

[Shri Lal 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 not 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 rested, 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-

change Regulation Act. Applications for grant of licences from such undertakings are examined on merits and in areas reserved for small scale sector, the applications are considered only on the basis of hundred per cent export on a continuing basis.

(b) and (c) One Industrial Licence was granted to M/s. Philips India Limited on 6-10-77 for effecting expansion of the undertaking for manufacture of Glow Switches (an item reserved for small scale sector) raising their capacity from 2 million numbers to 5 million numbers after expansion, on the agreed condition that they would undertake to export the entire additional production or even if the production fell short they would export a minimum quantity of three million numbers per annum irrespective of their production for a period of at least 10 years.

SHRI G. C. BHATTACHARYA: Mr. Deputy Chairman, Sir, in the statement of the Minister it has been stated and I quote:

"...it is not obligatory on the Government to refer applications to the MRTP Commission for inquiry before according approval to them or rejecting them."

I would respectfully submit that this answer not only goes against the Janata Party's election manifesto but it also goes against the industrial policy statement which was given by the hon. Industry Minister in December, 1977. This statement also goes against the very preamble of the Constitution in which it is said that we want to constitute ourselves into a Socialist Republic and we want to give economic justice to the people of this country. Now, Sir, kindly see the MRTP Act. Sir, the Preamble to the M.R.T.P. Act says:

"An Act to provide that the operation of the economic system does not result in the concentration

of economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices..."

This is the objective of the M.R.T.P. Act. Now, I would like to refer to the Janata Party's election manifesto. The Janata Party's election manifesto also lays emphasis on the halting, of concentration of economic power and monopolies and on steps to make the M.R.T.P. Commission effective.

Then, Sir, the industrial policy statement also lays emphasis on the question of concentration of economic power and it says that there should be no concentration of economic power. I am reading from the policy statement, the industrial policy statement, made by the hon. Industry Minister.

"Expansion and new units of large houses will be subject to the provisions of the M.R.T.P. Act, which will be effectively implemented and will not be allowed to manufacture items reserved for the small-scale sector."

Now, I would like to refer to the position taken by the Law Minister in the Lok Sabha. In reply to Unstarred Question No. 1019, dated the 28th February, 1978, he says:

"Proposals for expansion of existing undertakings and setting up of new undertakings received from companies covered under the M.R.T.P. Act are examined in the light of the current industrial licensing policy and the criteria laid down under section 28 of the M.R.T.P. Act. Such proposals are approved after satisfying that the scheme of finance with regard to the proposal is not likely to lead to concentration of economic power to the common detriment, or is not likely to be prejudicial to the public interest."

[Shri G. C. Bhattacharya]

Now, Sir, I would like to refer to section 22 of the M.R.T.P. Act. He has referred to section 22. I say, Sir, both sections 22 and 21 will be applicable. I would refer to section 21 (3) (a):

"The Central Government may call upon the undertaking concerned to satisfy it that the proposed expansion or the scheme of finance with regard to such expansion is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the public interest..."

The same thing has been said by the Law Minister in the Lok Sabha. Section 21 is in regard to expansion and section 22 is in regard to new undertakings. Now, I will refer to section 22 (3) (a):

"The Central Government may call upon the person or authority to satisfy it that the proposal to establish a new undertaking or the scheme of finance with regard to such proposal is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the Public interest..."

Section 22 (3) (b) says:

"If the Central Government is of opinion that no such approval as is referred to in clause (a) can be made without further inquiry, it may refer the application to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon."

Therefore, my humble submission is this. The M.R.T.P. Act, the Constitution, the industrial policy statement, the Janata Party election manifesto, are all in one direction,

namely, against the concentration of economic power to the common detriment and also against setting up of new undertakings or expansion of existing undertakings which are likely to be prejudicial to the public interest. Sir, I was trying to draw the attention of the hon. Industry Minister to the fact that he should stick to the mandate of the people, mandate of the party and also to his own policy statements. My question was:

"(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;

(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?"

In reply to parts (b) and (c) only one name has been given, i.e. M/s. Philips India Limited. Sir, I do not know why this House gets a step-motherly treatment. In reply to some questions, in the Lok Sabha, more details were given. In reply to Question No. 721 on 11-5-1978 the hon. Industry Minister gave names of 14 monopoly houses who were given letters of intent and 4 monopoly houses which were given licences and those licences and letters of intent included those items also, like cement sheets, marine products, etc. which are reserved for small-scale sector also.

श्री उपसभापति : कोई प्रश्न पूछिये न ।

SHRI G. C. BHATTACHARYA: I am coming. Then, in the Lok Sabha the Law Minister in reply to an Unstarred Question No. 2689 on 14-3-1978 gave the names of 18 monopoly houses which were given industrial licences for manufacture of those items which are reserved for small-scale sector, such as iron casting, small tools, hand tools, black carbon, etc.

Sir, with great difficulty we get a chance to ask such questions and when we get such a chance, my respectful submission to the hon. Industry Minister is that this should not be treated so lightly. May I know from the hon. Minister whether it is only one Phillips India Limited which has been granted industrial licence since April, 1977? May I know from him whether it is not a fact that licences worth Rs. 170.46 crores have been given to monopoly houses alone during the period of July to December 1977? Only during these months these licences have been given, but we have not been given any such information, and that too for manufacturing such items that are reserved for small-scale sectors, namely stainless steel utensils, pharmaceutical products, etc. Kindly see whether this fact does not violate the industrial policy statement or the MRTP Act. The licence was also given to Tata for manufacture of 500 megawatt power house in violation of the MRTP Act. The other day I asked a specific question from the Law Minister. He said that he required notice. Now perhaps the Industry Minister may reply to this.

श्री उपसभापति : आप तो बहस करने लग गये । प्रश्न पूछिये न ।

SHRI G. C. BHATTACHARYA: I want to know whether the Industry Minister gave licences to M/s Siemens, which is a multinational company, in respect of certain expansion in BHEL Hardwar and whether he, on behalf of the Government, gave an assurance to the West German

Economic Minister the other day, about which they call a flexible approach to the Foreign Exchange Regulation Act.

श्री उपसभापति : सवाल पूछिये ताकि जवाब आ सके ।

SHRI G. C. BHATTACHARYA: Licences have been given to multinational and its' subsidiaries for manufacturing even blades.

