

[Shri Bhupesh Gupta]

life, which is demeaning to the conscience of men. Therefore, I say, Sir, that this matter should be taken serious note of. I demand that this Commission Report should be discussed in the two Houses of Parliament. I think that the Government should prepare a White Paper and tell us as to how it is to be done. Government should also consider for the future, when the Prime Minister visits a State how much money is to be spent. Leave alone their sons, sons-in-laws, daughters or daughters-in-law. I think, Sir, the Emergency will not reveal itself in that form. In Bihar, on the Prime Minister's visit, during the period 1971 to 1977, Rs. 17 lakhs were spent—rupees seventeen lakhs and twenty-one thousand. There should be some limit to it. We do not hear of such expenditure in other countries—in England, in France or in Italy. They have their own Prime Ministers. Therefore, I say: Discuss it, lay down certain norms and bring these norms before the two Houses of Parliament. We also want security of the Prime Minister and, for that matter, of Ministers.

As far as the States are concerned, well, Sir, I do not think, I hope, that our generation or no generation would live to see the phenomenon like Sanjay Gandhi. I hope so. I hope, Sir, you would be careful about it, so that you do not produce such children. I ask you to be careful . . . (Interruptions) I am not concerned with that. I am only concerned with laying down standards. How did it happen? How could it happen? Who was responsible for that? What happened to the public funds and others from the treasury or from public undertakings . . . (Interruptions) I want a thorough discussion on this subject . . . (Time bell rings). Sir we should lay down the norms in this matter. It seems that some of the Chief Ministers, specially the Chief Minister of Karnataka, have not understood. The Chief Minister of Kar-

nataka has not understood what he was doing at that time, because he happens to be the Chief Minister now. Somebody should make him understand, somebody should ask him to hang his head in shame in the Assembly. Other Chief Ministers should come forward and apologise to the nation and ask for its forgiveness. It should be done. The matters should be tackled . . . (Time bell rings) . . . I am finishing. I demand that the matter should be discussed. I am not concerned with individuals any more. It is past. I am concerned with the standards, some guidelines, for the future as to how things should be handled . . . (Interruptions).

SHRI ARVIND GANESH KULKARNI: Politicians should follow the best traditions . . . (Interruptions)

SHRI BHUPESH GUPTA: I am only asking you to take note of this for the sake of the future. Past, you cannot correct in that way. But certainly learn something from the past. Prepare safeguards, standards, at least for the future. Certainly I have no party in mind.

I do want that the Government should be seized of the matter. The Parliament should also be seized of the matter and certain norms and standards should be defined and laid down in the country.

श्री उपसभपति : सदन की कार्यवाही दार्द बजे तक के लिए स्थगित की जाती है ।

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

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

RE. DEMANDS FOR LAYING OF THE CORRESPONDENCE BETWEEN THE EX-HOME MINISTER AND THE PRIME MINISTER ON THE TABLE OF THE HOUSE.

विपक्ष के नेता (श्री कमलापति त्रिपाठी) : मान्यवर, आपकी आज्ञा हो तो कुछ कहूँ ।

मुझे पुनः उस ज्वलन्त प्रश्न को उठाने के लिए बाध्य होना पड़ा है, जो आज देश के सामने है। मुझे दुःख है इस बात का कि जब से यह राज्य सभा का अधिवेशन आरम्भ हुआ है तब से बराबर हम इस प्रश्न को उठा रहे हैं और दुःख इस बात का है कि सरकार की ओर से इस बड़े महत्वपूर्ण प्रश्न की बराबर उपेक्षा की जा रही है। मान्यवर, आपकी कृपा से 17 तारीख से ही स्पेशल मेशन के द्वारा हम लोगों ने इस महत्वपूर्ण प्रश्न को उठाया, फिर आपकी कृपा से कालिग अटेंशन की इजाजत आपने दी उसके द्वारा भी हमने इस प्रश्न को उठाया और हमारे सौभाग्य से प्रधान मंत्री जी भी उस दिन यहां उपस्थित थे। उनके सामने यह सारी बहस हुई।

हमारी मांग मान्यवर, बहुत ही जायज है। मांग केवल यह है कि जो पत्र व्यवहार हुआ है प्रधान मंत्री जी और भूतपूर्व गृह मंत्री जी के बीच में और वह पत्र व्यवहार तमाम समाचार पत्रों में प्रकाशित हो चुका है, वह पत्र व्यवहार जो हुआ है, मान्यवर, वह एक ऐसे प्रश्न को लेकर हुआ है जिसके कारण इस देश में बड़ी चिंताजनक स्थिति फैल गयी है, विदेशों में भी उसका जिक्र हुआ है और इस महान राष्ट्र की जो सरकार है उसकी प्रतिष्ठा गिरी है। उन पत्रों में मान्यवर, गृह मंत्री जी ने अपने मंत्रिमंडल पर और अपने प्रधान मंत्री पर भीषण अभियोग लगाये हैं, उसका उल्लेख कई बार मान्यवर किया जा चुका है, सब अखबारों में हो चुका है। जो उल्लेख किया है और जो अभियोग लगाया गया है वह है भ्रष्टाचार के संबंध में और यहां तक कहा है उन्होंने कि इस मंत्रिमंडल में चारों ओर से मैं भ्रष्टाचारियों से घिरा हुआ हूँ और उस भ्रष्टाचार को रोकने के लिए हमने जो कोशिश की, उस कोशिश को बेकार किया गया, क्योंकि ऐसे लोगों से हम घिरे हुए थे। प्रधान मंत्री के संबंध में उन्होंने उनके

पुत्र पर अभियोग लगाया और यहां तक कहा कि मुझे मंत्रिमंडल से निकालने की चेष्टा की गयी और इस्तीफा मेरे से इसलिए मांगा गया कि हमने प्रधान मंत्री श्री मोरारजी देसाई के पुत्र पर अभियोग लगाया और यह प्रार्थना की थी कि उनके लिए एक आयोग, एक कमीशन कायम किया जाय ताकि जांच पड़ताल करे। मान्यवर, उन्होंने कहा कि काफी मिनिस्टर्स हैं जिनके कि सम्बन्धियों और उनकी पत्नियों और उनके द्वारा खुद भ्रष्टाचार फैलाया गया है और किया जा रहा है। मान्यवर, आपको स्मरण होगा यह सारी बातें अखबारों में आ चुकी हैं, देश भर के अखबारों में छपी हैं। रेडियो पर आती रही है कि इस तरह के अभियोग लगाये हैं। गांव-गांव में इसकी चर्चा है कि प्रधान मंत्री का जो द्वितीय व्यक्ति था, उसने अपनी सरकार पर ऐसा भीषण आरोप भ्रष्टाचार का लगाया है कि जिसकी वजह से उससे त्याग-पत्र मांगा गया।

मान्यवर, हम आशा करते थे कि गृह मंत्री जी इस सम्बन्ध में अपना वक्तव्य देंगे; क्योंकि यह उन्होंने घोषणा की थी पार्लियामेंट में भी और जनता पार्टी की एग्जीक्यूटिव में भी और जनता पार्टी की मीटिंग में भी कि हम अपना वक्तव्य देंगे। वक्तव्य के लिये आठ घण्टे की मांग की थी कि इतना समय मिलना चाहिये। इस सदन को जानने का अधिकार है और हम सार्वजनिक सेवा के नाते जो उनका प्रतिनिधि के रूप में यहां पर बैठे हुए हैं हमें जानने का अधिकार है कि गृह मंत्री ने जो कुछ लिखा है वह क्या लिखा है, जो अभियोग उन्होंने लगाये हैं, वे क्या लगाए हैं, किस कारण से उन्हें इस्तीफा देना पड़ा और किस कारण से उनसे इस्तीफा मांगा गया है। यह सब जानने का हम अधिकार रखते हैं; क्योंकि हम जनता के प्रतिनिधि हैं। यह कोई व्यक्तिगत बातचीत नहीं है, कोई प्रेमपूर्ण पत्र-व्यवहार नहीं होता रहा है कि इसमें मिजाजपुर्सी की जाए और यह पूछा जाए कि आप सुखी हैं कि नहीं।

