

SHRI GHULAM NABI AZAD: The Minister is ready to respond. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please take your seats. I say, please take your seats. I request Mr. Bhattacharjee, you had your say. There is no point in...

श्री सुरेन्द्र सिंह : मंत्री जी कुछ कहना चाहते हैं ? (व्यवधान)

उपसभापति : नहीं कहना चाहते हैं (व्यवधान) आपको मैं कौन सी जवान में बोलूँ (व्यवधान) हिन्दी में बोलूँ, अपनी जगह पर बैठ जाइये। अगर मंत्री जी को बोलना होता तो बोलते। बैठ जाइये अब।

If he wanted to say, he would have taken my permission. He has not. I have other business also. (*Time bell rings*) Please take your seats. He does not want to say anything. I am telling you, you don't understand my language or what? If he wanted to speak, he would have asked my permission. Please take your seats...Don't argue. I have asked someone else to speak. You are not the only one to keep on speaking. I request you to take your seats. He is also a Member. He has a right to speak. Please take your seats...Mr. Jagesh. Desai, you are a senior Member. Please take your seat. (*Interruptions*) You are present in the House. I have seen you. I have heard you. Take your seat. (*Interruptions*) I am giving you the last warning. If the Members are not going to abide by my ruling, I will have to take some action. If the Minister wanted to speak, he would have got up and asked for my permission. He has not. Now it is over.

SHRI P. SHIV SHANKER (Gujarat): The hon. Minister is still thinking. Let him think out and then speak. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please, ...(*Interruptions*)... Please sit down (*Interruptions*) ... Mrs. Natarajan please sit down. You don't understand when I said that the Minister...(*Interrup-*

tions) . . . You don't understand me? ...(*Interruptions*)... If you cannot abide by my ruling, please do not disturb this House. We have a listed business. I will allow that. You cannot keep holding the House to ransom. Please sit down. Please take your seat. I request you, take your seat. Don't fight your battle here like this. Please sit down. I say, sit down.

श्री पी० शिव शंकर : आप पूछ लीजिये मंत्री जी से।

THE DEPUTY CHAIRMAN: He is sitting, Mr. Shiv Shanker. We don't know. He is not answering. I cannot force him.

SHRI S. JAIPAL REDDY (Andhra Pradesh): They can go to the lobby... (*Interruptions*)...

SHRI N. K. P. SALVE: (Maharashtra): Would the Finance Minister like to reply? There is a very important point.

THE DEPUTY CHAIRMAN: No, I have asked someone else to speak. Mr. Salve, I am sorry, that matter is settled.

...(*Interruptions*)... Mr. Salve, no; I have asked someone else to speak...(*Interruptions*)... Let us have some order in the House. I have identified another Member to speak. He will speak. ...(*Interruptions*)... please.

RE. APPOINTMENT OF JUDGES WITHOUT CONSULTING CHIEF JUSTICE OF INDIA

SHRI K. G. MAHESWARAPPA (Karnataka): Madam, I am raising an important matter relating to the appointment of Judges. ... (*Interruptions*) ... I would not have raised this matter but for the fact that the Law Minister assured this House that he was going to show the confidential file to the Leader of the Opposition, in the presence of the Chairman in his chamber, relating to

[Shri K. G. Maheswarappa]

whether three Judges were appointed without consulting the Chief Justice of India and whether such a thing had happened. I read it in the Bombay edition of the *Times of India* that no such thing had happened, no papers were shown to the Chairman and nothing was disclosed. "It appears", it is also reported, "it is a private understanding between the Leader of the Opposition and the Law Minister that this matter should not be raked up."... (*Interruptions*)...

THE DEPUTY CHAIRMAN: It is a newspaper report.

SHRI K. G. MAHESWARAPPA: This is very important... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Let me listen.

SHRI K. G. MAHESWARAPPA: Further disclosures, startling disclosures, are there and I am going to bring them before the House because it was disclosed in this House that the file relating to the appointment of three Judges will be shown. Then Mr. Shiv Shanker openly said to the Press that it was not mandatory to take the consent of the Chief Justice. He is a very senior advocate and he has been a Judge. As a humble advocate I want to bring to your notice that consultation is absolutely essential under the Constitution. Consent may not be necessary. Even if he does not consent, the President can appoint a Judge. If there is no consultation at all, then it is a constitutional violation. It is a clear violation, and the previous Government—the Congress Government—appointed Judges, clearly violating the mandatory provisions of the Constitution... (*Interruptions*)...

