not published it. The Statesman has as least published it. Therefore, Sir, I hope the Statesman would correct it. I do hope the P.T.I. will make the correction and send a special message to them to make the correction throughout the country because this has been done. Otherwise, I will take it a conscious maligning of the opposition Members between the P.T.I. and the Prime Minister. That is how I will take it, whatever be the paper in which this is published. This is my first point.

श्री शिव चन्द्र झा (बिहार): इस बात पर ठीक से विचार करें कि हाउस की प्रोसीडिंग्स अखबारों में ठीक से आवें और रेडियो पर ठीक से आवें।

SHRI BHUPESH GUPTA: Sir, I do not know what he is saying. I have not said anything against him. Alright, you are also maligned by the Press sometimes. You will come to my knee for help and I will help you.

SHRI SHIVA CHANDRA JHA: The entire Press is in a mess. It should be planned. This should be taken up in a different way.

AN HON. MEMBER: He is supporting you.

SHRI BHUPESH GUPTA: You are supporting me? I am grateful to you. I am doubly grateful to you. I know hon. Members sometimes support good causes. I know it.

REFERENCE TO THE REPORTED MOVE OF THE CHAIRMAN RAJYA SABHA TO HAVE LEGAL OPINION ABOUT THE MOTION ADOPTED BY THE HOUSE ON AUGUST 10, 1978

SHRI BHUPESH GUPTA (West Bengal): Sir, there is another point. This is more serious. I have been distressed by a report which appeared in the Press, in'The Hindu', on the the 15th August, that is, yesterday. I see this thing. Three-column news. 'Motion on graft; Jatti consults Law Minister'. Then, Sir, again, in some other paper here, Delhi paper, the 'Statesman', says that our Vice-President is consulting legal opinion on the Motion that was adopted on the 10th of August for the appointment by the Chairman of a Parliamentary Committee consisting of 15 Members of the House in regard to the charges against Mr. Morarji Desai's family members and the family members of Mr. Charan Singh. What is shocking is that, for the first time, in my career in this House, I get a report in the newspaper which says that the Chairman is consulting legal opinion. I do not know whether you are consulting or not. First of all, if you are consulting legal opinion in this manner, I submit, Sir, in all humility, that it is entirely wrong. The Chairman should settle matters with the House, Members of the House. The Presiding Officers do not seek legal opinion from the Attorney-General, from the Law Minister and from others outside to get such publicity as it being given in other cases. Sir, all I say is that, you should kindly look into this matter. Then, you should give an official contradiction that you are not seeking legal opinion. Then, I will hear that the Presiding Officer is seeking the opinion of the Supreme Court under article 143 as to the legality of the Motion which is adopted and passed by the House. What will happen to our Parliamentary system, I should like to know? Therefore, Sir, this is a serious matter, unprecedented in the history of our Parliament, Motion admitted by you, amendment admitted by you and passed by this House. Now, we are told by the newspapers that the Chairman of the House is seeking the opinion of the Law Minister, Shri Shanti Bhushan, on the implication of the Opposition Motion of August, 10, calling either for the appointment

[Shri Bhupesh Gupta]

of a 15-Member Committee of the House or a Commission of Inquiry to go into the allegations of corruption. Sir, are we here to see this kind of thing in the newspapers? Three-column heading. Three-column news. *This appears all over the country*, as if we have comited a crime, as if he has committed a crime and is seeking legal opinion. One day, we will also hear that it has been sent to the Privy Council or some American judge to get legal opinion. I protest against this, not against the Chairman, but against what had appeared in this Press, because I do not know whether the Chairman is seeking such opinion. Sir, I repeat, kindly appoint a Committee immediately.

SHRI KALP NATH RAI (Uttar Pradesh): At once.

SHRI BHUPESH GUPTA: Tomorrow, the Committee should be appointed. Campaign is already on: "What is the legal implication of it; what is the meaning of this word or that word?'. The campaign has been started by some political parties, with a view of sabotaging this Resolution. At the same time, we read in the newspaper a General Secretary of the ruling party, one of our colleague, coming out in a public statement and saying: Kanti Desai had collected 80 lakhs of rupees from a businessman. Well, Sir, a General Secretary has said that. Mr. Madhu Limaye does not belong to the opposition party. He is the General Secretary of the ruling party and he has said it when Shri Biju Patnaik, Shri Atal Bihari Vajpayee and other Ministers were there. Why are you delaying the appointment of this Commission? What is the reason? I cannot understand this.

