिल्वाये क्योंकि ऐसे मामलों से जनता में बड़ा निराशा फैलती है, बेचनी फैलती है कि कहीं पर कायदा कानून रह ही नहीं गया है इसलिए रखरी है और इसी को मद्दे नजर रखकर हमारा ख्याल है कि जो सी० बी० आई० के पैनेल लायर्स हैं उनके ऊपर प्राईवेट लायर रखे गये हैं। इसमें कोई बुरी बात नहीं है हमेशा से यह हाता रहा है, रखे जाते रहे, चाहे मोदी का केस ही, चाहे प्रधान मंत्री जी का केस ही ऐसे मामलों में हमेशा रखे जाते हैं। हमारे यहाँ वाराबंकी में हमारे एक विधायक को दिन-दहाड़े मार डाला गया पब्लिक सभा में, जिसमें पुलिस भी मौजूद थी।

एक सम्मानि : सदस्य : लाला बाबू ।

श्री अनन्त राम जायसवाल : और मुझे याद है कि उसमें भी प्राईवेट लायर रखे गये थे। यह दूसरी बात है कि हिन्दुस्तान के नाम के स्तर के नहीं थे लेकिन जिस में जो सबसे अच्छे लायर समझे जाते थे वह उसमें रखे गये थे तो इसमें कोई बुरी बात नहीं है। तो मैं यह जानना चाहता हूँ, मेरा सीधा सवाल यह है कि प्राईवेट लायर को रखने का फैसला कब लिया गया था ? इनको हटाने का फैसला कब लिया गया ? और फिर यह किन परिस्थितियों में फिर से रिइस्टेट किये गये ? मेरा सवाल है सीधा सा।

श्री राम नरेश यादव (उत्तर प्रदेश)
महोदय... (व्यवधान)

उपसभाध्यक्ष (प्रो. चन्द्रशेखर शर्मा) : कोई मजबूरी नहीं है, अगर आप माइंड चेंज कर रहे हैं तो।

श्री राम नरेश यादव : नहीं-नहीं मेरा माइंड अपन। जगह पर है... (व्यवधान) हाँ इसलिए तो उधर से जाकर उधर प्रधान मंत्री बन गये हैं। तो महोदय, महत्वपूर्ण प्रश्न इसलिये है—कानून तो सबके लिए बराबर रहना चाहता है, अपन। जगह पर, संविधान में भी लिखा गया। लेकिन प्रश्न यह महत्वपूर्ण है कि जहाँ पर कि एक राजनैतिक वायव्यत और नेता का सवाल है और ऐसा भी उस व्यक्ति का संबंध ऐसे महत्वपूर्ण व्यक्ति से हो जो इस समय देश का प्रधान मंत्री हो तो इसलिये यह प्रश्न बहुत ही महत्वपूर्ण हो जाता है और इसलिये अपन भी महत्वपूर्ण हो जाता है क्योंकि यह देश जगत को बहुत ही प्रसिद्ध खिलाड़ी रस्को भी हत्या हो जाये और एक मकदमा चलने लगे एक राजनैतिक व्यक्ति के ऊपर तो यह प्रश्न खड़ा होता है कि एक सीट खली हुई राज्य सभा की महोदय, इसलिये इस पृष्ठभूमि का क्लेफिकेशन मांगना उस पृष्ठभूमि में जबकि वरिन्द्र वाम जी राज्यपाल बनने दिये जाते हैं और स्थान रिक्त होता है। बहुत विवाद था जनता दल के अंदर श्री संजय सिंह के नाम का लेकर के, क्योंकि बराबर इस बात का हिंडारा पीटा जाता रहा दो चर्चों पर—वैल्यू बेस और इश्यू बेस। सारी राजनैतिक वैल्यू बेस और इश्यू बेस इसी पर रहीं और मेहम की घटना हुई ही, चाहे वहीं हुई ही इस पर इनके ही दल के लंग चौटाला का इस्तीफा मांगते रहे हैं, उस समय चौटाला मुल्जिम नहीं थे जब भी इस्तीफा मांगा जाता रहा है और इसलिये जहाँ पर ला है वहीं पर नैतिकता के नाम की भी कोई चीज है और जब हम राजनैति में नैतिकता लाना चाहते हैं, उसको स्वच्छ और सुधरा बनाना चाहते हैं तो प्रश्न खड़ा होता है कि जब एक व्यक्ति, एक नेता प्रधान मंत्री से संबंधित है तो प्रभाव डालकर के इतने महत्वपूर्ण सदन का सदस्य बनाया जाता है। इसलिये महत्वपूर्ण हो जाता है और उस परिपेक्ष्य में महोदय, प्रश्न यह खड़ा होता है—वकील का हटाया जाना, जज की नियुक्ति, दूसरे का कराया जाना