I read the proviso to article 124 (2) of the Constitution, which is very, very clear:

"Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted."

There are any number of decisions of the High Courts and Supreme Court. Consultation is mandatory. Supposing his opinion is against it, he can over-rule it. But without consulting him if Judges are appointed, then it is unconstitutional.

THE DEPUTY CHAIRMAN: What do you want to stay? ... (*Interruptions*)... Please let me hear.

SHRI K. G. MAHESWARAPPA: I have got very great respect for the Leader of the Opposition. He is a legal luminary. He has said in the Press that it is not necessary... (*Interruptions*)... The reporting may be bad—I will read out the report also.

SHRI YASHWANT SINHA (Bihar): He will give you an opportunity to correct also!

THE DEPUTY CHAIRMAN: He is mentioning some reports in the newspapers attributed to you, wherein you have said it is contrary to the provisions of the Constitution. That is what he is referring to. (*Interruptions*) He has a right to say what he wants to.

SHRI K. G. MAHESWARAPPA: This is a very important matter. I want to bring this to the notice of the House. (*Interruptions*)

THE DEPUTY CHAIRMAN: He is only mentioning it. If Mr. Shiv Shanker wants to reply, he is free to do so. Otherwise he is not. I am not taking any request for him to reply.

SHRI K. G. MAHESWARAPPA: Madam, Mr. Shiv Shanker maintains that he does not know any judge who was appointed without the consent of the Chief Justice during the Congress days.

THE DEPUTY CHAIRMAN: It is in the same way as Maneka Gandhi's matter was raised.

SHRI K. G. MAHESWARAPPA: I want to know whether he sticks to this proposition. He said he does not know whether such an appointment is made.

It is a very important statement coming from a senior Cabinet Minister. He says to the Press he does not know whether such an appointment is made. On the other day he challenged that appointments were not being made without his consultations. The Law Minister said he is prepared to show the appointment files. Not only three judges, the Law Minister has said, six judges were appointed without consultations (*Interruptions*) There are other startling disclosures.

THE DEPUTY CHAIRMAN: Now, what do you want? Do you want the files to be shown?

SHRI K. G. MAHESWARAPPA: I will come to that later, Madam. There are many other things that I want to disclose. Let him reply. If he denies I will accept it (*Interruptions*)

THE DEPUTY CHAIRMAN: I am not forcing you. Mr. Shiv Shanker, to reply. But if you are willing to do so...

SHRI KAMAL MORARKA (Rajasthan): He has not yet finished.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): He is still on his legs.

SHRI K. G. MAHESWARAPPA: Madam, the issue had cropped up when Mr. Shiv Shanker in the heat of a nandemonium in the Rajya Sabha over the Syed Modi case challenged Mr. Goswami on August 16 to prove his allegations that the erstwhile Congress administration had appointed at least three judges without the recommendation of the Chief Justice.

SHRIMATI MARGARET ALVA (Karnataka): So what?

SHRI K. G. MAHESWARAPPA: Let this House know whether it is a fact that the Judges were appointed without consulting the Chief Justice. I want an assurance. You are in the know of the matter.

THE DEPUTY CHAIRMAN: You want an assurance from the Law Minister. He is not here, but I will see the Government takes note of it.

SHRI K. G. MAHESWARAPPA: Mr. Shiv Shanker challenged the Law Minister that such a thing had not happened. I want to know whether he sticks to that position now or not. The second point is Mr. Shiv Shanker and the Law Minister have come to an understanding to close this matter. Why?

SHRIMATI MARGARET ALVA: Ask your Law Minister.

SHRI K. G. MAHESWARAPPA: Is it correct or not? I will read further. If the Congress Members feel that it is a very small matter and if the Chair also feels it is a small matter, I will sit down.

THE DEPUTY CHAIRMAN: No. The Chair has permitted you.

SHRI KAMAL MORARKA: Don't sit down, Madam, he is threatening to sit down.

THE DEPUTY CHAIRMAN: I wish everybody threatens me like this.

SHRI K. G. MAHESWARAPPA: Mr. Shiv Shanker even offered to seek apology if he is proved wrong. He said he is prepared to make a public apology. I would like to know whether he is proved wrong or he is still correct or whether he is going to make a public apology. That is one thing. There are so many other things I would like to refer to.

THE DEPUTY CHAIRMAN: That you can show me in my chamber.