Correspondence between
Ex-Home Minister

[श्री कमलापति त्रिपाठी]

सारा पत्र-व्यवहार इस सरकार की नीति और सरकार के द्वारा किये गये कामों से सम्बन्ध रखता है। मान्यवर, उस पत्र-व्यवहार को हमारे सामने न रखने की हमारी बार-बार चेष्टा और प्रार्थना करने पर भी उपेक्षा की गई है।

श्रीमन्, अभी उस रोज उपसभापति जी यहां मौजूद थे। उन्होंने यह मझाव दिया कि तमाम विरोधी दल के नेता और जो सदन के नेता हैं वे मिल कर के कोई रास्ता निकालें क्योंकि यह तो एक क्राइसिस की स्थिति पैदा हो गई है, सदन का चलना मुश्किल है। मान्यवर, सदन चले, हम सदन के चलने को नहीं रोकते हैं। लेकिन मेरी प्रार्थना यह है कि सरकार को भी सोचना चाहिये कि इस सदन को चलाने की जिम्मेदारी केवल विरोधी दल पर ही नहीं, सरकार पर विशेष रूप से उसकी जिम्मेदारी है। जो सरकार लोकतन्त्र का दावा करती है, यदि वह विरोधी दल की जायज मांग को ठुकराने की कोशिश करे और अपने बहुमत के बल-प्रभाव से या अपनी ज़िद में उस मांग को न स्वीकार करना चाहे, तो विरोधी दल के लिये कौनसा रास्ता रह जाता है कि वह अपनी बातों को कहे।

उपसभापति के कहने के मुताबिक श्रीमन् आपके यहां मीटिंग भी हुई जिसमें विरोधी दल के तमाम नेता थे और नेता सदन भी मौजूद थे। मैं दुर्भाग्यवश उसमें नहीं था क्योंकि मैं बाहर गया हुआ था और शायद आप इसमें विलम्ब नहीं कर सकते थे, इतलिये आपने बुलाया और हमारे जो साथी रहे हैं जिनको कि जाने का अधिकार है दे रखा था वे गये और उनसे आपकी बातचीत हुई और यह प्रश्न अबबारों में आ गया कि तमाम विरोधी दलों के जितने नेता थे, उन सब ने यह बात मंजूर कि इस पत्र-व्यवहार को राज्य सभा की पट्टा प... उतना, यह मांग जो

on the Table
of the House

है यह अत्यन्त जायज है और इसे सरकार को मानना चाहिये।

मान्यवर, उसके बाद सरकार ने क्या रुख पकड़ा और आपने क्या उसके सम्बन्ध में सोचा क्योंकि आप इस सभा के जो सदस्य हैं उनके अधिकारों के रक्षक हैं। तमाम विरोधी दलों के नेताओं ने और माथियों ने जब इस बात को स्वीकार किया, उसे भी सरकार न माने और उपेक्षा करे और यह कहे कि सदन को आप चलने नहीं देने तो आप देख लें और जनता इस बात को समझे कि सदन को न चलने की जिम्मेदारी विरोधी दल की है या सरकार की है। जब वह एक जायज बात, मांग को स्वीकार नहीं करती है तो रास्ता क्या रह जाता है विरोधी दल के पास।

आज के प्रधान मंत्री उस समय जो विरोधी दल के नेता थे, एक मामला उन्होंने लोक सभा में पेश किया था और यहीं कहा था कि जब बार-बार हमारी मांग अनसुनी की जा रही है, तो हमें इसके लिये मिवाए सत्याग्रह करने के कोई रास्ता नहीं रह जाता है और 21 दिनों तक इस सवाल को उठाया था और वे बराबर उठाते चले आ रहे और मान्यवर, अतः मैं उन्होंने कहा कि अगर सरकार बात नहीं मानती है तो हमारे लिए सिवाए इसके कोई रास्ता नहीं है कि हम सत्याग्रह करें। और मान्यवर, मैं आप से पूछना चाहता हूँ—और नेता सदन में बैठे हुए हैं, उनसे जानना चाहता हूँ—कि जब एक जायज मांग है और उस मांग को आज किन्हीं कारणों से उसकी उपेक्षा करने हैं, देखत तक नहीं कि क्या हो रहा है, क्या कहने है, विरोधी दल के नेताओं की बात सुनने के लिए आप तैयार नहीं हैं, तो यह सदन को न चलने देने की जिम्मेदारी आपके ऊपर है। हमारे सामने कौन सा रास्ता है, हमने जब एक मामले को उठाया और उसकी तरफ हम कोई प्रतिक्रिया जाहिर न की जाए और न

यह कहा जाए क्या करना है, कैसे करना है, कोई रास्ता नहीं रह जाए और यह कोणिश की जाए कि उनकी अनुमति कर दी जाए ताकि बैठे हुए इस बात को देखते रहे और सुनते रहे, और जहां जहां उनकी बात को न सुना, ठुकरा दिया, तो इसी तरह से अरण्य रोदन की बात करने रहे—यदि यही स्थिति बनती है— तो हमारे लिए कौन सा रास्ता है, हम जानना चाहते हैं ? यह प्रश्न भर नहीं गया, यह दबाया नहीं जा सकता है । यह प्रश्न बराबर उठा है और हम फिर उठाना चाहते हैं और आप को कहना चाहते हैं कि हमारा कोई इरादा नहीं है कि हमारी बात की उपेक्षा कर के हमको बाध्य किया जाए कि हम ऐसा कदम उठाएं जिससे इस सदन की कार्यवाही में कोई कठिनाई उत्पन्न हो । लेकिन मैं आपके माध्यम से सरकार से फिर प्रार्थना करना चाहता हूँ कि इस प्रश्न को हमने उठाया है और बार बार, जब तक इस का कोई निर्णय नहीं हो जाएगा, आप की आज्ञा से इस प्रश्न को उठाने रहेंगे और आज्ञा करेंगे कि इस में आप हमारी सहायता करेंगे और सरकार के ऊपर कम से कम इस बात का असर डालेंगे कि इस स्थिति की समीक्षा करें और उसके लिए कोई मार्ग निकालें । धन्यवाद ।

श्री भोला पासवान शास्त्री (बिहार) :
सभापति जी, मुझे यह बात बराबर चुभती है कि लोग कहते ही सुने जाते हैं कि आखिर क्या कारण है कि वे पत्र क्यों नहीं रखे जाते हैं टेबल पर... (Interruptions)...
जैसा उनका खयाल है पूछते हैं, पूछने का हक है । हम सब पूछते हैं । आप भी पूछते होंगे । तो जन-मत यह होता है कि पत्र में है क्या ? आखिर रखा क्यों नहीं ? सवाल की तो सब को जानकारी हो गई है । अब जो तमाम विरोधी दल के लोग हैं, हम लोग इस चीज को महसूस करते हैं क्योंकि ये जो पत्र-व्यवहार है इसमें एक बहुत बड़ा राजनीतिक