[श्री राम नरेश यादव]

स्वान्तरण किया जाना और यह सब इसलिए महत्वपूर्ण है कि प्रधान मंत्री को संसदीय पर और उनके द्वारा यह सारा मामला किया जा रहा है, नहीं फिर इस राज्य सभा का सदस्य और भी नाम बनाये जा सकते हैं लेकिन इसलिए कि संबंध था, विरोध के बावजूद भी बनाये गये और इसलिये... (व्यवधान)

उपसभाध्यक्ष (प्रो. चन्द्रेश पी. ठाकुर) :
ठाकुर) : इसके स्टेटमेंट पर पूछिए
सवाल ।

श्री राम नरेश यादव : उसी पर
आ रहा हूँ । इसलिये उस आधार
पर जब प्रधान मंत्री इतना इंटरस्टेड
हो तो उनके ऊपर यह संदेह जाता है कि
इन्के द्वारा ही यह सारा काम कराया गया
है इसलिए इस प्रश्न पर जब गृह मंत्री अपना
वक्तव्य देते हैं जब कि सार मामला प्रधानमंत्री
जी से सम्बन्धित है तो इस प्रश्न पर मैं
जानना चाहता हूँ कि क्या प्रधानमंत्री जी जो
इसमें सीधे प्रत्यक्ष रूप से इन्वोल्व हैं,
उनका नाम आ रहा है तो स्वयं गृह मंत्री
जी उन से यह कहेंगे कि वह सदन में आयें ।
उनसे निवेदन करूंगा आपके द्वारा कि वह
आयें क्योंकि सारा मामला सीधा उनसे
सम्बन्धित है, फ़ाइल उनके यहाँ गई है, इस
सबका स्पष्टीकरण सीधे प्रधानमंत्री दे सकते
हैं । इसकी जानकारी प्रधानमंत्री जी को
है, गृह मंत्री को नहीं है। उनके माध्यम से
जानना चाहता हूँ कि वह सदन में आयें और
स्पष्टीकरण करें । (व्यवधान) जायसवाल
जी आप अपना स्पष्टीकरण मांग चुके हैं ।
दूसरी बात मैं यह जानना चाहूंगा कि कौन
सा अधिकारी है जिस के इनिशिएटिव पर
यह रिपोर्ट आयी है । किस के इनिशिएटिव
पर यह सारा मामला आरम्भ किया गया ?
एक बात स्पष्ट है कि हटाना संजय मोदी
के केस में प्राइवेट कौंसिल को वकील को
था लेकिन हटाने के लिए रास्ता कोई और
ढूँढा और फिर क्यों रखे गये वह भी सवाल
खड़ा होता है । उन्होंने हटाने का
काम एक आर्डर के तहत किया क्योंकि जब
हम सब को हटा देंगे तो हमें यह कहने का

मौका मिलेगा कि हमने उनको भी हटा दिया ।
उनके सामने एक सवाल खड़ा हुआ कि राजीव
गांधी भूतपूर्व प्रधान मंत्री का मामला है तो
कैसे हम सफ़ाई देंगे, सदन में कैसे स्पष्टी-
करण दे सकेंगे इसलिए इन सब का जवाब
देने के लिए उन्होंने उनका नाम भी डाल
दिया । मैं कहना चाहता हूँ कि और भी
बहुत से केसेज रहे हैं । मैं जानना चाहता
हूँ कि कौन सा अधिकारी था, किस के
इनिशिएटिव पर यह मामला शुरू किया गया ?
यह सीधा प्रधान मंत्री जी से सम्बन्धित
मामला है इसलिए उन को बुलाकर
स्पष्टीकरण मांगा जाए ।

