

न्याय है, जो रिकार्ड है, जो औचित्य है, उसी के आधार पर केन्द्र सरकार पहल करे, यही मेरी केन्द्र सरकार से मांग है, यही निवेदन है।

Allegation of a member of the House against another on leakage of Thakkar Commission Report

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Mr. Vice-Chairman, Sir, I thank you for permitting me to raise this matter of public importance, a subject which has been rocking the country and the Parliament for the past so many weeks and sidetracking many main issues like *roti, kapada* and *makar* for the people of my country. Many questions have been raised and much discussion has taken place on the floor of this House. Since I was not permitted to speak on this subject earlier, I sought the indulgence of the Chair to raise the issue of this Thakkar Commission report and what is being discussed about it in the streets so that we can take cognizance, under article 71, of the collective responsibility of people sitting in the seat of power. Sir, people are a 'king पार्लियामेंट में क्या हो रहा है। ठकुर कमिशन क्या चीज होती है?

When you explain it in simplistic terms, then people say मगर एक मंत्री ने कह दिया दूसरे मंत्री का कसूर है, कि वह जिम्मेदार है।

When a Minister of State categorically states in an interview to a magazine, *Surya* of April issue, another Minister of Cabinet rank is implicated, that he is responsible in some way or the other for casting aspersions on the Thakkar Commission report. We must take cognizance of it. He is a colleague of mine. All of us are colleagues. We work in this House together and if there is any truth in this report I am sure the Minister of State has not spoken it with a sense of irresponsibility and I am also sure he knew what he was talking about then, I want to urge the Government to take action against the Minister of Cabinet rank who dared

to indulge in an activity like this thereby denigrating the status of this House.

Sir, let us not get impassioned and express ourselves in a volatile manner on the floor of this House merely to make our point as the ruling party Member or as the Opposition Member. We must draw attention to the fact that, first of all, the Government appoints a Commission. Here it is the Thakkar Commission of Inquiry which of course, is naturally the most important enquiry possibly in the decades that we had. Then, there is the great secrecy allegedly in the "interest of the public". My personal opinion is that I would not like to go through the report to implicate one man irrespective of who it is and I cannot exonerate him because I have nothing else to substantiate what the report implies.

Now, when we are speaking on these lines on the floor of the House and when we are trying to draw the attention of the Government to the pressing demand of the people, then the report leaks and then this House is converted into a court room. I am not a lawyer. Thank God for that. I am not a lawyer because I do not want my vision to be restricted, to be biased, to be bound within the parameters of black and white law. I want that I should be able to reach out and touch the tangible spirit, the psyche of the Indian people out on the streets, because of whom we are in this seat here, and we should answer them, I do not know what the law dictates, but I know what my heart dictates, I know what my mind questions and when I say "I", I speak for the millions in this country, men, women and children, the human resource. Now, Sir, I want to tell you when these questions have arisen, when we are questioning the Government when the report is already available to the press and every day, we get one instalment like a Doordarshan serial, and what we have got is a pilot copy-I mean report 1(a) or 1(b) or whatever you claim it is—and when there is, again, secrecy and you do not

[Shrimati Renuka Chowdhury]

want to discuss it, we are reducing this whole discussion into a farce. We are wasting precious time if we are not going to give it.

'The Government now is hobnobbing inside and we are going to get a ruling on this. Please let them be clear as to what they want to tell this nation of mine? What are my people waiting for? Who are we trying to implicate? What is the great secret about this? Is one man responsible for the down-trend or upswing of the Government? I am questioning because they are responsible Members of this House who have also made statements, whose sentiments are echoed. I agree; if the hon. Members of this House, who are holding responsible position, do feel this way, then what is the great mystery about it? Where is the need for this secrecy?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): You have already taken five minutes.

SHRIMATI RENUKA CHOWDHURY: Sir, you have allowed 12 minutes to other Members and with due apology and courtesy, I have to seek the indulgence of this House so that I could raise this special mention. बाकी लोग तो बारह-तेरह मिनट तक बोले हैं। This special mention is no less important than any other...*(Interruption)*.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): I have only reminded you that you have already taken five minutes.

SHRIMATI RENUKA CHOWDHURY: Sir, you have been very indulgent.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Sir, so far she has not mentioned the name of the Minister who disclosed the fact to the press. That is more important for the information of the House.

SHRIMATI RENUKA CHOWDHURY: There was one limitation because of which I do not want to mention the name of the particular Minister in the sense that normally it is the decorum of the House that we do not mention the name. We do not indulge in it. *(Interruptions)*.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Then, what is the use of bringing this matter before the House? What is the use of beating about the bush? ...*(Interruptions)*...