महत्व का विषय आ जाता है इसलिए लोग पूछते हैं, सब की खातिर होती है, कारण क्या है, क्या राज है इसके पीछे ? यह बहुत स्वाभाविक है । सत्ताधारी दल के लोग न बूझ, राजनैतिक दल के हस्तक्षेप से नहीं बूझें लेकिन वे लोग भी महसूस करने हैं कि क्या बात है कि हम लोग यही सवाल उठाने हैं जो हम उठा रहे हैं ? सवाल यह उठता है । सरकार क्यों नहीं रखती है, प्राइम मिनिस्टर क्यों नहीं रखते हैं ? तो दो बातें हो सकती हैं । प्राइम मिनिस्टर या सरकार की तरफ से कहा गया है कि यह सीक्रेट डायप्लोमेट है, दो मिनिस्ट्रों के बीच की बात है, इसको हम पब्लिक इंटररेस्ट में नहीं रख सकते हैं—जो हम समझते हैं यही हो सकता है । अब मेरा खयाल है कि मोशन भी आप के पास है । मैं समझता हूँ आप इस चीज को जांचिए या उस पर बहस हो कि गवर्नमेंट का अधिकार है कि पब्लिक इंटररेस्ट में ऐसा नहीं कर सकते हैं ? तो यह एक डिबेटेबल प्वाइंट हो सकता है; क्योंकि यह बात अब पब्लिक तक चली गई है । पब्लिक में बढ कर कोई और नहीं है । मुझे जहां तक इन्फॉर्मेशन है, या तो गोस्वामी जी ने और धावे जी ने मोशन दिया था और मैं समझता हूँ हमारे मित्र जो उधर हैं उन्होंने भी दिया है । इसमें बहस होगी आप अलाऊ कीजिए, जिस प्वाइंट पर सरकार की तरफ से कहा गया है कि पब्लिक इंटररेस्ट । प्राइवेट इंटररेस्ट की बात यहां नहीं है, सरकार भी पब्लिक इंटररेस्ट में कहती है कि पब्लिक इंटररेस्ट में इस मैटर को, इस मामले को नहीं सामने रखेंगे । पब्लिक का इसमें लास होगा, उसमें अच्छा नहीं होगा । हम लोग कहते हैं, पब्लिक इम्पार्टेंस का तो मैटर ही है । हम भी पब्लिक

[श्री भोला पासवान शास्त्री]

इन्ःरेस्ट में कहते हैं। तो फिर क्या बात है, यह जो बात हो गई है। उस मोशन को आप एडमिट कर, उस पर बहस कराइए, उस में रूलिंग दीजिए कि प्राइम मिनिस्टर की चिट्ठी को सरकार की तरफ से रख सकते हैं या नहीं रख सकते हैं? अगर रूलिंग हो जाएगी तो एक रास्ता हो जाएगा कि सदन का एक फैसला हो जाएगा। लेकिन अगर यही चलता रहेगा—रोज सवाल उठना है, 3 दिन तक हाऊस पूरे समय नहीं बैठा। हाऊस न हमारी पार्टी की है, न किसी पार्टी की है, न सरकारी पार्टी की है। हाऊस एक ऐसी आगस्ट बाडी है जहां हिन्दुस्तान के प्रतिनिधि लोग आ कर पब्लिक के हित में सब बात सोचते हैं, सब उन के इंटरेस्ट में होता है। इस तरह से तीन-तीन दिन का सेशन चला जाए—हम को बहुत तकलीफ होती थी जब कि डिपुटी चेयरमैन आते थे और उन को परेशानी में देखते थे और वह कितनी संजीदगी के तरीके से उन्होंने काम निभाया है; हाऊस को एडजर्न करके चले जाते हैं। यह मजाक हो जाता है, हाऊस इस तरह से एडजर्न क्यों होता है? पब्लिक का काम क्यों नहीं होता है, बिजनेस क्यों नहीं कंडक्ट किया जाएगा? मैं आप से भी कहता हूं: आप कंडक्ट क्यों नहीं कराते हैं बिजनेस? बिजनेस आफ द हाऊस क्यों बन्द होता है? यह भी, मैं समझता हूं, यह कहने का किसी पार्टी को हक नहीं कि हम हाऊस को नहीं चलने देंगे। यह हाऊस सरकार को और हम को मिल कर चलाना है। उधर से कोई कहे कि हाऊस चलेगा और इधर के लोग कहें कि हम हाऊस को नहीं चलने देंगे तो कैसे फैसला किया जायगा। यह झगड़ा तो उठ खड़ा हुआ है, लेकिन उस को आप शान्त कीजिए। अगर सरकार का यही व्यू रहा तो काम कैसे चलेगा। उस दिन भी कहा गया था कि गवर्नमेंट को इस पर सेकिड थाट देना चाहिए।

यह बात सुनने के बाद, विचारने के बाद गवर्नमेंट का क्या माइन्ड बना है यह हम नहीं जानते। मैं सुझाव दे सकता हूं कि जो रुख है, जो लोगों में जानकारी हो गयी है वह बात ठीक नहीं है। लोग उंगली उठाते हैं, चर्चा करते हैं। यह हमें पसंद नहीं है। यहां सब की पब्लिक लाइफ है। सब अच्छे लोग हैं। लेकिन सदन में यह बात ठीक नहीं है। इस लिये इस को आप को देखना चाहिए। आप इस से भाग नहीं सकते। हाऊस एडजर्न कर दिया और चले गये यह तो एक हास्यापद बात है। चेयर पर कोई बैठे और हम यहां हल्ला करेंगे वह उस एडजर्न कर दे, ऐसे तो नहीं चलेगा चेयर को स्टिक्ट होना पड़ेगा। चेयरको मामले को तय करना पड़ेगा। यह मामला तय होना चाहिए। भागने से काम न चलेगा। यह एक संगठन है। यह गवर्नमेंट का काम है। इस के जरिये डेमोक्रसी फंक्शन करती है। हम लोग सवाल उठावेंगे। कभी सरकार की तरफसे सवाल उठाये जायेंगे और कभी हमारी तरफ से उठाये जायेंगे। कभी हम उन को पछाड़ेंगे और कभी वह हम को पछाड़ देंगे। अगर कभी गवर्नमेंट किसी चौकीदार से भी हार जाय तो वह उस से छोटी नहीं हो जाती। तो हाऊस कभी भी बंद नहीं होना चाहिए क्योंकि यहां पर तो पब्लिक का बिजनेस चलता है। तो आप का क्या माइन्ड है यह मालूम हीना चाहिए। जो एक रास्ता निकाला गया है, गणेश गोस्वामी जी ने और हमारे मित्र धावे जी ने और कुछ अन्य मित्रों ने जो सुझाव दिया है उस पर आप विचार कीजिए। सदन को आप कांफीडेंस में लीजिए और कांफीडेंस में ले कर आप चलीं तो आप का काम आसान हो जायगा। उस के बाद जो काम किया जायगा उस में हम आप को आप के साथ कोआपरेट करने के लिए तैयार है, लेकिन विरोधी दल को आप को एक दम नाराज नही कर सकते। इस लिये गवर्नमेंट को सेकिड थाट और

थाट देना चाहिए। हाउस को साथ ले कर वह चले। गवर्नमेंट का काम सब से बड़ा हो सकता है। वह भी पब्लिक को रेंप्रेजेंट करती है। उन्होंने हाउस को चलाना है। आपने ही सम्मन किया है तब ही हम लोग आये हैं। हम लोग फालतू नहीं हैं। हम यहां काम करने के लिये आए हैं। तो काम क्यों नहीं होगा। यह कराना 50 परसेंट, 75 परसेंट चेयर पर है। पर्सनली आप की बात मैं नहीं कह रहा हूं। तो इस को देखा जाय और इस बात पर ठंडे दिमाग से विचार किया जाय। सब चीजों का रास्ता निकल सकता है। एक सवाल विरोधी दल के नेता ने उठाया है और हम सौ परसेंट उस के साथ हैं। तो इस का हल कैसे निकल सकता है इस पर चेयर विचार करे, गवर्नमेंट भी इस पर विचार करे और कोई रास्ता जल्दी से जल्दी निकाला जाय।