डा. अबरार अहमद खान : : जाननीय
उपसभाध्यक्ष महोदय, हमारे देश में भूतपूर्व
प्रधान मंत्री श्रीमती इन्दिरा गांधी जी की
जब हत्या हुई तो सारा राष्ट्र जानता था कि
हत्या किसने की । सब लोग जानते थे कि
हत्या किसने की ।

उपसभाध्यक्ष (प्रो. चन्द्रेश पी. ठाकुर) :
इत इशु पर वोलिए ।

डा. अबरार अहमद खान: इसी इशु पर
बात कर रहा हूँ । आंखों से देखने वाले
लोग कह रहे थे कि हत्या किसने की और
उसके बाद भी केस अदालत में चला । लोगों
ने चिल्ला-चिल्ला कर उन लोगों के लिए कहा
कि उन्होंने हत्या नहीं की लेकिन उनको
सजा मिली और उनको फाँसी हुई । संजय मोदी
की हत्या हुई राष्ट्र के सारे अखबारों ने
इसको छापा । देश के अंदर जिस तरह से
सारी बातें सामने आयीं उसमें सारा राष्ट्र
जान गया कि इस हत्या के अंदर किस का हाथ
है । जिस तरह से इन्दिरा गांधी की हत्या
के लिए लोगों ने चिल्ला-चिल्ला कर कहा
कि इन्होंने हत्या नहीं की इसी प्रकार से संजय
मोदी की हत्या के लिए भी लोगों ने कहा कि
इनकी हत्या में इनका हाथ नहीं है लेकिन
सच्चाई छिप नहीं सकती । उसको किस
प्रकार से सजा हो सकती थी यह सारा राष्ट्र
जानता है, आप भी जानते हैं और सारा
सदन जानता है । उस चीज को बचाने के
लिए जा वकील बदले गये, जज बदले गये
वह सन्देह पैदा करते हैं । मैं आपके माध्यम
से यह जानना चाहता हूँ कि अपनी स्टेटमेंट

में जो उन्होंने एक झूठ दी है कि हमने सिर्फ इकोनोमी करटेल करने के लिए, खर्च कम करने के लिए वकील बदला है तो मैं उसके माध्यम से यह भी कहना चाहता हूँ कि कल लाल किले से प्रधान मंत्री जी ने जब अप्रैल दिया तो एक बात कहीं की कि एक डालर पेट्रोल की कीमत बढ़ती है तो 400 करोड़ रुपये का अन्तर पड़ जाता है। 1600 से 2000 करोड़ तक विदेशी मुद्रा का ज्यादा हमें भुगतान करना पड़ेगा। मैं आपको बताना चाहता हूँ...

उपसभाध्यक्ष (प्रो. चन्द्रश पी. ठाकुर) :
पेट्रोल की कीमत से उसका क्या सम्बन्ध है ?

डा. अब्दुल अहमद खान : इससे सम्बन्ध है क्योंकि पुरी की पुरी इकोनोमी को करटेल करने की बात कही है, खर्च में कमी लाने की बात कही है। एक सेक्योरिटी कौंसिल ने जो निर्णय लिया, संकशन किया जिसके कारण भा रत को आज भुगतना पड़ रहा है, जिसको इंडिया ने प्रोटेस्ट नहीं किया, उसके निर्णय के कारण जो 14 रुपये प्रति डालर कीमत थी वह आज 26 रुपये प्रति डालर पहुंच गयी है और वह 40 रुपये प्रति डालर तक पहुंच जायेगी।

आठ हजार करोड़ का भार हमें भुगतान पड़ेगा। उसके लिए आज तक जिस इकोनोमिक करटेल की बात है, मितव्ययता की बात करते हैं पैसे की बात करते हैं, प्रोटेस्ट करना चाहिए था, प्रोटेस्ट नहीं किया। इसलिए मैं पूछना चाहता हूँ कि इसमें कितनी इकोनोमिक मितव्ययता होगी ?

