

ce to good taste, but at least in the new climate, the climate of permissiveness should not be allowed on the All India Radio. So, I ask the Members to bear with me. (*Interruptions*) This is a matter which is being looked into and it would be decided in the propore perspective. But at least the issue is there. I am sure that you would yourself be certain that on the issue of social and civil liberties and social discrimination, this play would never be stopped.

SHRIMATI MARGARET ALVA (Karnataka): I wish a statement was made yesterday when we raised the point on the type of books which were published. There is absolute obscenity in them. None of your people were willing to condemn that yesterday.

SHRI LAI, K. ADVANI: I was not here yesterday: I was in the other House, and I am aware that my colleague, the Minister of Commerce, made the position very clear. He also conveyed the feelings of this House to the Prime Minister. Further more, this morning's papers also tell and the Prime Minister himself told me that he made it clear to a deputation that called on him that he did not approve of it, that he thought that it was wrong, but that at the same time he asked the deputationists themselves what could be done in the present framework of the law. I think the position is very clear. (*Interruptions*).

SHRIMATI LEELA DAMODARA MENON (Kerala): If you are really keen, you can bring in an amendment.

REFERENCE TO THE STATEMENT OF THE UNION HOME MINISTER AT BOMBAY

श्रीमती सरोज खापर्डे (महाराष्ट्र) :
उपसभापति महोदय, मैं इस सदन में आपके
साध्यम से मेशन करना चाहूंगी कि श्रीमती

इन्दिरा गांधी को गिरफ्तार करने की प्रबल इच्छा को जाहिर करते हुए, जो वक्तव्य गृह मंत्री श्री चरण सिंह जी ने हमारे बम्बई में दिया, उससे यह प्रमाणित हो गया है कि कांग्रेस पार्टी को और देश की जनता को जो आशंका थी कि शाह कमीशन को मुट्ठी में लेने के लिये जनता सरकार का प्रयास जारी है, वह सही है। शाह कमीशन ने स्वयं इस बात को स्वीकार किया है कि कितने ही मुद्दों पर यह सरकार का आदेश लेता रहा है। जस्टिस शाह से प्रधान मंत्री और गृह मंत्री का घंटों-घंटों तक दौड़कर मिलना और बातें करने की बात अब तो विश्व विदित है। इससे यह स्पष्ट होता है कि जनता सरकार ने कमीशन की स्वतंत्रता को नष्ट-भ्रष्ट कर डाला है। इस कमीशन से, जिसके लिये गृह मंत्री का खुला इशारा है कि श्रीमती इन्दिरा गांधी को गिरफ्तार किया जाये, देश का क्या कल्याण होगा? शाह कमीशन जनता पार्टी के राजनैतिक उद्देश्यों की प्रति-मात्र का एक अंग बन गया है।

श्रीमन्, शाह कमीशन एक जूडीशियरी बाडी है, एक जूडीशियल अथॉरिटी है। उसे काम करते समय, जूडीशियली ढंग से ही काम करना चाहिए। ऐसे कमीशन से यह भी अपेक्षा की जाती है कि वहां पर किसी का भी प्रत्यक्ष या अप्रत्यक्ष हस्तक्षेप नहीं होना चाहिए। इसलिए यह आवश्यक है कि जिन बातों की शाह कमीशन छान-बीन कर रहा है उससे संबंधित जो कुछ बातें हैं उसके बारे में कोई भी वक्तव्य देना कमीशन के काम में दखलन्दाजी करना है। श्रीमन्, मैं कहना चाहूंगी कि जिस तरह से प्रधानमंत्री जी और चरणसिंह जी पब्लिक के सामने बोलते हैं या जस्टिस शाह को मिलते हैं जब कि इन्क्वायरी का काम अभी जारी है इससे मुझे ऐसा लगता है कि उनका यह व्यवहार किसी भी सभ्य तथा प्रजातांत्रिक देश के इस्टेबलिस-ला के खिलाफ है और... (*Interruptions*)

[श्रीमती सरोज खापड़ें]