SHRI BHUPESH GUPTA (West Bengal): Sir, again, we are back to this subject which is pending before you, before the House and, if I may say so, before the country also now. The subject is very simple, that the correspondence between the Prime Minister and the former Home Minister be laid on the Table of the House. This issue has been discussed with you, Sir, by the opposition leaders in the presence of the Government. The views of all the opposition parties are well known to you. Whatever may be our different views of dealing with it, we are all agreed, the opposition parties, without exception, that the correspondence in question should be laid on the Table of the House. You are no doubt aware that the opposition today is in an overwhelming majority in this House. Therefore, I take it that you have drawn the necessary inference that an overwhelming majority of the House wishes that the correspondence should be laid on the Table of the House. Your position comes in individually as the Chairman, naturally guided by the rules, but the

Chairman functions as the voice of the House. The Chair leads the House, but it listens to the House and when the demand is reasonable and is backed by an overwhelming majority the Chair accepts that demand. This is the tradition. Otherwise, Sir, the Chair or the office of the Chairman would be pitting itself against the House itself, namely the majority of the House. Such a situation should be avoided and I think, the responsibility of the Government in this matter is very very great. If anybody is accused of holding the proceedings of the House to ransom, well I must say that in this larger context of things, the responsibility will rest on the shoulders of the Government. I make it absolutely clear that I am for the conduct of the House. I am against the proceedings of the House being held up. I have my viewpoints which may or may not be shared by other colleagues in the opposition, but at the same time, how can I accept the position that a small minority in the House, not even one-third of the House perhaps, must have the right of vetoing the will of the overwhelming majority of the House? I cannot accept that proposition. The other day I read in the newspaper that the Prime Minister himself had said in some other context that although he was in favour of the election of the office bearers of the ruling Parliamentary Party being held immediately, he would submit, despite all his wishes, to the will of the majority of the Party. And that is why we are told the election has been postponed—the election of the office bearers of the Janata Parliamentary Party—till May next year. If, Sir, the Prime Minister of the country, as a leader of the party in power could show such resilience and accommodation in dealing with the members of his party, does it not stand to reason that he showed the same, if not greater, resilience, accommodation and understanding in dealing with one of the two Houses of Parliament, dealing with the Rajya

[Shri Bhupesh Gupta]

Sabha in this case in particular? Assuming that he has a strong view on it, should he not submit in this case, as a public man, as the Prime Minister of the country who occupies the key position in the context of the functioning of the democratic institution, the very clearly, persistently and logically expressed will of the majority of the House? This I would like to know from you. Now, Sir, on what grounds is the view of the majority of this House going to be rejected by the Prime Minister? First of all he cannot do so. Secondly, on what moral grounds can he do so? Are we making an unreasonable demand? Are we saying something unheard of in a parliamentary democracy? Are we asking him to behave as the bull in a China shop in functioning the Cabinet system of the Government? Nothing of the kind. What we have asked is that the correspondence between him—a specific set of correspondence, not all the correspondence—and the Home Minister, involving a third party who occupies no position in the Government, should be laid on the Table of the House. Sir, is it an unreasonable demand? I thought upon it again and again. I have given my thought to it. I have very carefully studied the Prime Minister's statement because it deserves to be carefully studied before we open our mouth on the subject. His main contention is that he would like the indulgence of the House to abide by the set norms of the functioning of the Cabinet on correspondence and so on. May I say, are we asking for some thing which is a violation of these norms? Then I would not ask for it.

Now, Sir, what is the norm involved here? First of all, Sir, these are not classified documents covered by the rules of secrecy. Even so, you have the power to ask. As you know, in some Parliaments even classified documents are some times made known, should the Parliament desire.

Parliaments are sovereign—most certainly—in respect of the classified documents also. Unless it is so, there will not be sovereignty of Parliament. Therefore, Sir, we are not asking for the presentation of classified documents. Neither has the Prime Minister claimed—and rightly so—that this correspondence is a classified correspondence. So that is ruled out.

Sir, the Prime Minister is bound—and so are his colleagues—by the oath of office and oath of secrecy. Does he claim the protection that this is covered by the oath of secrecy? He cannot. He would not. Constitution would not permit it. Therefore, Sir, it does not fall within the category of oath of secrecy either. That too is gone. Therefore, we are not asking him to violate that rule. What is it we are asking for? Not general correspondence. Sir, over those 26 years or 27 years of this Parliament, how many times have we Members of Parliament asked the Government to produce correspondence between the Ministers? How many times? Ten times? Not even ten times. This is not our habit in Parliament. We are responsible people. Some of them have been either irresponsible or responsible by having been Ministers also. I do not know . . .

SHRI BHOLA PASWAN SHASTRI: We were responsible.

SHRI BHUPESH GUPTA: They can say. Now how many times have we asked? It has been—I quite recall—only on one or two occasions during my career here, which is the career of the Rajya Sabha beginning. We have not asked. It is not our habit. It is not their habit also to ask for laying of correspondence. My friend, Shri Kamalapati Tripathi, said it is not a love letter. Yes, unfortunately, it is not a love letter. If it were a love letter, I am sure many in the Janata Party—certainly Mr. Biju Patnaik—would have asked for laying it on the Table of the House because there are some

amorous people. Some of them are.

Now, Sir, that is not the point.

The point is whether we can ask what the correspondence

is. The Home Minister has

brought to the notice of the Prime Minister certain allegations—and it is done by the Home Minister himself—against the son of the Prime Minister or somebody else. I do not know

what they are. What is there? Why can't it be laid on the Table of the House? What is the difficulty in it? Is it just because the Prime Minister's son is involved? Suppose it is Bhupesh Gupta's son . . . (Interruptions)

Well, I do not have a son. (Interruptions) Mr. Piloo Mody, have you got a son? . . . (Interruptions) Well, even

being married you do not have a son. It is not a credit on your part.

SHRI PILOO MODY (Gujarat): It is one of my greatest qualifications.

SHRI BHUPESH GUPTA: Take any citizen of India, for instance. Certain correspondence relates to charges against him. What is there about it? Why should it not be placed on the Table of the House. Sir, here two Ministers are sitting, Mr. Shanti Bhushan and Mr. Advani. Suppose Mr. Shanti Bhushan writes to Mr. Advani saying, "I have got some allegations about your son"—assuming he has got a son. "Your son is indulging in eve-teasing near the Delhi University. You should take some action. May I ask the Commissioner of Delhi Police to take some action?" Mr. Advani does not reply to this letter or he says, *Prima facie* the allegations are not true." Then Mr. Shanti Bhushan again says, "I am not satisfied. They should be inquired into by the Police Commissioner." Then Mr. Shanti Bhushan tells the people, tells the girls and others, "I have told Mr. Advani to do something about it. I have written to him but Mr. Advani said 'No'." "Then if I come here and say, "In the interests of law and order and honour of our girls and to prevent eve-teas-

ing near the Delhi University, may I have the correspondence laid on the Table of the House?" So as to find out whether Mr. Advani is right or Mr. Shanti Bhushan is right, what crime am I committing by asking for it? What public interest is involved if the correspondence is laid on the Table of the House?

Now, Sir, there are some corruption charges. Whether they are right or wrong, I do not know. It is said. One says, "Yes, it justifies on inquiry or looking into or some kind of action." The other says, "No." One Minister would have perhaps made it known to the press had not the patch-work been done. We have heard Mr. Charan Singh himself. Now he says give it to us because he has divulged it. Who has divulged it? Mr. Morarji Desai himself has said that the charges are false. He did not keep quiet. He said the charges are false and, therefore, "I am not giving anything." May we not know, by looking at the correspondence, whether the judgment of the Prime Minister, who is supposed to be responsible to the House, is a correct, warranted; may we not know, by looking at the correspondence, whether what Mr. Charan Singh has brought to his notice are *prima facie* valid enough to warrant some action on them, whatever they are? Must not Parliament know what they are? What a strange thing! When the Home Minister and the Prime Minister of the country are in open, public dispute and controversy over a matter of this kind, why should it not come into the picture straightway in Parliament? And this Parliament is sought to be kept out of it.

