

चारिद तथा सेवा की शर्तें) संशोधन विनियम, 1990 को प्रकाशित करने वाली अधिसूचना सं० ए-32 (11)-1/84-स्थापना I(ए) दिनांक 16 जून, 1990 की एक प्रति (अंग्रेजी तथा हिन्दी में)

[Placed in Library. See No. LT-1350/90].

IV. शिक्षा अधिनियम, 1961 की धारा 37 की उपधारा (3) के अधीन शिक्षना (संशोधन) नियम, 1989 को प्रकाशित करने वाली श्रम मंत्रालय (रोजगार और प्रशिक्षण महानिदेशालय) की अधिसूचना सं० का नि० सं० 882, दिनांक 25 नवम्बर 1989 को एक प्रति (अंग्रेजी तथा हिन्दी में) ।

[Placed in Library. See No. LT-1335/90].

Notification publishing the Food Corporation of India (Death-cum-Retirement Gratuity) (Second Amendment) Regulations, 1990

खाद्य और नागरिक पूर्ति मंत्रालय में राज्य मंत्री (श्री राम पूजन पटेल) : मैं खाद्य निगम अधिनियम, 1964 की धारा 45 की उपधारा (5) के अधीन भारतीय खाद्य निगम (मृत्यु तथा सेवा निवृत्ति उपदान) (दूसरा संशोधन) विनियम, 1990 को प्रकाशित करने वाली खाद्य और नागरिक पूर्ति मंत्रालय (खाद्य विभाग) की अधिसूचना सं० 54 (सं० ई० गे० 39 (3) /83) दिनांक 19 अप्रैल, 1990 को एक प्रति (अंग्रेजी तथा हिन्दी में) सभापटल पर रखता हूँ।

[Placed in Library. See No. LT-1518/90].

Notification of the Ministry of Agriculture (Department of Agriculture and Corporation)

कृषि मंत्रालय में कृषि और सहकारिता विभाग में राज्य मंत्री (श्री नितिश कुमार) : मैं आवश्यक वस्तु अधिनियम, 1955 की धारा 3 की उपधारा (6) के अधीन 1 अप्रैल, 1990 से 30 सितम्बर, 1990 तक (खरीफ सीजन 1990) की अवधि के

दौरान घरेलू उर्वरक विनिर्माताओं द्वारा विभिन्न राज्यों, संघ शासित क्षेत्रों और जिनस ब्रीडों को की गयी उर्वरकों की आपूर्ति को दर्शाने वाली कृषि मंत्रालय (कृषि और सहकारिता) विभाग की अधिसूचना सं० का० सं० 488 (अ) दिनांक 18 जून, 1990 की एक प्रति (अंग्रेजी तथा हिन्दी में) सभापटल पर रखता हूँ ।

[Placed in Library. See No. LT-1418/90].

REFERENCE TO A FOREIGN NATIONAL HOLDING A HIGH POST IN THE UNION GOVERNMENT

THE DEPUTY CHAIRMAN: Special Mentions.

SHRI JAGESH DESAI (Maharashtra): Madam, I want to raise a very important point. (Interruptions) Madam, I want to raise an important issue which will benefit the Government.

THE DEPUTY CHAIRMAN: Good.

SHRI JAGESH DESAI: Madam, one ex-Judge, Mr. Kotse Patil had brought to the notice of the Prime Minister that excise duty... (Interruptions)

THE DEPUTY CHAIRMAN: It is about excise duty.

SHRI JAGESH DESAI: A Full Bench of the Bombay High Court had given a verdict. The excise duty is collected. But when they go to the court, they challenge the entry and the tax is less. And there the tax should not be given to the party... (Interruptions)

THE DEPUTY CHAIRMAN: Please take your seat.

SHRI JAGESH DESAI: ...nor should it go to the Government. And it should be put for the purpose of welfare of the people concerned...