शाह कमीशन की कार्यवाही के ऊपर बहुत गहरा असर हो रहा है। यह अच्छा नहीं लगता। उपसभापति महोदय, मैं अन्त में आपके माध्यम से कहना चाहूंगी कि अगर ऐसे ही हस्तक्षेप होता रहा तो शाह कमीशन की कोई आवश्यकता नहीं है और उस पर जो फालतू खर्चा हो रहा है, उस खर्चे को अगर नेक काम में लगाएं जैसा कि हरिजन कल्याण के काम में लगाएं तो देश का काफी अधिक भला हो सकता है। उपसभापतिजी, आपके माध्यम से इस सदन में एक बात और कहना चाहूंगी कि प्रोसीडिंग्स जिस तरीके से सड़कों पर, फुटपाथ पर जनता को सुनाने के लिए, रेडियो और अखबारों में जो प्रचार किया जा रहा है, बिलकुल गलत है। जो कुछ शाह कमीशन में होता है उसको तो बताया जाता है परन्तु संसद में कौन-कौन किस चीज में पार्टीसिपेट करता है इसका भी कोई अन्तर्भाव नहीं रहता है और इन्हीं शब्दों के साथ आपने जो स्पेशल मेशन के लिए परमिशन दी है उसके लिए बहुत बहुत धन्यवाद।

गृह मंत्री(श्री चरण सिंह): मैं उपसभापति महोदय, अगर जैसा इस प्रकार के कथन और वक्तव्य का जवाब देना नियम के अनुसार मेरे लिए जरूरी नहीं है। यह कहा गया है कि बम्बई में वक्तव्य जारी किया
(Interruptions) . . . उपसभापति महोदय, जिस वक्त श्रीमती खापड़ें अपना लिखा हुआ भाषण पढ़ रही थीं, तो मैं बिलकुल खामोश था। अब मैं उसका बहुत मुक्तसरन जवाब देना चाहता हूँ। इन्होंने आरोप लगाया प्रधान मंत्री पर, मुझ पर और गवर्नमेंट पर कि आम तौर पर हम लोग शाह कमीशन की कार्यवाही में दखल देते हैं या हस्तक्षेप करते हैं, यह बिलकुल निराधार है।

श्रीमती सरोज खापड़ें : आप तो शाह से चंटों तक बात करते रहते हैं।

श्री चरण सिंह : मैंने कभी शाह कमीशन से उनके काम की बाबत कोई बात नहीं की है। जब उन्होंने इस जिम्मेदारी को संभाला, पहले मुझ को याद पड़ता है एक बार बात की थी। जब हमने उनसे रिक्वेस्ट की तब कुछ मजबूरियां वे बतला रहे थे, उनके हाथ में कुछ काम था जिससे उनको फुर्सत नहीं थी, ऐसा उनका ख्याल था तो हमने उनसे बहुत इसरार किया, बहुत दर-खास्त की तब जाकर वे राजी हुए। सिवाय उस वक्त के जिस वक्त उन्होंने काम संभाला है, उससे पहले मुझ को याद नहीं पड़ता है कि मैं उनसे मिला हूँ या उनसे बात की है। उपसभापति महोदय, बदकिस्मती यह है कि कुछ लोग, इस देश के प्रशासन को या देश में जो जनतंत्र चल रहा है अथवा जो कुछ हुआ है उसको जिस चश्मे से देखते हैं वह मेरे चश्मे से अलग है . . .

(Interruptions)

श्री कल्पनाथ राय (उत्तर प्रदेश) : आप तो चश्मा पहने ही नहीं हैं।

श्री चरण सिंह : उपसभापति महोदय, मुझे न कोई गुस्ता है, न ताज्जुब बल्कि मुझे खुशी हो रही थी कि यही प्रतिक्रिया होगी। अगर यह चाहते हैं कि गवर्नमेंट की तरफ से कोई जवाब न दिया जाय तो दूसरी बात है मैं बैठने के लिए तैयार हूँ। हर चीज पर दखल दिया जाता है ताकि गवर्नमेंट का वक्ता या स्पीकर न बोल सके। उपसभापति महोदय मैंने बयान दिया कि प्रोपेगेंडा की खातिर बयान लिखकर लाये या पढ़ेंगे तो वह दूसरी बात है . . .

(Interruptions)

श्रीमती सरोज खापड़ें : बाहर से लाने की जरूरत नहीं पड़ती है।

(Interruptions)

श्री कल्पनाथ राय : आदरणीय उपसभापति महोदय, चौधरी चरण सिंह साहब

अपनी इस बात को वापस करें। जब वह वापस करेंगे तभी हम बोलने देंगे। इस तरह की बात कहने का अधिकार उन्हें नहीं है। यह मंत्री को शोभा नहीं देता कि किसी सदस्य के संबंध में ऐसी बातें करें। . . .

