selection of site for the laboratory with the State Government who have to allot the land for the purpose.]

ANNOUNCEMENT RE MOTION ADOPTED BY THE HOUSE FOR AP-POINMENT OF A COMMITTEE OR ALTERNATIVELY TWO SEPARATE COMMISSIONS OF INQUIRY TO INQUIRE INTO ALLEGATIONS OF CORRUPTIONS MADE AGAINST MEMBERS OF FAMILIES OF THE PRIME MINISTER AND THE FORMER HOME MINISTER.

श्री कल्पनाथ राय (उत्तर प्रदेश) : सभापति महोदय, कुछ दिन पहले एक प्रस्ताव पास हुआ पार्लियामेंटरी कमेटी बनाने का । प्रधान मंत्री के बेटे और चौधरी चरणसिंह के परिवार के भ्रष्टाचार की जांच के संबंध में जो राज्य सभा में प्रस्ताव पास किया मैं आपसे जानना चाहता हूं कि सात दिन बीत जाने के बाद भी आज तक कमेटी का निर्माण क्यों नहीं किया गया । यह पूरे हाउस का अपमान है आपने आज तक कमेटी को डिक्लेयर नहीं किया है । मधु लिमये ने मोरारजी देसाई के बेटे के ऊपर यह आरोप लगाया कि 80 लाख रुपये उन्होंने पार्टी के लिए कलेक्ट किए । प्रधान मंत्री ने सदन में आपके सामने यह बयान दिया कि मेरा बेटा मेरा पी० ए० है उसका किसी से कोई मतलब नहीं है मैं पूछना चाहता हूं कि प्रधान मंत्री के बेटे ने किस हैसियत से 80 लाख रुपये का कलेक्शन किया । सभापति महोदय, मेरा दूसरा निवेदन यह है कि चन्द्रभानु गुप्त ने कहा है कि 80 लाख रुपये को, जो हमने एप्वाइंट किया था कांति देसाई को एकत्रित करने के लिए लेकिन जनता पार्टी के नानाजी देशमुख, अटल बिहारी वाजपेयी और मधु लिमये ने जो करोड़ों रुपया इकट्ठा किया उसका कोई भी हिसाब हमारे पास नहीं आया । सभापति महोदय आज देश का वातावरण भ्रष्टाचार से गूंज रहा है, सारे देश के अन्दर जनता पार्टी का भ्रष्टाचार, इनके मंत्रियों का भ्रष्टाचार—और प्रधान मंत्री ने इस सदन में और देश के सामने कहा कि मेरा बेटा केवल पी० ए० का काम करता है वह व्यक्तिगत हैसियत में हमारी सेवाएं करता है लेकिन मैं पूछना चाहता हूं Mr. Kanti Desai is working as extra-constitutional authority in the house of the Prime Minister. What right has he got to collect Rs. 80 lakhs?

मैं यह पूछना चाहता हूं कि आपने कमेटी का निर्माण क्यों नहीं किया, आज तक कमेटी को एनाउन्स क्यों नहीं किया । सारे देश की निगाह इस तरफ है कि जनता सरकार के भ्रष्टाचार की जांच तुरन्त की जाय और इनके मंत्रियो द्वारा प्रधान मंत्री के बेटे के द्वारा, भूतपूर्व गृह मंत्री के परिवार के द्वारा, कांति देसाई द्वारा जो करोड़ों रुपये का गबन किया गया है वह पार्लियामेंटरी कमेटी के सामने मामला पेश किया जाय ।

सभापति महोदय, मेरा तीसरा निवेदन यह है कि आपके सामने मोरारजी देसाई ने कहा था कि हमारे जो पी० ए० की हैसियत में काम करते हैं, पोलिटिकल सेक्रेटरी की हैसियत में काम करते हैं मैं जानना चाहता हूं कि प्रधान मंत्री जी ने क्या यह झूठ नहीं बोला ? यह 80 लाख रुपया किस हैसियत से, इन वाट वे कांति देसाई कलेक्टेड 80 लाख रुपीज ।

""MR. CHAIRMAN: What is the point at issue.

श्री कल्पनाथ राय : मेरा सजेशन सभापति महोदय यह है कि मधु लिमये ने भ्रष्टाचार का जो आरोप लगाया है वह कमेटी के सामने प्रस्तुत किया जाय । इसके अलावा मधु लिमये ने जो आरोप लगाया है 80 लाख रुपये का वह भी भ्रष्टाचार के 32 चार्जेज के अलावा जो साल्वे साहब ने लगाये थे, वह भी पार्लियामेंटरी कमेटी के सामने पेश किया जाय . . .
(Interruptions)

MR. CHAIRMAN: I think I will have to take up the Short Notice Question. You are prolonging this. There is a Short Notice Question and you are not concluding.

श्री कल्पनाथ राय : इससे ज्यादा कौनसा क्वेश्चन बड़ा होगा... *(Interruptions)* जिससे सारा देश ... *(Interruptions)*

SHRI KALP NATH RAI: I want the announcement of a Committee immediately. I want the charges to be inquired into.

MR CHAIRMAN: What do you want me to do? Please tell me.

MR. CHAIRMAN: All right. Do you want that I should announce it?

SHRI PRANAB MUKHERJEE (West Bengal): When are you going to announce? You should indicate when you are going to appoint the Committee.

SHRI KALP NATH RAI: When will it be announced, Sir?

SHRI ANANT PRASAD SHARMA (Bihar): Sir, I am on a point of order.

MR. CHAIRMAN: Let this be over. All right, I have been asked to announce, and I will announce now.

The House at its sitting held on the 10th August, 1978, adopted a Motion in regard to the appointment of a Committee of this House or two separate Commissions of Inquiry under the Commission of Inquiry Act, 1952, to enquire into certain allegations of corruption against members of families of the Prime Minister and the former Home Minister, Shri Charan Singh. The said Motion recommends to the Government to—

(i) seek forthwith the guidance and advice from a Committee of fifteen Members of the Rajya Sabha to be appointed by the Chairman, Rajya Sabha, for appropriate and necessary actions to be taken on the allegations, or

(li) straightway appoint two separate Commissions under the Commission of Inquiry Act, 1952, in the matter.

Two courses, therefore, seem to be open to Government namely, either they should seek the guidance and advice from a Committee of the members of Hajya Sabha or forthwith appoint two separate Commissions of Inquiry.

This matter was also raised in the H_0use yesterday. I am of the opini. ©a that in terms of the Motion the question of appointment of a Committee by me would depend on the indication from the Government as to which one of the two alternatives mentioned in the Motion is acceptable to them. The appointment of a Committee at this stage without knowing the mind of the Government would be infructuous. I would, therefore request the Leader of the House to let me know what course th$_e$ Government propose to adopt in the matter.

THE LEADER OF THE HOUSE (SHRI LAL K.ADVANI): Sir....

SHRI BHUPESH GUPTA (West Bengal): Thi$_s$ should be discussed.

SHRI PRANAB MUKHERJEE: After he makes his observation, we should allowed to make our observations.

SHRI LAL K. ADVANI: Sir, you have very rightly interpreted the Motion that was adopted by this House and said that the Motion is addressed to the Government and it recommends to the Government two courses of action—either the Government should seek the aid, the advice of a Committee of this House or alternatively appoint two Commissions of Inquiry. You have also requested the Government to indicate what its response is to this recommendation which is in the alternative. I can say on behalf of the Government that the Government will carefully consider this recommendation and convey to you what it proposes to do.

SHRI PRANAB MUKHERJEE: When?

SHRI BHUPESH GUPTA: When?

SHRI PRANAB MUKHERJEE: Sir, I am on a point of order. Sir, this Motion was passed on the 10th of August and two alternatives are given to the Government—either to seek forthwith—I would like to emphasise the word 'forthwith'—the guidance and advice from a Committee of 15 Members of this House to be appointed by you, or to appoint two Commissions of Inquiry immediately. After seven days, the Leader of the House is coming and telling you that the Government will carefully consider the matter as if the Government will require an indefinite time, without any limitation, to consider what course of action the Government will take. Sir Rajya Sabha is going to be adjourned and this is an unprecedented situation. Sir, a Motion was admitted by you. It was not admitted by me, it was not admitted by the Leader of the Opposition, and it was not admitted by the Leader of the House. It was admitted by you. That motion was put to vote and a majority of the Members of this House approved that motion, who directed the Government either to seek forthwith the guidance and advice from a committee to be nominated by you, or to appoint two commissions of inquiry immediately. Now, after seven days, the Leader of the House, and that too after obtaining the ruling from you, feels that the matter is entirely left to the Government. If it is for the Government to arrive at a decision whether they are going to constitute a committee or appoint two commissions of inquiry, why did they wait for your ruling? The Government itself could have made the interpretation. *(Interruptions).* Let me complete my point, please. I think the Government should have come to their own conclusions and communicated to you. For seven days they sat tight over the matter and when you made your observation that you would like to know from the Government what in their mind is, seven days after the motion was approved, the Government is coming and saying that they shall give careful consideration to the proposal. What did the Government do for all these seven days? That is my first question.