उपसभाध्यक्ष (प्रो. चन्द्रश पी. ठाकुर) :
इसका होम मिनिस्टर जवाब नहीं दे सकते हैं।

डा० अब्दुल अहमद खान : मैं एक उदाहरण दे रहा हूँ क्योंकि ये मानदण्डों की बात करते हैं। गृह मंत्री जी से मैं पूछना चाहता हूँ कि वे हमें बतायें कि इन वकीलों को स्टाने से वे कितना पैसा बचा लेंगे और उनका मितव्ययता का कितना टारगेट है ?

SHRI S. B. CHAVAN (Maharashtra): Mr. Vice-Chairman, Sir, I have heard Members from both the sides of the House. I never wanted to participate in this dis-

ussion but having heard the hon. Minister for Home Affairs without meaning any disrespect to him, I think, if the Prime Minister would have come personally, the kind of plea that the Government is taking, makes this case all the more suspicious. I am sorry to say that taking a plea on economy in this matter is a very frivolous sort of handling of the entire thing. I don't think that any serious-minded person can possibly say that we had to change the lawyers engaged in such an important case dealing with heinous crime. Whatever be the reasons, if the Prime Minister himself would have been in the House, I am sure he would not have taken this kind of a plea. He would have handled the case on a totally different line. But to say, to plead that we were interested in effecting economy is, in fact, to say the least, a sort of ridiculous argument which was put forth. I am sure the Government will have to face the consequences of raising another discussion. During the course of one discussion, you have given rise to two more discussions. One was about the Judges who were appointed without the recommendations of the Chief Justice. The hon. Minister for Law and Justice made a sweeping statement here. That is now going to be one of the major issues which is going to be discussed on the floor of the House. Now, this is going to be another case. If this is the plea that in the interest of economy you have done this, certainly we have every right to challenge your statement. You don't seem to understand the implications of economy in matters of cases where crores and crores of rupees are involved, where matters of revenue are involved. In the name of economy you are going to engage ordinary lawyers on your panel. I am sure the Government is going to lose very heavily. Is it the case of the Government that whatever be the consequences we will see that less fee is asked by this lawyer and that is why we would like to engage him irrespective of what happens to the case? I know that there were cases in the Calcutta High Court where Indian Tobacco Company and all other cases were going on and there was a panel of lawyers who were, in fact, engaged, number of people approached me and told me "There is a huge amount of money involved. If you

[Shri S. B. Chavan]

engage a very ordinary lawyer against the eminent lawyers who are engaged by the other side, are you sure that you are going to gain in that case?" Merely for having some kind of a saving of about Rs. 100, Rs. 200 or Rs. 500 or even Rs. 1000, is it a wise policy to follow? If it is a matter of policy, then, certainly we are opposed to this policy. It is, in fact, going to cost tremendous amount of money and the Finance Ministry is going to lose heavily on this account alone. There are FERA cases. There are other cases where many very eminent people are involved. If you engage ordinary lawyers against eminent lawyers and if ordinary lawyers were to appear in front of them, you can just realise what is going to be the fate of the Government! cases in the court. Apart from that, in fact, this is a very important thing and let the hon. Minister be prepared for a full-fledged discussion on this because we would like to understand the financial implications and other implications involved in deciding this matter as a matter of policy. I do not know about this Syed Modi case and the facts involved. But there are two issues on which I would like to seek clarification from the hon. Minister. One of the hon. Members from the ruling side, on the basis of the information supplied to him by his colleague sitting just by his side said, the judge has not been transferred because at least on facts, let us be very clear. Instead of the hon. Member. One of the hon. Members from the ruling side, on the basis of the information supplied to him by his colleague sitting just by his side said, the judge has not been transferred because at least on facts, let us be very clear. Instead of the hon. Member making this kind of a statement, let the hon. Minister say, not only the lawyers have not been changed : but even the judge has also not been transferred. Let him make that kind of a statement because his statement will have greater weight than the statement made by an ordinary Member. That is the first clarification in which I am interested.