(Interruptions)

श्रीमती विशावती चतुर्वेदी (मध्य प्रदेश) :
उपसभापति महोदय, मेरा प्वाइंट आफ ऑर्डर यह है कि सदन में यह परिपाटी है कि कोई भी सदस्य पढ़कर या लिखकर अपने विचारों को रख सकता है। मंत्रियों की तरफ से भी और शासन के सदस्यों की तरफ से भी अपने विचारों को लिखकर पढ़ा जाता है फिर से यह कहा जाय कि यह बाहर से लाया हुआ है तो यह शब्द वापस लेना चाहिए। अगर यह परम्परा सही है तो . . .

(Interruptions) . . . वन टु आल यहाँ पढ़कर ही सुनाया जाता है इसलिए इस तरह के जो शब्द हमारे श्रेष्ठ मंत्री महोदय ने कहे, मैं बड़ी नम्रता से कहती हूँ कि वे बुजुर्ग हैं उनके मुँह से अचानक ये शब्द निकल गये होंगे। ऐसी बात उनको शोभा नहीं देती है। . . .

(Interruptions)

SHRI BHUPESH GUPTA (West Bengal):
Sir, I was a witness to it. This is not fair.. Mr. Charan Singh should really consider himself beholden to the honourable lady Member that she has written out her speech. I saw her in the lobby writing out her speech. Mr. Charan Singly she has done you a signal honour. You should be grateful to her rather than making a debating point. It was not written outside. It was written in the lobby. As I was coming she was writing it. Mr. Deputy Chairman, perhaps she thought that her natural way of speaking will not easily convince an un'natural man. Therefore, she thought she should write out to be precise exact, in order to make sense to him. He should be beholden to her because this is a unique gesture she has shown to him.

(Interruptions)

श्री उपसभापति : उत्तर आने दीजिए।

SHRI CHARAN SINGH; I do not know what decision you have given. That was a point of order that the honourable Member raised.

श्री कल्पनाय राय : आदरणीय उपसभापति महोदय . . . (Interruptions)

श्री चरण सिंह : माननीय मित्र को हर चीज पर एतराज करना है? मैं अर्ज कर रहा था कि मैंने सिर्फ इतना ही तो कहा कि माननीय सदस्य एक लिखा हुआ बयान पढ़ रही हैं इस उद्देश्य से . . .

(Interruptions)

You have a right to dispute it. . . .

(Interruption)

मैंने आपके अधिकार के अनुसार जो आप काम कर रहे हैं उसका बयान कर दिया। यह चमक कहाँ पर है, मेरी समझ में नहीं आता। उपसभापति महोदय, अब जो हस्तक्षेप किया गवर्नमेंट ने, जिसकी आप ने मिसाल दी है, वह सिर्फ एक—कि हमने बयान कर दिया बम्बई में . . .

श्री देवराव पाटिल (महाराष्ट्र) :
हाऊस में कहा गया।

श्री चरण सिंह : . . . कि गवर्नमेंट को यह अधिकार है, अगर शाह कमीशन ने प्राइमाफेक्ती श्रीमती गांधी को गिल्टी पाया तो गवर्नमेंट प्रोसीक्यूट करेगी उन को ला कोर्ट में और उस के वारंट के जरिए नहीं आती हैं तो वारंट के जरिए उन को अदालत में पेश किया जा सकता है; पेश किया जाएगा। मैंने सिर्फ यह कहा।

(Interruptions)

श्री कल्पनाय राय : उपसभापति महोदय, इस तरह की बात कहने का क्या अधिकार

[श्री कल्पनाथ राय]

है उन को ? शाह आयोग के संबंध में इस तरह की बात कहने का कहां अधिकार है ?

AN HON. MEMBER: This is a direct insult to the House.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI JAGJIT SINGH ANAND (Punjab): On a point of order . . . (Interruptions)

श्री कल्पनाथ राय : शाह आयोग के अजमेंट के विषय में बात करने का क्या अधिकार है ?