श्री उपसभापति : आप तो सारी चीजें ले रहे हैं । जर्मन डेलीगेशन भी ले आए हैं । कोई निश्चित बात करेंगे तो उत्तर भी आएगा । बहस करने से कोई फायदा नहीं । निश्चित प्रश्न पूछिये । अब आप बैठ जाइये । आपने सवाल पूछ लिया है, अब आप जवाब आने दीजिये ।

SHRI GEORGE FERNANDES: Sir, I do not know what exactly is the question that I am expected to answer because the hon. Member has made a fairly long submission.

SHRI SITARAM KESRI: The question is that you are deviating from the manifesto of the Janata Party.

SHRI GEORGE FERNANDES: Have you read it?

SHRI SITARAM KESRI: I have never read it. Why should I read your manifesto which was only to hookwink the people?

SHRI GEORGE FERNANDES: Then you should not intervene in a matter about which you are totally ignorant.

श्री जी० सी० भट्टाचार्य : केसरी जी, आप लोग इस बात को समझ लीजिए कि हम लोग आप से ज्यादा कंसन्ट्रेशन आफ पावर के खिलाफ हैं । अब आप डिस्टर्ब मत कीजिये ।

SHRI GEORGE FERNANDES: Firstly, the hon. Member has covered

[Shri George Fernandes]

the ground which has been dealt with in the past. For instance, July—December industrial licences given to the 77 houses, or a given number of houses—this question has been discussed in both the Houses and outside, I do not know, how many times. But the same question keeps on cropping up whether licences worth Rs. 170.46 crores have been given. These are the statistics of the Government submitted in reply to a question. This question has been debated, discussed and I have repeatedly said—and the Government has repeatedly maintained—that there is no policy of the Janata Party or of our Government which says that the large houses would not be given licences. In fact, Sir, I find that the question of the hon. Member itself says that the large houses must be allowed to grow. He is not against the growth of the large not houses. If he reads his own question, that is the question. What is the meaning of this?

“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...”

In other words, items that require high technology and large investment would need giving licences to these people. That is the inference and that is the only conclusion that one can draw from a question of this nature.

SHRI G. C. BHATTACHARYA:
That is not the intention.

SHRI GEORGE FERNANDES: The industry has its own dynamics, let us face facts. The Government has licensed in the last 16 months a large number of industrial houses to manufacture cement. A 400,000-tonnes-

per annum cement plant requires an investment of Rs. 27 crores. We are trying to build our public sector undertaking—the Cement Corporation of India. But I cannot wait till such time as the Cement Corporation comes of its own and is able to go in for cement units. We have to give licences and we have given licences to large houses. Where Appendix I industries are concerned, licences are given. I can understand if there is a complaint about any item that is reserved for the small scale sector being given to any large house. In this case since the question very specifically said whether we have allowed them to move into areas reserved for the small scale sector, that is why in parts (b) and (c) of the statement, one company—Philips—has been mentioned. In the case of Philips, all that we did was to regularise an existing situation. Philips had a licensed capacity of 2 million units of glow switches. They were in fact producing 4.5 million. We regularised the licence on the condition that the additional 3 million glow switches will not be marketed inside the country but would be exported hundred per cent. even if they should not produce the exact 5 million but hold on to 4.5 million switches, which is what they have been producing for a number of years, even then, in any case, they must export 3 million units outside the country. It is only on that basis that this licence was given. In other words, the existing situation was regularised and that was before the new industrial policy of the Government was announced in December last year. This happened in October. Therefore, there is no question of any information not being given, or the House being taken very casually, or once in a while when a Member gets a chance, he is not being given the opportunity to get all the details of the case. There was one case and that case has been brought out. So far as the licences themselves are concerned, in 1976, letters of intent given to the MRTP houses were 87 and the industrial licences were 81.

In 1977, that is last year, against 87 in 1976, we have given only 77 letters of intent to MRTP houses and as against 81 industrial licences in 1976, we have given only 64.

SHRI G. C. BHATTACHARYA:
Only uptill 1977 onwards.

SHRI GEORGE FERNANDES:
Yes, I am talking of this declining trend. In 1978, from January to April 1978 there have been 12 letters of intent and 15 industrial licences given in these four months.

Now, Sir, as I said, there is nothing in the Janata Party manifesto and there is nothing in the Government's Industrial Policy Resolution that says that they shall not set up heavy industry or heavy industry shall not be set up in the private sector or those sectors where high technology or capital intensive industries are involved and we could not give licence to the private sector. Therefore, there is no deviation either from the party policy, from the manifesto or from the Government programme.

The hon'ble Member raised the question about Siemens, the B.H.E.L. etc. and also about the assurance given to the German Minister. I have given no assurance to the German Minister. If there has been any official talk at any other level I am not aware of those talks and the question may be posed to the concerned Ministry, and I am sure if there is anything to be stated it will be stated.

Where the B.H.E.L. and the Siemens collaboration is concerned, there is no question of Siemens being given a licence. There is a collaboration. B.H.E.L. has collaboration with a large number of foreign companies. This includes Siemens. This includes transport units of Germany. This includes General Electric of America. This includes the Soviet Corporation. We have companies from Austria, from France, from Britain, from Czechoslovakia. The

B.H.E.L. has collaboration with a large number of international companies both Soviet multinationals, Czech multinationals, American multinationals, French, British, Austrian and German. So there is no question of foreign collaboration being given a licence. No licences have been given to any company in so far as the relationship with the B.H.E.L. is concerned. Collaboration agreement is a different thing. It is to acquire technical know-how or otherwise to involve them in our developmental activities.

SHRI G. C. BHATTACHARYA:
This is Janata Manifesto I am reading from. The Industry Ministry was also a party to this Manifesto.