Sir, Mr. Morarji Desai says this is a democracy and he believes in parliamentary democracy. Can you imagine such a thing happening in the House of Commons and being tolerated even for ten minutes? Somebody sleeps with somebody—whether it is *pro-fumo* or not—and the moment it has come to be known, the whole House

[Shri Bhupesh Gupta]

is seized of it. Ministers think of resigning, the Prime Minister almost goes into exile. Such things happen in that country. But here the Prime Minister says, "No, I am not going to do it." Why? Why this hide and seek? From this, one may draw a presumption even that the Prime Minister, even when the facts of the case are brought to his notice, would not like it to be known. This is another point. Then, Sir, the present Prime Minister should be the last person to take this attitude—I am very sorry to say—because, Sir, Mr. Morarji Desai is an elderly statesman and a politician; and he calls himself a Gandhi-ite. We are not supposed to be Gandhi-ites. I do not wish to be a Gandhian—never have I been one. We are mortals, men of common clay, not living on high altitudes. Sir, before the Emergency, when the matter of the Pondicherry licence came up, Mr. Morarji Desai felt so strongly that he said that he would lead a *dharna* in the Lok Sabha to force laying on the Table of the House. What? Not Home Minister's letters to the Prime Minister, but only a CBI Inspector's report to the Home Minister. Sir, if that is so, if Mr. Morarji Desai could go into action of a *dharna* with the entire Opposition to impress upon the Government that a CBI report, which is a confidential letter about another Minister—involving the Home Minister and another Minister—should be laid on the Table of the House, and if in that situation even Prime Minister Indira Gandhi, with her brute majority in both the Houses of Parliament was compelled to lay it before you, Sir, in your Chamber, how is it that the same Morarji Desai, instead of going by his token, would now say that he would not lay on the Table of the House the correspondence which is not from the CBI but to him, the Prime Minister, from the Home Minister, involving not a Minister but an individual? Sir, I leave it to you to judge. Still some people are living high up.

We have had enough of one son during the Emergency. Must we have another son about whom the law does not operate in the same manner as it is operating in respect of others? That is what I should like to know. Sir, suppose there were some correspondence about Mr. G. D. Birla, about some Foreign Minister involving a question of foreign policy, and you thought it right, it would have come to the House. Why is it not coming to it? What immunity is there? They are not persons who enjoy some immunity. Sir, we know that even the foreign correspondence between two Ministers is laid when the national interest demands it. Other types of correspondence are laid on the Table of the House. Correspondence between the Prime Minister and the citizens and other Ministers and citizens are revealed to the House. Why is it not so in this case? I cannot at all understand it.

Sir, I have been profoundly shocked by Mr. Morarji Desai's remark when he said, "Look, the Lokpal Bill is coming. You can go to the Lokpal." First of all, it is a Bill which has not yet been passed. Secondly, why should we go to the Lokpal? I was shocked and felt aghast that the Prime Minister of the country could say this thing to the Members of Parliament standing in the House of Parliament. Why should we go to the Lokpal? If we have to deal with the Ministers and the Prime Minister, we would deal with them on the floor of the House. If we have to go to the Lokpal, it would be a sad day for our democracy. In that case, better wind up our parliamentary institution. Should we stand, as if in a court of law, before the Lok Pal? Is the Lok Pal meant for that? Is the Prime Minister appointing the Lok Pal to go after the M.P.s? Under the earlier Bill, officers were to be covered, not the M.P.s. But Mr. Morarji Desai has exempted the officers and put in the M.P.s under the jurisdiction of the Lok Pal. Now he says that we should go to the Lok Pal.

This is adding insult to injury. This is not the language of parliamentary democracy. The Prime Minister of the country is accountable to the Houses of Parliament. This is not the way a democrat should speak in a parliamentary democracy. Therefore, Sir, all his arguments are wrong. There is nothing in them except his superlative arrogance that the correspondence will not be laid on the Table of the House. We saw in all humility, the Prime Minister rejecting that. It defies wisdom, it defies public standard, it defies commonsense and it is intended to cover up certain relations between the two Ministers and perhaps among some of their relations.

As I said, I want all the correspondence. I know, for a fact that certain correspondence has been received by Mr. Morarji Desai from Mr. Saxena, Uttar Pradesh MLA, making allegations against Mr. Charan Singh. That should also come. I have seen that letter. All should come. Why are you hiding?

Now, Sir, are we here to wait till the Janata Party has settled its internal quarrel, till there are more meetings between Mr. Morarji Desai and Mr. Charan Singh and till the correspondence is 'stolen' from the file, because we have seen that a symbol correspondence was withdrawn from the file. What is the guarantee that this present correspondence will not be withdrawn from the file in the manner in which the election correspondence was withdrawn from the Election Commissioner's file? Tell us. Will you take into custody those files till Mr. Morarji Desai decides about them? Secondly, Sir, we may be told that the correspondence has been lost. We may be told that the correspondence has been stolen, that a burglar entered the office to steal something but stole the correspondence. All these things we may hear. Then we will be totally helpless. Therefore, I say that the matter should be allowed to go that way.

The Leader of the House is there I am not asking him to do anything. Well, those who were sitting on the Opposition Benches are sitting now on the Treasury Benches and *vice versa*, and were taking the opposite positions of those they are taking now. A wonderful drama, we are in.

We all went to your Chamber to scrutinise the correspondence, the CBI report, which was given under pressure of the Members of Parliament, in both the Houses. We went through them, we studied them and we made notes of them. But now the secret correspondence between the two great men, No. 1 and No. 2 of the country—who made them No. 1 and No. 2, I do not know—cannot be seen by us even in your room. What has happened? Are we to wait for 30 years till we see them in the national archives when they will be released? I would like to know. Therefore, Sir, you come into the picture. I will not bring the Leader of the House in. The Leader is a party, being a member of the Government and on such occasions, the Leader, despite his or her wish, cannot play very much of a part. Mr. Advani, I know, would like to give some argument because he has to give some argument, but really he has no argument because I am sure in 1974 he would have not only accepted all my arguments but he would have perhaps treated me to ice-cream or good food for giving these arguments. Today he will not accept them; I know he will not accept them.

SHRI PILOO MODY: But the ice-cream is still available.

SHRI BHUPESH GUPTA: But then the rules of the game are rules of the game. Emergency cannot be dismantled in one place and be imposed in another place. One son cannot be replaced by another son. One set of arrogance and conceit cannot be replaced by another set of arrogance and conceit. We want all of these to go. We want to write on a clean slate. Will you, Sir, begin to write

on a clean slate? Therefore, may I suggest to you, do not embarrass us any more. But before I suggest, I know our friends feel very strongly. They feel very strongly about this correspondence. Some of them felt very strongly against the correspondence in the Pondicherry case being laid on the Table of the House. Now they feel very strongly about this correspondence. We share their feelings fully. Sir, their feelings are justified. If it is unjustified, I would not be supporting it. Sir, I would not be one to get up here in Parliament on an issue like this to suggest something which violates the norms and standards of parliamentary democracy or of Cabinet functioning. I will not do it. Now I will appeal to them that we may conduct the proceedings of the House. There are many other ways of impressing upon the Government and we are, if I may use a bad expression, in a position of strength. Why can't we, for example, pass a resolution, with your permission, Sir, that the Prime Minister be directed to lay on the Table of the House the correspondence between him and the Home Minister regarding certain matters which had been brought to your notice? Let the resolution be taken up. If it is rejected, we lose. If it is not rejected or if it is passed, we will hope that Mr. Morarji Desai who is respecting the small democracy in his party, will respect the larger democracy of Parliament. That can be done. I think we can go like that instead of obstructing. Sir, you should help. Now, you can, of course, say that you will not take this step of admitting the resolution if you have any of opportunity of getting yourself satisfied. Perhaps you would ask the Government to bring this correspondence to your chamber, you would look at it and in your goodness, call us to look at it and then you would say "See the correspondence and decide after looking at it whether you really want it to be laid on the Table of the House". We can discuss these things

there. I am not suggesting it, but this is one course. In fact, I would like it to be brought straightway and put on the Table of the House. That would be a saner and more forthright course. But you cannot compel the Government. That way you cannot compel the Government. But you are not that helpless. Under the rules they would be entitled to move—I am not going to move the resolution—a resolution directing the Prime Minister to lay the correspondence on the Table of the House. Tell me, Sir, under what rule, on what grounds, you are going to reject permission for the resolution?