श्री चरण सिंह : आप तो यह समझते नहीं हैं ।

(Interruptions)

MR. DEPUTY CHAIRMAN: The idea of raising this point is that some clarification must come from the hon. Minister. At least let him say what he wants to say. If you have any point to make thereafter, you are free to do that.

SHRI JAGJIT SINGH ANAND: My point of order is this. Is it correct for the Home Minister to totally mislead the House . . .

MR. DEPUTY CHAIRMAN: There is no point of order. Let him finish.

SHRI CHARAN SINGH: My statement I am going to read out... (Interruptions). You may have got your own paper—Communist paper.

SHRI JAGJIT SINGH ANAND: The same paper.

SHRI JANARDHANA REDDY (Andhra Pradesh): Let him read from his Janata paper.

श्री चरण सिंह : मैं, जिस बात के लिए आपकी परेशानी है, उस पर भी जा रहा हूँ ;

आप ध्यान से सुनिए । उपसभापति महोदय, यह "स्टेट्समैन" जो कल की तारीख का है, 5 दिसम्बर का है, उस में पहली न्यूज यह है, 2 कालम्स की सुरखी हैं :—

"5-12-77. Interim Report by Shah this month. Charan Singh awaits verdict on Mrs. Gandhi. Mr. Charan Singh said here today that if the Shah Commission came to the conclusion that there was a *prima facie* case against Mrs. Gandhi, the Government would prosecute her".

श्री कल्पनाथ राय : आदरणीय उपसभापति महोदय, इस तरह की बात बोलने का कहां अधिकार है इन को ?

SHRI BIPINPAL DAS (Assam) : May I know whether he has read out the statement he has made in Bombay or in Delhi? We are referring to the statement he has made in Bombay.

श्री चरण सिंह : देखिए, बम्बई का ही जिक्र है । देखिए, आप की नोटिस क्या है ?

श्री देवराव पाटिल : आपने जो यहाँ स्टेटमेंट पढ़ा है वह न्यूज दिल्ली की है, या बम्बई की है । हमारा रेफरेंस बम्बई स्टेट का है ।

श्री चरण सिंह : मैं बोम्बे का ही पढ़ रहा हूँ, जनाब । आपकी जो मेरे पास इतिला आई है, चेयरमैन साहब की तरफ से, वह है :

Shrimati Saroj Khaparde, Member, Rajya Sabha, has been permitted by the Chairman to mention the following matter of urgent public importance in the House today, the 6th December, 1977, after the disposal of questions. The executive interference in the functioning of the judicial commission like the Shah Commission—that warrants will be issued against the absentees before the Commission.

ये वर्ड्स थे। तो वाम्ब में मैंने कहा था कि अगर जरूरत पड़ी—यानी, शाह कमिशन ने अगर उनको प्राइमा फेसी गिल्टी पाया, उन को या किसी को भी, तो कानून यह है कि गवर्नमेंट उन को प्रासीक्यूट कर सकती है और करेगी और उसके लिए अदालत को अर्बिट्रार होगा वारेण्ट जारी करने का। मुझ से प्रेस कॉन्फ्रेंस में यह सवाल पूछा गया कि इन्दिरा गांधी नहीं आती हैं तो 1 P.M. गवर्नमेंट क्या करेगी? क्योंकि इन्दिरा जी नहीं जाना चाहती हैं और अब तो मालूम हुआ है कि कोई भी नहीं जाना चाहता।

श्री कल्प नाथ राय : कोई नहीं जायेगा।

(Interruption)

श्री चरण सिंह : क्यों जायगा . . .

(Interruption)

SHRI MOHAMMAD YUNUS SALEEM (Andhra Pradesh): Sir, on a point of order. Sir, there is some misunderstanding in whatever the learned Home Minister has said before this House. The procedure for appearing before a Commission is entirely different from the procedure for appearing before a court of law. If a person is prosecuted in a court of law, if it is a warrant case, a warrant could be issued. But, if it is a summons case, a summons will be issued. If the summons is not honoured and is in default, a warrant may be issued. But here the question is one of appearing before the Commission. The Home Minister has rightly said that in case the Commission finds anybody guilty of having committed certain offences, he or she would be prosecuted and could be prosecuted and the consequences will automatically follow.

SHRI CHARAN SINGH; Yes.