“एकाधिकार का अंत—आर्थिक और औद्योगिक स्वावलम्बन हमारा ध्येय है। साथ ही हमें एकाधिकार तथा आर्थिक सत्ता के केन्द्रीकरण को रोकना है। अभी तक एकाधिकार आयोग को अकर्मण्य बना कर रखा गया है। इसका फायदा बड़े बड़े पूँजीपति और कई देशों में फैले बड़े उद्योग उठा रहे हैं। जनता पार्टी इस प्रवृत्ति को बदलेगी”

Now when you say that what I have said is not in accordance with the manifesto is not correct. When I say I say with responsibility. I belong to the Janata Party. I am not saying something as if I am an Opposition Member. What I am saying is this. You can give a licence. But you have got a mandate to stop and to halt concentration of economic power. What I want to say is while you are diluting the M.R.T.P. Act, while you are giving licences to big industrial houses registered under the M.R.T.P. Act, are you not concentrating economic power in monopoly houses? Therefore, what I was only trying to impress upon you was that the M.R.T.P. Act is for ending of concentration of economic power the

[Shri G. C. Bhattacharya]

manifesto is also to that direction, and your Industrial Policy statement is also towards that direction. I have given some items which have been allowed to manufacturers by the large houses under the M.R.T.P. Act. Those items I have named. Those items are reserved for the small scale sector. Are hand tools, small tools, iron castings not reserved for small scale sector? I have got a list which I may read out. The hon'ble Minister knows them. And he should have replied. Now, may I know whether his Ministry has appointed a Secretariat for Industrial Approval? After that, the MRTP Act has almost come to a stop and what was a legal obligation on the part of the Government under the MRTP Act has now been turned into a discretion and this SIA—Sector for Industrial Approval—has come up and the Ministry is not caring for the MRTP Commission and not observing the MRTP Act and they are acting contrary to the objectives of the MRTP Act, the objectives of the Industrial Policy statement and the objectives of the Janata Party manifesto. Regarding Siemens, my only submission was that collaboration was there. (*Time-bell rings*) What they say in their Industrial Policy statement is that they will give a chance for full development of indigenous technology. They will go in for foreign technology only in regard to any sophisticated and high priority areas where Indian skills and technology are not adequately developed and such technology will be purchased outright. Do Siemens and BHEL conform to the mutual collaboration clause in the policy statement? Secondly, about the assurances, it has come in the papers. The Minister is an important member of the Government and he should not brush it aside like this. He knows. I will not be divulging any news when I say that he has also perhaps struck a deal with the German Economic Minister about a still mill and he says he does not know

anything. Therefore, I want to know what he has to say on these two matters.

SHRI GEORGE FERNANDES: Sir, where Siemens' collaboration with BHEL is concerned, the hon. Member wants to know whether it conforms to the guide-lines that we have set for ourselves. Yes, it does. Where the manifesto is concerned, he felt that I had drafted that. I was in jail when the manifesto was drafted. That is only by way of information. But I stand by that manifesto. Then, where concentration of economic power is concerned, there is the Sachar Committee which is looking into all these matters and as and when the Rajinder Sachar Committee recommendations come, we shall act on those recommendations. He mentioned about reserved items being given to large sectors. There is a difference in the small-scale industry doing certain work, being involved in the manufacture of certain items, and certain items being exclusively reserved for the small-scale sector. I have, Sir, in reply to a question pointed out one instance where an item that has been reserved now for the small-scale sector was released because there was an existing capacity built over a period of time, without licence. The options before us were either to shut it out or to regularise it. We licensed the unit, we regularised the capacity, but we said that this item in its entirety—the three million additional units of production—should be exported. Then, there is no question of the MRTP Act being bypassed; no section of the MRTP Act is bypassed. The hon. Member's question was whether we have been bypassing the MRTP Act or whether we have been taking decisions without referring the involved matters to the MRTP Commission. The point was that there is no obligation to refer everything to the MRTP Commission for inquiry. If it is felt necessary, the matter is referred to the MRTP Commission. Otherwise, the Ministry

which is concerned with the administration of the MRTP Act is the Company Law Ministry. Every application for a licence goes in the normal course to the Company Law Ministry. A representative of the Company Law Ministry sits on the Licensing Committee. So, there is a constant inter-action between the concerned Ministry including the Ministry that is concerned with the administration of the MRTP Act.

SHRI G. C. BHATTACHARYA: Sir, I want only one clarification.

श्री उपसभापति : आपने एक घंटा लगा दिया एक सवाल में। श्री सीताराम केसरी।

SHRI G. C. BHATTACHARYA: This is only for my information. I hope Mr. Kesri will permit me, Sir.

MR. DEPUTY CHAIRMAN: I would not permit you. It is already half an hour. This is a question and not a debate.

SHRI G. C. BHATTACHARYA: I would be grateful to you, Sir. I am only asking whether the Ministry is empowered to act, even under the MRTP Act, and give licences which will help concentration of economic power. I have read section 22 of the MRTP Act. He is not replying.

3 P.M.

श्री सीताराम केसरी : उपसभापति जी, उद्योग मंत्री ने अपने उत्तर में कहा कि एम०ग्रार०टी०पी० के पास कोई भी लाइसेंस लेने के लिये जरूरी नहीं है कि उसको एक्जामिनेशन के लिए भेजा जाए और साथ ही साथ उन्होंने यह भी कहा कि बहुत से ऐसे केस भी आते हैं जिनको एम०ग्रार०टी०पी० के पास भेजा जाता है।

तीसरी बात यह है कि उन्होंने यह जो कहा कि जो स्माल स्केल इण्डस्ट्री है, जो छोटे उद्योग है उसका जब एन्क्रोचमेंट होता है तब उसको बचाव देना चाहते हैं। इस सिलसिले में मैं नहीं चाहता हूँ कि दोबारा किसी प्रश्न को आपके सामने रखूँ। मगर