THE DEPUTY CHAIRMAN: Just a minute. Let me say something. Yesterday, the Chairman permitted a Special Mention to Mr. Bhandare...

SHRI JAGESH DESAI: My point is different.

THE DEPUTY CHAIRMAN: ... on the same subject.

SHRI JAGESH DESAI: I heard it. But my point is different, Madam. And when this judgment was given in the Winter and something of an important decision where crores and crores of rupee are involved...

THE DEPUTY CHAIRMAN: Now, please be brief. A number of Special Mentions are listed.

SHRI JAGESH DESAI: When this judgment was there, how is it a circular was issued? Madam, such circulars will not be issued at the level of the Chairman when such an important decision was there. Why was it not brought to the notice of the Government? An enquiry should be made to find out that whose behest this kind of circular was issued. And crores and crores of rupees were refunded. Madam, as such an enquiry should be made to find out at whose behest this circular was issued because such circulars cannot be issued without...

THE DEPUTY CHAIRMAN: You had you say. Please take your seat.

SHRI JAGESH DESAI: Mr. Kotse Patil met the Prime Minister thrice. It was brought to his notice. In spite of that, the Government issued a circular that the amount should be refunded. A full inquiry should be made by the Government, and a statement should be placed before the House. Thousands of crores of rupees...

THE DEPUTY CHAIRMAN: All right. I heard you, and the Government has heard. Yes, Mr. Baby, what have you to say? (Interruptions) I have identified Mr. Baby. (Interruptions).

SHRI M. A. BABY (Kerala): Madam, this House and this country would be surprised and astonished to know that a gentleman who has declared himself as an American citizen... is still occupying the responsible seat of Secretary, Department of Telecommunications, Government of India and *ex officio* Chairman of the Telecom Commission. This is a matter of grave importance. If you permit me, I can take his name. He is Mr. Sam Pitroda, the Telecom Commission Chairman-cum-Secretary, Telecommunications. He has *prima facie* violated the Indian Citizenship Act, 1955 by... (Interruptions)

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam, is it authentic? (Interruptions)

THE DEPUTY CHAIRMAN: Everything is authenticated in this House. (Interruptions) I have given him permission. (Interruptions) Every day, many matters are raised. (Interruptions)

SHRI S. S. AHLUWALIA (Bihar): What about the Prime Minister's son, who is a Green Card holder, in America? (Interruptions)

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

SHRI S. S. AHLUWALIA: What is his position? (Interruptions)

THE DEPUTY CHAIRMAN: Please, let him speak. Please sit down. If you have any objection in regard to anybody, you can take the permission of the Chair and raise the issue here. But just because you have an issue you cannot stop another Member from raising another issue which he wants to if you have any issue, you can raise it. (Interruptions) Please take your seat. He has a right to speak in this House. I have permitted him.

SHRI S. S. AHLUWALIA: I do not have any objection... (Interruptions)

THE DEPUTY CHAIRMAN: Mr. Jagesh Desai, please sit down. If you have anything to say, you can take the permission of the Chairman. If he permits, you can raise it. But you cannot stop another person from making his point just because you have another point. I am not permitting you. You can take the permission of the Chairman and say anything you want to. (*Interruptions*)

श्री अजीत जोगी (मध्य प्रदेश) :
महोदय सदन की परंपरा रही है कि व्यूरोक्रेसी के नाम यहां नहीं लिए जाते।

उपसभापति . आप सदन की परम्परा की बात बाद में कीजिएगा, कृपया बैठ जाइए। वैसे रोज सदन की परंपराओं की ओर मैं ध्यान दिलाती हूं, आप भी ध्यान दें, धन्यवाद। प्लीज बैठ जाइए।

SHRI M. A. BABY: Madam, my party may be supporting this Government. But in this particular matter, the attitude of the present Government is highly reprehensible. This I would like to bring to the notice of this august House. It is a very sensitive and a serious matter.