SHRIMATI RENUKA CHOWDHURY: I was saying that it is my principle that mentioning names is below the decorum of the House. However, this is no great public secret and since my colleague has requested...*(Interruptions)*... I may inform him that it is in the April issue of the magazine 'Surya'. The names mentioned are, Mr. Kalpnath Rai, the Minister of State in the Department of Power, who has said about Mr. Makhan Lal Fotedar, the Minister of Steel and Mines. Now, I have great respect for the hon. Minister and I am very sure that whatever he said, he had said it with much deliberation.

SHRI CHITTA BASU (West Bengal): What did he say?

SHRIMATI RENUKA CHOWDHURY: You can do your home work. *(Interruption)*. I have got a copy. That is not the point. *(Interruptions)*... This is not a fight between the Minister and me or you and me. We are here in this together. That is what I am saying. When we go out on the streets...*(Interruption)*.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): You are losing your time. Don't reply to him.

SHRIMATI RENUKA CHOWDHURY: When we go out, we are all Members of Parliament irrespective of what party we belong to. We are no

going out for an election campaign just now. It may be the election year but we are not immediately going out to campaign. When we speak something in this House, it is with much deliberation. We must realise the effect it has on the people outside, the effect this can have and what it can mean. Now, if the hon. Minister knows something, I request him to please tell the House so that we can take correct action. We will move for privilege. We will do whatever we can do on the forum of this House. Let us do that because the faster this problem is solved, the better it is for all of us, for the people of this country.

THE MINISTER OF STATE IN THE DEPARTMENT OF POWER IN THE MINISTRY OF ENERGY (SHRI KALPNATH RAI): Sir, with reference to the special mention made in this House, as a personal explanation I would like to say that when from a certain elite magazine questions were asked, I only said that Arun Nehru and his gang were responsible for the omissions and commissions. I categorically deny taking any other name.

SHRIMATI RENUKA CHOWDHURY: Sir, this pains me because I have said it with a true spirit. I have his voice on tape. *(Interruptions)*.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: It must be referred to the Privileges Committee because a particular Minister, who is available in the House, has made allegations against another Minister. Now she has another record to prove her charge. So, it must be referred to the Privileges Committee.

SHRIMATI RENUKA CHOWDHURY: I am not making a charge at all.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Of course, she has not used the word 'charge'. But the way

in which she represented the matter amounts to a charge. *(Interruptions)*.

SHRIMATI RENUKA CHOWDHURY: I do not know how the Minister has made a personal explanation. *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): You raised a special mention and Mr. Kalpnath Rai, on a point of personal clarification, clarified the position. Now let us go to the next item.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: It has been denied by the hon. Minister, but, at the same time, she has constructive evidence to refute it. She has evidence to prove that he is giving a false reply.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): It is only a special mention. *(Interruptions)*.

SHRI N.K.P. SALVE (Maharashtra): What you have said is absolutely apt. She has referred to a certain matter and she has raised an issue. A personal explanation has been given. This is the end of the matter. This is not a court where evidence... *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Now let us go to the next item.

SHRIMATI RENUKA CHOWDHURY: I did not ask for a personal explanation. Why is he giving it? *(Interruptions)*. मैं कुछ पूछ नहीं।... *(व्यवधान)*

What kind of a privilege of a Member is this?

श्री यशवंत सिन्हा (बिहार): अगर मंत्री महोदय ने सदन को गुमराह किया है...।

THE VICE-CHAIRMAN (SHRI

SATYA PRAKASH MALAVIYA): This is the rule. You please go through this.

SHRIMATI RENUKA CHOWDHURY: Under what rule? (*Interruptions*). यह भी रूल है? यह कहाँ है आप मुझे दिखाइये? Please educate me as to which rule it is. (*Interruptions*).

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Take the record from her and find out whether the hon. Minister has replied properly. You must take the record from the Member concerned. It is a burning issue.

श्रीमती रेणुका चौधरी: अगर यह असत्य है तो या तो मैं मुआफी मांगती हूँ या फिर आपको सदन से मुआफी मांगनी पड़ेगी। यह कौन सा रूल है जिसके नीचे मंत्री जी को असत्य बोलने का हक हो गया?



[The Deputy Chairman in the chair]

I have not asked for a personal explanation like this. This is a typical syndrome of the foot-in-the mouth disease the Congress suffers from. (*Interruptions*). I have not asked for a personal explanation. The explanation was volunteered. It is a voluntary disclosure scheme. That is the term I would use. Under the voluntary disclosure scheme, every one is a self-confessed criminal. (*Interruptions*).

THE DEPUTY CHAIRMAN: What has happened? Did you make a special mention?

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Madam,...