इसके अन्तर्गत क्योंकि यह प्रश्न है, इसलिये मैं जानना चाहता हूँ कि शार्प एज लिमिटेड को जिसके अन्दर हिन्दुस्तान लीवर का 47 प्वाइण्ट और कितना परसेंट शेयर है और 44 परसेंट एसकोर्ट का है जो लार्ज हाऊस है। हिन्दुस्तान लीवर मल्टीनेशनल है, उस हिन्दुस्तान लीवर में 85 प्रतिशत शेयर विदेशी लीवर का है। उसको मद्दे नजर रखते हुए ब्लेड के लिए 200 मिलियन का कैरीओन बिजनेस लायसेन्स भी दिया, 450 मिलियन का और उसको देने जा रहे हैं। तो यह ब्लेड स्माल स्केल इण्डस्ट्रीज में जब है और जो ब्लेड एक इम्पोर्ट-ओरिएण्टेड चीजों से इसका निर्माण होता है और इतना ही नहीं, इन्होंने शार्प एज को मई महीने में शो-काज नोटिस दिया कि एक्सपोर्ट आब्लिगेशन को तुमने नहीं माना है। 10 मई को इन्होंने इसका सदन में उत्तर दिया था। इन सारी चीजों को ध्यान में रखते हुए जब शो-काज नोटिस दिया है, तब इन्होंने किस आधार पर मल्टी-नेशनल कम्पनी को जिसका फारेन इण्ट्रेस्ट इनवाल्वड है, लार्ज-हाऊस का इण्ट्रेस्ट इनवाल्वड है और जब कि स्माल स्केल सेक्टर में ब्लेड की इण्डस्ट्री है और इम्पोर्ट-ओरिएण्टेड इण्डस्ट्री से इनवाल्व होती है, एक करोड़ रुपये का स्टेनलेस स्टील इम्पोर्ट लाइसेन्स दिया गया है। इन सारी चीजों को ध्यान में रखते हुए मैं जानना चाहता हूँ कि क्यों आपने शार्प एज जिसमें विदेशी कम्पनी का ज्यादा इण्ट्रेस्ट है उसको लाइसेन्स दिया है जब कि यहां 17, 18 या 20 कम्पनियां हैं। उतना ही नहीं जब कि आपने 3600 मिलियन का लाइसेन्स दे रखा था, 1250 मिलियन का देश में रिकवियरमेंट है और उसका प्रोडक्शन और उसका प्राइवशन देश में 1400 मिलियन होता है। तो उसको देखते हुए जो देश का स्माल स्केल उद्योग धन्धा है उसके ऊपर क्यों इतनी बड़ी मेहरबानी कर रहे हैं कि मल्टी-नेशनल को 450 मिलियन ब्लेड

[श्री सीताराम केसरी]

वनाने का लाईसेन्स देकर सारी इण्डस्ट्री को ठप्प करना चाहते हैं। इसका स्पष्टीकरण करें।

श्री जार्ज फर्नेन्डो : माननीय सदस्य ने यही प्रश्न कुछ दिन पहले पूछा था। इस पर आधे घंटे की बहस भी हुई है। मैंने कहा था कि सारे मसलों पर विचार करके जो शार्प एज का एप्लीकेशन है और अन्य दो कम्पनियों का एप्लीकेशन है, एक कलकत्ता और दूसरे कर्नाटक का, उन सब का फैसला करेंगे और वह फैसला करते समय एक तो जो हमारे पास कैपेसिटी है उसको मद्देनजर रखेंगे, हमारी जो आवश्यकताएं हैं उसका ख्याल रखेंगे और दूसरी कौन कम्पनियां इसमें आना चाहती हैं, ख्याल रखेंगे। कोई भी फैसला नीति के विरोध में नहीं करेगा। मगर अभी तक कोई फैसला इसमें लिया नहीं है।

श्री कल्याण राय : उपसभापति जी, मैं मंत्री महोदय से एक ही बात पूछना चाहता था कि जनता पार्टी का जो घोषणा-पत्र है, उसके अनुकूल उन्होंने अपनी उद्योग नीति के माध्यम से विलेज और बैकवर्ड एरियाज को इण्डस्ट्रियल इजेशन को बात कही थी, तो क्या उस दिशा में वे कन्सीट और टाइम्-बाउण्ड स्टेप उठा रहे हैं कि नहीं?

श्री जार्ज फर्नेन्डो : उठा रहे हैं।

श्री बुद्ध प्रिय मौर्य : कल माननीय उद्योग मंत्री श्री जार्ज फर्नेन्डो जी ने यहां पर मेरी गैर-हाजिरी में एक बहुत अच्छा सुझाव दिया था। उनके सुझाव पर आने से पहले.....

श्री उपसभापति : अब यह कोई मन्त्री-मंटेरी प्रश्न पूछ रहे हैं या नयी बात उठा रहे हैं?

श्री बुद्ध प्रिय मौर्य : जार्ज जी ने एक प्रश्न कल उठाया था। कल मैंने अपना निवेदन

भी कर दिया। 10 तारीख को जब बहस चल रही थी उस समय माननीय जार्ज फर्नेन्डो जी बहुत तेजी से और तैश में बोल रहे थे। उन्होंने मेरी तरफ इशारा भी किया। तो मैंने कहा था—मैंने इनकार नहीं किया—कि मत कहिए मेरे बारे में कुछ भी। ऐसा मैंने जान बूझ कर किया था ताकि जार्ज साहब जोश में आकर कुछ न कुछ ऐसी बातें कहें जिसमें वे फंसें; और वे फंम गए।

I am quoting Mr. George Fernandes from the proceedings of the 10th of August 1978. It is page 819.

"Now, my hon. friend, Mr. B. P. Maurya for whom I have such great respect and admiration because we have shared lathi blows together..."

"...we have shared lathi blows together..."

श्रीमन्, मैंने और उन्होंने कभी लाठी साथ-साथ नहीं खायी। 35 वर्ष का मेरा राजनीतिक जीवन है। हमारा दल अलग हुआ करता था और कांग्रेस की नीतियों का, गृह नीति और उद्योग नीति का, हम विरोध करते थे, निगदा करते थे। इसके लिए हम आन्दोलन करते थे, जेलों में भी गए, लेकिन उन्होंने और मैंने लाठी कभी कांग्रेस राज में साथ-साथ खायी, इससे बड़ा झूठ कभी नहीं हो सकता। अलग से मैंने बहुत खायी है लाठी।

(Interruptions)

"...I remember, he made a speech at a certain point of time in Allahabad on the 19th of October, 1966. I do not know whether he would like me to quote it now."

और आगे वे कहते हैं :

"I want Mr. Maurya not to run away from this kind of discussion because we should all be enlightened as to who is who. Now, for instance, this is a speech. This is Mr. Maurya's speech." He said:

श्रीमन्, उसके बाद मैंने तुरन्त ही यहां तक कहा कि डा० लोहिया की स्पीच मेरे नाम पर क्यों डाल रहे हैं। श्रीमन्, इस पर ही आगे श्री जार्ज जी ने कहा था :

“Sir, in this House, on the 21st of March, 1967, there was a debate. It was in this House, in the Rajya Sabha. A number of issues here raised, partly based on what Mr. Maurya had said.” He quoted it.

राजनारायण जी जो उनके नेता हैं—अब पता नहीं ये उनका साथ देंगे, उन के साथ जाएंगे या नहीं—तो राजनारायण जी का प्रवचन है राज्य सभा में (21 मार्च, 1967).....