Secondly, Sir, the original motion was to appoint two commissions of inquiry. The amendment was that the Government may seek forthwith the guidance and advice from a committee to be appointed by you. Within these seven days your intention that you are going to be guided by the opinion of the Government was not known. This point was raised yesterday and day before yesterday as to what you were going to do. Then the newspaper reports came that you were consulting ithe Law Ministry, and we have not heard anything whether you have consulted the Law Ministry and whether the ruling given today is out of that consultation, and the whole Parliament has been kept in the dark and taken for granted. There is a motion passed by the House, entrusting the Chairman of the House with the task of appointing the committee, the Chairman sits for seven days over it, and after consulting the Law Ministry or certain lawyers here and there, arrives at a decision that the Chairman will be guided by the decision of the Government and the Government after seven days says that they will carefully consider it. This is highly improper. This is contempt of the House and I am sorry to say that the Chairman has also failed to discharge the responsibility entrusted to the Chair by the majority decision of the House, namely, to appoint a committee by him.

SHRI LAL K. ADVANI: Sir, I would like to make it very clear that there has been a difference of view about the interpretation of the motion.

SOME HON. MEMBERS: No, No.

SHRI LAL K. ADVANI: Please let me have my say. The issues that arose out of the motion were these. You will recall and the records will bear me out that immediately after the motion was debated, the next day this matter was raised because of an observation that I had made, where I had said that *prima facie* this appears to me to be in the nature of a recommendation made to Government and this remark of mine was taken exception to by some Members and it was that the Government does not come anyway in the picture, the motion is addressed to the Chair and the Chair has to appoint a committee of this House to go into the matter. My own humble view and the Government's view was that this motion was addressed to the Government and not to the Chair. The second issue that arose out of my submissions was whether this motion is in the nature of a recommendation or whether it i_s a mandate given to the Government. These were the two issues that were to be resolved. At that stage I had very clearly said that I would look to the Chair for a ruling and guidance in this regard and what, the interpretation of this is and today the interpretation has come and the interpretation is very clear. I was carefully listening to the words when the Chairman said that this House recommends to the Government two courses of action. This is precisely what was said. I would be willing to be corrected, if I am wrong. But, as I heard it, it was very clearly interpreted that the motion is a recommendation, it is not mandatory. It is a recommendation made not to the Chair. It is not at all addressed to the Chair. It is addressed to the Government. So, on both the counts, what I had said at that stage has been upheld by the Chairman's ruling and today the Chairman ha_s said that because it is addressed to the Government, the Government has been asked...

SHRI ANANT PRASAD SHARMA: The Chairman has not said that.

(Interruptions)

SHRI LAL K. ADVANI: I have always held that I am not among those who would say that the ruling, if it is favourable to me, I accept or to the extent it is favourable to me, I accept. I said about your ruling in this regard that whatever interpretation yo_u give, I would accept and the Government would honour it. Today, you have given the ruling that this House has made a two-fold recommendation to the Government. That is the interpretation. *(Interruptions).* And whatever I am saying is on the record and the Chairman's ruling is also on the record. Chairman himself is here and he would correct me if I am wrong. After having been given this interpretation, all that I have said is that now that the interpretation has come that the Resolution and the Motion is addressed to the Government and not to the Chair, the Chair has not to do anything, unless first the Government indicates it_s mind with regard to the recommendation. All that I have said is that the Government will carefully consider it with all due respect to the House, and will come to you and convey to you. *(Interruptions).*

SHRI BHUPESH GUPTA: Sir_v this matter. . .

SHRI DINESH GOSWAMI (Assam): Sir, I am on a point of order. *(Interruptions).*

Mr. Chairman, Sir, I feel extremely sorry, without attributing any motives to the Leader of the House, that he has again raised some doubt on the ruling given by you. . .

SHRI LAL K. ADVANI: Sir, may I request you to once again read out the ruling; otherwise, last time also, we went over the exercise without even going through the motion papers.

SHRI DINESH GOSWAMI: I heard it as carefully as anyone else.

SHRI G. C. BHATTACHARYA: Sir, I want to know whether the ruling by the Chair can be challenged by anybody.

SHRI PRANAB MUKHERJEE: It is not for you to say it. It is not being challenged.

SHRI DINESH GOSWAMI: I am not challenging your ruling. What I am saying; is that the Leader of the Houses— I am not attributing motives to him—has, unfortunately, interpreted it wrongly. The ruling that you have given now is. uptil now, the stand of the Government was that the Government has two courses of action. It was entirely recommendatory whether the Government will constitute a commission of inquiry or whether they will form a committee. Sir, so far as this part of the motion is concerned whether formation of a committee is recommendatory to the Government or not, you have negatived that contention today clearly and unequivocally. You have very clearly stated that so far as the constitution of a committee is concerned, the Government does not at all come into the picture. And we welcome your ruling and consider it to be a very historical ruling. The only point remains on which you want the Government now to express its intention because two courses were suggested to the Government: That a committee be formed by you; or in the alternative, they should forthwith appoint two commissions of inquiry. The word 'forthwith' has certain legal implications and I may tell you, Sir, that this word has been interpreted by the highest court, that is, the Supreme Court and according to it, the word 'forthwith' means Immediately, without any delay whatsoever'. Therefore, on the day this Resolution was passed, it was incumbent upon the Government to decide whether they will seek the guidance of a committee which you will constitute or will immediately form two commissions of inquiry. When the Government has not constituted two commissions of inquiry within a reasonable time they got, by implication they have decided not to act upon the second course of action and, therefore, my submission will be that the only course of action which the Government has to take recourse to is the first course of action, that is, to seek guidance from a committee. And as you have suggested, so far as the formation ot the committee is concerned, the Government does not come in the picture, you will kindly form a committee and, therefore, we submit to you to form a committee. Or utmost—I will express the view of the House—you can wait till Monday; tomorrow is holiday; if the Government does not indicate that they are not going to appoint the two commissions of inquiry, you are going to take recourse to the only alternative left, that is, to appoint a committee on Monday. Let the Government decide, after the Committee is formed, whether it is recommendatory to them or whether it is mandatory to them. We leave it to the Government to decide. The House will take care of it after you form the Committee. But I think, we can express it on behalf of the House. After your historic ruling, where you have stated that so far as the task of the formation of the Committee is concerned, it is entirely upon you, I feel, Sir, that you should form the Committee immediately, or, if there is any delay, you should form the Committee at least by Monday. Let the Government make up its mind before Monday. After that, the Committee should be formed and the Committee should go ahead with its work. Let the Government, at that time, take up any stand, whether they feel it is recommendatory or mandatory, and we will take note of that, when the Committee is formed. But there should be no delay whatsoever in the formation of the Committee after Monday because the Government have virtually,, by implication. . .

SHRI PILOO MODY (Gujarat): Don't put him on the Committee. He is very talkative.

SHRI DINESH GOSWAMI:.... decided not to take recourse to the second alternative which was placed before them.

SHRI BHUPESH GUPTA: Sir, this matter should be discussed absolutely dispassionately, without any excitement. I wish to say this. Because for the first time, we are facing a situation when the House, after having passed the Resolution, having authorised the Chairman to do something and asked hirn, urged him, whatever you call it, to do somthing, reaction is sought from a party, namely, the Government and then it would be decided according to the rules whether our Resolution has any meaning or not. This is a strange transfer of vetoing power from the House to the Government. Whereas, we thought that in a Parliamentary-ctim-Cabinet system, it is the House which prevails over the Government. Now, Sir, your ruling will give the impression irresistibly and, perhaps, to the shock and the revulsion of many of us in this country and abroad who believe in Parliamentary democracy, that the Rajya Sabha has transferred its sovereign right to the Cabinet. Therefore, we would like our parliamentary institutions to be saved from this infamy, from this surrender, from this capitulation and, if I may use that word, political. ..

DR. BHAI MAHAVIR (Madhya Pradesh): Sir, I object to the words which the hon. Member is using. Is it in order for any Member to use such words?

(Interruptions)

SHRI BHUPESH GUPTA: Sir, I will not use any unparliamentary word. It is for you to decide. If I had used any unparliamentary word, you can expunge it.

SHRI LAL K. ADVANI: Sir, listening to the kind of observations of the hon. Member m respect of the Chair and the Chair's ruling, I do think, they are objectionable.

SHRI BHUPESH GUPTA: I am not, at the moment, on your ruling. I am o_n the public effect of your ruling at home.

SHRI KALYAN ROY (West Bengal) : Impact of your ruling abroad.