SHRI MOHAMMAD YUNUS SALEEM: The learned Home Minister

need not throw any light on this because it is the procedure. Even if the Home Minister does not throw any light on this even. then the consequences will automatically follow and the magistrate or the judge will take action accordingly. But, Sir, here the question is this; Certain persons have not obliged the Commission to whom letters were addressed asking them to appear before the Commission and to give their statements and replies to the questions put to them by the Commission. The Home Minister is alleged to have thrown light in his statement at Bombay that Mrs. Indira Gandhi, the ex-Prime Minister, will be issued a warrant if she fails to appear before the Commission . . . (Interruptions). . .

SOME HON. MEMBERS: No, no.

SHRI MOHAMMAD YUNUS SALEEM: If he has been wrongly reported, he can correct himself. But, if I remember rightly—I am sorry. I do not have papers with me to produce before the House; but I saw in yesterday's papers—he has said that in case she fails to appear before the Commission . . .

SHRI CHARAN SINGH: Yes.

SHRI MOHAMMAD YUNUS SALEEM: . . . a warrant will be issued against her. Now, Sir there is a lot of difference between appearing before a court of law in the case of a prosecution and appearing before a Commission. I want a clarification on this question. (Interruptions).. .

SHRI D. P. SINGH (Bihar): Sir, I will place the passage before the House. . . (Interruptions). . . It is with me. Let him explain. . . (Interruptions).

MR. DEPUTY CHAIRMAN: You see, a point has been raised and it is being answered now.

SHRI CHARAN SINGH: Sir, I must thank the honourable Member who was just now speaking for at least

conceding that I had merely said that in case Shrimati Indira Gandhi was *prima facie* found guilty ... (Interruptions)

SHRI JAHARLAL BANERJEE (West Bengal): No. no.

SHRI CHARAN SINGH: That is what I have said. In that case, she can be prosecuted under the law and the Government will prosecute not only her, but everybody ... (Interruptions).

SHRI JAG JIT SINGH AND: You cannot do it.

SHRI CHARAN SINGH: Then who will do it, please ... (Interruptions). If you are not prepared to hear me, then I will sit down.

**रेल मंत्री (प्रो० मधु दण्डवते) : सवाल
दूखते हैं तो उस का जवाब क्यों नहीं सुनना
चाहते ?**

MR. DEPUTY CHAIRMAN: If the honourable Members do not want the Home Minister to say what he wants to say, then we can close the business, because there must be some procedure. A very responsible Member has raised a point and the Home Minister is answering it and the Members must co-operate with me. If this is the type of discussion, then we can close the business. There must be some procedure. This cannot be the procedure. You must co-operate with me. A Member has raised a pertinent point and the Home Minister is answering it and you must hear him.

SHRI BHUPESH GUPTA: This is because of what is going on in the press. This is only about appearing before the Commission.

SHRI CHARAN SINGH: I had said that if the Shah Commission finds anybody including Shrimati Indira Gandhi, *Prima facie* guilty, then the

Government had the right to prosecute such persons before the law courts and the procedure of the law courts authorises them to issue warrants even to ...

SHRI MOHAMMAD YUNUS SA-LEEM: If it is a warrant case. Otherwise what will happen?

SHRI BIPINPAL DAS: Sir, the honourable Home Minister is misleading the House ... (Interruptions).

SHRI CHARAN SINGH: My statement is not yet over ... (Interruptions).

SHRI BIPINPAL DAS: Sir, the Home Minister is misleading the House... (Interruptions).

MR. DEPUTY CHAIRMAN: Let him complete his statement.

श्री चरण सिंह : श्रीमन् . . .

SHRI BIPINPAL DAS: Sir, he is referring to something else. We are referring to the statement made by him in Bombay ... (Interruptions)

MR. DEPUTY CHAIRMAN: This is not the procedure to be followed when a special mention is made in the House. I think I will have to adjourn the House if the Members do not want to co-operate with me.

SHRI N. G. RANGA (Andhra Pradesh): I think that is the best thing.