उपसभापति : यहीं तक सीमित रखिए ।

श्री बुद्ध प्रिय मौर्य : श्रीमन्, ये तो बहुत महान हैं बल्कि कुछ मायने में प्रधान मंत्री से आगे चले गए। प्रधान मंत्री से मांग कर रहे हैं कमिशन आफ इन्क्वायरी बिठाइए, वह भाग रहे हैं, और ये इतने महान हैं कि उसके लिए तैयार हो रहे हैं। तो मैं तैयार हूं। अब मैं यहां दूसरा नुक्ता उठा रहा हूं उसी पर :

“श्री राजनारायण : हमने इसी सदन में प्रधान मंत्री श्रीमती इन्दिरा नेहरू गांधी के ऊपर मित्र कोर्ट से संबंधित आरोप लगाया था।”

और लगातार इसमें बहुत से प्रवचन इनके नेता राजनारायण जी के उस मित्र कोर्ट के ऊपर है। लोक सभा की प्रोसीडिंग्स में से इसलिए कोर्ट कुछ नहीं करना चाहूंगा क्योंकि यह ठीक नहीं समझा जाता है।

अब मैं आता हूं माननीय राम मनोहर लोहिया जी के कहे शब्दों पर।

श्रीमन्, अब मैं जिस पर आपत्ति है श्री जार्ज को उस पर आ रहा हूं।

“श्री बुद्ध प्रिय मौर्य : माननीय उद्योग मंत्री जी, जार्ज फर्नेन्डीज ने अपने राजगुरु डा० राम मनोहर लोहिया के शब्द मेरे कंठ से उतार दिये। इसके लिये मैं उनका विरोध करूंगा धन्यवाद, यह मैं समझ नहीं पा रहा हूं। जहां तक मेरे इलाहाबाद, अलीगढ़, फर्रुखाबाद और लखनऊ में जिन मेरे भाषणों पर डी०आई० आर० लगा था और दस महीने की जेल मुझे कांग्रेस के राज्य में काटनी पड़ी, वह लिखत पढ़त आदालत में मौजूद है। एक मंत्री होकर इतना झूठ बोल सकता है यह भारतवर्ष के लोकतंत्र में चल सकता है, दुनिया के किसी लोकतंत्र में नहीं चल सकता।”

श्रीमन् आगे इसी पर जब आपने आज्ञा दे दी कि मैं पर्सनल एक्सप्लेनेशन पर बोलू और जिस पर उन्होंने आपत्ति की है, उसी को मैं कोट कर रहा हूं और उसके बाद समाप्त कर दूंगा।

“श्री बुद्ध प्रिय मौर्य : श्रीमन्, मुझे खत्म करने दें। आप कहें तो मैं प्राइम मिनिस्टर से इजाजत ले लू। मैं एक मिनट में पर्सनल एक्सप्लेनेशन दे दूंगा। डा० राम मनोहर लोहिया ने कहा था—“आप सरकार में, श्रीमन्, यह आप नहीं यहां बाप होना चाहिए, गलत छप गया है—बाप सरकार में बेटा व्यापार में, देश भ्रष्टाचार में।”

ये डा० राम मनोहर लोहिया के शब्द हैं। यह जो आपने कहा था.....

“श्री जार्ज फर्नेन्डीज : ”

श्री सीताराम केसरी : किसके लिये कहा था बाप (Interruptions)

श्री बुद्ध प्रिय मौर्य : वह तो रोज ही चल रहा है। तो मैं कोट कर रहा हूं :—

“श्री जार्ज फर्नेन्डीज : मेरे कहे हुए वाक्य अगर उनके न हुए तो मैं हट

[श्री बुद्ध प्रिय मौर्य]

जाऊंगा। अगर उनके वाक्य हैं तो उनको हट जाना चाहिए। यह वही मिक कोट वाली बात है। इसके बाद है :—

“श्री बुद्ध प्रिय मौर्य : यह मुझे मंजूर है। अगर जो मैं कह रहा हूं वह गलत हो तो मैं राजनीति से सत्यास ले लूंगा। मुझे यह नहीं मालूम कि ये राजनीति से सत्यास लेंगे।”

“श्री जार्ज फर्नेन्डीज : हमें मंजूर है।”

कहां चली गयी यह चुनौती आपकी ? क्या माननीय जार्ज फर्नेन्डीज यह साबित करने की कृपा करेंगे कि जो शब्द उन्होंने 19 अक्टूबर, 1966 को इलाहाबाद की मनगढ़ंत मीटिंग में मेरे नाम लगाये उनको वह साबित करने की कोशिश करेंगे कि वह ठीक है और अगर नहीं करेंगे तो क्या वे मंत्रि पद से इस्तीफा देंगे ?

श्री जार्ज फर्नेन्डीज : बिलकुल देंगे।

श्री बुद्ध प्रिय मौर्य : आप नहीं देंगे।

श्री जार्ज फर्नेन्डीज : बिलकुल देंगे।

श्री बुद्ध प्रिय मौर्य : मेरा आप पर आरोप है कि आपने मेरे ऊपर निराधार आरोप लगाया है। आपने लोहिया जी के शब्द मेरे कंठ से उतारे और इसको आप सब से पहले साबित करें। अब उससे आगे मैं आता हूं। इससे आगे चलता हूं। मेरी बात पर जो आप कमीशन बिठा रहे हैं उसका भी मैं स्वागत करता हूं। अब आगे चलता हूं। यह सब कार्यवाही में आ गया है। मैं कोट कर रहा हूं :—

“श्री बुद्ध प्रिय मौर्य : इन्होंने जितना मेरे बारे में बोला है, जो लोहिया जी का कहना था—” वह मेरे गले से उतार दिया है। मैं कोट कर रहा हूं :—लोहिया जी का कहना था—बाप सरकार में, बेटा व्यापार में, देश भ्रष्टाचार में।”

SHRI KALYAN ROY: This is true even now.