SHRI BHUPESH GUPTA: Sir, are we not entitled to express our views on this? *(Interruptions).*

DR. BHAI MAHAVIR: Sir, he has described the ruling as a surrender, as a capitulation and as shocking. Then, he says that he is saying about its effect on the people. It is just quibbling of words. I submit, Sir, that you should not permit this *(Interruptions)*

SHRI BHUPESH GUPTA: We have placed the power in your hands. If you do not exercise it, we are helpless.

SHRI PILOO MODY: I will suggest Rajya Sabha acquire enough powers to ask him to sit down.

SHRI BHUPESH GUPTA: No. You are always sitting down, occupying a good part of the House.

SHRI PILOO MODY: We are a sovereign body without a Sovereign.

SHRI BHUPESH GUPTA: "sir, what have I said? I said that your ruling has transferred the sovereign ~ power of this House to the Government. Now, what is your ruling?

SHRI PILOO MODY: That is what your Resolution does.

SHRI BHUPESH GUPTA: You have never understood it.

SHRI PILOO MODY: You say that it is a badly drafted Resolution.

SHRI BHUPESH GUPTA: This is a Resolution. This is not a draft.

[Shri Bhupesh Gupta]

Sir if the House has been foolish enough to pass it—I think, the House has been intelligent enough to pass it—if some of you think that the House has been foolish enough to pass this Resolution... (Interruptions).

MR CHAIRMAN: Mr. Bhupesh Gupta, why are you using the word 'foolish' in relation to the House?

SHRI BHUPESH GUPTA: Sir, I have not said 'foolish'. We are intelligent. Mr. Piloo Mody thinks we are foolish. We have passed an intelligent Resolution.

MR. CHAIRMAN: You may express an opinion about yourself but not about the entire House as foolish.

SHRI BHUPESH GUPTA: What I said was in reply to what Mr. Piloo Mody said. *(Interruptions).* Please do not disturb, Mr. Piloo Mody.

SHRI PILOO MODY: I am only helping you.

SHRI N. P. CHENGALRAYA NAIDU (Andhra Pradesh): Shri Bhupesh Gupta brought in the foolish amendment. That is the whole trouble now.

SHRI BHUPESH GUPTA: You will have your own argument. See the preface of the Resolution. The Resolution says) ------- (Interruptions). They will not allow me to speak.

SHRI PILOO MODY: No.

DR. BHAI MAHAVIR: If you describe it 'foolish', how will they allow you to speak?

SHRI BHUPESH GUPTA: They should not do this. They should have a little patience.

SHRI PILOO MODY: Mr. Bhupesh Gupta has announced that he wants to waste the whole day of the House. That is why we are helping him. Let us have fu$_n$ along with him. I am only having my share of fun and he should not object to this.

SHRIMATI MARGARET ALVA (Karnataka): Mr. Mody goes to sleep when he is bored. So, he need not worry.

SHRI PILOO MODY: I do sometimes when some people are speaking but not when you are speaking; never when you are speaking.

SHRI BHUPESH GUPTA: Sir, Mr. Piloo Mody is a very entertaining person, but there are occasions when amusement is not always desirable. *(Interruptions),* Again he is talking.

SHRI PILOO MODY: All right, I am walking out.

SHRI BHUPESH GUPTA: You will kindly consider the first part of the Resolution. The Resolution should be read as a whole. One or two word$_s$ should not be singled out. In fact, even if you do so, the Resolution stands. But Anyhow you see the first part which is the preamble part of it. It just says that a situation has arisen which has affected public standard and many other things, I need not say that. After the allegations against the family member$_s$ etc., coming to the operative part of the Resolution, it says that the House is of the opinion that "if the situation is not dealt with appropriately and with urgency it demands"—two things are immediately given, i.e., firstly, it is the opinion of the House and secondly, it should be dealt with appropriately and also urgently—"it is likely to bring not only the persons of high public standing to avoidable disrepute but also cause irreparable damage to the very credibility of public life in the country and, therefore, calls upon the Government to forthwith--note the word 'forthwith'—seek the guidance and advice from a Committee comprising of fifteen members of this House to be appointed by the Chairman, Rajya Sabha, for appropriate

and necessary actions". That is the first part. The second part is appointment of two Commissions of Inquiry "as an alternative. What is the meaning of it? Meaningly, the House has assumed a certain responsibility in this matter and that responsibility is to produce a Committee in order to guide and advise the Government irrespective of the attitude of the Government. The House has arrogated to itself the authority and sanction through the Resolution and assumed the responsibility of constituting a Committee. This part stands independently of whatever reaction the Government may or may not have or whether this Government is in power or not. Nothing to do with it, as far as the formation of the Committee is concerned. Therefore, Sir, now we do it. Then, after having done that we can really see the other parts coming into operation. Obviously, you cannot expect any Government to seek any guidance from the non-existent committee. You can expect the Government to seek the guidance and advice only from a body which is in existence. Therefore, the existence has priority in this matter over the act of seeking the advice. Unless we constitute a Committee ourselves in pursuance of this Resolution through you, we have no right to call up to the Government even that you come and take the advice. Therefore, we have obligated ourselves into a situation when following the Resolution and implementation of it, we are called upon to appoint a Committee and then ask the Government to forthwith, after that process is over, implement the other part of the Resolution, namely,, seek its guidance and advice. If a resolution is passed that the House should seek the guidance of the Chair, suppose a situation arises when you pass a resolution that the House should seek the guidance and advice of the Committee of Privileges, or a panel of Chairmen, or for that matter the Deputy Chairman or the Chairman, it does Mean that the Chairman, the Deputy Chairman or the concerned committee should come into existence before the other part becomes operative. This is the sequence. Suppose you give a ruling that the House should advise. To seek the advice in this matter,, who takes the Chair? What does it mean? You will not come and ask where I seek the advice. First of all you will put somebody in the Chair and then ask and expect me to obey and take the advice. This is how the sequence should be. The first task in this Resolution is the formation of the Committee, appointment of the Committee. Only then the other things come.

Now, Six, I am a little surprised. Without any reflection on anybody-least of all on you—I do not know whether what we read in the newspapers is correct that you have consulted the Lak Minister. Maybe you have; maybe you have not. Sir, are we not entitled to consultation by you? Are we not the children of the House looked after by a guardian like you? I leave it to your conscience, to your judgement to your maturity. You know better, if 1 were in this position, I would have never consulted only the Government party or the Government side and then based the ruling on that. Usually you should also find out what will be reaction of those people who have passed this Resolution. Why that is not there? Government reactions are awaited. You have said the Resolution will be infructuous, the appointment of the Committee will be infructuous. I have never heard such a logic. Do you forsake the appointment of committee thinking that some people may not attend? The appointment of the Committee is not based on that. Whether somebody will make the Committee infructuous is a different matter. You have to appoint the Committee. The question of its being infructuous does not arise because it is an implementation of the decision of the House. Of course, it is for the Government / to treat it in a manner it likes. But

[Shri Bhupesh Gupta]

that is a different matter. We shall deal with it later. Why in your ruling I find the 'Committee being infructuous'? How is it? The Committee cannot be infructuous for another reason: because it is said appropriately here. You see the wording of the Resolution: the Chairman is to appoint the Committee consisting of Members of the Rajya Sabha "for appropriate and necessary actions to be taken on the allegations_____ " We are not being appointed as a Government agency. We are appointed, Sir, by Chairman for appropriate and necessary action. It is for the Committee to consider, on the basis of the material, what appropriate actions and necessary actions are called for, naturally leaving it to the competent and appropriate authorities to implement them, accept or reject them. We are here to deliberate on the nature of the actions that should be taken, if at all any. Will it be infructuous? Do you think that if you form a Committee and sit in your room, we will all be sleeping; we shall not discuss this matter; we shall not deliberate; we shall not come to certain conclusions or try to come to certain conclusions in regard to what actions in the matter should be taken? Why do you, Sir, say the Committee would be infructuous? Sir, it only amounts to saying that so long as the Government does not agree you have no *locus standi.* Is it the Resolution? Committee are formed in international forums and in national Parliaments. But sometimes some people do not allow them to function. But on that ground the committee formation is not delayed or denied.

Sir, even in the U.N.O. some Committees are formed. Resolutions are passed and some people boycott it. But the Committee does not become infructuous. They get on. They are formed. You are only concerned with the formation of it. Here your duty says that you are only concerned with the formation of it and nothing else. This is the first operative part of the Resolution, and that operative part we entrust" to you. Still we have faith in you. Therefore, Sir, this infructuous theory we cannot accept. In fact, when the Members of both sides of the House will be seized of the matter and they will deliberate, it will enhance the morale and the prestige of Parliament and we will see that this Parliament is not a sleeping body, it is vigilant. It asserts its authority in matters which should be dealt with in matters of corruption and so on.

