

[Shri Bhupesh Gupta] ing journalists. Now it seems the IENS and some other organisation—two of them—in order to pressurise the Government, are dictating as to who should be there and who should not be there. This is most objectionable. Therefore, Sir, I do hope the Wage Board's work will not be impeded in any manner and the Government would not submit to the blackmailing tactics of the IENS or any other persons. Journalists must be given what is due to them and the "Wage Board should conduct its work.

Let them not be there if they do not like and let their place be taken by others. But the Government should not submit to the open blackmailing tactics on the part of the owners or, shall I say, owners' men, to frustrate and stop the work of the Wage Board. This is all that I want to say about this.

**PERSONAL EXPLANATION BY
SHRI BHUPESH GUPTA AFFAIRS
OF NATIONAL RAYON
CORPORATION**

SHRI BHUPESH GUPTA (West Bengal): Now, Sir, I am very glad, our esteemed friend Mr. Viren J. Shah is here. But I must say yesterday he made a rise of an issue and gave a personal explanation. He is entitled to do that; I am not questioning that. He is perfectly entitled to do that. In fact, Sir, I did make certain observations and then I made certain corrections—that was on Tuesday last, I feel. Sir, in connection with the re-appointment of Mr. B. R. Patel, a former ICS, as the Chairman of the Board of Directors of the National Rayon Corporation—earlier he had been removed, but brought in again—I had asked the Government to inquire into it and tell us the position. On the basis of what I believed to be true, reliable information furnished to me, I had said: "His recall notwithstanding, he has managed to stage a come back on the Board (reportedly) through the good offices of . . . Shri

Viren Shah, Managing Director, Mukund Iron and Steel Works Ltd. and Shri V. Shankar, who is now acting as the Cabinet Secretary. Mr. Patel is working as a Consultant in Mukund Iron & Steel Works Ltd." This is what I said. Then I met Mr. Viren Shah in the lobby on Wednesday when he mentioned that he had nothing to do with it and that I made a wrong statement. Well, it has been my practice that if I make an allegation of a personal nature against an individual Member of this House—my colleague—and he denies it, I accept his denial; even if the truth may not be on my side, at least the truth would take care of itself. That is the norm that I follow. If Mr. Viren Shah denies something that I say, I should accept his denial. So, Sir, I told Mr. Viren Shah to make his statement on Thursday because on Wednesday I would not be here. But, Sir, unfortunately, I could not be here on Thursday; because of my illness, I was stuck in hospital, came after 3.30 or even 4 O'clock. So I was not here. I had not committed any breach of privilege. I wanted to be here. I went to the hospital and wanted to come in time to be present here to repeat that I accepted his denial, and say something more, if necessary. But my friend Mr. Viren Shah was not satisfied by my acceptance of his denial. It had been reported copiously in the press. When I said many things about Mr. B. R. Pater, it was not reported in most of the papers, but my denial has been reported. Good. Now, Mr. Viren Shah has quoted from a hand-book—I do not know where from he got the hand-book. Sir, may I tell him that I go by the rules of the House, and not by the hand-book? I go by the 25 years of my experience in the House, the conventions and traditions and all that we have evolved, and not by what is written in a hand-book. Now, Sir, the hand-book has to be looked into for all these kinds of things. And the hand-book is supposed to say: "....to be absent when the latter is replying is a breach of parliamentary etiquette". I do not know where it is

stated in the rules that it is a breach of parliamentary etiquette. One may not be present here for a variety of reasons—illness and other unfortunate circumstances. But it is not a breach of etiquette, that way. I think, Sir, your office should withdraw that hand-book; otherwise, I will burn it, I declare. Such new things should not be introduced. Tell me, Sir, where in the rules is it written that when a Member has been criticised and that Member gives an explanation, other Members should be present; otherwise, it is a breach of etiquette. I would like to know where it is said. Therefore, don't try to flaunt a hand-book at me. We go by the rules and conventions of the House. Government makes many statements when other Members are not here. We make many replies when others are not here. We know it is very good that one should be present—I agree. But, how does a breach of etiquette come in? These are the things your office circulates, I am very sorry to say. Kindly reconsider it, don't try to write another set of rules and give morals.

Mr. Viren Shah said:

"I am sorry to say that such a senior Member has committed this kind of breach of etiquette."

I may tell Mr. Viren Shah that I am extremely sorry that when he spoke I was not present. I have no hesitation because I could not help it. I committed no breach of etiquette, least of all breach of privilege. I am surprised that Mr. Viren Shah, being a young man, has not carefully studied these things and has made such statements. Anyway, I am not holding it against him in the sense that he has been misled by certain observations.

Again, I say that I go by the norm that whenever I make a criticism against an Hon. Member of the House, when he denies, I take the risk of accepting the denial. But after my denial, when it appeared in the paper, some people telephoned me

asking why I had denied and saying am an honourable man and as an Hon. Member, Shri Viren Shah is an honourable man and so, I go and take the risk of denying. I leave the truth to be found out by the CBI or the IB or any other like agency.