AN HON. MEMBER: Appointment of a Committee, not a commission.

SHRI BHUPESH GUPTA: Yes, it is Committee. Call it by any name, you like. Whether it is 'A. P.' or 'A. P. Sharma', he remains to be the same gentleman. Sir, I beg of you in all humility to set at rest all speculations of this kind of news which are appearing in the press and manoeuvring and manipulation to forestall, sabotage and scuttle the appointment of the Committee. Please request the Chairman to invite representatives of all sides, choose—it is for him to choose—and announce the personnel of the Committee immediately. Let the Committee meet and immediately go into this question. Sir, it is not recommendatory, it is mandatory. The whole thing is mandatory. It is a wrong interpretation. When the parliament calls upon the Government *of India to take advice and* guidance from a Committee of the House, well when the House calls upon the Government, it is the mandate of the House to the Government. It is no use trying to bring in the Commissions of Inquiry Act or certain other legal things. The mandate should be respected.

Here you will not listen. There you are. There you are the Government, you will not listen.

It is the mandate of this House to the Government. Do not try to get out of it by saying that it is a recommendation to which you may or you may not listen.'

Sir, the Parliament has one resolution on this subject and this is the only resolution going. Therefore, I say, *kindly advise. We cannot hold* our patience for long. I tell you, we cannot. Have you seen a Committee being so delayed in its appointment? When we say in a resolution, "to be appointed by the Chairman", it is the mandate of the House in all humility to the Chairman Remember, the Chairman and other presiding officers are also in the House on the strength of the confidence of the House. Therefore, the majority has urged upon you in the politest possible language, following the language you use. Very often when you say, "a Committee to be appointed by the Chairman", we do not hear law opinion being sought, any other opin-

ion being sought, it is implemented. Therefore, this also should be implemented immediately.

All I can say, Sir, in appealling to you, do not please put this House in a law court. I beg of you, the dignity of the House, the honour of the House is far greater than any other consideration. We have undoubtedly won a great moral and political victory. We want to see it respected by the Presiding Officer of the House. When the majority of the House is in favour of it. If there is any legal difficulty please tell us, we shall correct it by an amendment. But there is no difficulty whatsoever. There is no difficulty at all, I can tell them. We are also lawyers. I have consulted a lawyer—I will not mention—belonging to the Janata Party also.

1 P.M.

They say the Resolution is perfectly in order. Some of them say. Others may not say so. They may have divided opinion. But we have no divided opinion. I only say for your sake that the lawyers do not take that view. It is a mandatory Resolution absolutely flawless. It should be implemented. In any case, the Chairman's task is to appoint the Committee. Other methods will be followed elsewhere. The Chairman's job is to appoint the Committee. If he likes, he can ask the Committee to appoint its Chairman. I do not mind even if he himself appoints the Chairman. But we would like to appoint the Chairman also. whoever goes to the Committee. Then, Sir, the Committee should be naturally decide its rules of procedure, how to deal with this thing. It should deal with it like any other Parliamentary Committee. You cannot have another set of rules.

Again, I implore, I beg of you to appoint the Committee immediately. Tomorrow let the Committee be announced in this House. Thank you.

विपक्ष के नता (श्री कमलापति त्रिपाठी): मान्यवर, मैं समझता हूं बड़ी आपत्तिजनक बात हो रही है और पार्लियामेंट के साथ जैसा बर्ताव किया जा रहा है ऐसा होना नहीं चाहिये क्योंकि यह कन्टेम्पट आफ हाऊस लगता है। मान्यवर, कई रोज़ हो गये हमारा प्रस्ताव इस सदन में स्वीकार हुआ। एक हफ्ता हो गया और हमने यह आशा की थी कि सदन के निर्णय को स्वीकार करके हमारे चैयरमैन साहब तत्काल कमेटी की घोषणा कर देंगे। मान्यवर, उनसे हम लोगों ने प्रार्थना भी की उनके चैम्बर में कि शीघ्रातिशीघ्र इसकी घोषणा आप कर दें। उन्होंने यह आश्वासन भी दिया कि हम शीघ्र ही इस कमेटी का नामंकन करेंगे और उसकी घोषणा करेंगे।