The second clarification in about which I would like to have the information from the hon. Minister is about the dates. When was this general circular of economy issued

and what is the date on which in this particular case of Syed Modi and changing the lawyer it was issued first and subsequently it was restored? Dates are very important in this. So I would like to have clarification on this issue also as to what exactly were the dates, because dates become very relevant. I am sorry to say that after having spent the whole day, instead of clearing the whole thing, more confusion has been created and a cloud has been created that somehow or the other, remotely, the Prime Minister seems to be involved in some way or the other. I am very sorry to say this. I am the last person to make any charge of this nature. But unfortunately, the whole thing has been handled in such a slipshod manner that irresistible conclusion which can be drawn is that directly or indirectly, there seems to be some Janivpanky involved due to, which it is only the Minister, of State for Home Affairs, who is coming forward to explain the whole thing and the Prime Minister does not come to the House nor does he send any senior Minister, with full briefing, as to what exactly is the sequence of events and how things have happened and in fact, there was no question of any motive. (*Interruption*).

SHRI SUBODH KANF SAHAY: I will come out with the facts.

SHRI S. B. CHAVAN: You may come out but it makes a lot of difference. I don't mean any disrespect to you. You are quite a competent person. You are coming up very well. We wish you very well. But this is too serious a matter for you to give any kind of explanation unnecessarily. You have been instrumental in creating this kind of cloud which in fact, you should avoid. Anyway. I want clarifications in respect of these points.

SHRI MADAN BHATIA: Mr. Vice-Chairman, Sir, I hope that the hon. Members of this House will take the gravity of the matter. The gravity of the matter is not only this that personal charges are being made against the Prime Minister, the gravity of the matter is much more serious because one of the co-accused in this murder case happens to be a Member of this hon. House. He is facing a criminal trial on the charge of murder. The

entire House is therefore Jeeph concerned in the outcome of this trial. The entire House is concerned that this trial in which a Member of this hon. House is involved, should be fair, free from any influence and conducted in an impartial manner. And if there is a subversion of justice in the conduct of a trial in which a Member of this hon. House is involved, it will not only be a grievous insult to thi; hon. Hous, but it will constitute a grave breach of privilege of this hon House, And this is exactly the chage that is being, made from this side of this hon. House, namely, the process and the cause of justice in this trial in which a Member of thb House is accused of murder are -ought to be stultified and sullied by extraneous influences and extraneous influences flowing from no less a person than the Prime Minister of this country. This is the aeriousness of this matter. It should cut across all party lines in this hon. House. A statement has been made in this House by tlie hon. Home Minister. Prior to his statement, a statement is made by the Lav/ Minister. He gives his desultory explanation abou> tha alleged transfer and he washes his hands completely of the rest of the whole episode by saying, 'It does not concern me', and he sits down. Then the hon. Home Minister of State stands up and reads out the circular and says this is the position. If is a known fact that where there are personal allegations or personal *mala fides* raised against a particular individual and the allegations are that the ostensible reason contined in an official order is not the real reason and the real reasons are totally different inspired by personal *mala fides*, the rdadin.fr of a circular is not an answer to the charges which are being made against that particular individual. That person has to make his personal answer to the allegations which are made against him. It is that person and that person alone who has to come before this hon. House and say that the allegations which are being made against him personally are not corr;;..

Even taking the entire statement of the hon. Miinster of State for Home Affairs, there is not a single word in "his entire statement that he can say, on his personal knowledge, that the Prime Minister had no knowledge or

involvement in the removal of the Special Public Prosecutors. He cannot say so. He is incompetent to say so and he has not said so. {*Interruptions*).

DR. G. VIJAYA MOHAN REDDY ('Andhra Pradesh) ■ What is this? How can be use the word 'incompetent'? {*Interruptions*).

SHRI MADAN BHATIA: I am submitting...{*Interruptions*),

THE VICE-CHAIRMAN .PROF. CHANDRESH P. THAKUR): The question of competence does net arise. {*Interruptions*).

SHRI MADAN BATIA: He should have the patience. {*Interruptions*).

THE VICE-CHAIRMAN: (PROF. CHANDRESH P. THAKUR) : Please do not make such personal remarks about competence or incompetence. It is too personal a remark.