THE DEPUTY CHAIRMAN: She is capable of handling this. This lady can manage herself. Don't worry.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: It is not a question

of herself alone. It is a question of the House.

THE DEPUTY CHAIRMAN: Please let me ask what happened.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Madam, in an interview that appeared in a magazine, two names were mentioned. One was Fotedar and... (*Interruptions*).

SHRIMATI RENUKA CHOWDHURY: Why should he not send a legal notice to the magazine? (*Interruptions*).

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: In her special mention as to who is responsible for the leakage of the Thakkar Commission report, she disclosed two names as said in the interview given by the hon. Minister concerned. The next moment, the hon. Minister stood up and gave his reply that he did not mention any names. On that reply, the hon. Member says she has got the taped voice of the hon. Minister and everything is recorded. You must take the record from the hon. Member. And then you can decide whether the honourable Minister gave a correct reply or he misled the House or whether he gave a false reply. That is the issue before the House now... (*Interruptions*).

THE DEPUTY CHAIRMAN: O.K... (*Interruptions*)...

SHRI YASHWANT SINHA: It relates to the dignity of this House and everything connected with it... (*Interruptions*)....

THE DEPUTY CHAIRMAN: I have followed it... (*Interruptions*)...

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: If it is to be referred to the Privileges Committee, that is a different issue... (*Interruptions*)... But the question now is whether he gave the

correct reply or whether he gave a false reply...*(Interruptions)*...

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): I think she says on behalf of the Congress (I) that they are ready if the matter is being referred to the Privileges Committee... *(Interruptions)*...

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): No, no. That is not what I said. I said that tapes cannot be produced here and this is not the Privileges Committee. I said that for that you have to follow the procedures... *(Interruption)*...

SHRIMATI RENUKA CHOWDHURY: I can substantiate what I have said...*(Interruptions)*...

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: This is not the Thakkar Commission issue. The question is about his reply...*(Interruptions)*...

SHRIMATI MARGARET ALVA: I said, when he said that this was a question of privilege, that you have to follow certain procedures and you cannot quote the tape...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Yes, I have followed it...*(Interruptions)*...

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Madam, please let me explain...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Why? ...*(Interruptions)*...

SHRI PARVATHANENI UPENDRA: Just on a point of clarification. The honourable Member has made a charge and has substantiated not only by read-

ing out from the magazine, but also by producing the tape. Now, it is for him to say categorically whether he has said it or not. You deny it? ...*(Interruptions)*...

SHRI KALPNATH RAI: Yes.

SHRI PARVATHANENI UPENDRA: You deny the tape also?...*(Interruptions)*...

SHRI KALPNATH RAI: Yes...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I understand it and now let me deal with the matter ...*(Interruptions)*... Just a minute, please. Now you want my ruling? ...*(Interruptions)*... We are not discussing it.

SHRI SUBRAMANIAN SWAMY: Now, we want to understand your understanding of the matter...*(Interruptions)*...

THE DEPUTY CHAIRMAN: My understanding of the matter is clear. You read the book by Kaul and Shakdher. It is very clear...*(Interruptions)*...

SHRIMATI RENUKA CHOWDHURY: May I make a submission, Madam?

THE DEPUTY CHAIRMAN: I think you have made your submission and he has given his explanation...*(Interruptions)*...

SHRIMATI RENUKA CHOWDHURY: No: I did not ask for it...*(Interruptions)*...

SHRI PARVATHANENI UPENDRA: He has himself given...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Let me deal with it and then you will see who is misleading and who is not. This was a

[Deputy Chairman]

Special Mention for only one person and not for the whole House...*(Interruptions)*...

SHRI PARVATHANENI UPENDRA: But this is arising out of that only.

SHRIMATI RENUKA CHOWDHURY: The whole thing has arisen out of that only...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Go and read the book by Kaul and Shakdhar...*(Interruptions)*...

SHRI YASHWANT SINHA: Madam, he has given the clarification. But there is one thing...*(Interruptions)*...

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: At least, Madam, you take the tape from the Member and then verify it in your room and then tell us tomorrow. Take the tape from her...*(Interruptions)*...

THE DEPUTY CHAIRMAN: That is all right.

SHRI PARVATHANENI UPENDRA: Then why did he deny it? Why did he respond?...*(Interruptions)*...

THE DEPUTY CHAIRMAN: At least he responded...*(Interruptions)*...

SHRI PARVATHANENI UPENDRA: But we would like to know whether he has given the correct reply or not...*(Interruptions)*...

THE DEPUTY CHAIRMAN: You please refer to "Kaul and Shakdhar". According to that, a Member has a right to make his personal explanation. He is a Member of this House and he is sitting here...*(Interruptions)*... just a minute....*(Interruptions)*... Don't keep on raising your finger. Mr. Lakshman, why are you raising your finger? You keep on raising your finger for what?