Sir, the other part does not come into' the picture. The Government should appoint two Commissions of Inquiry. Have they done it? The Government should have only come to tell you that they have appointed two Commissions of Inquiry. Therefore, there is no need for the Committee. Therefore, the third alternative has been accepted. But they have not said it. Now, as we fear the whole move on the Government side has been one of not unparliamentary—I am talking of the Government, not of the House—tout of sabotaging this motion, while pretending that they are considering it. What is there to consider? Let them take time to consider. Meanwhile let us go without the consideration part of the business. Sir, I, therefore, request you humbly not to allow this sabotage by the Government. I beg of you to reconsider your decision and kindly announce the names. Form the Committee.

If you do not form the Committee in this session the whole thing is gone. Do we have to wait till they have made up their mind? Where does the motion say that? As if the motion says that a Committee shall not be constituted unless the Government's reactions have been obtained in favour of such a committee. Why thi$_s$ interpretation? Why this importing into the motion some meaning and implication which by no means exists? This is not the way to interpret a motion. Therefore, we

are deeply sorry that a ruling of this type has to come from you, Sir, with all respect to you. While giving full ^ co-operation to you we do hope that you will reconsider it. I am not concerned with the government at the moment. I am concerned with the implementation of our resolution.

SHRI ANANT PRASAD SHARMA: Sir, when all of us in the House were anxiously waiting for your announcement of the Committee today, in the wake of that came this ruling of yours. According to this ruling, Sir, you think that there are two courses open—one, that a Committee of the House should be appointed, and (2) that two Commissions of Inquiry should be set up by the Government. Sir, if you appoint a Committee of this House, where does the question remain for two Commissions to be appointed? Moreover it is very unfortunate that still you are trusting this government that they are going to consider this question. On the very next day I raised this point when the honourable Leader of the House, who is also a spokesman of the Government in this House, interpreted the whole motion in a different way which he has no business to do. But still, Sir, the next day when I moved a privilege motion, in your wisdom you were good enough not to allow it. And I do not challenge that. But today, Sir, do you think that this Government, which has already taken one week's time, is going to consider this question further? This Government is not going to set up a commission of inquiry or two commissions of inquiry. It was evident from the very day that this Motion came before this House. What did we know from the reply of the Prime Minister? He did not answer any of the charges. In the meantime, so many charges of collection of funds are coming, not from anybody else but from the Members of the other side. The General Secretary of the Party and the Treasurer of the Party are accusing each other. The Treasurer has already said that he authorised the son of the Prime Minister to collect party funds—and from where was he operating? He was operating from No. 1 Safdarjang Road, the residence of the Prime Minister. There the funds of the Janata Party are being collected. Then, Sir, the Treasurer, Mr. C. B. Gupta, has also said—I will finish in one minute, Sir,—we have read it in the newspapers today—that many of the members including Mr. Madhu Limaye have not given any account to the Treasurer. On the contrary, they have spent the money on their own group's candidates.

MR. CHAIRMAN: Are we discussing about corruption?

SHRI ANANT PRASAD SHARMA: That is why the committee has been asked to be appointed earlier, and when we are going to appoint this' committee,, all these questions will *go* before the committee. Therefore, I would urge upon you that it will be in the fitness of the honour and respect of this House and respect of the Chair also that this matter should not be further delayed and straightway you should kindly proceed to appoint a committee of this House and you should not depend on the Government and should not give them any time.

SHRI DINESH SINGH (Uttar Pradesh): Mr. Chairman, Sir, at this stage I am merely referring to the speech by the hon. Member, Shri Bhupesh Gupta, supplemented by what Mr. Sharma has said, and that is in regard to the ruling that you have been pleased to give. *(Interruptions)*

SOME HON. MEMBERS: It is an announcement, not a ruling.

SHRI DINESH SINGH: It is a matter of a word, Sir, if hon. Members feel that this will facilitate a change in what they consider will be a second ruling I have no objection. But so far as I am concerned, this is your ruling and the riding is quite clear that you have asked the Gov-

[Shri Dinesh Singh]

ernment to indicate what is the *course* that they are going to follow. Now the hon. Member, Shri Bhu-pesh Gupta, said that you should have appointed a committee straight-way. I would say, then he should have moved a Motion asking you to aippoint a cotmmittee straightway. He, already in the Motion, has given the Government two options. He has not asked you to do anything. He has asked the Government.

SOME HON. MEMBERS: No, no.

SHRI DINESH SINGH: Kindly read the Motion. The Motion says, very clearly, that it "calls upon the Government." It does not call upon the Chairman. Whatever their intentions may be, I am not going into the merits of the Motion, nor am I prejudging what the Government will say or what the Government will do. (Interruptions). I ave got it here. You drafted it. Probably you drafted it badly—I can't help it now. That is the Motion which you passed.

AN HON. MEMBER: Sabotage.

SHRI DINESH SINGH: Somebody says "sabotage". (Interruptions). I do not know who sabotaged it. I was not even here.

AN HON. MEMBER: Mr. Bhupesh Gupta sabotaged it.

SHRI BHUPESH GUPTA: Not me.

SHRI DINESH SINGH: But the Motion says it "calls upon the Government." Now the Government is to seek guidance or the Government is to appoint two commissions of inquiry. Now, how is the Chairman to know which of the two courses the Government is going to follow? Is he going to appoint a committee just for the fun of giving 15 names here when the Government may tomorrow decide upon two commissions? How can the Chairman prejudge? I do not know myself what the Government will decide.

SHRI SYYED MIR QASIM (Jammu and Kashmir): Sir, on a point of information. Mr. Dinesh Singh is an expert on foreign affairs. He knows > how language has to be used. Will he very kindly enlighten us on one important point? When he says it "calls upon the Government", in parliamentary parlance, the supreme body in a parliamentary democracy can use only this language, that it calls upon the Government—and Mr. Advani then cannot get up and say it is recommendatory. It "calls upon the Government" means that the sovereign body of Parliament demands of the Government to do a certain thing.

SHRI DINESH SINGH: I have said at the very beginning that I am not going into the merits of the Motion at this stage.

SHRI KALP NATH RAI: You go into the merits.

SHRI DINESH SINGH: The only question is: What was the course open to the Chairman? The course open to the Chairman was to ask the Government which of the two alternatives that have been provided for in the Motion the Government was going to follow. And that is what you have rightly done. I think there is some kind of a fear that . . .

SHRI DINESH GOSWAMI: Does it mean that if the Government does not decide the course of action, we are to starve here for that?

SHRI DINESH SINGH: . . . probably the Motion is not in terms of what might have been the intention, and, therefore, this kind of pressurisa-tion at this stage to force you to take an action which is really not called for. Now, what will the Government do, when will the Government let you know—these are matters which have to be discussed with you. They can be discussed with you in your cham-ber. You can then direct the Government to take action within a time-

frame, if you so wish. But we are not—I would request the hon. Members on the other side to consider this —to challenge the ruling. The ruling is clear in the terms in which they had moved the Motion. Why should it be debated at this stage?

Thank you very much.

PROF. SOURENDRA BHATTA-CHARJEE (West Bengal): No further discussion on this Motion.

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): Mr. Chairman, Sir, I have a point of order. The point that I want to make is slightly different from the /points that have been made by the hon. Members. At the outset, I want to say that I am not going to make certain comments on the statement from the Chair. With due respect to the Chair, I wish to say that the position under the parliamentary system is that on matters of interpretation of rules of procedure, the ruling of the Chair is final and it cannot be challenged. This is position. Here, what the Chair has done today is not to have made interpretation of a rule but interpretation of a Resolution of this House; and it is not open to the Chair to inject a meaning which is not there. Sir, you ar$_e$ a part of the House and, if I may say so—I am using the word which is often used— you are the guardian of the rights of the House, but, at the same time, you are the servant of the House—that is the word that is used. And it is your bounden duty, Mr. Chairman, to express the true sentiments, the true spirit of the Resolution. With due respect, Sir, I beg to submit that in your so-called ruling—what I call, a statement from the Chair—you have failed to understand the true spirit of the Motion and in your ruling . .

MR. CHAIRMAN: Thas is your opinion.