The statutory documents furnished by Mr. Pitroda and his family company, Microtechnology Singapore Private Limited, under that country's Companies Act, clearly identify him as an American. I have the documents with me. Moreover, I have this microfilm with me. I would like to hand it over to the Chairman who, in turn, can hand it over to the Government.

I would now like to present certain facts in chronological order. Mr. Pitroda, an American businessman, acquired Indian Citizenship in January, 1987 after he had fully won the confidence of the powers-that-be and was presumably assured of a strategic job in the Indian Government.

There was a violation of the Indian Citizenship Act, according to my knowledge. According to that Act,...

SHRI KAMAL MORARKA (Rajasthan): There was also FERA violation.

SHRI M. A. BABY: I am coming to that.

THE DEPUTY CHAIRMAN: Mr. Baby, will you please be very brief?

SHRI M. A. BABY: Very brief. Please also show some indulgence, considering the seriousness of the matter. There has been violation of the FERA, as has been rightly pointed out by my colleague, Mr. Morarka.

Madam, for acquiring Indian Citizenship as per the Act, one has to reside in India for five years. Only then, the process starts. In this particular case, though he did not stay in India for five years, he was accorded Indian Citizenship in the year 1987. Before acquiring Indian Citizenship, Mr. Pitroda served as an Adviser to the Centre for Development of Tele-matics (C-DOT) which used to arrange C-DOT imports from his Chicago company, Martek, of which he was the Chairman. He was also the Chairman of another American company, Microtechnology Incorporated, which sold components to C-DOT.

I do not wish to go into these business irregularities at present. I hope, the Government will itself place a comprehensive report on the overt and covert activities of Mr. Pitroda. If the Government sticks to its present strategic approach of withholding the information from Parliament of giving evasive and wrong replies. I will be constrained to place all relevant documents on the Table of the House with the permission of the chair.

THE DEPUTY CHAIRMAN: I have not permitted you to lay it on the Table of the House. Please be brief.

SHRI A. G. KULKARNI (Maharashtra): Has he authenticated it or not?

THE DEPUTY CHAIRMAN: He is authenticating it.

SHRI M. A. BABY: I am responsible for the document. I am placing it and now it is up to the Government.

Microtechnology Singapore was registered on April 9, 1988, when Mr. Pitroda was serving as Technology Missions Advisor to Prime Minister. Mr. Pitroda became the Director of Singapore Company on April 12, 1988.

In the statutory form numbered 45 filed and signed by Mr. Pitroda with Singapore registry of companies he has identified himself as an American resident with his address as 1480, Golden Bell Court, Downers Grove, Illinois, U.S.A.

THE DEPUTY CHAIRMAN Mr. Baby, is it a very long statement?

SHRI M. A. BABY: I have got a lot of information but I do not want to go into details. I am only mentioning the relevant point.

SHRI P. K. KUNJACHEN (Kerala): The same person cannot be holding two citizenships at the same time. He cannot be an American and an Indian citizen and serving this country.

SHRI M. A. BABY: I hope on this particular issue there will be no division within this House because this particular problem is occupying a very sensitive post. He claims to be an American citizen in Singapore even in July 1990. I have a document which states that all relevant details are updated as on July 1990. Madam, he occupies the post of a Secretary to the Department of Telecommunications and you understand the security environment, the sensitive environment in the sub-continent. He has access to the most important sensitive information, classified secret

information with the Government of India.

THE DEPUTY CHAIRMAN: I have some listed special mentions.

SHRI M. A. BABY: Therefore, I would like to know whether the gentleman who claims to be an American citizen can occupy this most sensitive position in the Department of Telecommunications as Secretary. Secondly, with that responsibility he has been engaging himself in dubious transactions violating Foreign Exchange Regulations Act. I want the Government to take serious note of this. The Government of India should initiate action on this immediately. There should be an enquiry. I do not know whether this gentleman can be allowed to hold that responsibility even for a moment more. With him there the enquiry would not be correct.