SHRIMATI MARGARET ALVA: Madam, the UP State Government plane was used for Mr. Jethmalani to go to the court from Delhi to defend Mr. Sanjay Singh in the Modi murder case. (*Interruptions*)

श्री राम नरेश यादव (उत्तर प्रदेश) :
मोदी हत्याकांड में श्री जेठमलानी जी
वकील हैं, जिनके लिये यह सब कुछ
हो रहा है।... (व्यवधान) सरकारी साधन
का दुरुपयोग हो रहा है।

उपसभापति : आप बैठ जाइये।

It is a matter between Mr. Shiv Shanker and him. Don't interfere into it. It is none of your business. It does not concern at all. Something happened in the House. That is a different matter.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam, I am on a point of order.

SHRI K. G. MAHESWARAPPA: Then, it was announced that Mr. ... (Interruptions) ...

SHRI HARVENDRA SINGH HANS-PAL (Punjab): He has made his point. What more he wants to say?

THE DEPUTY CHAIRMAN: Everybody reads from the newspaper in this House these days ... (Interruptions) ... You don't make a noise like this; otherwise nobody will have to refer any matter in the House. He is reading something which he thinks is relevant. It is his right to think what is relevant. It is for me to decide what is wrong. Let him read ... (Interruptions) ...

SHRIMATI MARGARET ALVA: I am on a point of order.

THE DEPUTY CHAIRMAN: Let him finish, then. I will allow you. ... (Interruptions) ...

SHRI K. G. MAHESWARAPPA: On the 20th before the Chairman confidential file was... (Interruptions) ... No such thing happened on the 20th or on subsequent days. ... (Interruptions) ...

THE DEPUTY CHAIRMAN: You want the confidential file to be shown?

SHRI K. G. MAHESWARAPPA: No.

THE DEPUTY CHAIRMAN: Then, what do you want?... (Interruptions) ...

SHRI K. G. MAHESWARAPPA: Let him deny it. The House was told about this matter and that is why I raised it.

SHRIMATI MARGARET ALVA: Madam, I am on a point of order. ... (Interruptions) ...

THE DEPUTY CHAIRMAN: Please sit down. He has taken my permission. ... (Interruptions) ... Mrs. Alva, please don't stand on the rules. If I start abiding by the rules, then, nobody will open their mouth ... (Interruptions) ... Now I am taking up clarifications on the Calling Attention statement. Shri Kamal Morarka... (Interruptions) ... I am not permitting it. ... (Interruptions) ... Mrs. Maheswarappa, now that matter is over. Please take your seat.

SHRI K. G. MAHESWARAPPA: I have not yet completed. All the names should be ... (Interruptions) ...

THE DEPUTY CHAIRMAN: Please sit down.

SHRI K. G. MAHESWARAPPA: I want to know... (Interruptions) ...

THE DEPUTY CHAIRMAN: Sit down. I will consult the Law Minister as to what happened ... (Interruptions) ... Mr. Shiv Shanker, do you want to say something? ... (Interruptions) ... He is on his legs. It concerns him. ... (Interruptions) ...

श्री ईश दत्त यादव : (उत्तर प्रदेश) :
इनका जो सवाल है... (व्यवधान) सुनिये, जो
यह पूछना चाहते हैं, मैं शिव शंकर जी से
निवेदन करूंगा कि आप एक मिनट बैठ जाएं
और हमको सुन लें। इस हाउस में जो
गोस्वामी जी के बीच में और पी० शिव
शंकर जी के बीच में हुआ था... (व्यवधान)

श्री पी० शिव शंकर (गुजरात) :
महोदया, मैं बोलने के लिये खड़ा हुआ
हूँ।... (व्यवधान) ...

श्री ईश दत्त यादव : उन्होंने कहा था कि प्रीवियस गवर्नमेंट ने बिना चोफ जस्टिस के कंसेंट के कोई जज एप्पायंट नहीं किया था, तो गोस्वामी जी ने कहा था कि नहीं प्रीवियस गवर्नमेंट ने बिना चोफ जस्टिस के कंसेंट के जज को एप्पायंट किया था । ... (व्यवधान) जब यह बात मला आया तो यह तब हुआ कि... (व्यवधान)

THE DEPUTY CHAIRMAN: He is on his legs. ... (Interruptions). ... वह बता रहे हैं ।

श्री ईश दत्त यादव : दो सवाल खड़े होते हैं । एक सवाल तो यह है कि यह फाईल क्यों नहीं दिखाई गई ? अगर दिखाई गई तो जिसने गलत बयान किया है हाउस में उनके खिलाफ कार्यवाही हो । ... (व्यवधान)

THE DEPUTY CHAIRMAN: It concerns him.