श्री बुद्ध प्रिय मौर्य : yes sir, मेरा कहना केवल यही है कि आपके ऊपर मैं आरोप लगाता हूं कि आपने यह “सीमेंट” नहीं, सीमेंट है, सीमेंट भी अब आ गया है; दस करोड़ रुपया लेकर देश को गिरवी रखने की साजिश की है। इन्होंने देश का सर्वनाश किया है।

श्रीमन्, मेरे पास सबूत हैं, मेरे पास कागजात हैं, मेरे पास रिपोर्ट्स हैं। मेरे पास इस बात की भी रिपोर्ट है कि करीब करीब दस लाख की सम्पत्ति चल और अचल उनकी पत्नी के नाम पर है। मेरे पास इस बात के भी सबूत हैं कि सीमेंट के भाव कैसे बढ़े ? मेरे पास इस बात के भी सबूत हैं कि सीमेंट के उद्योगपतियों से कितना रुपया उन्होंने लिया। मेरे पास इस बात के भी सबूत हैं कि कहां और किस तरह से चर्चा हुई और अगर जरूरी हुआ और वक्त आया तो टेप रिकार्ड भी इस सदन में सुना दूंगा। (Interruptions)

अगर संभव हुआ तो हम टेप इस सदन में सुनायेंगे। मैं फिर आरोप लगाता हूं कि जार्ज फर्नेन्डीज उद्योग मंत्री भ्रष्टाचार के आरोप में फंसे हुए हैं, कमीशन बिठाया जाए। मैं साबित करने की कोशिश करूंगा। धन्यवाद।

श्री जार्ज फर्नेन्डीज : उपसभापति जी, मेरी प्रार्थना है कि तत्काल कमीशन बठाया जाये और जो भी आरोप लगाये गये हैं इन सारे आरोपों की जांच कराई जाए।

SHRI DEVENDRA NATH DWIVEDI: Sir, this is the second time in the past one week that one Member of Parliament has levelled a very serious charge against an honourable Minister. I think that any charge of corruption is a very serious matter. Therefore, in the interests and honour of the House, in the interests and honour of the Member concerned against whom an allegation is made and also in the interests and honour of the Member who has made the

allegation, it is absolutely imperative that this matter be probed into. Now, the honourable Mr. George Fernandes, in a spirit of bravado, the other day asked for the appointment of a Parliamentary Committee. He asked for the appointment of a Parliamentary committee to probe into the allegation about 48 hours or 96 hours after he argued in this very House that no Parliamentary Committee should be appointed in regard to the allegations made against Mr. Morarji Desai's son and in relation to the family members of Mr. Charan Singh. At that time he was quoting what Mrs. Gandhi had said and all that, and the main thrust of his argument was that there was no justification for the appointment of a Parliamentary Committee because there was no *prima facie* case. And here he is saying that in his case a committee should be appointed. Does he imply that there is a *prima facie* case? I do not think that anybody should draw any conclusion. I think in the interests of the dignity of this House—I am speaking as a Member of Parliament, not as a Member of Parliament of any political party; there are occasions when Members of Parliament should speak as Members of Parliament and not in any partisan way—the only honourable course open is that this matter should be referred to the Privileges Committee. It is a very serious matter. I think that Mr. George Fernandes, as an honourable man, should definitely write to the Chairman and ask for this matter to be probed by the Privileges Committee and it should be incumbent on the honourable Member who has made this allegation, in the interests of the fair name of Rajya Sabha, in the interests of the fair name of Parliament, to prove his case before the Privileges Committee. This matter should be probed by the Privileges Committee and let him not indulge in gimmicks by saying that a Parliamentary Committee should be appointed. This is the least that this House owes to itself. Therefore, I request, through you, all the persons concerned that such a serious

matter should be definitely taken up by the Privileges Committee.

SHRI GEORGE FERNANDES: May I make a submission? I accept the suggestion made by the honourable Member that the matter be referred to the Privileges Committee. I would only make one clarification. I am prepared to face any commission of inquiry inside this House and outside this House. The Minister of Industry, George Fernandes, is prepared to face all the charges that Mr. Maurya has made here. Each of the statements uttered by this man is a damned lie. I am prepared to face any inquiry by any authority anywhere.

I would only make one clarification and that is in regard to what Mr. Dwivedi has said. Mr. Dwivedi's case is ...

SHRI BUDDHA PRIYA MAURYA: You are a certified criminal.

SHRI GEORGE FERNANDES: ... on the 10th of this month I was arguing against an inquiry commission where the Prime Minister's family and the former Home Minister's family were concerned. Sir, there is a difference. The difference is that insofar as I am concerned, I happen to be a member of the Government. The family members of the Prime Minister or of the former Home Minister are not members of the Government. That was one reason why I argued against the setting up of a commission of inquiry or whatever that was being sought. This is my argument... (Interruptions). Point No. 2 is that so far as both the Prime Minister's family and the family members of the former Home Minister are concerned, there were no specific charges. All that was said here was that the Prime Minister said something and the former Home Minister said something. In my case a specific charge has been made on the floor of the House. In fairness and in all honour I stand up and say: If you have a charge and the charge is specific—as I said yesterday—set up any committee and refer it to any-

[Shri George Fernandes] body. If it is the Privileges Committee, fair enough; if it is a Commission of Inquiry, a Commission of Inquiry under any Act; if it is a judicial inquiry, by all means a judicial inquiry. You name it and I shall submit before it... (Interruptions).

SHRI SITARAM KESRI: On a point of order. Mr. Fernandes has used an unparliamentary word. Instead of calling him as an Hon. Member, he called him "this man said a damned lie". This is unparliamentary... (Interruptions).

SHRI GEORGE FERNANDES: I said the charge against me is a damned lie. This is what I said... (Interruptions).

SHRI N. P. CHENGALRAYA NAIDU: The hon. Minister has welcomed... (Interruptions).

SHRI GEORGE FERNANDES: A damned lie is a damned lie... (Interruptions).

SHRI SHIVA CHANDRA JHA: Sir, on a point of order... (Interruptions).

MR. DEPUTY CHAIRMAN: Papers laid on the Table... (Interruptions).

SHRI N. P. CHENGALRAYA NAIDU: If you allow those people, I will also talk in the same way... (Interruptions).