SHRi DEVENDRA NATH DWIVEDI; That is my opinion. I never said that it is my ruling. I am expressing my opinion. Now, it is a very simple matter. I am amazed that the statement should have read the way it has read. On "the House calls upon", my senior colleague Mr. Mir Qasim has made a point that I wanted to make. From the innumerable precedents—and there are innumerable precedents not only in this House but also in the Lok Sabha; today I am not prepared, but tomorrow I can give the precedents—it i? clear that the words "calls upon" means "directs". This House has directed and has not recommended. Now, to say that the phrase "calls upon" means "recommends" is to inject a meaning which is not there. Now, Sir, why this word "recommends" has come in? I will tell you the whole history. Right from the beginning, the hon. Leader of the House has sought to confuse the issues and the confusion was worse cor.iounded by the intervention of Mr. Dinesh Singh today. When you admired the Motion, what did he say? When you admitted the Motion, Mr. Advani got up and said that it was not open to this House to adopt a Motion which stood in the name initially of Mr. Salve, and which was going to ask for the appointment of an inquiry commission. And the point that was made at that time by Mr. Advani was that in as much as under section 3 of the Commissions of Inquiry Act, the Lok Sabha, by a Resolution, could appoint a committee, it was not open to this House to pass a Motion. And at that time some of us made the point that he probably was not briefed properly by the very little legal acumen that this Government has at its disposal. He was not properly legally advised. The proof of the matter i$_s$ that when the Lok Sabha passes a resolution it is tantamount to appointing an inquiry commission. Unlike the Lok Sabha, when we pass a resolution for appointing a commission, it is recom-mendatory. Whether that word. "recommends", -makes it mandatory or recommendatory is altogether in a different ccntext. If the original motion of Mr. Salve had been passed,

[Shri Devendra Nath Dwivedi] it would not have beeₙ recommendatory. What happened subsequently? Sir, the motion was amended, and the amendment of Hon. Shri Bhupesh Gupta was accepted by the Mover and was passed by the House. Afteᵣ that, to use the word, "recommendatory" iₛ t₀ show contempt and lack of respect to this House, which you are showing, Mr. Leader, I may tell you with ₐH respect that I have.

SHRI LAL K. ADVANI: Sir, the word has beeₙ used by the Chairman. The word has been used by you. I have only said. . .*(Interruptions).*

SHRI DEVENDRA NATH DWIVEDI: I am giving the history. Mr. Leader, sit down.

SHRI LAL K. ADVANI: It ig today's ruling. It is today's ruling, Sir.

SHRI DEVENDRA NATH DWIVEDI: Mr. Chairman, I may tell you why I am blaming the Leader. I am again giving the history. You will recall, you were presiding here when some of us raised the point why Mr. Advani had gone to the Press and said that the motion was recommendatory. Again, he repeated the word, "recommendatory" on the floor ₀*i* the House, which eaₙ be checked from the record. He went to the Press and teaid that it was recommendatory. Again on the second day, by way of clarification, he said that it was re-commendatory. And, today, the Chair says that it is recommendatory. He was wrong at that time wheₙ he spoke to the Press, he was wrong when he told the House that the motion was recommendatory, and, with due respect. Sir, the Chair is wrong today when it sayₛ that it is recommendatory. I am not casting any aspersion. I am talking of your interpretation of the motion and not of thₑ rules. If you interpret the rules, we will bow down and accept the ruling.

I have to make two points, Sir. I am raising[1] these on ₐ point of order, and I want your ruling on them.

MR. CHAIRMAN: You are discussing it.

SHRI DEVENDRA NATH DWI-* VEDI; I will be finishing just in a minute. I will formulate in simple terms. My point of order is that the motion adopted by the House is men-datory, and I want ₐ ruling from the Chaiᵣ that the motion is mandatory; it is mandatory oₙ the Government to do either of ths two. The Chair is correct in saying that it is open t₀ the Government to show its option whether 'X' or 'Y' coursₑ is acceptable to it.

Now the point is, oₙ the 10th of August we have passed this motion and on the 17th August, one week later, the Chair comes forward with a statement. If the Chaiᵣ takes one week to give its statement, the Gov-ernment might take two weeks. For all that we know, in two week's time, we will be going back to our constituencies.

The second point is that I want the Chair t₀ give a directive to the Leader of the House, in pursuance of thₑ motion which talkₛ about "forthwith". "Forthwith" has some meaning. It does not mean one week, two weeks or three weeks; it means heie aud now, immediately. Therefore, I want firstly your ruling about its being mandatory and secondly ₐ directive to the Leader that on Monday he must take this House into confidence and tell us finally which course is open so that in case a committee is opted for. within another 24 hours, you must appoint a committee. This is my point of order, and I ask for your ruling, Sir.

PROF. RASHEEDUDDIN KHAN (Nominated): Mr, Chairman, as you are aware, normally I do not take part in the procedural matters of the House, firstly because of lack of acquaintance and secondly because I take the ruling rather strictly.

This is a matter on which much emotions have been expended in the House both from the Opposition and

from the ruling party. It seems to me that the whole system has come to a standstill. Therefore I am rising to ' make a submission. I am attempting to make a submission in order to reconcile the two positions. Sir, the fact remains that the Resolution as passed is somewhat circumlocutory. It has just one full-stop after 125 words which, grammatically, it might be difficult to defend. I am not talking pedagogy, but if I am to comprehend a resolution in simple language, it sometimes beats my comprehension and, I am sure, even of Mr. Bhupesh Gupta. *(Interruption).* But in order to reconcile different position, probably it has to be like this. Probably the parliamentary language and lexicon is somewhat different from the normal lexicon and language. However, let me submit for your consideration and for the kind consideration of the Members of the Opposition that as the Resolution stands, it has got two aspects. One, it calls upon, operationally, the Government either to accept the nomination of the committee of fifteen or to appoint two commissions. It is a fact and I entirely agree. . . *(Interruptions).* Let me make my submission. I entirely agree with the Leader of the House, Mr. Advani, that although it is addressed to the Chairman also, it is ultimately addressed to the Government of the day. . .

SHRI N. G. RANGA (Andhra Pradesh): What about "calls upon"?

PROF. RASHEEDUDDIN KHAN-.. . and rightly so. Let me complete my submission. Therefore, even if the Chairman is to appoint a committee today, the Chairman will only act on part of the Resolution and not the whole of the Resolution. There is an overlap of jurisdiction. It is in-built in it. It is a lacuna in the Resolution, if I may submit, and that lacuna, for purposes of compromise, has been introduced in the Resolution—that is, this "either. ..or". When you have introduced "either.. .or", the Chairman of the House is not empowered to appoint two commissions. Even if you would like to arrogate to yourself the right to appoint two commissions, con stitutionally, jurisdictional^ you are not in a position to appoint those two commissions. Therefore, part of the Resolution goes outside the purview of the jurisdiction of the Chairman, and part of the Resolution comes within the purview of the Chairman. The Chairman's statement or ruling or whatever you call it, has been very well worded ____

SHRI N. G. RANGA: It is not ruling.

PROF. RASHEEDUDDIN KHAN:., and reasonably formed. Let me complete. It has shown restraint; it has shown respect for parliamentary etiquette. And I must add that the response of the Leader of the House was also very fair and adequate because under the circumstances, you cannot expect anything out of the Resolution. I am taking a very impartial view.
Let me take the word "forthright _____ *(Interruptions).* I am not interested either way. I am trying to help the House to come to some conclusion. When we speak of "forthright", the Resolution was passed at 10 p.m. on the 10th. It was Thursday. *(Interruption).* Friday was Private Members' Bills day. Saturday and Sunday were holidays. And I4th alone was a working day; 15th was a holiday. If six hours of working. . . *(Intcmiptions)*

MR. CHAIRMAN: No, no, you must hear. When others are hearing, you must also hear.

PROF. RASHEEDUDDIN KHAN: Let me make my submission.

SHRI K. K. MADHAVAN (Kerala): I raise a point of order. Is it open to an hon. Member to say that a particular Resolution passed, by this House is beyond his comprehension and at the same time say that he has got an interpretation of that Resolution? I want a ruling. Sir.

PROF. RASHEEDUDDIN KHAN: Sir, let me submit that three working days alone have passed....

MR. CHAIRMAN: Mr. Ramamurti.

SHRI K. K. MADHAVAN: I raise a point of order.

MR. CHAIRMAN; You have raised it already.

SHRI K. K. MADHAVAN: No, no, you are to give a ruling.

PROF. RASHEEDUDDIN KHAN: Monday,, the 14th. . . (Interruptions).

SHRI K. K. MADHAVAN: I want a ruling from you, Sir, not from him because he says the Resolution is beyond his comprehension. He is not competent to give a ruling. You have to give a ruling.

MR. CHAIRMAN; You are right.

PROP. RASHEEDUDDIN KHAN: Modesty is a virtue not well appreciated in the House, I am well aware. I said I cannot comprenend in order to give an indication to hon. friends that if I cannot comprehend, probably others will find it difficult to comprehend. The point that I 1 P.M. am making is there were just three working days of six hours each, it comes to 18 hours of working time. Now, at the 19th hour the Chairman gave his ruling. I think 'forthright' canont be interpreted to mean 'too fast'. After all, there are other considerations also. Tomorrow is Friday. Then there is Saturday followed by Sunday. After that Monday is the working day. Let the Government indicate its preference not later than Monday the 21st. We are sitting till the 24th. Let us not lose time. This is a Resolution *on* which the House voted by a majority. That majority Resolution is there. The Chairman's very well-eonsidered ruling is there and the response of the Leader of the House is very fair. I would, therefore, appeal in all sincerity to Mr. Bhupesh Gupta particularly and to other friends also, please understand the 'whole position and not waste public money on needless expenditure of time. Sir, I submit, therefore, that you may close the issue at the moment.