श्री ईश दत्त यादव : दूसरी चीज है, श्री शिव शंकर ने इस हाउस में बयान दिया कि... नहीं... (व्यवधान) राय से एप्पायंटमेंट रही है... (व्यवधान)

THE DEPUTY CHAIRMAN: Please take your seats.

श्री ईश दत्त यादव : ऐसी कोई आवश्यकता नहीं है ।... (व्यवधान)

SHRIMATI MARGARET ALVA: I raised the point of order even before him.

THE DEPUTY CHAIRMAN: Let him stop talking. ... (Interruptions)...

SHRI K. G. MAHESWARAPPA: Madam last point.

उत्तराप्रदेश आप बैठ जाइये आपका लास्ट प्वायंट हो गया ।... (व्यवधान)

SHRI AJIT P. K. JOGI (Madhya Pradesh): Madam, I am on a point of order.

SHRIMATI MARGARET ALVA: Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: I cannot allow two points of order at the same time. ... (Interruptions)...

SHRIMATI MARGARET ALVA: He is making some charges against a member. ... (Interruptions). ... He has to give written notice for this. The point of order raised by me has been left out here.

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, do you want to speak? ... (Interruptions). ... Mrs. Alva, he is not making any allegation.

SHRI KAMAL MORARKA: Madam, Mrs. Alva is unnecessarily getting charged. There is no charge.

THE DEPUTY CHAIRMAN: Let me discharge my duties at least.

SHRIMATI MARGARET ALVA: He has said something false. (Interruptions)

THE DEPUTY CHAIRMAN: Mrs. Alva, you did not hear because there was so much noise but I heard it. I checked the record and I know it. (Interruptions). He did not. (Interruptions). ... He says, he is not making any allegation. He says, he is not. (Interruptions). Why should you put it in his neck? (Interruptions).

SHRI K. G. MAHESWARAPPA: I want a clarification from the Law Minister. (Interruptions).

THE DEPUTY CHAIRMAN: You sit down. (Interruptions). Let me dispose of the point of order in my hand. Please take your seat. Mrs. Alva, perhaps you did not hear the person speaking but I heard him. He is saying, he is reiterating that he never levelled any charge. He is mentioning something which happened in the House when there was discussion and the Law Minister made one statement and Mr. Shiv Shanker made another and the Law Minister said before me, he is prepared. You were not here in the House. Mr. Atal Bihari

[The Deputy Chairman]

Vajpayee was here. The Law Minister said it on Friday that he is going to lay the files on the Table of the House. Mr. Atal Bihari Vajpayee objected to it. He said you cannot show it. (*Interruptions*) I remember every word of it. It could be shown in the Chairman's Chamber and I said, if so agreed, the Chairman could be informed and Mr. Shiv Shanker and the Law Minister can see the files. To that, Mr. Atal Bihari Vajpayee again pointed out, then what? After he sees the file, is he going to come back to report to the House, I said, yes, he will come and say, he is satisfied or dissatisfied, whatever the result would be. That is the background of it. There is no allegation whatsoever. This is what happened in the House. (*Interruptions*)

SHRI SUBRAMANIAN SWAMY: Madam, I am on a point of order. (*Interruptions*)

SHRI AJIT P. K. JOGI: He has referred to the statement given by Mr. P. Shiv Shanker to the press and he said, he has misused... (*Interruptions*) That is the allegation.

SHRI SUBRAMANIAN SWAMY: Madam, before Mr. Shiv Shanker speaks, I would like to have a point of order. Mr. Shiv Shanker, will you yield for one minute? Madam, I am rising on article 121 of the Indian Constitution. This one question of how the Judges are appointed to be discussed in this House is most unfortunate. Suppose for example, it is true, then these Judges would be suspect in the eyes of the public. This whole thing should never have been brought in the House because the Legislature, in effect, is a... (*Interruption*) I am on a point of order.

THE DEPUTY CHAIRMAN: Let him complete.

SHRI SUBRAMANIAN SWAMY: The Parliament is forbidden from discussing the conduct of Judges any

way or saying anything... (*Interruption*).

THE DEPUTY CHAIRMAN: Please take your seat. Let him say.

SHRI SUBRAMANIAN SWAMY: If any Judge has been so appointed, I believe, in the case of Supreme Court Judges, it is totally false. No Judge has been appointed without the concurrence of the Chief Justice. (*Interruptions*). How can I say? I can say so many things which are factually correct. (*Interruptions*).