Sir, Mr. Viren Shah was good enough to admit a part of my allegation. He said:

"Though it is true that Mr. Patel holds an advisory position in a company with which I am connected, it is completely baseless to say that the appointment of Mr. B. R. Patel was made at my instance."

Why are you doing that when I have accepted your words? Yes, I said, "at your instance." on the basis of information given to me in writing by two or three persons, union people and others who are supposed to know your affairs. I will check up. But, at least, Mr. Viren Shah is a very truthful man. He has admitted that he has connection. Why should Mr. Viren Shah think that I am defaming him? If Mr. Viren Shah recommends a person who may be a consultant in his company, a former ICS official, for a high position, he has not committed a defamatory act. Why should he think that I am defaming him? Mr. Viren Shah, many businessmen do it. When the former ICS people go to serve the businessmen, when the businessmen become politicians, they also reciprocate it by putting them in high positions. If you had done it, you had not committed any defamatory act; you have done what goes on in the capitalist world. Then, why should you accuse me for that? I do not want to defame you. It is good that you have admitted it.

Sir, my regret about Mr. Viren Shah is that between a former ICS official—Mr. B. R. Patel may be his adviser, consultant—and a colleague of his in this House, he has preferred the former ICS official. I would never do that, Mr. Viren Shah. If it is a choice between you and a former ICS official against whom allega-

[Shri Bhupesh Gupta]

tions have been made in the past, not the allegations we may have made but those made by others also, I would rather go by my colleague in the House and then rely on the former ICS official. I am extremely sorry Mr. Viren Shah, my young friend, takes such a poor view of his ageing colleagues like me and still has the affection and preference for Mr. B. R. Patel, a former ICS officer. You know very well what some of these ICS officers are. Maybe he is your consultant but I cannot be your consultant, Mr. Viren Shah.

Sir, about other things, I do not wish to say anything, but I would only like to say that he has certain other things. Even so much I believe my friend, Mr. Viren Shah, that when he said that I had said that Mr. B. R. Patel was a Secretary to the Minister of Industry, something like that, I immediately came here to deny that I had never said it and that if I had said it, I had done wrong. But, on reading my speech; on Tuesday, I found that I had never said such things as he was Secretary to the Ministry of Industry. Still I believed in what he said, Mr. Viren Shah, when you said I had said it, I thought I must have said it and I corrected myself. But I found it was unwarranted. I had never said it.

Then with regard to the two other things you have mentioned, about Mr. B. R. Patel being criticised by Mr. Shyamnandan Mishra, I again said it had been incorrectly reported. We made criticism of another person, a colleague of his. Mr. B. R. Patel has been criticised in some other connection. I also corrected that. Every single point that was made, I corrected. Still my friend, Mr. Viren Shah, is not satisfied. Then he has asked me to substantiate it or withdraw it. What shall I withdraw? I have not said anything unparliamentary. I have not said that anybody is corrupt. Certainly I have not called him corrupt. I have not called even Dr. B. R. Patel corrupt. But I

certainly referred to Mr. B. R. Patel's connection with the Kapadias, with Mr. Sudhir Kapadia and others. I want an investigation of it. It is not for me to prove. It is for the CBI and Government agencies to go into this allegation that I have made, that I have brought to the notice of the House and tell us as to whether it is true that Mr. B. R. Patel had been closely connected with Mr. Sudhir Kapadia and others and the Kapadias had been indulging in certain malpractices, as I read out from a written note the other day, on Tuesday. Let there be an investigation. Have I go to a commission or a court or a High Court and prove a thing and then come and say it in Parliament? Then all Members of Parliament, before making any allegations, would be going to the High Court or the Shah Commission to prove them these first and then would speak here. No, Mr. Viren Shah, that is not the rule. Members of Parliament are protected by article 105 of the Constitution read with the rules. A Member of Parliament is entitled to say here whatever he believes to be true. That is how Mundhras came here, Birlas came, Dalmias and Jains came and many corruption cases had been exposed in this House. You were not here at that time, but many of us were here. We did not go to a court of law to substantiate the charges and then have the mercy of Parliament to mention them. No, we did not. And neither did you. When you were sitting in the Opposition, how many charges did you make against some people? Did you go to the court? Did you care for their presence in the House? No, you did not.

Sir, I do not say anything against him. He has been kind to me. He says he has personal regards for me. Well, I am grateful to him. I have also affection for him, though a businessman. As a colleague, I have affection for him. As a Dynamite Case accused, I have sympathy for him. But as a businessman, as you know,

it is very difficult to say what I have for him. That Mr. B. R. Patel can say. Mr. Viren Shah if you have some regard for me, also have regard for my views. I do not come here to make allegations unless I am fairly well informed. I would ask a commission of Parliament to be appointed, and there we can go into the question—your thing, I need not bring in—as to the antecedents and connections of Mr. B. R. Patel, your consultant, with the Kapadias, and what kind of deals they were making, resulting in loss of money of the company. Now, you have seen the Kapadias: the Kohinoor Mills, issue has come—how they plundered the Kohinoor Mills. Why should Mr. Viren Shah take it upon himself? You may or may not advise somebody's appointment. I do not know. Members of Parliament sometimes do such things. There is nothing wrong there, if it is a good recommendation, if it is a bad recommendation, one has to be sorry. That is all. Since you have said that you have not done it, I accepted it. But the fact remains that Mr. B. R. Patel, the consultant of Mr. Viren Shah's firm, had been brought back, after the Janata Party came to power, as the Chairman of the Board of Directors of the National Rayon Corporation, though the same Mr. B. R. Patel had been removed from that position earlier by the previous Government. All these need to be enquired into. So far as Mr. Viren Shah is concerned, I have already accepted his statement. May you live in peace, but disengage yourself from Mr. B. R. Patel.