मान्यवर, एक सप्ताह हो गया। अब अखबारों में बड़ी आपत्तिजनक खबरें छापी गई है। मालूम नहीं कहां तक सच है या कहां तक झूठ है। स्वयं हमारे चैयरमैन साहब ने उस सम्बन्ध में कोई सफाई यहां नहीं दी। कहा यह गया है कि ला मिनिस्टर से वे राय लेने वाले हैं और यह भी आज खबर है मान्यवर, बहुत से लोगों ने कहा, कि अटार्नी जनरल भी बुलाये जायेंगे और उनसे भी राय ली जायगी। मैं समझता हूं कि मान्यवर इस सदन का यह निर्णय रहा हैं जो बाध्य है हमारे चैयरमैन को स्वीकार करने के लिये क्योंकि यह हमारा निर्णय रहा है और यह कन्टेम्पट है हाऊस की यदि ला मिनिस्टर या अटार्नी जनरल से इस पर राय लेकर कोई फैसला किया जाए। मैं कहता हूं कि यह मामला बढ़ता चला जा रहा है। अभी आज पत्रों में आपने देखा होगा कि श्री मधु लिमये ने जो प्रधान मंत्री को पत्र लिखा है उसमें उन्होंने यह कहा है कि प्रधान मंत्री जो ने यह कहा है कि मधु लिमये रामायण के धोबी है और उन्होने यह कहा कि इसके माने यह है कि कान्तिभाई सीता है। मान्यवर वह उन्होंने अपने पत्र मे लिखा है और उन्होने यह लिखा है कि हमारा ट्रेजरार बहुत अच्छा है। हमारी कमेटी भी एक बनी थी फण्ड

[श्री कमलापति त्रिपाठी]

इकट्ठा करने के लिये । फिर किसने कहा कान्तिभाई को कि उन्होंने 80 लाख रुपया इकट्ठा किया। यह कहा उन्होंने कि हमें विश्वास नहीं होता था । श्री अटल बिहारी वाजपेयी और श्री बीजू पटनायक ने इस बात को स्वीकार किया कि हां उन्होंने 80 लाख रुपया इकट्ठा किया । मान्यवर, बार-बार श्री रामेश्वर सिंह जी सवाल उठाया करते है । उन्होंने एक चिट्ठी जयप्रकाश बाबू को लिखी । पन्द्रह दिन से उसकी चर्चा हो रही है । न मालूम कई बार भाई कल्प नाथ राय उसकी चर्चा कर चुके । उन्होंने चिट्ठी लिखी थी जयप्रकाश जी को कि बिरला और गोइन्का से चार करोड़ रुपये का सौदा किया गया । और 80 लाख रु० लिया गया और उसके फलस्वरूप चरण सिंह को मंत्रि-मण्डल में से निकाला गया । यह उन का पत्र है मान्यवर, तमाम लोगों के पास है । बार बार यह सवाल इस सदन में उठाया गया । कभी उन्होंने इस को इन्कार नहीं किया । जनता पार्टी के वे सदस्य हैं और अभी वह बैठे हुए है । मान्यवर, यह है क्या ? यह जो सरकार चल रही है...

SHRI BHUPESH GUPTA: That letter of Mr. Madhu Limaye should be given to the House. It is not a secret letter. It should be placed on the Table of the House.

श्री कमलापति त्रिपाठी : It was not a secret letter. It is as public a letter as anything can be.

और मान्यवर मैं आप से निवेदन करना चाहता हूं कि है क्या यह ? सरकार के विरुद्ध स्वंय इन के दल के लोग इसका अभियोग लगा रहे हैं । मान्यवर, समाचारपत्रो मे, सदन में, यह बार बार उठाया जा रहा है । हमने एक समिति बनायी कि सारा मामला उसके जिम्मे कर दिया जाए और वह इस चीज को देखे; उस समिति के द्वारा यह निर्णय हो कि उस में आगे कौन सी कार्यवाही की जाए ? इसमें न सरकार से कोई मतलब है न मैं समझता हूं मान्यवर मतलब है हमारे विधि मंत्री जी से या न मतलब है एटार्नी-जनरल से । इस विषय में अब विलम्ब होना मुनासिब नही है । श्रीमान् से हमारी यह प्रार्थना और अनुरोध है कि इस कमेटी को घोषणा कृपा कर के कल कर दें ताकि काम आगे चलता रहे ।

SHRI BHUPESH GUPTA: Mr. Madhu Limaye's letter should be laid on the Table of the House.