**श्री चरण सिंह : उपसभापति महोदय,
मैं यह अर्ज कर रहा था कि हमारे माननीय
मित्र ने यह कमेंट किया और इसके लिये मैं
उन को घ. य. दाद देता हूँ कि किसी कोर्ट आफ
ला में अगर गवर्नमेंट कोई केस फाइल करे
शाह कमिशन की रिपोर्ट ने नतीजे पर तो
जो लोग उस कोर्ट में हाजिर नहीं होंगे उन
के खिलाफ वारंट जारी किया जा सकता है।
यह ला आफ दि लैंड है। मैंने सिर्फ यही कहा
था। लेकिन दूसरा सवाल जो उन्होंने उठाया**

"Bombay December, Mr. Charan

हमारे माननीय मित्र ने उस का जवाब भी मैं दूंगा। लेकिन आप मेरी पूरी बात सुने और उस के बाद कुछ कहें तो बात सभ्र में आती है। मैं ने जो वहाँ कहा था वह मैं आप को सुनाना चाहता हूँ। बंबई, दिसम्बर 4, यह दिल्ली की रिपोर्ट नहीं है।

Singh said here today that if the Shah Commission came to the conclusion that there was a *prima facie* case against Mrs. Gandhi the Government would prosecute her..."

SHRI N. G. RANGA: Where was the need to have said that?

SHRI CHARAN SINH: Because a question was asked.... (Interruptions) What was the harm if I said that? ___ (Interruptions).

MR. DEPUTY CHAIRMAN: Order, order, please.

SHRI CHARAN SINGH: In democracy, nobody is sacred, nobody is above the law. My friend, Mr. Ranga may consider that it was not necessary but....

SHRI N. G. RANGA: It was very unwise of you to have said that -----

SHRI CHARAN SINGH: It was very wise, and it was necessary for me ___ (Interruptions).

SHRI N. G. RANGA: Very unwise to have said this. .. (Interruptions).

SHRI CHARAN SINGH: It is not wise on your part (Interruptions).

It says:

"Addressing a Press Conference at Raj Bhavan, the Union Home Minister said that nobody is above the law and 'we shall prove it to the people'-----" -----

(Interruptions)

You consider people above law. not I. It goes on to say:

"... Mr. Charan Singh made these remarks when asked what would happen if Mrs. Gandhi did not appear before the Shah Commission."

(Interruptions)

So this shows the occasion when I made these remarks, my friends. Let me have my say, my friends; then you can say whatever you like. This shows that I made these remarks when I gave answer to a question put at the Press Conference.

Now, the point that the hon. Member Shri Yunus Saleem has raised was whether the Shah Commission has the right to issue warrants or not _____ (Interruptions).

SHRI MOHAMMAD YUNUS SALEEM; I did not say this . . . (Interruptions).

SHRI CHARAN SINGH: Some people are of the opinion that the Shah Commission has no such right.. (Interruptions) Even the Shah Commission has the right to issue warrants. I did not issue any direction to the Shah Commission that the Commission must issue a warrant... (Interruptions) .

श्री नरथी सिंह (राजस्थान) : स्पेशल सेशन में क्या इस तरह के डिस्कशन एलाउ किए जायेंगे ?

There is no procedure that the debate will be allowed....

(Interruptions)

SHRI MOHAMMAD YUNUS SALEEM: The question was only with regard to certain persons who did not oblige the Shah Commission. That was the question put to the Home Minister ___ (Interruptions) ... with full sense of responsibility I submit before this House that if the case was not pending before the Shah Commission and if it was before any court of justice, on this very statement of the Home Minister, he would have been

[Shri Mohammad Yunus Saleem]

prosecuted for contempt of court....
(Interruptions). I do not know what sort of
a Commission is this. The Shah
Commission is neither a court nor..
(Interruptions). If this statement was
given and he preferred to own that
statement, and the matter was before a
court of law, the law Minister—who is
present here would bear with me that on
this statement of his he would have been
unable to be prosecuted for contempt of c