SHRI GURUDAS DAS GUPTA (West Bengal): Mr. Pitroda must resign. If he does not resign, he must be dismissed. Let the House agree to this because as long as he says there he is a security risk for the Government. (Interruptions)

SHRI P. K. KUNJACHEN: He is a security risk to the country.

SHRI VISHVJIT P. SINGH (Maharashtra): He is an Indian citizen. He has got an Indian passport.

SHRI P. K. KUNJACHEN: How can he be a citizen of India and a citizen of America?

SHRI A. G. KULKARNI: I have listened to Mr. Baby. It is a very serious allegation. Will the Government enquire about what Mr. Vishvjitji is saying and what Mr. Baby has said? Is he actually an Indian citizen or an American citizen?

THE DEPUTY CHAIRMAN: He is on his legs. Let him speak... (Interruptions)

SHRI KAMAL MORARKA: Mr. Vishvjit Singh thinks he can raise his voice and drown whatever details have been given by the Member. I strongly object to it.

(Interruptions)

THE DEPUTY CHAIRMAN: It is for the Government to take action. You are not the Government, Mr. Vishvjit Singh.. (Interruptions)

SHRI DIPEN GHOSH (West Bengal): Madam, it is a serious charge. (Interruptions) A foreign national cannot be a Secretary in the Government of India.

(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Jagesh Desai, the Member has made his objection. Mr. Baby raised some issue. It is not for the Members... Just a minute Please take your seats.....Many allegations are made every day in this House..... Please take your seat. (Interruptions) 1*

Many allegations are made. It is for the Government to come forward and clarify it... (Interruptions) That is my ruling.

SHRI A. G. KULKARNI: Enquiry should be made against FERA violation. But the basic point is that it should be enquired into whether he is an Indian citizen or not. Basically what he has said is a serious matter. It should be gone into.

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER): Madam, certain allegations are made against an official. It has also been said that he is occupying a very high position. Under the rules, we do not refer to the conduct of a person who is not in a position to come and answer in this House. I do not know under what circumstances, the Special Mention has been permitted. This is a strange practice.

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, it is happening every day.

SHRI P. SHIV SHANKER: Some of the Members take advantage of the situation and make a reference. If the Government would like to go into it and come forth with a statement, that is a different thing. We would certainly then like to look into it. But the Members making an averment about authorities—yesterday also it was done and today also it is being done....

THE DEPUTY CHAIRMAN: Day before yesterday also, four days ago also; every day it is being done.

SHRI P. SHIV SHANKER:... The person concerned has no chance to say anything here. Would you please look up and expunge the remarks and the reference?

THE DEPUTY CHAIRMAN: I think.....Just a minute.....I will look into it...Just a minute... (Interruptions)

SHRI DIPEN GHOSH: The Leader of the Opposition has said that under the Rules and the Procedure of the House..... (Interruptions)

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): I wanted to raise a very important matter about my State....The hon. Chairman has not permitted by Special Mention. What should be allowed is not allowed to be made....

SHRI P. SHIV SHANKER: Even about a person who can answer, you cannot do it... (Interruptions)

SHRI DIPEN GHOSH: I am saying, under the Rules, you say that no charge should be made against an official who cannot defend himself...

SHRI SHABBIR AHMAD SALARIA: My Special Mention was not allowed....

SHRI DIPEN GHOSH: But this a question about a foreign national holding a high post in the Union Government.

SHRI P. SHIV SHANKER: It is a moot point whether he is a foreign national or an Indian national. You are making an allegation that he is a foreign national.

SHRI DIPEN GHOSH: Government should be concerned about the fact that a foreign national has been occupying a very high post in the Union Government.

SHRI J. SHIV SHANKER: Have you come to that conclusion? Then you should have brought it to the notice of the Government. It is for the Government to decide. If he is in the Government, it is for the Central Government to take action. It is a moot point...

THE DEPUTY CHAIRMAN: Government will look into the matter.