श्री भोला पासवान शास्त्री (बिहार) : उपसभापति जी, माननीय श्री भूपेश गुप्त ने जिस प्रश्न को उठाया है मैं भी उसकी ताईद करता हूं । उन का प्रश्न यह है कि जब सदन ने 10 तारीख को इस तरह का एक फैसला लिया, बहुमत से लिया, तो उस पर जल्दी से जल्दी अध्यक्ष महोदय का फैसला होना चाहिए । लेकिन यह सवाल बीच मे कैसे उठ गया कि वह ला मिनिस्टर से या बाहर के वकील से कोई राय ले रहे हैं ? यह हमने आज तक नहीं सुना था कि सदन के ऊपर कोई दूसरा स्टेण्ड गवर्नमेंट ले सकती है, सदन के बाहर । सदन जो कि सब से बड़ा स्थान है, उस में जो हमने फैसला किया है, उस पर ला मिनिस्ट्री की राय ली जाए, यह हमारी समझ मे नही आता है । अगर इस तरह की बाते बाहर जाती हैं और अखबार में छपता है, तो यह बड़े दुःख की बात है । हम को दुख है कि यह बात आनी चाहिए । दूसरी बात, इसका कांट्रेडिक्शन भी नही हुआ । अखबार में आया, तो उसका कांट्रेडिक्शन भी नही आया जो कि आना चाहिए । इसका कांट्रेडिक्शन जितनी जल्दी हो सके दिया जाए तो उतना अच्छा हो ।

दूसरी बात कमेटी बनाने के बारे में है । कमेटी बनाने के बारे में हो सकता है कि चेयरमैन साहब को थोड़ा और समय लगे । हम नही समझते कौन समय लगेगा क्योंकि हम लोग भी अपनी राय रखते हैं । खैर, उनको यह काम जल्दी से जल्दी करना चाहिए। लोगों के मन में शक और शुबहा पैदा होता जा रहा है कि क्या कारण है कमेटी नहीं बनती । जब हाऊस का फैसला हो गया--आप खुद थे, सारा सेक्रेटेरियट आपका था--तो क्या बात है इस मैटर में इतनी देरी हो रही है और मैं ऐसा देख रहा हूं कि इस सेशन में कि जब कभी प्वाइन्ट आफ आर्डर उठाया जाता है--एक दो नजीर में दे सकता हूं--या तो गवर्नमेंन्ट की तरफ से स्पष्टीकरण नहीं होता है या तो चेयर को तरफ से कोई फैसला ही नही होता है । ये तो बाते अच्छी नही हैं । हम लोग साफ व्यवस्था का प्रश्न उठाते हैं लेकिन जब मांग करते है इस पर फैसला हो जाए तो गर्वमेन्ट की तरफ से बिलकुल चुप्पी साधी जाती है, और जब चेयर की तरफ से भी कुछ नही कहा जाता है कि मामला क्या है-- तो यह समझ में बात नही आती है कि कैसे हाऊस चल रहा है, कैसे फैसला होता है । बल्कि प्रश्न हमने उठाया था एक दिन--सरकार की तरफ से कोई उत्तर नही है, आप खुद चेयर पर थे, कोई स्पष्टीकरण नहीं है--और व्यवस्था का प्रश्न साफ था लेकिन वह बात ऐसे ही टाल दी गयी । यह सिलसिला जो शुरू हुआ है सदन में यह बड़ा दुःखद है, ऐसा नहीं होना चाहिए ।

इस सिलसिले में मेरा अभी यही कहना है कि मैं उन के साथ हूं, जो प्रश्न हमारे साथी ने यहां उठाया है और जो कमेटी बनाने के बारे में सदन की 10 तारीख की बैठक मे फैसला हुआ, उस पर चेयर को जल्दी से जल्दी फैसला करके ऐलान कर देना चाहिए ताकि कमेटी के मेम्बर आगे अपनी कार्यवाही शुरू कर दें ।

हमारे मित्रों ने और हमारे विरोधी दल के नेता ने भी कुछ बातें कही हैं कि यह अखबार में आया है । ये सारी बातें दुःखद बाते है और ये सब बातें बढ़ती जाती है । जिस में गर्वमेन्ट को खींचा जाए ऐसी बातें नहीं होनी चाहिए, हम लोगों को भी कहने का मौका मिलता है और हम कहेंगे ही जब ये सारी बाते आ रही है । तो इस पर जल्दी कमेटी की स्थापना हो जाती है तो यह मामला शांत हो जाता है । इसलिए इस की ओर मैं आप का विशेष ध्यान आकर्षित करता हूं ।

SHRI HARKISHAN SINGH SURJEET (Punjab): Mr. Deputy Chairman, Sir, I do not understand why the time of the House is being allowed to be wested on this question every day. Perhaps the Government also is not very much interested in taking up some other business. We have placed our own amendment on this issue which the Government have refused to agree to.