श्री कल्प नाथ राय : जार्ज फर्नेन्डीज़ साहब ने जो कहा है कमीशन आफ इन्क्वायरी या पार्लियामेंटरी कमेटी बैठाई जाए मैं उसका स्वागत करता हूँ (Interruptions) 17 जुलाई से आज 17 अगस्त तक एक महीने से एक मामले पर बहस चल रही है। यह सरकार तैयार नहीं थी कि कोई कमीशन बैठाया जाए। मुझे खुशी है कि जार्ज फर्नेन्डीज़ साहब ने यह कहा है कि पार्लियामेंटरी कमेटी बैठाई जाए और हमारे और मौर्य साहब के ऊपर जो आरोप-प्रत्यारोप है उसकी जांच की जाए। मैं आपसे आग्रह करूंगा कि मन्त्री महोदय की बात पर विचार करके कमेटी बैठाई जाए (Interruptions)

श्री शिव चन्द्र झा :उपसभापति जी, आप इस सदन के कस्टोडियन है, गाजियन हैं। यहां पर जो कार्यवाही होती है उसके आप रक्षक ही नहीं हैं बल्कि जो भाषा यहां पर इस्तेमाल की जाती है उसके भी आप रक्षक हैं, इसकी मर्यादा के रक्षक हैं। आप जानते हैं कि यह बात उस दिन बहस में उठी और चार्जेंज और काउन्टर चार्जेंज लगाये गये। आप भी उस वक्त कुर्सी पर विराजमान थे। कोई बात छिपी हुई नहीं है। सारी बातें उधर से या उधर से कही गई है। इस सदन का जो कार्यक्रम होता है उसके मुताबिक इसकी कार्यवाही चलती है। आप जानते है कि जो बातें एक दिन कही जाती हैं वही बातें दूसरे दिन रिपीट हो जाती हैं और सदन में इस तरह के दृश्य उपस्थित हो जाते हैं। इसलिए इस राज्य सभा की क्या परिपाटी होनी चाहिए, इस पर विचार किया जाना चाहिए। सदन में जिस भाषा का इस्तेमाल किया जाता है, अगर आने वाले दिनों में भी उसी प्रकार की भाषा का इस्तेमाल होता रहा तो यह ठीक नहीं होगा। मेरा सुझाव यह है कि अगर यह बात आई है और आगोप लगाये गये हैं तो हमारे मन्त्री जो उसके लिए तैयार हैं और जोश में हैं। आप इस सदन की गरिमा के रक्षक हैं, इसलिए यह आपका फर्ज हो जाता है कि आप सदन में इस तरह के दृश्य न आने दें और इस प्रकार की समस्याओं पर विचार करें। आपको यह सोचना चाहिए कि इस बारे में आप कौनसा कदम उठायें, चाहे आप कोई कमीशन बैठायें या यह मामला प्रिविलेज कमेटी में भेजा जाये, इस पर विचार करें और कोई निराकरण निकालें। उधर के लोग बहुत जोर से बोलते हैं। उनमें कितना जोश है, यह हम देख चुके हैं। इतिहास यह बताएगा कि ये लोग पहले क्या थे और अब क्या हैं। इसलिए मेरा सुझाव यह है कि आप इस मामले को प्रिविलेज कमेटी में भेजें या इसके लिए कोई कमीशन बैठायें इसके बारे में आप निर्णय करें।

श्री जगदीश प्रसाद माथुर : श्रीमन्, मैं एक पाइन्ट आफ ऑर्डर उठाना चाहता हूँ। मेरा पाइन्ट आफ ऑर्डर यह है कि इस सदन की कार्यवाही चलाने की एक पद्धति है, एक नियम है। मैं आपसे यह पूछना चाहता हूँ कि उनको यह विषय सदन में उठाने की अनुमति चेयरमैन महोदय की ओर से दी गई थी या नहीं? यदि उनको अनुमति नहीं दी गई थी तो आपने उनको अपनी बात सदन में उठाने दी और उन्होंने इस विषय को कैसे उठा दिया; यह प्रश्न है। दूसरा सुझाव मेरा यह है कि यदि आपकी बिना अनुमति के यह प्रश्न सदन में उठाया गया है तो आप इस सदन की मर्यादा को रखने के लिए और उसकी रक्षा के लिए कुछ कार्यवाही अवश्य करें। यदि किसी सदस्य के खिलाफ या मन्त्री के खिलाफ कोई गम्भीर आरोप लगाये जाते हैं और मैं समझता हूँ कि माननीय सदस्य श्री मौर्य ने किसी गैर-जिम्मेदारी से ये आरोप नहीं लगाये होंगे और उनमें चाहे, पाइन्ट जीरो परसेन्ट ही तथ्य हो, लेकिन उन्होंने आरोप लगाये हैं, इसलिए उनकी तरफ ध्यान दिया जाना चाहिए। प्रश्न यह है कि क्या उन्होंने इस सवाल को सदन में उठाने की अनुमति चेयरमैन महोदय से ले ली थी? अगर चेयरमैन महोदय उनकी बात से सन्तुष्ट हैं तो वे उन्हें अनुमति दे सकते हैं। मेरा अन्तिम अनुरोध यह है कि जैसा श्री जार्ज फर्नेन्डीज जी ने कहा है कि इस मामले को प्रिविलेज कमेटी के सामने भेजा जाना चाहिए क्योंकि ये आरोप इतने गम्भीर हैं कि उनका पता लगाया जाना चाहिए कि ये आरोप कैसे और क्यों लगाये गये हैं।

THE MINISTER OF COMMERCE (SHRI MOHAN DHARIA): Sir, with your kind permission, I would like to make a submission.

SHRI BUDDHA PRIYA MAURYA: This is a matter between me and him. How do you come? (Interruptions). Ministers are not supposed to intervene. Anyhow, you are most welcome.

SHRI MOHAN DHARIA: Sir, a very serious matter has been raised and a very serious charge has been levelled.

AN HON. MEMBER: Louder, please.

SHRI MOHAN DHARIA: A very serious charge has been levelled by the honourable Member. Now, Sir, this House, of which I had the privilege to be a Member for several years; has certain procedures. If the honourable Member has levelled a charge and when the honourable Minister says that he is prepared to take up the matter with the Privileges Committee...

SHRI BUDDHA PRIYA MAURYA: No. Commission of inquiry. Don't shift.

SHRI MOHAN DHARIA: ... or a commission of inquiry... (Interruptions)... Just a minute.

(Interruptions)

श्री बुद्ध प्रिय मौर्य : आप तो मन्त्री पहले भी रह चुके हैं.. (Interruptions)

SHRI MOHAN DHARIA: When the Minister is prepared to take up the matter with any judicial commission or any commission of inquiry or even the Privileges Committee where his party has a majority, the whole point now is that it is for the Chair to intervene. These charges as they are levelled form part of the record and naturally, they go out and are publicised also. I would suggest for your kind consideration that you can ask your Secretariat not to allow these charges to be a part of the record. You may ask the honourable Member concerned... (Interruptions)... as to what the evidence is which the honourable Member has on the basis of which he has said all these things. Otherwise, Sir, you can ask the honourable Member to withdraw it. As far as the Minister is concerned, he has already rebutted it. Under the circumstances, either the matter should go to some committee, a Parliamentary Committee, or otherwise. If the hon. Member has any evidence...