SHRI VIREN J. SHAH (Gujarat): Sir I seek your permission to say something to clear one or two points right now. It is not my position or it is not essential for me to come and defend or hold brief for any appointment made by the Government. It is for the Minister concerned to do that. I am not concerned with it. Also, Mr. Bhupesh Gupta, what I submitted was that when such statements are made and when they are

based, as you yourself, mentioned to me outside in the Lobby, on a mis taken identity as it was conveyed that what you thought was Mr. B. R. Patel but ultimately it was found that it was somebody else that committed certain alleged corrupt practices—which you thought Mr. B. R. Patel committed and hence you referred to him here—the position should be clarified, the statement should be corrected. You very rightly said that you did not use those words. I re produce yesterday's newspaper which says on the front page, "Corrupt official, so and so Patel". By this Mr. B. R. Patel's reputation was damaged. Whether an ex-ICS officer was found to be corrupt or whether the entire tribe of ICS is to be condemned, on these things certainly Mr. Bhupesh Gupta can hold one opinion and other in the House can hold another opinion. But to say by implication or imputation of being a businessman, etc. and hence something is there, with great respect I would submit that it is something which I would strongly resent. Whether a person is a trade-unionist or a businessman or an industrialist or a Youth Congress leader or a Communist Party leader or what have you, there is no such general classification by which each individual could be stamped of bearing a certain characteristic. With respect what I mentioned yesterday also was this and this was discussed by Mr. Bhupesh Gupta and myself in the Lobby and it was indicated that at his request I would make a statement on Thursday because that suited him. It is not that on the same evening he might come to House. With respect I would submit that perhaps it was not quite right in my opinion to come here at 5 o'clock and correct a thing which could have been done on Thursday. I was present in the House and certain clarifications could have been given. So as I mentioned earlier, there is no question of my holding any brief for any individual. It is for the Minister concerned to do that. But certainly there was a sting in the tail that when Janata Party came into

[Shri Viren J. Shah]

power some one was appointed because he had this connection. I think this kind of a thing does not perhaps merit consideration. The honourable Mr. Bhupesh Gupta rightly said that he does not make a statement in the House which is not borne out by facts and substantiated with evidence. And yet a statement was made involving the name of an individual, Mr. B. R. Patel, which led to a conclusion in the minds of even newspapermen and the public at large that he was corrupt, etc. whilst the gentleman whom the honourable Mr. Bhupesh Gupta had in mind was an entirely different individual, it was some Secretary, Industries. That is why I made this clarification.

Then, so far as the handbook of Members, etc. is concerned, certainly it is for the honourable House to decide whether this handbook merits consideration or whether this handbook is to be thrown into the dust-bin or whether a decision has to be taken that this handbook will be scrapped and no handbook will be issued to any Members and they are not bound to be guided by the handbook, and so on and so forth. Certainly it says here,, the handbook has to be read along with the Rules of Procedure and Conduct of Business in the Council of States, namely, Rajya Sabha, second edition, as modified up to so and so date. But it does not mean that this is all. As you know,, in addition to these two, for Lok Sabha there is a third one, "Directions by the Speaker given from time to time" which is also binding on the honourable House and the Members. So the question again arises, as I mentioned yesterday, that I think the time has now come for this House to consider what kind of practices and privileges we are going to exercise *vis-a-vis* persons who are outside the House so that the privileges that we have, the immunity that we have from prosecution or the immunity which the newspapers have from prosecution because of whatever is said here, does not in any way, or

inadvertently, affect the people at large adversely. That was my only submission yesterday.

SHRI BHUPESH GUPTA: Every, thing he has said is wrong as far as...

MR. DEPUTY CHAIRMAN": You can leave it at that.

SHRI BHUPESH GUPTA: There is an attempt to curb the rights of Members. Mr. Viren Shah, please do not do it. Do,, not try to curb the rights and privileges of the Members.

THE CONSTITUTION (AMENDMENT) BILL, 1977

(to amend the second schedule)

SHRI BHUPESH GUPTA (West Bengal): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI BHUPESH GUPTA: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT) BILL, 1977

(to amend articles 120,, 210, etc. etc.)

SHRI MURASOLI MARAN (Tamil Nadu): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI MURASOLI MARAN: Sir, I introduce the Bill.

THE MAINTENANCE OF INTERNAL SECURITY (REPEAL) BILL, 1977

SHRI BHUPESH GUPTA (West Bengal): Sir, I beg to move for leave