PROF. C. LAKSHMANNA (Andhra Pradesh): It is for a point of order...*(Interruptions)*...

THE DEPUTY CHAIRMAN: You see, Mrs. Chowdhury made a Special Mention.

SHRIMATI RENUKA CHOWDHURY: Yes.

THE DEPUTY CHAIRMAN: And the Member you referred to happens to be a Member of this House.

SHRIMATI RENUKA CHOWDHURY: Yes.

THE DEPUTY CHAIRMAN: And he happens to be present in the House now. He has denied it also. Now, if you still feel that he has not stated the truth, the correct fact, on which you think you have a right to make a privilege issue, I think you cannot discuss it. "Kaul and Shakdhar" is very clear on it. There is going to be no discussion on a personal explanation. That is the rule and that is the rule in this book. That is all.

Now, we shall take up the Motion regarding the Reports of the Union Public Service Commission. Now, Mr. Sukomal Sen has to start.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Madam, you can listen to the tape and then enlighten this house.

THE DEPUTY CHAIRMAN: What is allowed under the rules has been done and you cannot have a discussion on everything. We are discussing many things. But there are certain rules which we have to follow.

SHRI SUBRAMANIAN SWAMY: He is also entitled to his opinion of those people...*(Interruptions)*...

SHRI PARVATHANENI UPEN-

DRA: We are not disputing your ruling. But he should be bold enough to say that he did not say that... (*Interruptions*)...

THE DEPUTY CHAIRMAN : At least he was bold enough to respond. Now, we move on to the other item. Mr. Sukomal Sen has to speak. Yes, Mr. Sukomal Sen.

DISCUSSION ON THE THIRTY-FIFTH, THIRTY-SIXTH AND THIRTY-SEVENTH REPORTS OF THE UNION PUBLIC SERVICE COMMISSION

SHRI SUKOMAL SEN (West Bengal): Madam, it is very difficult to deal with the UPSC Reports, three voluminous Reports, in the heat of the debate on the Thakkar Commission Reports and other issues. Anyway, Madam, time is also short. So I would like to point out some of the salient features of the UPSC Reports, 1984-85, 1985-86 and 1986-87. Madam, what I want to say is that these three voluminous Reports for three years by the UPSC are full of indictment of the Central government, in which they are ignoring the recommendations of the UPSC. Madam, not only that. It appears from these Reports that the number of disciplinary cases in higher services is on the increase. It appears that in 1978-79, Madam— I am quoting from these Reports— the number of cases in which punishments were recommended by the UPSC to the government was 235 ; 151 are pending. It means 386 cases were pending with the UPSC in 1978-79. In 1984-85 it appears that 403 disciplinary cases were communicated by the Central Government and 75 cases remain with the UPSC. In 1985-86, 400 cases were communicated, and 54 cases remain. It means that in 1984-85 there were 478 disciplinary cases with the UPSC. And in 1985-86 there was a total of 468 disciplinary cases in UPSC in comparison to 386 in 1978-79. It means during these 7-8

years at least an increase of 100 cases was there—disciplinary cases in the higher administrative services of the Government.

[*The Vice-Chairman (Shri B. Satyanarayan Reddy) in the Chair*]

Now, Madam...

THE VICE-CHAIRMAN (SHRI B. SATYANARAYAN REDDY): No Madam. Madam gone inside (*Interruptions*)

SHRI SUKOMAL SEN: Now, Sir, I would like to point out certain other features which are very much disturbing. The UPSC has pinpointed those areas, that is about *ad hoc* and irregular appointments. Sir, you must be aware of the fact why these *ad hoc* and irregular appointments were made by the Government. To a certain extent these are cases of nepotism, favouritism and also for distributing political favours. Sir, the UPSC has stated that in different ways they are trying to increase the number of *ad hoc* and irregular appointments. Now, Sir, there is a system of notification of the recruitment rules. But the Government is deliberately delaying the notification of recruitment rules. Under the shelter of this delay the Government is trying to make *ad hoc* and irregular appointments. What the Report has said in 1984-85 is quite revealing. Sir, the Report says:

"The notification of recruitment rules for various posts and services drawn up in consultation with the Commission is continuing to be delayed considerably by the Ministries/ Departments despite the instructions issued by the Department of Personnel and Administrative Reforms on August 13, 1969 and May 22, 1979."

The Government instructions on the subject require this to be notified either within four weeks of advice received from the Commission. But the Government is delaying. Then the commission says that out of 553 cases pending notification regarding recruiting rules, there are 54