SHRI P. SHIV SHANKER: Can you take over the authority to decide whether a particular person is a foreigner or an Indian?

THE DEPUTY CHAIRMAN: Now the matter is over. (Interruptions)

SHRI S. S. AHLUWALIA: Madam, it is very unfortunate...

THE DEPUTY CHAIRMAN: I say the matter is over. I am calling Mr. H. R. Bhardwaj. Yes, Mr. Bhardwaj... Please allow him to speak.

SHRI SHABBIR AHMAD SALARIA: It is great injustice done to me.

SHRI M. A. BABY: One sentence, Madam.....I hope the whole House recognises the seriousness of the matter... (Interruptions)

SHRI P. SHIV SHANKER: I invite your attention to rules.

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, please don't quote rules

because I have got many instances. If I start quoting the rules, there will be many things which will have to be off the record. The rules are made... (Interruptions)... Please, just a minute. Please take your seats. I request everybody to be cool. Please RIA: Madam... (Interruptions)...

SHRI SHABBIR AHMAD SALARIA: Madam... (Interruptions)...

उपसभापति । सलाहिया साहब, कृपया बैठ जाइए... (व्यवधान)... बैठ जाइए, इतना नहीं चिल्लाइए..

... (Interruptions)... Sit down, please, One minute. Sit down... (Interruptions)... I say, please. When I am on my legs, please sit down... (Interruptions)... Mr. Shiv Shanker, it is a charge against the Government that somebody... (Interruptions)... As I understood it, it is a charge against the Government that a foreign national is being employed and the Government should look into it... (Interruptions)...

SHRI P. SHIV SHANKER: It is a charge against the person that he is not an Indian national.

THE DEPUTY CHAIRMAN: So the Government has to answer why he is employed or not employed. It is a charge against the Government.

SHRI P. SHIV SHANKER: You allow that type of a charge?

THE DEPUTY CHAIRMAN: It is a charge against the Government.

SHRI P. SHIV SHANKER: I am sorry, you are giving a ruling like this. I am sorry that it is a very wrong approach.

THE DEPUTY CHAIRMAN: I will look into the record... (Interruptions)... I will look into the record and see; I will ascertain myself. As I understood, the gentleman has charged the Government and he said...

SOME HONOURABLE MEMBERS: No, no.

THE DEPUTY CHAIRMAN: He said it, I am telling you... (Interruptions)... He charged the Government. Why should you object?

SHRI P. SHIV SHANKER: He said that the person concerned is not an Indian national.

THE DEPUTY CHAIRMAN: That is a charge against the Government. ... (Interruptions) ...

SHRI P. SHIV SHANKER: Supposing, Madam, it is said that a particular Member of this House is not an Indian national, then is it a charge against the Government.

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, please. ... (Interruptions)... Please, please, please. Just a second. Please sit down.

SHRI P. SHIV SHANKER: That is the ruling you want to give on this type of an allegation... ... (Interruptions) ...

THE DEPUTY CHAIRMAN: Just a minute. ... (Interruptions)... I will allow, I am not stopping you. Just a minute, please. ... (Interruptions)... Please take your seat. As I understood it the honourable Member said that this Government has employed a person who declared in July 1990 that he was a foreign national. Now the Government should come forward and say.

SHRI P. SHIV SHANKER: Madam, therefore, when you say that a particular person is not an Indian national, is it not an allegation against that person that his nationality is questioned?

THE DEPUTY CHAIRMAN: I am not a lawyer; I am a simple Deputy Chairman. My understanding is very simple. ... (Interruptions) ...

SHRI P. SHIV SHANKER: It is an allegation against that person. That means you are giving a licence

that this type of allegations could be made—and I am sorry for that.

THE DEPUTY CHAIRMAN: No, I am not giving any licence, Mr. Shiv Shanker, to anybody. ... (Interruptions) ...