SHRI MADAN BHATIA: Sir, I am saying it legally. I am respectfully submitting that legally he is not competent to say so. I am not challenging his intelligence. I respect him. I respect his intelligence, (*interruptions*).

SHRI KAMAL MORARKA (Rajasthan) : How can he use that word? (*Interruptions*).

DR, G. VIJAYA MOHAN REDDY: Is he questioning the authority of tha Government ?

SHRI MADAN BHATIA: Hon. Members have been speaking from that side. {*Interruptions*).

THE VICE-CHAIRMAN: (PROF. CHANDRESH p. THAKUR) ; I think the question of competence is irrelevant and that should not go on record. (*Interruptions*).

SHRI MADAN BHATIA: Try to understand the difference between 'legal competence' ...{*Interruptions*}. If you do not understand that, it is

[Shri Madan Bhatia].

your... (Interruptions), I am respectfully submitting that it is the Supreme Court which has said that if personal allegations of malandres are made against a public functionary, that public functionary must swear his Own affidavit to deny those personal allegations. (Interruptions). The Government is not competent... (Interruptions.)

THE VICE-CHAIRMAN: (PROF. CHANDRESH P. THAKUR): He said it in a legal sense.

SHRI MADAN BHATIA: No other functionary is competent legally to deny those personal allegations. (Interruptions).

SHRI KAMAL MORARKA: What is he talking about. We are not interested in affidavits and..... (Interruptions). What is his allegation? Is he making the allegation against the Government? ... (Interruption)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR) ; Mr Bhatia, you are a very coroner's lawyer.

SHRI KAMAL MORARKA: That is your opinion.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR) : I am entitled to my opinion.

SHRI YASHWANT SINHA: Sir, we are not asking for your opinion.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR) : Mr. Bhatia,, I request you to kindly confine your clarification to the statement made by the Minister.

SHRI MADAN BHATIA: Sir, I am seeking this clarification. The hon. Minister of Home Affairs has equated Special Public prosecutors with the counsel appointed in civil cases. I respectfully submit that this is something which is impossible to swallow. A Special Public Prosecutor is appointed under section 24 of the

Code¹ of Criminal Procedure. He is a statutory functionary. He is a part of the adjudicatory system, and his removal has to be governed by the considerations contained in the Code of Criminal Procedure and nothing else. A Special Public Prosecutor is appointed, having regard to the complexity of the case and to match the skill of the counsel for the accused. These are the considerations which weigh with the Government or the State for appointment of a Special Public Prosecutor. If the Special Public Prosecutor is removed in total disregard of these considerations, or allegedly on the ground of financial stringency, or that as ostensible reason, this is nothing but a fraud upon the statutory power contained in the Code of Criminal procedure. Are we supposed to have such little intelligence that we are supposed to believe that a Special Public Prosecutor who is a statutory functionary under section 24 of the Code of Criminal Procedure has been removed because other civil lawyers have been removed in other cases? Such a plea is nothing but an insult to the intelligence of the people all over the country. I submit, Sir, the real reason, the real fact, before this hon. House cannot be deflected from by [statement which has been made by the Home Minister. The crux of the matter is whether the Prime Minister had the knowledge or the involvement in the removal of the Special Public prosecutor or not point there are a number of circumstances which point the finger towards him. One, the co-accused happened to be his close relation; number two, he was deeply concerned in his political fortunes, so much so that one hon. Member of this House was appointed Governor of Punjab in order to make way for his entry to the Rajya Sabha; number three, ... (Interruptions)...

SHRI YASHWANT SINHA: No, Sir, he cannot make that allegation. This is totally baseless and this is not a clarification. He cannot get up-

and start making charges that way...
(Interruptions)... fivevn in Pondicherry
legislature it is not allowed. ..
(Interruptions)...

SHRI MADAN BHATIA: Number
three...

SHRI KAMAL MORARKA": Sir, I
am oh a point of order. ..(Interrup-
tions)...

THE VICE-CHAIRMAN (PROS*.
CHANDRESH P. THAKUR); He is on a
point of order.