SHRI ANANT PRASAD SHARMA
(Bihar): The resolution is already tabled.

SHRI BHUPESH GUPTA: My friends are very active. So till we discuss it, let us proceed. This week sometime it can be taken up. You fix a time-limit. I am sure you will admit it. Meanwhile, let us go on with the proceedings of the House. Meanwhile, we go ahead with the proceedings of the House, with the Visva Bharati Bill. All of you, please, remain for the Visva Bharati Bill because we have to move some amendments and pass them and then allow the Bill as amended. So, please do not go. This will be a good demonstration of our majority also when we force some amendment on the Government and change the Bill. Therefore, before I sit down, I implore on all those who matter that it is in the interests of Parliament, in the interests of the public, that those letters are laid on the Table of the House. If the charges are false, well, as Mr. Morarji Desai had said, he will have only stood vindicated by laying them on the Table of the House. If what Mr. Morarji Desai says is wrong, then we will have been vindicated by rendering a service to the nation because we are giving a chance to the nation to consider as to how this is to be dealt with. As far as Mr. Charan Singh is concerned, I do not wish to say anything. I said before,

I do not lean on his shoulders. He says one thing now, another thing tomorrow and yet another thing the day after. I do not lean on his shoulders—of one who was at the Prime Minister's throat so long but suddenly goes to hug the Prime Minister in his house. I do not know what kind of a funny game is going on. It looks as if we are going back to the days of monarchy when the pretenders to the throne were discussing among themselves as to how the throne should be shared. Therefore, I would not rely on him. *Prime facie* I would not accept Mr. Charan Singh's charges. But he has done it as a Home Minister of the country. And when he did that as a Home Minister of the country, something has to be done about it. I am concerned with the office of the Home Minister, not the man Charan Singh. I am not concerned with him. I am concerned with the office of the Prime Minister, not the father of a son. I am concerned with the status and standing of Parliament in the country, not a few individuals here having certain feelings over a matter. Therefore, I think it is a challenge before the Rajya Sabha. Rarely has a challenge of this type come before this House and I do hope we would rise equal to the occasion, not in the narrow partisan interests, certainly not in personal or group interests, but in the larger interests of parliamentary institutions and democracy, having regard to the bitter experience we have gone through in the recent period. Let us not denigrate, subvert, weaken, undermine this institution, wittingly or unwittingly. Therefore, I beg of you to give your direction, Sir. If you are not in a position to give a direction, then accept that Resolution. If you think you can still explore the possibility, then, call again the leaders of the opposition parties and Members of the Government in your room and share your wisdom with them, your ideas with them, so that a solution is found. But no solution would be found if the corres-

pondence is locked up in Mr. Morarji Desai's locker. A solution can be found on the basis of yielding to the will of the majority of this House which is just, which is honourable, which is in public interest, which has every logic behind it, including the convention, usage, tradition, of this House, and what is called, rules of parliamentary behaviour and function.

SHRI VISWANATHA MENON (Kerala): Sir, I generally endorse the sentiments expressed by the other opposition leaders. It is high time this controversy was put an end to. Sentiment and the question of prestige are not an important factor in a democracy. The Government can afford to be more flexible in the circumstances which have been discussed and when various Members have expressed their opinion on the issue. My humble submissions is that there is nothing wrong in placing all these papers on the Table of the House and by reading these papers nothing is going to be lost. Why then stand on this kind of false prestige? I call it false prestige. This kind of adamant attitude of the Prime Minister of really—I am sorry to say—deplorable. It is high time for the Chair to intervene. I do not agree with my friends on the issue of stopping the proceedings and all that. I want the proceedings to go on. If it comes to such a stage, it will be a very sad day for this country.

I remember Mr. Advani, Leader of the House, sitting on that side. I was sitting behind him. We were together and one on the question of Tul Mohan Ram issue. On the Pondicherry issue we all opposition members took up a united stand. Simply because he has now become a Minister I do not understand why he is changing his stand. If he is a democrat and if he believes in democracy, he should come forward and say: We will place it before the House. What is wrong in that? Let the people

[Shri Viswanatha Menon]

decide. Why stand on prestige? In the case of an individual like Shri Bhupesh Gupta or myself, I can understand personal prestige. But the Prime Minister of a country should be more flexible. He must be more magnanimous and more accommodative. My humble submission, therefore, is that there is no other go. You must place these documents on the table of the House.

SHRI PILOO MODY: Mr. Chairman, I only take this opportunity of speaking because of the reasonableness of the debate that has gone on. I have heard very attentively all the words—some of wisdom and some of argument—that have been spoken to bring about a certain event, namely, the laying of certain letters on the table of the House, which has been the demand of all the opposition members for the last few days.

Sir, I do not think that I need to establish my credibility as an opposition man either in this House or in the country. For ten years my sympathies have always been with the opposition and sometimes sneakingly even today I very much wish that I could alter my form and get back on to those benches.

(Interruptions)

Sir, after all, Parliament is created for the opposition and without opposition there is no Parliament. This is what I got fed up of trying to explain to Mrs. Gandhi for ten years. In the entire structure of democracy why is Parliament necessary? It is necessary only for the voice of dissent that emerges from the other side. I am sure the Ministers don't welcome Parliament. They would like to go about their own work and do the work in their Ministries without any let or hindrance from Parliament. And I am sure those on the Treasury Benches, who sit behind the Ministers—as these gentlemen know for many years—must find Parliament a crashing bore. Therefore, I say Parlia-

ment is created for the opposition. But, Sir, the very institution of Parliament belongs very precisely to a system called democracy and it is the norms of democracy which has made this Parliament available to the opposition. That has to be respected in all its many facets and spheres. When we work a Cabinet system as we are doing in this country and when we also work a system of joint responsibility that goes with the Cabinet system, there are certain norms of behaviour which I genuinely feel cannot be trespassed. Sir, a parallel has been drawn—I know it, Sir, because I was very much involved—between this incident and the Tulmohan Ram case in the Lok Sabha, in this Parliament, which came up some time back, whenever it took place. Sir, I do not see the parallel. (Interruptions) Sir, I do not see the parallel.

SHRI SHYAM LAL YADAV (Uttar Pradesh): How is it?

(Interruptions)

SHRI PILOO MODY: Please allow me; I have allowed you. (Interruptions) Sir, I do not see the parallel quite genuinely and honestly because, in one case, it was a report which was promised to us, information that was promised to us on the floor of the House, information which was available to the Government, but was not allowed to us, because we suspected at that time that it contained certain things that might go against the Government. Nevertheless, it was a report of the Government, of the CBI and it did not infringe on any one of the facets without which a wholesome democracy cannot grow. Sir, the day the joint responsibility of the Cabinet fails, the day when one Minister will not be able to have faith and confidence in another Minister, the day, Sir...

(Interruptions)

SHRI ANANT PRASAD SHARMA: Let them have it.