सदन के नेता (श्री लाल कृष्ण आडवाणी):
उत्समावृत्ति जी, सदन में स्पेशल मेशन की
एक पुरानी परम्परा रही है, लेकिन इसमें
पिछले सत्र से थोड़ा परिवर्तन किया गया।
यह परिवर्तन यह सोच कर किया गया कि
अगर कोई बात सदन में कही जाती है जिस
पर सरकार को उत्तर देना है तो उसका उत्तर
दे दिया जाय ताकि उस बात का समाधान
हो सके। इसीलिए मंत्री जी को इस बारे
में सूचना दी गई। लेकिन अब क्या हो रहा
है? एक स्पेशियल मेशन हुआ। उसके बारे
में गृह मंत्री जी ने अपनी बात कहनी शुरू
की तो उस पर डिबेट शुरू हो गई...
(Interruptions) मेरा निवेदन आपके माध्यम
से यह है कि यह जो पुरानी परम्परा है और
उसमें जो इनोवेशन किया गया है कि
स्पेशियल मेशन हो जाय और उसके बाद मंत्री
जी उस संबंध में अपनी बात कह दें तो वह
बात वहीं खत्म हो जानी चाहिए।...
(Interruptions) अगर उस संबंध
में डिबेट करनी हो तो उसके लिए अलग से
फारमल क्वेश्चन हो सकता है कि इस विषय
पर डिबेट हो जाय। इस पर कोई आपत्ति
नहीं है। अन्यथा सरकार को पूर्व-स्थिति
को उपयुक्त मानकर चलना पड़ेगा। हमारी
दृष्टि से और सरकार की दृष्टि से और सदन
की दृष्टि से पूरी बात हो जाय और उसके
बाद मंत्री महोदय पूरी बात कह दें...

(Interruptions)

Minister

SHRI G. LAKSHMANAN (Tamil Nadu):
I have to say something. The Congress Party
thinks that this House is the monopoly of
that party and we are here seeing that
special mention has been changed into
special shouting by the Congress Party. The
time of the House is being wasted. It is un-
fortunate that the time of the House is being
wasted on a criminal. Why do you discuss
about a criminal in this House? Shrimati
Indira Gandhi killed so many people. It is a
shame. (Interruptions) It is a shame to dis-
cuss about a criminal lady in the House.

(Interruptions)

MR. DEPUTY CHAIRMAN: Words have
been used from both sides of the House. I
will consult the record and if I find them
objectionable, I will pass necessary
instructions. I will re-guest Members that
what the hon. Leader of the House has said
has a lot of substance. This cannot be con-
verted into a general debate which seems to
be the tendency. Now, I will not permit
many. I will allow only Shri Dwivedi.

(Interruptions)

SHRI DEVENDRA NATH DWIVEDI
(Uttar Pradesh): Mr. Deputy Chairman, Sir,
I totally endorse the position explained by
the Leader of the House *vis a vis* the special
men, tion in the House. Under the rules, it is
not incumbent upon the Minister concerned
to say anything in regard to the point raised.
But the Home Minister has chosen to make
a statement and he has tried to confuse the
issue further. While giving clarification, he
has made confusion worst confounded. He
has mislead the House. He has stated wrong
facts before the House. I want to draw the
attention of the House to the press reports
which have appeared about his speech in
Bombay and what he is purported to have
said there. He has supported his own
statement saying that Mr. Charan Singh
said this and Mr. Charon Singh said that I
want to read from two newspapers. One is the

Indian Express of Mr. Goenka, the darling of Janata Party, and the other is the Times of India. The Indian Express says in headlines something which is contrary to what the Home Minister has just said. The heading of the Indian Express dated December, 5 says- "Warrant will be issued to bring Mr. Gandhi before Shah Panel" "And warrants will be issued to bring Mrs. Gandhi before the Shah Panel." And the heading in the 'Times of India' says: "Warrant likely for Mrs. Indira Gandhi's appearance." Now it is not as if the Home Minister has stated that if the Shah Commission finds somebody guilty, then certain legal proceedings will follow and consequences will flow out of the report of the Shah Commission. This is not the position. He is talking about the procedure that will be adopted by the Shah Commission. What he has stated is....

MR. DEPUTY CHAIRMAN; All right, you made your point.

SHRI DEVENDRA NATH DWIVEDI: I will not take more than two minutes, Sir. The Home Minister has said that in case Mrs. Indira Gandhi refuses to go before the Shah Commission, then a warrant will be issued. Now, the warrant will be issued by whom? Mr. Indira Gandhi, in her letter, explained the legal position and legal objections which she has to the manner in which the Shah Commission is functioning. A curiouser and curiouser situation is arising everyday in the manner in which the Shah Commission is functioning. She has pointed out certain constitutional, legal objections to the manner in which the Shah Commission has started functioning. And what legal position she has stated is shared by a large number of people of this country. My point is a very simple one. Well, something is happening between Mrs. Indira Gandhi and Mr. Justice Shah. What is the locus standi of the Home Minister to make statements which can be interpreted as trying to influence the

deliberations before the Shah Commission? That is the point. And by doing so, the Home Minister has come out in his true colours. It has become very clear that the Shah Commission is nothing but an attempt by this Government to malign the national leaders, to malign those people who have had a special place in this country. Therefore, apart from this, the manner in which he has misled the House also calls for a breach of privilege for which I am going to give a notice to the House.