SHRI SANKAR GHOSE (West Bengal): Sir, on a point of order. . .

SHRI P. RAMAMURTI (Tamil Nadu): Even before I speak there is a point of order for you.

As far as this Resolution is concerned, it consists of two parts. The Chairman can constitute a committee. But if the Chairman constitutes a committee and at the same time the Government of India also appoints a commission of inquiry, then the constitution of the committee becomes in-fructuous. Under the circumstances, I should think that you are perfectly right in asking the Government to in-dicate their preference, whether they are going to do this or that. Therefore. I do not think we should unnecessarily spend time over this and I do not think it is necessary for us to prejudge what you are going to do if the Government does not appoint a commission of inquiry. Whether you are going to appoint a committee or not, I do not think at this stage we should pre-judge the issue. I am sure you will take into consideration the wishes of the entire House and act properly. I am sure you will take into consideration the wishes of the majority of the House and act properly. I would, therefore, appeal, give them some time; you fix a time-limit, let us not waste any more time. I do not want to pre-judge the issue. That is all. Thank you.

SHRI G. C. BHATTACHARYA (Uttar Pradesh): Sir, now that representatives of almost all the groups and parties who supported the Resolution have spoken, I request you kindly to take up my Short Notice Question.

MR. CHAIRMAN: Now, Mr. Maurya. Please be brief. You will be the last speaker . . .

SHRI SANKAR GHOSE: Sir, I rose on a point of order.

SHRI KALP NATH RAI: Sir, Mr. Antulay wanted to speak. Please allow him.

MR. CHAIRMAN: Am I not to say anything? All Members of every political party cannot get an opportunity. Now, already two hon. Members have spoken. Now, Mr. Maurya, if you want to speak, you may speak. If you want to give your chance to Mr. Antulay, it is up to you, otherwise, he cannot get an opportunity.

श्री बुद्ध प्रिय मौर्य (आन्ध्र प्रदेश) : माननीय सभापति जी, प्रारम्भ से ही सदन के नेता माननीय आडवाणी जी आप पर टालते रहे तमाम समस्याओं को । वह कहते रहे कि अगर सभापति जी का आदेश होगा तो हम पत्रों को भी, जो प्रधान मंत्री और भूतपूर्व गृह मंत्री के बीच में पत्र-व्यवहार हुआ, उसको सदन के पटल पर रख देंगे । उन्होंने एक बार नहीं, दो बार नहीं, तीन बार नहीं, बार-बार इसको कहा और उसके बाद उस पर एक प्रस्ताव भी आया था । यह अजीब चीज हो गई लेकिन हो गई । शादी पहले होती है तब बच्चा पैदा होता है लेकिन यहां बच्चा पहले हो गया और शादी बाद में और बगैर पत्र-व्यवहार को देखे हुए यहां बहस चली और बहस बहुत अच्छी चली और इस सदन ने बहुत समझदारी से इस प्रस्ताव को पारित किया । इस प्रस्ताव के दो रूप हैं श्रीमन् । पहला सरकार को यह आदेश था, यह डाइरेक्शन था कि सरकार कमीशन बिठाये, कमीशन आफ इंक्वायरी बिठाये और इस सदन को इस बात का भी ध्यान था कि कमीशन की धारा 3 की शरण लेकर अगर सरकार अपने कर्तव्य का पालन नहीं करती है तब फिर इस सदन ने आपको, श्रीमन्, अधिकार दिया था कि आप 15 सदस्यों की जांचपड़ताल के लिए एक कमेटी बना दें । यह दो रूप हैं । पहला रूप भी सरकार से कोई प्रार्थना नहीं बल्कि उसे आदेश है कि तुम कमीशन बिठाओ । अगर धारा – 3 की आड़ में हालांकि मैं मानता हूं कि कंस्टट्यूशनली या लीगली कमीशन आफ इंक्वारी का डायरेक्शन बाइंडिंग नहीं लेकिन पालिटिकली या मौरली यह मेरी मान्यता रही है कि सरकार को मानना चाहिए था, मगर सरकार टालती रही । यह प्रस्ताव 10 तारीख को पास हुआ और हम 17 तारीख में हैं । सरकार की नीयत मुझे अच्छी नजर नहीं आती । इसलिये जो आपने घोषणा की उसको मैं रूलिंग नहीं कहूंगा जैसा कि दिनेश सिंह जी ने कहा कि यह रूलिंग है । मैं इसको घोषणा या एनाऊंसमेंट कहूंगा । मैंने इसको बंडरफुल की संज्ञा दी थी । जब आडवाणी जी घोषणा करने के लिए खड़े हुए तो मेरा ऐसा विश्वास था कि शाम तक कमीशन आफ इंक्वायरी बैठा दी जाएगी । अफसोस है और शर्म की बात है कि इस सदन के नेता, जो कल तक हर बात को आपके ऊपर टालते रहे थे आज उनका अपना मन करता है । इसलिये आपसे आग्रह करूंगा, आपका ज्यादा समय नहीं लेना चाहता, सरकार पर मुनहसिर न होकर, इनके ऊपर सदन के प्रस्ताव को न छोड़ कर, आपको प्रस्ताव ने जो अधिकार दिया है कि 15 सदस्यों की एक कमेटी बनायें, उसी को घोषणा आप शीघ्रातिशीघ्र कर दें । यह मेरा आपसे नम्र निवेदन है ।

I SANKAR GHOSE: I have a point of order.

SHRI ERA SEZHIYAN (Tamil Nadu): Mr. Chairman, I have heard with attention . . .

MR. CHAIRMAN: Is it a clarification or point of order?

SHRI ERA SEZHIYAN: Clarification. I do not want to say something under the guise of point of order.

Sir, hon. Members on the other side, especially Shri Bhupesh Gupta and some others, spoke at length on what they wanted or they wished to be done. We are more concerned with

[Shri Era SezhiyanJ

the form of the resolution. They might have thought of something else, but the resolution might not have brought it out clearly. They said that Parliament should immediately appoint a Committee and the Com-mitee should give a decision and it is for the Government to accept it or not. What is this resolution? As Mr. Dinesh Singh and others said the operative portion of the resolution is very clear. First, it calls upon the Government to seek the guidance from a Committee and secondly, alternatively to straightaway appoint without delay two separate Commissions of Inquiry. The first thing that we should understand about the resolution is that it calls upon the Government to seek guidance of a Committee to be appointed by the Chairman . . .

SHRI PRANAB MUKHERJEE: Forthwith and straightaway.

SHRI ERA SEZHIYAN: Therefore, these are the things that it calls upon the Government to do and therefore this is recommendatory . . .

SHRI PRANAB MUKHERJEE: After seven days.

SHRI ANANT PRASAD SHARMA: They may say that they will not seek guidance of the Committee.

SHRI ERA SEZHIYAN: That is a different thing. The resolution can be of three categories, (1) It can be a resolution which has a statutory effect. (2) A resolution can be t_0 control the procedures of the House. (3) A resolution may be a_n expression of opinion of the House. Only these three categories of resolution can be there. Here it is not a statutory resolution. It is not also a resolution to control the procedures of the House. It is a mere expression of opinion of this House. If you read rule 155 pertaining to resolutions passed by private Members, it clearly says: A resolution may be in the form of a declaration . . .

SHRI PRANAB MUKHERJEE: It should be governed by rule 170.

SHRI ERA SEZHIYAN: I am re-^ ferring to private Members' resolutions.

SHRI PRANAB MUKHERJEE: Thi_s i_s a motion admitted under rule 170.

SHRI ERA SEZHIYAN: But resolutions are of three categories. It can be a statutory resolution fulfilling a statutory obligation. Suppose there is a declaration of emergency and the resolution comes up before the House. Then the resolution i_s to make it effective as a statute. Suppose $ther_e$ is a ruling and there is something relating to the procedure of the House. The House is empowered to pass a resolution. There can be a resolution for controlling the procedure of the House. Then, Sir, there is the third thing, the third category, which is that a resolution can be a mere expression of opinion of the House. So, this resolution comes under the third category, that is, it is in the form of expressing an opinion of the House and so, it is only recommendatory in nature. It only recommends to the Government. There are now two recommendations made to the Government in this resolution: One, to be guided by $_a$ Committee t_0 be appointed by the Chairman to go into the matter and, two, to appoint two Commissions of Inquiry. Therefore, it is purely recommendatory and it is an expression of opinion of the House. Now, it is for the Government to decide which of the two things it is going to accept, which of the two recommendations it is going to accept. Therefore, it is purely recommendatory and it is an expression of opinion of the House only.