SHRI KAMAL MORARKA; Sir, my
point of Order is very simple. The hon.
Member has referred to another
Member's election to this House and
another Member's nomination to this
House. With due respect *t* may submit
that we may have our own reservations to
the hon. Member himself being
nominated to this House, but he is a
nominated Member and he has a right to
speak.

THE VICE-CHAIRMAN rPROF.
CHANDRESH P. THAKUR): That
becomes the basis of another point *at*
order.

SHRI KAMAL MORARKA: How can
it be? If he can Pass comments on
another hon. Member, I can pass
commentns on his being nominated to
this House. I admire all the points he is
raising but those points are not more
sacrosanct than the right to life and
liberty which the hon. Member
himself ___(Interruptions). We don't
want sermons from the honourable
Member on our rights.

SHRI P. SHIV SHANKER: The point
is what reservattaflS my fri«M MSj he
must explain that.

SHRI KAMAL MORARKA: I afti glad
that the Leader of the Opposition Wants
me to give my reaction. My biggest re-
servation *h* that tile honourable Member
has said the right to life and liberty is not
sacroeamt In the Constitution. That ♦39
RS—18.

is what he had pleaded before the Delhi
High Court and the Supreme Court 111 the
Emergency. And today he is quoting
Section 24 Of the Criminal Procedure
Code.

SHRI P. SHIV SHANKER; What about
your reservations on the nomination of
the honourable Member?

SHRI MADAN BHATIA: No. 3: When
that Member took the Oath in this honour-
able HouSe, there was a loud cry Of protest
and walk-out from this House. This fact,
therefore,—that is, his appointment as a
Member of the Rajya Sabha—coUld not
but be a matter of concern and a matter
Of protest to the Prime Minister of the
country. No. 4; The entire nation...
(Interruptions) And No. 5: It has been
brought to the notice of this honourable
House by Mr. R. K. Dhawan that tftfe file
to remove the Special Prosecutors was
moved much earlier than the socalled ac-
tion of economy on the basis of which an
ostensible general order was made for the
removal of all the special counsel. This
fe a very serious matter. These five fac-
tors create a strong basis for inferring
that the Prime Minister is not only ptf*
sonally involved but he had the personal
knowledge and the action which bat been
taken has been taken in order to protect
the skin of his close relation. By doing so
he has not only sullied the course of justice;
he has stultified a fair trial which is
safteb'fied by the Constitution, by the
Code of Criminal Procedure and by all
the conventions of this country. And I
want to ask the Home Minister the last
question. The honourable Minister has
relied upofl an order which was made by
the Prime Minister. Is ft Hot a fact that
this order which the Prime Minister made
in hfs Own hand wa* inspired by the fright
caused » hint by the public outrage
which »ose m this country as a
result of the disclosure that the Special
Pu*Kc ffosecuto"rs had been removed ift
this case? On the contrary, his action
thfowi... (Interrttptibni) ... fight into
the thinking and other facets of the
personality of the Prime Minister as a
doubled edged retreat and cover dp te the
face of pubfie Outrage and public
outcry. Thank you.

SHRI RAM JETHMALANI (Karnataka):
Mr. Vice-Chairman, I normally consider it...

डा० रत्नाकर पाण्डेय: माननीय उपसभा-
ध्यक्ष जी, माननीय उद्देश्य इस केस में वकील
हैं। इन्हें बोलने न दिया जाए। इनके दामाद,
प्रेम शंकर झा प्रधान मंत्री के एडवाइजर हैं।
इनको बोलने न दिया जाए।

THE VICE-CHAIRMAN (PROF.
CHANDRESH P. THAKUR)- He is a
Member "of the House."

डा० रत्नाकर पाण्डेय: यह दामादों का
मामला हो गया है। प्रह वकील हैं। इनके
दामाद प्रेम शंकर झा एडवाइजर हैं। ...
(व्यवधान)।

SHRI RAM JETHMALANI: ... a
pleasure to address this House. But I
must tell you that today while I am
speaking...

He is a pleader there. He is very much
involved in that case.

THE VICE-CHAIRMAN (PROF.
CHANDRESH P. THAKUR); He is an
honourable¹ Member of the House. Let US
listen fo him.¹ Mr! Jethmalani, you
pease continue.