THE DEPUTY CHAIRMAN: If he feels let him say.

SHRI SUBRAMANIAN SWAMY: I happen to be better informed than all of you. (*Interruptions*)

SHRI KAMAL MORARKA: Is Mr. Subramanian Swamy answering for the previous Government?

SHRI SUBRAMANIAN SWAMY: I am not answering for the previous Government and you also learn not to answer for this Government. (*Interruption*).

THE DEPUTY CHAIRMAN: He has raised a point of order. I will remind him what happened that day in the House. I will tell you what happened in the House that day.

SHRI SUBRAMANIAN SWAMY: I know what happened that day. I have read the records and I would say that under article 121, this Parliament cannot take up this matter on the floor because in effect, it would reflect on all the Judges because if you do not name the Judges, then there will be suspicion about all the Judges and we have seen recently a politician committing contempt of court. Any Judge who says something not to the liking of somebody, they say, oh, he was appointed by the previous Government without the concurrence of the Chief Justice.

THE DEPUTY CHAIRMAN: Now you come to your point of order.

SHRI SUBRAMANIAN SWAMY: My point of order is that even if you have directed Mr. Shiv Shanker (Interruption)

THE DEPUTY CHAIRMAN: I did not direct Mr. Shiv Shanker.

SHRI SUBRAMANIAN SWAMY: or it was agreed in the House .. (Interruptions).

THE DEPUTY CHAIRMAN: Just a minute, please. I have a right to hear him. Please sit down.

SHRI SUBRAMANIAN SWAMY: This matter should not come on the floor of this House. This matter should not be raised in the House in any form because it will be violative of Article 121 of the Constitution.

THE DEPUTY CHAIRMAN: All right. Now I will remind what happened that day. The matter was raised about a Judge who was being transferred from some place. And that allegation was levelled against the Government or about whom I do not remember that much correctly. (Interruption). You are right. Lucknow, perhaps. And then, on the discussion which was going on between the Law Minister and Mr. Shiv Shanker, the matter came up. I would never permit a discussion of the conduct of Judges in the House. I will never permit, while I am presiding over here, a discussion on Judges. But when this allegation was raised about someone, the Law Minister came forward and that is how Mr. Shiv Shanker and Mr. Dinesh Goswami discussed that. Mr. Dinesh Goswami was prepared to show the file and Mr. Shiv Shanker knows. I talked to him about it. Mr. Atal Bihari Vajpayee is a witness to what happened in the House. So nobody is discussing the conduct. Your anxiety (Interruption)

SHRI SUBRAMANIAN SWAMY: I am saying that this matter cannot come on the floor of the House because it will be a reflection (Interruption).

THE DEPUTY CHAIRMAN: It was raised already. You are a little late. You are late in the day. You should have raised it that day also when the matter was brought about any Judge anywhere in the country.

SHRI SUBRAMANIAN SWAMY: Even today, since the matter is going to be in the Chamber, it cannot come in the House. (Interruptions).

SHRI P. SHIV SHANKER: Madam, can I not be heard, of all the persons?

THE DEPUTY CHAIRMAN: I want you to be heard, I have been wanting you to be heard. You allowed Mr. Subramanian Swamy.

SHRI P. SHIV SHANKER: I never allowed.

THE DEPUTY CHAIRMAN: I allowed you. You sat down. Otherwise, I did not want you to sit down. You may say now what you like. (Interruption). I will allow Mr. Shiv Shanker.

SHRI S. JAIPAL REDDY (Andhra Pradesh): I am referring to his point of order. Article 121 does not deal with the process of selection or appointment of Judges.

THE DEPUTY CHAIRMAN: I have heard it. (Interruption) I have heard Article 121. Shiv Shankerji, aap boliye. (Interruptions). I have heard that Article 121 does not deal with that. I heard it. I heard the whole thing. You have said that Article 121 does not deal with the point Mr. Subramanian Swamy referred to. Your word is being recorded. O.K.? Aap boliye.

SHRI P. SHIV SHANKER: Madam, I am sorry about the manner in which this issue has been sought to be raised.

[Shri P. Shiv Shanker]

ed. What has been said by me and what has been said by Mr. Goswami are part of the record. I will never shy away if it is a question of offering my apologies. It requires courage and I have sufficient courage to offer my apologies. Please don't take otherwise. If you like to score a point on that.... (Interruption).

THE DEPUTY CHAIRMAN: Right from the beginning, he did not want to.