SHRI CHARAN SINGH: Mr. Deputy Chairman, Sir, I have not at all misled the House. I have simply stated what the facts are and I have read from one of the important national dailies of the country. I had simply stated that if anybody including Mrs. Gandhi is *prima facie* found guilty by the Commission, then the Government will prosecute that person and if necessary warrants will be issued and can be issued. Now, there are three versions according to the hon. Member himself, three newspapers giving three versions. The 'Indian Express' says that the Shah Commission will issue a warrant. The 'Times of India' says that warrants are likely to be issued. The "Statesman" says that if she is found guilty, then the Government will prosecute her/and warrants will be issued if she fails to appear. Now, this is the position of the Press reporting. When a question was put to me, as it could understandably be put to me because I happened to hold the Home portfolio in this Government, when the Press asked what will happen if she does not appear, I have said...

AN HON. MEMBER; Even before the Shah Commission?

SHRI CHARAN SINGH: What does it matter? I simply replied... (*Interruptions*) why do you shout? If you are shouting, then I can also shout. Why should anybody shout?

I would request my hon. friend through you, 'Sir, just to have patience and hear even things which are

[Shri Charan Singh] irmpalatable and unpleasant. I was explaining the position to a press man who was present and who wanted to know what would happen if she did not appear before the Shah Commission. I said that so far as the Government was concerned, it could prosecute her and compel her attendance through a warrant.

SOME HON. MEMBERS: For appearing before the Shah Commission?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAMKRIPAL SINHA): If in a prima facie case she was found to be guilty. (Interruptions)...

MR. DEPUTY CHAIRMAN: Order please, order please.

SHRI CHARAN SINGH; I do not remember to have made any statement. But even if I have made any statement at that time, I am prepared to make a statement here on the floor of this House and say that under the law the Shah Commission is entitled to compel her presence before it by way of a warrant. That is what the law says.

**श्री उपसभापति : सदन की कार्यवाही
2 बजे तक के लिये स्थगित की जाती है ।**

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

The House reassembled at five minutes past two of the clock.

The Vice-Chairman (Shri C. K. Lakshmana Gowda) in the Chair.

**CALLING ATTENTION TO A MAT-
TEE OP URGENT PUBLIC IMPOR-
TANCE**

**Reported Explosion in Heavy Water
Plant, Baroda**

SHRI BHISHMA NARAIN SINGH
(Bihar): Sir, I beg to call the atten-

tion of the hon. Prime Minister to the reported explosion in the Heavy Water Plant of the Atomic Energy Commission near Baroda, causing considerable damage to the plant.

THE PRIME MINISTER (SHRI MORARJI R. DESAI): Mr. Vice-Chairman, Sir, I regret to inform the House that there was an explosion and fire at 4.20 P.M. on Saturday the 3rd December, 1977 in the Ammonia Synthesis Section of the Heavy Water Plant at Baroda. This was followed by a series of explosions, approximately twelve in number, due to the bursting of nitrogen cylinders kept in the Plant for process requirements. The fire at the bottom of the Ammonia Converter was extinguished by 5.25 P.M. and the last flames of the fire were put out by 6.00 P.M.

Three persons received minor injuries from flying glass pieces. They were given first-aid and discharged from the hospital. Three firemen belonging to the Baroda Municipal Corporation were overcome by fumes of Ammonia and were attended to, but were not required to be hospitalised.

The first report shows that the fire seems to have been caused by the rupture of one of the two forged pieces where injection of Ammonia is done to reduce the temperature of the synthesis gas. The reasons for the rupture of the forged piece will have to be investigated.

The damage caused by the fire and explosion is essentially to the cables, insulation, instrumentation and certain portions of the structure. The Plant will be examined completely and thoroughly to find out whether any other parts have been affected by the heat and the explosion. The Chairman of the Atomic Energy Commission along with the technical team is at the site to inspect the damage. Till the complete examination is over, it is difficult to give an idea about the extent of damage, the time that the repairs will take or the cost thereof.