.....

SHRI RAM,
JETHMALANI, Sir,; I
speak" wjth great sorrow... (interruption)
Will you stop these", gentlemen from
Interrupting! ! !".

■. mr

SHRI V. NARAYANASAMY; It is his
moral responsibility that, the Member should
avoid speaking here.

SHRI RAM. JETHMALANI: If this is the
condition, we will not allow anybody to
speak. (Interruptions) We, expect ypu to",
resrjeet. the dignity of, every. Member of the
House. (Interruptions) Wjil you stop, these
interruptions? : I think he is defending the
Sanjay Singh, case and he-is 'a Member of
this House. . . (Interrup, tion) ... He has any-
moral right to speak on. this? . .
^ [Interruptions).. We want a ruunf.'on this. .
(Interruptions) ... He

should avoid speaking... (Interruptions)... ..

TH^ VICE-CHAIRMAN (PROF.
CHANDRESH P.-: THAKUR): Don't lose your
patience. . You . do not know what he is going
to speak... (Interrup- ~ tions) .. He is a
responsibly Member of this House. . .
(Interruptions)... He is a responsible Member of
this House and let him speak. He knows the line
of demarcation, flo not anticipate what he is
going to speak. . . (Interruptions)...

DR. RATNAKAR PANDEY; We
want to know whether he can speak.. .
(Interruptions) ... ' = - '

THE VICE-CHAIRMAN (PROF.
CHANDRESH. P. THAKUR); I know the
Member and, I know his background .. .
(Interruptions) ...

SHRI V. NARAYANASAMY; We
want to know whether he is defending
that case.. (Interruptions) ...
awa i---. ■

THE VICE-CHAIRMAN (PROF.
CHANDRESH" P. TILAKUR)": Do not
anticipate' his points. Let him make his*
speech.. (Inierhpiions) ...

SHRI TINDIVANAM G. VENKATAV
RAMAN (Ya'mif Nadu) : Sir, the honou-
raBle Member/ 'Shri Ram Jethmalani, is
on his legs and he is to speak. I do not
know why they are not^ allowing, hfm
to" speak. . . (IniehupTions)! . . r.....

डा० रत्नाकर पाण्डेय : माननीय उप-
सभाध्यक्ष जी, जैठमलानी जी इस केस में
वकील हैं। . . (व्यवधान) माननीय उप-
सभाध्यक्ष जी, यह वकील हैं कि नहीं संजय
सिंह जी के केस में, यह सदन को बताये?

एक माननीय सदस्य : वह बताने जा रहे
हैं बैठिए आप . . . (व्यवधान)

उपसभाध्यक्ष (प्रो. चन्द्रेश पी० ठाकुर):
पंडित जी, आप बैठ जाइये, कृपा करके पहले
इनकी बात सुन लीजिए कि यह क्या कह रहे हैं
. . . (व्यवधान)

SHRI DINESHBHAI- TRIVEDI (Gujarat)
: Sir, I think" we' are digressing from the
nialn issue! ! . (Interruptions) ... !.

DR. RATNAKAR PANDEY; Sjr. 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 बंठ जाइये। ... (व्यवधान) बिजनेस तो एनाउन्स करने दीजिए। ... (व्यवधान)

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

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

उपसभापति : आल इण्डिया इन्स्टिट्यूट ऑफ मेडिकल साइंस बंद है तो खासी का इलाज किधर करायेगे, आज वह हमें डिसकस करना था, वह 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 *lime allotted*

- | | |
|-------------------------------------------------------------------------------------------------------------------|--------|
| 1. Consideration and passing of the National Commission on Women Bill, 1990, as passed by the Lok Sabha | 4 his. |
| 2. Statutory Resolution seeking disapproval of the Indian Council of World Affairs Ordinance, 1990 - | 2 his. |
| (To be • 3. | |
- Consideration and passing of the Indian Council of World Affairs Bill, 1990.

Business *lime-allotted*

4. Consideration and passing of the following Bills :
- | | |
|-----------------------------------------------------------------------------------------|--------|
| (i) The Constitution (70th Amendment) Bill, 1990 | 2 his. |
| (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.