SHRI R. K. DHAWAN (Andhra Pradesh): Madam.... ... (Interruptions) ...

SHRI DIPEN GHOSH: Madam, will the words of the Leader of the Opposition go on record?

THE DEPUTY CHAIRMAN: Let it go on record. Every word against me should go on record. I have allowed the Secretariat to write any thing which is spoken against me. I want it to go on record. I have no objection to anybody abusing me, and let it go on record... (Interruptions) ...

SHRI M. A. BABY: I am having objection. ... (Interruptions) ...

THE DEPUTY CHAIRMAN: I was talking to him, not to you. I have a right to speak to him... (Interruptions) ...

SHRI P. K. KUNJACHEN: We have objected; the House has objected.

THE DEPUTY CHAIRMAN: I wanted it to go on record.

SHRI R. K. DHAWAN: Madam, I want to raise a very simple question as to what is your ruling with regard to the mention of the name of a person cannot defend himself in this House? What is your ruling on this?

THE DEPUTY CHAIRMAN: My ruling is, I can look at the record for the last one week... ... (Interruptions)... Just a minute. And I will have to remove every name including the Chief Ministers', the Ministers' and other people's from the record—those who are not present in this House and whose names

[The Deputy Chairman]

have been taken. So, please listen. ... (Interruptions) ... I will go into the record and remove all the names. Now, Mr. H. R. Bhardwaj.

SHRI R. K. DHAWAN: So the ruling is, as I understand the ruling.

THE DEPUTY CHAIRMAN: Every name, whichever has been spoken...

SHRI R. K. DHAWAN: One who cannot defend himself, his name cannot be mentioned.

THE DEPUTY CHAIRMAN: All right, anybody whose name comes who cannot defend himself, from the past record also, I am going to remove. ... (Interruptions) ... There have been many allegations against Chief Ministers; there were mentions against Chief Ministers and other Ministers every day.

SHRI P. SHIV SHANKER: Shall we act according to rules or without rules?

THE DEPUTY CHAIRMAN: That is the rule, and we will follow the rule for everybody, for everyone. (Interruptions)

There was an allegation, may I remind you, Mr. Salve? (Interruptions)

SHRI P. SHIV SHANKER: If an allegation is made against somebody who cannot defend here, please remove that.

THE DEPUTY CHAIRMAN: Okay. Shall I remind you—please, just a minute—there was an allegation yesterday by an hon. Member of this House against the Chief Minister of Uttar Pradesh—I do not remember his name—that the Chief Minister of Uttar Pradesh was protecting anti-social elements. It is an allegation. I should have removed it from the record. He cannot defend himself here.

Now Mr. Bhardwaj is on his legs. That matter is closed. Please sit down. Take your seat.

There was an allegation made against the Andhra Pradesh Chief Minister, which I did not allow to be on record. There was an allegation against the Maharashtra Chief Minister, which I did not allow. So, if I can protect the people, the rule is for everybody.

Mr. Bhardwaj will speak. Now the matter is closed. Please sit down. No more discussion on this. The matter is closed. The matter is closed. The matter is closed. Mr. Bhardwaj will speak, Please, the matter is closed. No more discussion on it. No more discussion, please, please, please, please, please.

ARREST OF DELHI BAR ASSOCIATION REPRESENTATIVES WHILE ON WAY TO MEET PRIME MINISTER

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Madam, I wish to draw your kind attention and the attention of this august House and the Government also to the fact that yesterday, I have read in the newspaper, the President of the District Bar Association of Delhi, the Secretary and other office bearers of the Delhi Bar Association were arrested in Paliament Street area.

Madam, what was the allegation? This delegation of the Delhi Bar Association was going to the South Block to present a memorandum to the Prime Minister regarding their demands about the courts. I can understand the difficulty of the Government because there is no Law Minister today. They ought to have gone to the Prime Minister. They have very genuine grievances, and they have problems. Five thousand lawyers belong to the Bar Association.