SHRI P. SHIV SHANKER: Madam, what happened is this. (Interruptions)

SHRI ISH DUTT YADAV. You are taking it otherwise.

SHRI P. SHIV SHANKER: I am certainly taking it otherwise because of the manner in which it has been put before this House (Interruptions).

THE DEPUTY CHAIRMAN: Let him say what he wants to. He has a right to explain.

SHRI P. SHIV SHANKER: I had a great discussion on this issue with the Law Minister. I had also had a discussion in part with the Leader of the House. I had a discussion with the Law Minister in the presence of the Chairman, Rajya Sabha, also. The point was simple. The hon. Law Minister opined that he would lay it on the Table of the House. It was at the instance of Vajpayeeji who said that the Leader of the House, he and me should sit with the Chairman and sort out the matter. I read—and I am prepared to read if you would like—the records show that Mr. Sikan-der Bakht raised the issue 'us ke baad kya hoga?'. Then you said that they would have to report to the House.

THE DEPUTY CHAIRMAN: No, No. I did not say that.

SHRI P. SHIV SHANKER: It is there. Would you like me to read?

THE DEPUTY CHAIRMAN: I do not now. I have not read the report. Even if I said it... (Interruption).

SHRI P. SHIV SHANKER: I am prepared to read it. It is on record.

THE DEPUTY CHAIRMAN: Ah right. O.K.

SHRI P. SHIV SHANKER: Now the point is this. If it is a matter of reporting back, well, the House will perhaps be interested to know as to who those judges are. Naturally, they will put these questions. And I would not like to shy away in those circumstances from revealing the names. Let me be frank about it. I would not like to shy away. I ask the Law Minister two questions. One, would the Law Minister kindly tell me whether they are constitutional appointments. He affirmed that they are all constitutionally valid. And the second point which he said was that there were no *mala fides* involved in the appointments in any form; they were *bona fide* appointments. So, constitutionally they are valid appointments. (Interruptions).... This is what he said. Then the question was whether we should go into the records and names. Once it comes out that it is a matter where the appointments are constitutional and there is no favour in any form involved, the *bona fides* have not been questioned, then it is a matter whether we should look into it and come back and report. If the House wants that we should still look into it, I am prepared to go into it and I will report back. So far as my statement is concerned, I did say, I used the word 'recommendation'. I said, all the appointments have been effected on the basis of the recommendation. If it is wrong, I assure the House I will offer my apologies. There is no question of my shying away.

SHRI VIREN J. SHAH (Maharashtra): The question is: Whose recommendation?

SHRI K. G. MAHESHWARAPPA: Madam, excuse me. I have not attributed any *mala fides*.

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) : महोदया, ... (व्यवधान) ...

उपसभापति : अटल जी बोल रहे हैं।

श्री अटल बिहारी वाजपेयी : महोदया, इस विषय पर जब चर्चा हो रही है तो कानून मंत्री को सदन में होना चाहिए।

उपसभापति : उनको मालूम नहीं था कि यह बात उठेगी।

श्री अटल बिहारी वाजपेयी : इसलिए मेरा निवेदन है कि चर्चा पूरी नहीं हो सकती है। अब शिव शंकर जी ने कानून मंत्री से क्या कहा, यह बताया है ... (व्यवधान) ...

श्री पी. शिवशंकर : क्यों न बताऊ ? जब मेरे ऊपर लांछन लगाया जा रहा है कि इस तरह से कहा है आपने कि he does not know whether such an appointment was made with the consent. I never said this. Then he read it out. This is what was said. Naturally I will have to say all that. I am prepared to say everything. (Interruptions) Vajpayeeji, I assure you that if I have committed any mistake, I am prepared to take punishment of the House. It is a totally different issue. I would never shy away....

उपसभापति : वस। अब खत्म हो गया। मैंने पहले ही कहा था कि शोर में सुना नहीं। मैं ला मिनिस्टर माहब से बात करके पूछ लूंगी।

श्री अटल बिहारी वाजपेयी : महोदया, मैं यह कहना चाहता हूँ कि अगर कानून मंत्री और विरोधी दल के नेता बात-चीत करने के बाद इस नतीजे पर पहुँचे हैं ... (व्यवधान)

श्री पी. शिवशंकर : ट्रेजरी बेंचिज की तरफ से यह उठाया जा रहा है। हमारी तरफ से उठाया जाता तो और बात थी। यह तो ट्रेजरी बेंचिज की तरफ से उठाया जा रहा है। ... (व्यवधान) ...

Should I not speak on that? You don't expect me to speak on it.