SHRI ANANT PRASAD SHARMA: Mr. Sezhiyan, it is not a resolution, but it is a motion. This is a motion under Rule 170.

MR, CHAIRMAN: He knows it.

SHRI SANKAR GHOSE: Mr. Chairman, Sir, the question that has been raised is not a procedural question. The question raised today is about the recommendations of this House.

SHRI DEVENDRA NATH DWIVEDI: Quite right.

SHRI SANKAR GHOSE; So far a this House is concerned, this House has passed a resolution, and that resolution, Mr. Chairman, was not a party resolution but that resolution was passed . . . *(Interruptions)...*

SHRI KALP NATH RAI; gfr.

THE LEADER OF THE OPPOSITION (SHRI KAMLAPATI TRIPATHI) : Mr. Antulay can speak, Sir.

MR. CHAIRMAN: Then, why not everybody from the other side also?

SHRI SANKAR GHOSE: This resolution . . .

MR. CHAIRMAN: One minute, Mr. Ghose. If the Leader of the Opposition wants to speak, I will not come in his way. But now every member from each party wants to speak. Then, there should be some time-limit for that and I have to control the House. That was why I called my good friend to speak.

SHRI KAMLAPATI TRIPATHI: I thought I might request you to call him in my place.

MR. CHAIRMAN: It is all right. Yes, Mr. Ghose.

SHRI SANKAR GHOSE; Sir, a point of order has been raised about the recommendation of this House. What has been suggested by the last speaker is that it is a mere expression of opinion of the House, that the House can deal with procedural questions, and that the House can pass a statutory resolution and so on. Sir, it will be an utter misconception of the functions and the role and the powers and the privileges of the House to say that the House cannot pass a resolution which is binding *on* the Government. Sir, the Rajya Sa'bha has full and complete right to pass a resolution on non-financial matters which are binding on the Government. When you pass a statute, that is binding on all citizens. This resolution is not a statutory resolution which is binding on all citizens. This resolution is not dealing with any procedural matter in respect of which a ruling can be given. Sir, this resolution is dealing with the question whether this House has the power to give directions to the Government. That is the fundamental question that has been raised for the power of the House is not merely to pass statutes. This House has a pcwer to give directions to the Government on all non-ifinaftcial matters. The argument that this House does not have that power is a strange argument such ah agreement will destroy the sovereignty of this House.

Sir, what does this House represent? This House represents the federal principle. This is the Council of States and this House represents the States and the other House is the House of the People. Sir, this is a resolution that has been passed by the representatives of the different States and in exercise of their federal afid "democratic and parliamentary power and t^at resolution is binding on the Government. On that, Sir, my respectful submission is that there is no question of any ruling on this. If it is a point of order, you can give a ruling. If it is a question as to how long the debate will go on, you can give a ruling. But I am on a very fundamental question. If this resolution of the House could be interpreted in this way that a ruling could be given on that or that can be referred to the Attorney-General, then, Sir. it will be a sad day for the rights of the House.

SHRI DEVENDRA NATH DWIVEDI: Right.

SHRI SANKAR GHOSE: Sir, these are the basic rights of the House. This House has passed this resolution which provides that a Committee comprising of 15 Members of this House be appointed by the Chairman of the Rajya Sabha. Sir, this is your privilege and this is your privilege alone and nobody else can discharge that and no government, however high it may be or whatever its pretensions may be, can impose any veto on your power to appoint a Committee.

Sir, the real question is that this Resolution uses two expressions "forthwith" and "straightway". Sir, on the 10th of August if a Resolution is passed and then it is said that they stil] require time, would these words "forthwith" and "straightway" have any meaning in the English language? The Resolution said: "straightway appoint a Commission." It is said that the Rajya Sabha cannot appoint a Commission; it is the discretion of the Government to appoint a Commission or not to appoint a Commission. It was their duty to do it straightway. But what was the other duty? The other duty callod upon the Government to do something "forthwith." It is a_n imperative thing, immediate thing; it cannot wait for seven days. If n_0 time-limit is given, if a ruling is given in which there is no time-limit, then this word "forthwith" will become a mockery; the word "straightway" will also become mockery.

Therefore, Sir, when this House passes a Resolution, it calls upon the Government; the House shows some deference, $_s$ome respect. This is the language of courtesy. If the House want, th_e House could use other language. But the House does not want that, to give promptory orders to the Government. The House uses a language which is respectful. But in Parliamentary language, 'call$_s$ upon' means direction

Sir, their argument is that the Government is not bound by it. Sir, I am not saying this about this particular Resolution only but of this raises a fundamental question about the rights of the House in respect of the future Resolutions, any Resolution. I_s it being suggested that this House has no power to give direction to the Government? if it is so, then the power of the House is completely nullified, completely stultified. Only in respect of money Bills, it has no find rights. But to say that in respect of non-financial matters means denigrating the House; it is utter contempt of the House, because even Pt. Jawa-harlal Nehru said that there is no Lower House and there is no Upper House. This House has coterminous jurisdiction. Except in financial matters, the Council of States, the Rajya Sabha, ha_3 full power; it has sovereign powers. Do not denigrate that power.

SHRI N. P. CHENGALRAYA NAIDU; It is no denigration.

SHRI SANKAR GHOSE: It is utter denigration, it is total contempt of the House.....(Interruptions).

SHRI DEVENDRA NATH DWIVEDI: It is not $_a$ club. It is not a Rotary Club.

SHRI N. P. CHENGALRAYA NAIDU: Let it be on record that not only a Resolution in this House but a Resolution in the other House is an expression of opinion, in my opinion.. *(InteTruptions).*

SHRI SANKAR GHOSE: If you want to denigrate Lok Sabha, let him denigrate the Lok Sabha there. But we will not stand denigration $_0$f the Rajya Sabha. Sir, this is completely destroying our Parliamentary structure and th_e fine balance that is there in the Constitution. Certain basic powers have been given to the Rajya Sabha. If other view is encouraged, if that is permitted, then the House would have no real meaning. Sir, this Resolution is mandatory. To raise the question whether a Resolution is

mandatory or recommendatory means rendering the whole proceedings to B mockery. If the House is sovereign, its Resolutions are binding. If you make a reference to the Attorney General whether the rights of the House is curtailed or by some ruling the rights of the House should be further restricted, that will not do justice to the Resolution. Sir, this Resolution uses the words "forthwith" and "straightway". I respectfully submit, Sir, that you should kindly fix some time-limit so that some effect js given to these words "forthwith' and "straightway."

SHRI A. R. ANTULAY (Maharashtra) : Mr. Chairman, more fundamental, in my humble opinion, than the points raised are the constitutional issues involved here in my submission. Is the leader of the ruling party in the Upper House the Leader of the House or not? if the Leader of the ruling party by virtue of the fact that the ruling party designates that gentleman as the Leader of the House, is also genuinely, constitutionally, politically and democratically the Leader of the House, then does he absolve himself of the responsibilities of the Leader of the House by merely discharging his duties as a Member of the Cabinet? Mr. Chairman, it is not necessary that a Minister has to be a Leader of the House.

MR. CHAIRMAN; But you accepted him so far.

SHRI A. R. ANTULAY; The Leader of the House has a very difficult dual role to play. If an hon. Member of the House is not in a position to discharge this dual and difficult role, one, his loyalty to the House as the Leader of the House and second, his loyalty to his party which is secondary and incidental, then I think it is a question on which indeed a ruling from the Chair is overdue. The Resolution is passed here in this House. Before the Resolution was passed, it was a Motion moved by a Member. There were amendments given to that Motion by certain other hon. Members. But the moment the Motion is passed, it is the Motion of the House, neither of this side nor of that side, like a democratic election after which the choice is made for all concerned. Therefore, Mr. Chairman, it did not lie within the mouth of the hon. Leader of the House to have misinterpreted the Resolution of the House which was his concern to get implemented through the Chair conscientiously, honestly and democratically and to say certain things which did not befit this august House. For the Leader of the .House to say that whatever is passed here is not mandatory is something very much derogatory to the dignity of this Chamber which is a co-partner in the functioning of democratic institutions in this country, no more and no less than the House called Lok Sabha. Mr. Chairman, therefore, the Resolution that has been passed is mandatory first on the Leader of the House and it is the duty of the Leader of the House to tell his Cabinet colleagues including the Prime Minister that this amendment which has been incorporated and as a result of the amended Motion having been passed by the House, it is mandatory on the Government. But, Mr. Chairman, with due respect to the Chair, before it becomes mandatory both on the Leader of the House and also on the Government through the Leader of the House, it is mandatory on the Chairman of the House. Unless the Committee is appointed, the advice cannot be sought be the Government. Therefore, it is no use blaming the Government. First let us blame ourselves and with due respect and in all humility, let us blame the Chairman for not having appointed the Committee so far. We have given two options to the Government. The first option is to appoint the two commissions. Nobody, in the wildest of his imagination, could have thought that the Government is going to appoint the commissions after having slept over the matter for seven days and after having given different interpretations to that Resolution. Mr. Chairman, what we had expected from that side today was, after the point had been raised yesterday and the

[Shri A. R. Antulay] day before, that the Leader of the House on his own, since it becomes his incumbent duty and an imperative thing on him as the leader of this House. Would come forward and say that the Government is not interested in the appointment of the commissions or is interested in appointing the commissions. If the Government would have been interested in appointing the commissions, the hon. Chairman would have said: "Yes, before the session ends, the two commissions have to be appointed." If the Government would have come forward to say that they were not going to appoint the commissions, the hon. Chairman should have said that he was going to appoint the committee. Therefore, it is no good giving any further time to the Government to come forward only to say that they are not going to appoint or are going 'to appoint the commissions. Seven days have passed and I do not think that the Resolution of the House can be treated with scant respect. Nobody, in hi$_s$ senses, can say that such a responsible Government or such a responsible democratic set-up have not considered the matter for seven, days. The Cabinet has met quite a few times and even today the Cabinet has met. The Cabinet is getting time to meet for their internal feuds.