But after the House has decided upon a motion, with amendment, I do not see there is any other way except for the appointment of a committee of the House, and the press should not be allowed to carry on with the news items like this, that advice is being taken. It is a prorogative of the Chairman to decide about the Committee when the House has decided. So I would say that matters should be put an end to by the appointment of a committee, and let us carry on with the other business. We are also concerned about so many other issues which the people are asking us to take up here in the House. I would suggest that there should be no further debate every day on this issue. Every day this is being raised. Now, since the 17th of July this is the issue which is being debated here. So I would suggest

[Shri Harkishan Singh Surjeet]

that without any delay, let the decision of the House be carried, and no further discussion and debate should be allowed on this issue.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Mr. Deputy Chairman, Sir, I share the sentiments expressed by Shri Surjeet. The same amendment stood in my name as well. And so far as the Resolution which was adopted by the House is concerned, we were opposed to it in the form in which it was placed before the House. We wanted the Government to see reason and refer the matter to a Supreme Court Judge to decide whether there was a prima facie case. This was the minimum and the Government did not accept it and the Prime Minister refused to see reason even in this very minimum, reasonable position. But after the House adopted the Resolution, it is strange that there can be talk in the press that that very matter is being sent to the Attorney-General for his opinion or to the Law Ministry for its opinion. That infringes on the sovereign right of this House and I am inclined to agree with those Members who have said that it constitutes a contempt of the House. The Chairman should not delay in the matter. He should contradict it if there is no truth in the press statement and go forth to appoint a parliamentary committee. By delaying or adopting a dilatory method, perhaps the Government's own position is being further worsened and the prestige of the House is being further lowered. That is a very dangerous thing. The Government should not be a party to it nor should the Chairman allow us to think that he is in any way a party to any device.

श्री सीताराम केसरी (बिहार) : मेरा प्वाइंट ग्राफ ग्रार्डर है ।

श्री उपसभापति : इस पर तो नहीं बोलेंगे ?

श्री सीताराम केसरी : इस पर नही बोलूगा । जार्ज फर्नेन्डीज साहब ने यह प्रस्ताव रखा है कि जो उन पर ग्रारोप लगाये गये है उसके लिए सदन की एक कमेटी बनायी जाये । तो मैं चाहूंगा कि उनकी बात मान ली जाय ग्रौर उनके खिलाफ जितने चार्जेज हैं उन सब के लिये वह कमेटी बने । मैं उसका स्वागत करूंगा ।

श्री उपसभापति : यह कोई प्वाइंट ग्राफ ग्रार्डर नहीं है ।

सदन की कार्यवाही सवा दो बजे तक के लिये स्थगित की जाती है ।

The House then adjourned for lunch at fourteen minutes past one of the clock.

The House reassembled after lunch at eighteen minutes past two of the clock, **Mr. Deputy Chairman** in the Chair.

REFERENCE TO THE PRIME MINISTER'S SPEECH ON INDEPENDENCE DAY

श्री ग्रनन्त प्रसाद शर्मा (बिहार) : उपसभापति जी मैं कल जो राष्ट्रीय दिवस पर प्रधान मंत्री का लाल किले पर भाषण हुग्रा, उसके सम्बन्ध में इस सदन का ध्यान ग्राकर्षित करना चाहता हूं ।

उपसभापति जी, यह राष्ट्रीय दिवस जो है . . .

सदन के नेता (श्री लाल कृष्ण ग्राडवाणी) : उपसभापति जी, सदन की यह पद्धति हो गई है कि जो भी स्पेशल मेंशन की ग्रनुमति ग्राप देते हैं उसकी सूचना सम्बन्धित मंत्री को भी मिलती है । जहां तक मेरी जानकारी है, इसकी कोई ग्रनुमति नहीं दी गई है ।