SHRI YASHWANT SINHA: How can you object to that? Every Member of the House can raise any issue.

श्री अटल बिहारी वाजपेयी : महोदया, तब तो हम कानून मंत्री को भी सुनना चाहेंगे। ... (व्यवधान) ...

SHRI YASHWANT SINHA: Every Member is entitled to raise an issue. Mr. Maheswarappa is as much a Member of the House as anybody else and he has a right to raise this matter.

..... (Interruptions)

श्री अटल बिहारी वाजपेयी : महोदया, आपने मुझसे बोलने के लिए कहा था। ... (व्यवधान) ...

उपसभापति : अटल जी चूंकि वहां मौजूद थे, यहां सवाल यह नहीं है कि एक दूसरे पर प्वाइंट स्कोर करने का है, जैसे शिव शंकर जी ने कहा। जो हाऊस में हुआ, वह रिकार्ड के अंदर है। हो सकता है कि मैंने यह कहा कि अटल जी ने कहा After that, what? No, it was not Atalji. It was Sikander Bakhtji. Maybe you are right, it was not Atalji. The second question was raised by Shr Sikander Bakht.

... (Interruptions) ...

उसके बाद क्या होगा, शायद वह मालूम करना चाहते हैं ? कल यहां एक बात उठाई गई थी हवाई जहाज के सिलसिले से, कोई एलिंगेशन था। हवाई जहाज का था या कोई और था I do not know, but the Aviation Minister was here. Some projects (Interruptions) और उसके सवाल में

उन्होंने कुछ कहा। Power projects.

और उनके सवाल पर उन्होंने कुछ कहा, मंत्री जी ने यहां, हाऊस में कहा कि मैं वह चीजें दिखाने को तैयार हूँ। In the night I received a call that

[Shri Yashwant Sinha]

those Members had seen the file and they had been satisfied. At least I was informed that they were satisfied. I do not know whether the Members want to raise it and say it here. I think they are satisfied.

A lot of Members went to the Minister, Mr. Arif Mohd. Khan. And Mr. Arif Mohd. Khan rang me up last night and said, "Madam, some Members have raised it; I am prepared to show the file; I have shown the file and they are satisfied." I do not know whether the Members want to say it on the floor of the House. Now, unless and until I speak to the Law Minister I cannot take any decision on this. So that matter is closed.

श्री अटल बिहारी वाजपेयी : महोदया, मैं यह कह रहा था कि या तो यह मामला तब उठाया जाता जब कानून मंत्री सदन में होते। लेकिन मैं तो चाहता था कि यह मामला न उठे। क्योंकि अगर चैंबर में एक बात हुई है और कानून मंत्री और विरोधी दल के नेता इस नतीजे पर पहुँचे हैं कि इसमें सदन में रिपोर्ट करने लायक कुछ नहीं है तो फिर यह मामला उठना नहीं चाहिये था। लेकिन मामला उठ गया और कानून मंत्री हैं नहीं, अब तो आपको कानून मंत्री को बुलाकर उनको कहना पड़ेगा कि वह भी अपनी बात कहें और फिर सदन फैसला करे।

उपसभापति : अभी तो हम लोग कालिंग अटेंशन—जब तक भी यह नहीं आते हैं।

Now we will continue with the Calling Attention.

SHRI P. SHIV SHANKER: I am prepared to offer apologies. What is the difficulty about it?

SHRI N. K. P. SALVE (Maharashtra): If a matter involves a grievous question of constitutional impropriety and if the Law Minister has any grievance, it is for him to come and say that, not for any Member.

THE DEPUTY CHAIRMAN: He did not have any grievance.

SHRI YASHWANT SINHA: It was discussed in this House.

SHRI N. K. P. SALVE: If the Law Minister was not satisfied that the matter was such that it required either Shiv Shankerji to apologise...

THE DEPUTY CHAIRMAN: No, no. He did not say that. Mr. Salve, the Law Minister does not come into the picture at all just now.

SHRI P. SHIV SHANKER: If the papers are to be laid on the Table of the House and if it is our intention that we should discuss the names of the sitting judges, I am prepared to discuss, if these people want it.

THE DEPUTY CHAIRMAN: Unless and until I discuss the subject with the Law Minister, I cannot say anything. That matter is closed now. Now I am calling Mr. Kamal Morarka (*Interruptions*) Let us do some business, some listed business.