SHRI DEVENDRA NATH DWIVEDI: Not for the affairs of the State.

SHRI A. R. ANTULAY: If the Cabinet having met today has not come to ihe conclusion whether under the terms of the Resolution, the Government is going to appoint the commissions or not, then it does not lie in the mouth of the Leader of the House to come here and say that they have not yet considered the matter. They are waiting for the interpretation to be given by the hon. Chairman as if to know what jt means, the simple English language which a school boy of 12 years will also understand, as if there was $_s$ome necessary interpretation required from the Chairman. Therefore, Mr. Chairman, Sir, I make only two submissions. No further time should be wasted. We are not here at the mercy of the Government. The Government is here at the mercy of the House. And, therefore, if the Government has not so far come forward, indeed the Government should toe punished for having behaved in a callous manner and for not having promptly come forward and telling the House whether they are going to do it or not. And, Mr. Chairman, Sir, with due humility, I would request that by today evening or latest by Monday morning, you may kindly declare the composition of the Committee which Commktee will be there— whose dictates will be binding, in my humble submission, on the Government. N$_0$ further waiting, Sir, $_s$o far as the Government's reply is concerned whether they ar$_e$ going to appoint or' not and if so when they are going to appoint unless the Leader of the House stands up and say$_s$ that we are going to appoint the Commission.

SHRI BHUPESH GUPTA: Sir, I was just in the Press room. We have read that the Cabinet has backed to offer the Presidentship of the Janata Party to Mr. Charan Singh. Can you imagine, Sir.....

SHRI A. R. ANTULAY; So, Mr. Chairman, Sir, the matters.....

SHRI BHUPESH GUPTA:... .the Cabinet is meeting to offer the Janata Presidentship to Mr. Charan Singh. It has come to this. How to save us? Sir, this has come to -this. Then the Janata Party will remove you also.

MR. CHAIRMAN; All right.

SHRI BHUPESH GUPTA; And not we. Therefore, Sir, excellently he hag argued the case. I agree with him. It should be by this evening or by Monday. Sir, you seem to be fishing for reaction. All right, Sir, we do not want to arnlict you. Get there. Tell them that latest by Monday, they should com$_e$ out with their reactions. Tell them, Sir. Only by announcing the appointment of a Commission can

the other part of the Resolution be stalled. There is no other way.

SHRI KALP NATH RAI. The Committee should be appointed today.

SHRI A. R. ANTULAY: Shri Bhu-pesh Gupta has said Monday. By Monday they should come forward. If they want to appoint a Commission, they should also make it certain that the Commission will be appointed before the Session ends. It is no good only making an announcement that the Commission will be appointed some time after four or five months. And, Mr. Chairman, Sir, corruption is not a matter to be bartered between Mr. Morarji Desai and Mr. Charan Singh. It is not a matter which is a private thing between two leaders and to settle their scores.

SHRI BHUPESH GUPTA: Sir, we do not want to play the Charan Singh Morarji game, going in and coming out, going in and coming out, kisan march and the call off. Sir, save us from this.

SHRI A. R. ANTULAY; So, Mr. Chairman, Sir, we are sure we are in the safe hands. Therefore, before we disperse for lunch, you kindly make it very obvious and also give a ruling on this point that the Leader of the House owes a responsibility not only to his Party but to the House also and that he should make an announcement, or otherwise, on Monday you are going to announce the composition of the Committee.

SHRI LAL K. ADVANI; Sir, I don't think, I need add anything. *(Interruptions)* .

SHRI BHUPESH GUPTA; Sir, here is a Bengali werse by Rabindranath Tagore:

> "Prabhur adesh Virer dharme Virodh mitae aj; Durger duare Tyajida pran Duregh damaraj."

Sir, it is a conflict between his position as the Leader of the House and his position as a peace-making member of the Government. In order to resolve this thing, my fear is that at your altar he may sacrifice himself,

SHRI LAL K. ADVANI; Sir, I am not torn by any conflicts of the kind that Bhupeshji refers to. I am very clear on this particular motion and the implications of it and what the meaning of that resolution is and I expressed it on that day when all the sections of the House had occasion to give expression to what was their interpretation of it. You carefully listened to all of them, whether this was in the nature of a recommendation or a mandate, whether it was addressed to you, to appoint, directly, immediately, a committee to inquire..

SHRI KALP NATH RAI; Yes.

SHRI LAL K. ADVANI: ...or whether it was addressed to the Government, asking it to seek the aid and advice of a committee to be nominated by you, and today you have clarified all the issues very precisely. It is true that our friends not merely of this House but also of the other House were agitated about what Mr. Era Sezhiyan has said. But, as far as I have understood Parliamentary Practice and Procedure, there are three categories of resolutions and we have even a booklet of the Lok Sabha Secretariat published on this subject, stating what the effect of different kinds of resolutions is. There are three types of resolutions. There can be statutory resolutions, which are binding. Then, there can be resolutions pertaining to the business of the House, which too are binding. Whereas all other resolutions, whether of the Rajya Sabha or of the Lok Sabha are only in the nature of recommendations made to the Government.

(Interruptions)

SHRI KAMLAPATI TRIPATHI; It means that they are not going to appoint a committee.

SHRI LAL K. ADVANI: Sir, please let me finish. This is not something which is related to this tradition

[Shri Lai K. ADVANI] alone. I have gone through the rules dealing with this matter in order to find out whether a certain word used changes the character; even the change of the words does n°t alter it. *(Interruptions).*

I am grateful, Sir, that the view that I had expressed immediately after this resolution was passed and my understanding of it, you, in your pronouncement today, in your ruling today, have upheld that view.

SOME HON. MEMBERS: No, no.

SHRI LAL K. ADVANI; Even though you have held that it is not a directive, it is not a mandate; it is a recommendation, a recommendation of this House is also important. The Government will carefully consider and indicate to you, as you have re-ested, as to what the Government's view is.

MR. CHAIRMAN: I have carefully gone through the resolution. I have given my specific opinion and I do not think that there is any ambiguity in the wording which I have used.

Now, should we take up the Short Notice Question or should we rise for lunch?

SOME HON. MEMBERS: We should rise for lunch.

MR. CHAIRMAN: All right. The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at thirty-three minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock, Mr. Deputy Chairman in the Chair.

SHORT NOTICE QUESTION AND ANSWER .

Grant of licences to large business houses and multinationals

4. SHRI G. C. BHATTACHARYA: Will the Minister of INDUSTRY be pleased to state:

(a) whether Government are giving freely licences to big business houses and multinationals without referring them to the Monopolies and Restrictive Trade Practices Commission thereby enabling them to manufacture items which do not require high technology and large investment and permitting them to encroach into the areas reserved for the small scale sector; and

(b) if so, how many such licences (i) have been issued since April 1977; and (ii) are in the process of issue at present; and

(c) what are the names of the parties to which such licences have been issued or are in process of issue and what are the items and finances involved therein?

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): (a) to (c) A statement is laid on the Table of the House.

.... .. Statement

(a) Under the provisions of Sections 21 and 22 of the Monopolies and Restrictive Trade Practices Act which deal with expansion of existing MRTP undertakings and establishment of new undertakings respectively, it is not obligatory on the Government to refer applications to the MRTP Commission for inquiry before according approval to them or rejecting them. Applications are referred to the MRTP Commission wherever it is felt that the facts and figures necessary to decide on a proposal are not available or some important issues like dominance angle, demand projection, availability of raw materials, economic viability, financial resources, technology angle etc. merit further examination. Liberalisations in the industrial licensing policy announced by Government from time to time are not extended to the MRTP undertakings and companies falling within the purview of Foreign Ex-