(Interruptions)

SHRI PILOO MODY: Why are you so childish? Don't I know what I am saying and don't I know the background in which I am saying it? (*Interruptions*) Why are you so childish? It is because, Sir, I think they are new to being an Opposition and that is why they like to tom-tom around. Over the years, I am hoping they would become mature.

Sir, the day this principle is not followed and this confidence breaks, you will find that our democracy will become feeble, will not function, and Parliament itself will lose its lustre. Everybody knows that there is some difference.

SHRI ANANT PRASAD SHARMA: Everybody knows it.

SHRI PILOO MODY: Now, I will come to what Mr. Sharma says. Everybody knows it. There are some differences of opinion. But there is nothing new about it.

SOME HON. MEMBERS: What about the charges of corruption?

SHRI SHYAM LAL YADAV: What about the charges of corruption?

(*Interruptions*)

SHRI PILOO MODY: On a subject like this, I would like to have my say; otherwise, I will sit down.

SHRI BHUPESH GUPTA: Sir, Mr. Piloo Mody is an overgrown child, now in the cradle of power, and he should be allowed to speak.

SHRI PILOO MODY: Mr. Chairman, Sir, everybody knows—and everybody knows the reasons also—that this is a historical event that cannot be wished away or washed away. It is an event which will take time to mature and, therefore, if there is anything of what is suspected, namely, some difference of opinion on this subject, then, Sir, I think that in the interest of democracy,

the gentlemen on the other side should be concerned about it instead of trying to aggravate it. (*Interruptions*). I am now asking you to have a higher concern for democracy than your loyalty to your party. Naturally, it will make you behave at this time like this. But I do not expect any better. But, Sir, when one of my Dear friends, Shri Bhupesh Gupta, whose wisdom is almost entangled with the wisdom of the Rajya Sabha itself and who has claimed it a little earlier, talks about the majority and introduced the principle of majority in his argument, in this argument, I am rather shocked. We have a majority in the other House. The majority denies the minority over there and over here the Opposition is in a majority and, therefore, the minority cannot deny the majority over here. That does not make sense because the majority of the Opposition in the Rajya Sabha, Sir, is an anomaly of our Constitution. (*Interruptions*). It is a weakness in our democratic system.

SHRI ANANT PRASAD SHARMA: Change that then.

SHRI PILOO MODY: It is a weakness in our democratic system which we all know . . .

(*Interruptions*)

SHRI K. K. MADHAVAN (Kerala): Sir, it is a disrespect to the Constitution.

(*Interruptions*)

SHRI PILOO MODY: I don't think so. Sir, this is something which, as we all know, will be rectified over a period of time. As a measure of continuity it might be a desirable thing; as a matter of actual functioning, it has certain weaknesses.

Then, my friend Shri Bhupesh Gupta talked about these 'love letters' which he felt you all want to read. Then, he named one of my colleagues here and said that he would want to know what happened in the 'love letters'. Sir, I would request Shri

[Shri Piloo Mody]

Bhupesh Gupta as well as his colleague and everybody else in the Opposition to have a little more delicacy and a little more sensitivity, and to allow 'love letters' to remain private and not be brought out in the open, so that they could indulge in what may be called an indoor orgy. This is precisely my appeal to my friends. They are all my friends. I am known to them for years. We may sit on the same benches again. Sir, Parliament is a lovely institution. When we were in the Opposition at one time, and we might be again in the Opposition at a future date...

SOME HON. MEMBERS: Very soon...

(Interruptions)

SHRI PILOO MODY: They might be in the same uncomfortable position as the treasury benches again. This is the essence of Parliament. Parliament must go on. And whatever demands that are made by the Opposition must not infringe on one of the fundamental...

(Interruptions)

SHRI ANANT RAM SHARMA: Why didn't you advise Morarji Desai at that time?

SHRI PILOO MODY: I am advising you at the moment... (Interruptions) Don't you understand that I am advising you, I am appealing to you as a friend, to understand what you are asking today? After all, what is it you want? You want to peep into this particular correspondence. Sir, everybody knows that the correspondence has been in the Press, and everybody has read it. However, to divulge the confidence within the Cabinet would be hurting the system. Why you want the Prime Minister to do something that is wrong and without any substance? Don't destroy the system. This is my appeal to you. Thank you very much.

SHRI ANANT RAM SHARMA: Sir,...

(Interruptions)

MR. CHAIRMAN: No, that is not necessary.

SHRI ANANT RAM SHARMA: It would be necessary, since Shri Piloo Mody has stated certain things. I think it is necessary.

MR. CHAIRMAN: Then why do you speak? Your leader can speak...

(Interruptions)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Chairman, Sir,...

(Interruptions)

SEVERAL HON. MEMBERS: The Leader of the House should speak...

(Interruptions)

SHRI N. G. RANGA (Andhra Pradesh): It is not a regular debate.

SEVERAL HON. MEMBERS: We want the Leader of the House. .

(Interruptions)

SHRI K. K. MADHAVAN: No court of law is involved here.

SHRI PILOO MODY: Your leader was never in the House...

(Interruptions)

SHRI SHANTI BHUSHAN: May I, at the outset, express my deep appreciation on behalf of the Government for the tenor of the speeches which have been made this afternoon. During the last week, for three days out of five days, the business of the House happened to get obstructed on the issue of certain letters which the hon. Member Shri Piloo Mody has sought to describe as certain love letters. Now, Sir, the honourable Shri Piloo Mody has also sought to give some advice to the Opposition this afternoon. I would like to add one word to that piece of advice, because so far as the age of the present Opposition in this House is concerned it is only 16 months. It is quite clear.

AN. HON. MEMBER: So is the case with you.

SHRI SHANTI BHUSHAN: That is precisely what I am saying that the present Opposition being so young, just 16 months, it would be well to listen to the words of advice of the honourable Shri Piloo Mody who is a veteran, so far as the Opposition is concerned...

(Interruptions)

SHRI SITARAM KESRI (Bihar): Shri Bhupesh Gupta is the senior-most Rajya Sabha Member.

SHRI K. K. MADHAVAN: He says that the Opposition is 16 months' old. He forgets that the Government is also 16 months' old.

SHRI SHANTI BHUSHAN: Hon. Shri Bhupesh Gupta who is an eminent leader of the opposition...

SHRI GIAN CHAND TOTU (Himachal Pradesh): Why does he not listen to our advice? We have been in the Government for thirty years.

SHRI SHANTI BHUSHAN: Hon. Shri Bhupesh Gupta who is an eminent leader of the Opposition is, of course, in a unique situation. Normally, it is always the desire and the effort of every leader of the Opposition to aspire for the Treasury Benches. He is unique in this respect and he is determined to maintain his position as a leader of the Opposition. He has no desire at all ever to adorn the Treasury Benches. I have listened to his words of wisdom with rapt attention. He happened to refer to the majority and the minority in this House with reference to which Shri Piloo Mody said one thing. I would like to add one thing more to it. It should not be merely the numbers, but sometimes it should be the weight also. If the Treasury Benches were to be weighed against the entire weight of the Opposition, I am sure, Shri Piloo Mody being on our side, the Treasury Benches would outweigh the entire Opposition benches put together.

SHRI BHUPESH GUPTA: I must say that you have lost Rajnarain in this House. But you have gained Piloo Mody in this House. Therefore, you are the gainer in any case.