श्री राम नरेश यादव : महोदया, उत्तर प्रदेश की सरकार सैय्यद मोदी हत्याकांड में ... (व्यवधान) ... लखनऊ से दिल्ली ले गयी है ... (व्यवधान) महोदया, यह सरकारी मशीनरी का गलत इस्तेमाल है और इस तरह से खुला दुरुपयोग किया जा रहा है यह बहुत ही खतरनाक बात है। ऐसे मामले में उत्तर प्रदेश की सरकार को ... (व्यवधान)

THE DEPUTY CHAIRMAN: Are you speaking on a different thing? How can I understand?

श्री राम नरेश यादव : महोदया, मैं एक मिनट में अपनी बात समाप्त करता हूँ।

उपसभापति : आप क्या कह रहे हैं?

श्री राम नरेश यादव : महोदया, मैं यह कह रहा था कि उत्तर प्रदेश की सरकार, आप जानती हैं कि बहुचर्चित मोदी हत्याकांड लखनऊ में चल रहा है। उसमें अभियुक्त के वकील हैं जेठमलानी जी। महोदया, सरकारी ... (व्यवधान) दिल्ली आता है, दिल्ली से कई घंटे इंतजार किया जाता है। फिर उस प्लेन से वह लखनऊ जाते हैं। प्लेन का इस्तेमाल बुरी तरह से ... (व्यवधान)

उपसमाप्ति :

State matters we cannot raise on the floor of this House. We cannot raise here matters concerning States.

आप खुद मुख्य मंत्री थे, आपको मालूम है कि स्टेट का मैटर अगर वह कोई हरिजन का होता है, महिला का होता है तो हम एलाउ करते हैं। स्टेट गवर्नमेंट के मैटर्स इस हाऊस में एलाउ नहीं करते। इसलिये आप न बोलिए। आप तो खुद ही मुख्य मंत्री रहे हैं। आप जब मुख्य मंत्री थे हमने आपका कोई मसला नहीं उठने दिया, बैठिये।

1.00 P.M.

Now, what is your problem? What is your subject? You tell me ... (Interruptions)...

SHRI JAGESH DESAI (Maharashtra): There is a statement of the Minister that more and more should go to the private sector... (Interruptions)...

THE DEPUTY CHAIRMAN: No. We have a discussion on the banking system, I will not permit you like this. He will answer. If he has said something, he will answer. We are discussing the banking system now. Let the more important business be discussed now, Yes, Mr. Morarka.

CLARIFICATIONS IN RELATION TO THE CALLING ATTENTION STATEMENT MADE ON 27TH AUGUST, 1990 REG. RAMPANT CORRUPTION, MISMANAGEMENT AND MALPRACTICES IN THE NATIONALISED BANKS AND THE ACTION TAKEN BY GOVERNMENT IN THE MATTER—(Contd.)

SHRI KAMAL MORARKA (Rajasthan): Madam, since this Calling Attention Motion relates to the corruption, mismanagement and malpractices in the banks, I will try and speak about only a few aspects of the banking system though I feel that the time has now come when the House should have a full-length discussion on the working of the nationalised banks in this country.

Madam, I am one of those who were enthused in 1969 when 14 major banks were nationalised and it is also

a matter of credit that during the last 21 years, there has been a sea-change in our banking system.

On the positive side, Madam, there has been a change, not only in the pattern of credit, but also in the scope and content of banking itself. Till 1969, we had a banking system which was in the hands of a few people who used to cater to the credit requirements of a certain section of the population for a certain limited purpose. But after the nationalisation of banks,...

SHRI H. HANUMANTHAPPA (Karnataka): At the time, you people were sitting here and opposed it... (Interruptions)....

SHRI KAMAL MORARKA: You read the history correctly. Most of the people on this side now were for a social change. Everything that is retrograde has happened during the last ten years and we were not with you during the last ten years!

Madam, during the last 21 years, there has been an enormous growth in our banking system. With just eight thousand branches at the time of nationalisation, today, the public sector banks have got 38,000 branches all over the country. As against a deposit of about Rs. 4,500 crores, the total deposits in the banking system today are touching the figure of one lakh seventy thousand crores. These are mind-boggling figures. If the deposits were four thousand crores then, now they are not just eight thousand crores, but they are one lakh seventy thousand crores. It is definitely a mind-boggling figure. One of the reasons for the deterioration in the banking system can be found in this growth rate itself. What has really happened is that the banking system has not been able, the successive Governments have not been able, to take steps required to cope with the expansion in the banking system. And, is my submission to the House, I would try to stick to a few points and a few suggestions to the Finance Minister.