SHRI SHANTI BHUSHAN: What I want to say particularly is that it is a happy thing that so many eminent leaders of Opposition have said this afternoon that the proceedings in this august House should not be interrupted and obstructed for any reason whatsoever. There is such a strong desire on the part of all sections of the House to proceed with the normal business of the House. But they have maintained their stand so far as these letters are concerned. Sir, before I make the stand of the Government clear on that issue and appeal to the House not to ask for a bad precedent and a wrong precedent being created, I would first like to preface my remarks by saying that, Sir, you, as the Chairman of this House, are the best person to judge as to what would be the proper thing in all the circumstances of the matter. So far as the Government is concerned, I would like to say that the Government would only be too anxious to abide by your advice and to carry out your advice. But, Sir, let me refer to one thing. It has been said that there was some correspondence between the then Home Minister and the Prime Minister on a certain subject and it has been said that there would be no harm if that correspondence is laid on the Table of the House. A parallel has also been cited of the correspondence with members of the public which people in this country have with Ministers. Shri Bhupesh Gupta has said that when that correspondence can be laid on the Table of the House, what is the harm if the correspondence between the Home Minister and the Prime Minister is also laid on the Table of the House? A reference has also been made to some precedent. Of course, Shri Piloo Mody has made a reference to that precedent for whatever it was worth. I would like to say that if a parliamentary system of Government functions and has to

[Shri Shanti Bhushan]

function on the principle of joint responsibility, then what is the foremost thing and requirement of that principle of joint responsibility? Why is it that Cabinet proceedings have always been kept secret? Does that principle apply to Cabinet proceedings when all the Ministers sit together and discuss certain issues and have some exchange of views between themselves? Or is it that that principle applies also to communications, either verbal or written, between two Cabinet Ministers? With the utmost humility on my part, I would like to say that on principle, there is no difference because, for instance, in a Cabinet meeting all the Cabinet Ministers may not be present. There is no sanctity in all Cabinet Ministers being present in a Cabinet meeting. The idea is that for the successful functioning of a parliamentary democracy, it is of the utmost importance that there should be a wholly free and frank exchange of views between one member of the Cabinet and another member of the Cabinet. And it has always been stressed that this free and frank exchange of views and exchange of ideas between Cabinet Ministers would be hampered if the Cabinet Ministers could be compelled to make public whatever has transpired between them to which a non-Cabinet Minister has not been a party. A communication which might be received, a letter which might be received from a member of the public is... (Interruptions) Please just listen to me. And whatever might be the subject matter of that correspondence, of course, it would be entirely correct that if the letter was not from the Home Minister to the Prime Minister because Shri Bhupesh Gupta referred to some letter being written by Mr. Shanti Bhushan to Mr. L. K. Advani and some reply being sent by Mr. L. K. Advani to Mr. Shanti Bhushan, and of course, if there is a letter written by Mr. Shanti Bhushan as Mr. Shanti Bhushan to Mr. L. K. Advani as Mr. L. K. Advani, certainly it is not an exchange of views between

two Cabinet Ministers. But, if there is a letter that Chaudhari Charan Singh wrote as Home Minister of the country to Shri Morarji Desai as Prime Minister of the country, then certainly that communication would... (Interruptions) May I just complete? I would not take more time. May I just complete?

SHRI KAMLAPATI TRIPATHI:
Let me ask a question.

(Interruptions)

SHRI SHANTI BHUSHAN: Please let me complete. I will take just a couple of minutes. Sir, this is what I was submitting. Let this House, in its anxiety to see, to look, to have a peep at what was described as certain love letters, not be a party to laying down of a precedent which would be wrong. But short of that, Sir, some way can be devised and as I have already said, the Government would be willing to abide by the advice of the Chairman because, Sir, if views have been expressed, if an anxiety has been expressed, if a desire has been expressed, then a way should be found, which might satisfy the opinion in this House, namely, all right, some way certainly can be evolved. And, Sir, I submit with great respect to the whole House that you as Chairman should evolve some method by which the anxieties can be allayed and yet a bad precedent may not be laid down on such an important principle which has such an important bearing on the functioning of parliamentary democracy and the principle of joint responsibility.

श्री कपचा एनि त्रिपाठी : मान्यवर, मैं माननीय विधि मंत्री जी से एक बात यह पूछना चाहता हूँ कि क्या दुनिया में लोकतंत्र के इतिहास में कोई ऐसा प्रेसीडेन्स है जिसमें कैबिनेट के एक वरिष्ठ मंत्री ने जो कैबिनेट में नम्बर दो रहा हो, अपने प्रधान मंत्री पर, जो नम्बर एक रहा हो, अभियोग लगाये और उसको अखबारों में छाप दिया और सारे देश की जनता ने और सारी दुनिया के लोगों

ने जो कुछ अखबारों में छपा उसको देखो ? आज आप प्रीसीडेन्स की बात करते हैं ? जब ये चीजें सब अखबारों में छपा चुकी हैं और उनमें सीक्रेसी या गुप्त जैसी कोई बात नहीं रह गई है तो क्या हमारी पार्लियामेंट के मेम्बरों को इस बात को जानने का अधिकार नहीं है कि जो बातें अखबारों में आ चुकी है उन में कितना तथ्य है और उनके अन्दर क्या बताया गया है ? सदन में प्रीसीडेन्स और डेमोक्रेसी की बात कही जाती है । यहां पर इतना बड़ा हाउस बैठा हुआ है और इसमें अगर आप मेजोरिटी और माइनोरिटी की बात को जाने भी दीजिये तो भी अगर वे यह चाहते हैं कि ज. चीजें अखबारों में निकल चुकी हैं, विदेशी अखबारों में भी जिनकी चर्चा हो चुकी है, उन तमाम बातों को क्या उन्हें जानने का अधिकार नहीं है ? हम लोग पार्लियामेंट के मेम्बर यह जाना चाहते हैं कि इन पत्रों में क्या रहस्य उसकी जानकारी हम को भी हो । इन पत्रों में कौनसी चीज लिखी गई है और क्या यह कोई सांप है या बिच्छू है, इसको सामने रखा जाय । मैं समझता हूं कि इसमें किसी तरह का कोई प्रीसीडेन्स तोड़ने की बात नहीं आती है ।

MR. CHAIRMAN: I have heard very patiently the discussion which has taken place so far and I am very keen that the proceedings of the House should continue very smoothly. This is agreed by one and all on this side as well as on that side. The only thing that is troubling Members of the Opposition is what they should do for getting the information which they have been asking for for some days. If you give me one day more, I will, in my capacity as the Chairman, try to contact the Leader of the House and see whether I can find out some solution which may satisfy all of us. If it is acceptable to the entire House, then I will try to get hold of him, talk to him, discuss with him and see whether some solution can be found out which may satisfy all of you.

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: Then, No. 2, as you have already promised just now. I hope you will keep it up and allow the business of the House to be carried on. I will also keep it up. Give me time for today and tomorrow. Let the proceedings be smoothly carried on. By tomorrow evening I will see what I can do. Day after tomorrow I will come and let you know.

The Visva-Bharati (Amendment) Bill, 1978—contd.

MR. CHAIRMAN: Mr. Bishambhar Nath Pande, you are to speak on the Visva-Bharati Bill.

SHRI BHUPESH GUPTA (West Bengal): Sir, may I request the hon. Members to be here. Visva-Bharati is our great institution. I should like the hon. Members to be present because a bad Bill has been brought forward and we want to improve upon it.

[Mr. Deputy Chairman in the Chair]

SHRI BISHAMBHAR NATH PANDE (Nominated): Mr. Deputy Chairman, Sir, I am thankful to you for giving me an opportunity to express my views on the Visva-Bharati (Amendment) Bill, as introduced in the Rajya Sabha, by the hon. Union Education Minister. In the Statement of Objects and Reasons the Minister has claimed that "Every effort will be made to preserve and promote the unique character and ideals for which the great institution was established." In paragraph 3 of his Statement, the Minister has expressed his anxiety that: "Complaints were received that the Visva-Bharati was drifting away from the ideals Gurudev had in mind in establishing it and the academic standards were going down. The Government were disturbed at the developments and were anxious to ensure that the original character of the University be restored."