SHRI BUDDHA PRIYA MAURYA: I have evidence.

SHRI MOHAN DHARIA: Perfectly understandable. Then, when the Minister is ready to face any inquiry, you should proceed with an inquiry.

श्री श्याम लाल यादव : श्रीमन, मुझे एक निवेदन करना है, मैं अभी दो मिनट में समाप्त कर रहा हूँ। धारिया जी ने जो बात कही जैसा कि मौर्य जी ने भी कही और जार्ज साहब कहते हैं। इसकी इन्क्वायरी होनी चाहिए। श्रीमन, प्रिविलेज कमेटी में जाने का सवाल नहीं है। कमीशन आफ इन्क्वायरी होनी चाहिए। इसकी इन्क्वायरी सरकार की इन्स्टीट्यूट करती है। सदन तो प्रस्ताव पास करेगा जैसा कि पहले भी प्रस्ताव पास हो चुका है। कमीशन आफ इन्क्वायरी इन्स्टीट्यूट करने का सदन का अधिकार नहीं है, सदन तो केवल प्रस्ताव पास करेगा। यह एक मुनासिब बात है, जार्ज साहब और धारिया साहब अपने वचन के प्रति वचनबद्ध है। मैं उनको आपके माध्यम से निवेदन करना चाहता हूँ कि अभी इस सदन में घोषणा करें कि सरकार ने इस मैटर पर कमीशन आफ इन्क्वायरी बैठा दिया। यही बात की सफाई हो जाती है नहीं तो हमारी तरफ से जो प्रस्ताव आया है आप पार्लियामेंट के सदस्यों की एक कमेटी बना दें जो इसकी जांच करे। लेकिन प्रिविलेज कमेटी में...

श्री नगेश्वर प्रसाद शाही : यह आरोप बिल्कुल गलत है। इसलिए सरकार द्वारा कमीशन बैठाने का कोई सवाल ही नहीं है। आप चूँकि कहते हैं इसलिए सबसे पहले इस पर प्राइमफेसी केस इस्टेबलिश कीजिए।

SHRI BHUPESH GUPTA: I do not know where we stand. Now, charges have been made. I have not made these charges. They have been denied. Strong words have been exchanged between those who have made the charges and our friend, Mr. George Fernandes. Well, they are on record, and the public will judge it; today we can't judge. About the Privileges Committee, Sir, you know how the Privileges Committee works. I am a

member of the Privileges Committee; you are the Chairman of that Committee. If they say that it should go to the Privileges Committee, then I would say that the first people I would like to be present in the Privileges Committee, before Mr. George Fernandes, should be the two big game-hunters, Mr. Morarji Desai and Mr. Charan Singh. That you will not do. Then sir, Mr. George Fernandes is a member of the other House. We have no jurisdiction over him. It is not the practice. It has been laid down that in case of a privilege issue in relation to a Member of the other House, that House deals with it. About the majority you may forget. You have the majority here; they have it there. Now, Mr. Mohan Dharia, I must say, is a very intelligent, a smiling man and all that. He said that such a thing should not be put on record. Now, if you accept it, then even small charges that are made against Ministers, the moment they deny it, will not be on record. We do not accept it. Therefore, I will ask my friends: let us proceed with the other part of the business.

SHRI MOHAN DHARIA: I leave it to your judgment. What is the protection to the Minister? You please tell us. I am leaving it to you. Your judgment will be accepted. You are a senior Member. What is the protection to the Minister?... (Interruptions).

SHRI BHUPESH GUPTA: All I can say is that the protection to the Minister—do not misunderstand me, Mr. Fernandes; I am not meaning you—the greatest protection is power... (Interruptions). Had it not been there, before the bar of the House the two Ministers, and an ex-Minister, would have been hauled up. That is the greatest protection to Mr. Morarji Desai, Mr. Kanti Desai,—Mr. Charan Singh, and the rest of them. It is nothing but this strength of power. Indira Gandhi is out of power. So she is facing the Shah Commission. This is the law of the land. Mr. George Fernandes is an honourable man. Why should I take it that his denial will be taken less lightly than

his assertion? Mr. Maurya is an honourable man. Why should I take that his assertion will be taken less than his denial?

SHRI GEORGE FERNANDES: For the simple reason that both of us cannot be right. One of us is a damned liar, either he or I. Does it mean that this Parliament is a place where you people can get up and make contradictory statements? How can both be correct? How can anyone make a mockery of this Parliament? One of the two is a liar. Either he is a liar or I am a liar. (*Interruptions*) Therefore, let a committee go into it. Let the Privileges Committee go into it. Let any commission, any committee, any Judge or any tribunal go into it. I certainly do not think that they can get up and make any kind of charge.

(*Interruptions*)

MR. DEPUTY CHAIRMAN: When Mr. Maurya spoke, he had taken my permission for a personal explanation in reply to certain observations that Shri George Fernandes had made the other day. So, I would like to make it clear that he had been permitted to raise this matter of personal explanation. Many points have been raised. I will not go into them. Briefly, all I can say is this that I will go through the proceedings and if any unparliamentary expressions have been used. I will expunge them.

SHRI JAGDISH PRASAD MATHUR: Is 'damned liar' parliamentary?

MR. DEPUTY CHAIRMAN: Unfortunately, we have reached a stage (*Interruptions*) when certain niceties which should be expected as of routine by everyone in the House are being flouted almost everyday. I do not know what the solution is or to what extent the Chair can intervene or try to help in the situation. All I can say is this that I will go into the proceedings and see if anything is to be expunged.

As regards the Privilege Motion, some suggestions have come. Our rules regarding privileges are well known and if any Member feels that

this matter can somehow be brought under the provisions of the Privileges, he may kindly do so and move a motion.

Now, Papers to be laid on the Table.

DR. V. P. DUTT: On a point of order, Sir. Mr. Dharia is here. Mr. Fernandes is here. Mr. Deputy Chairman, you know that many of us have been sharing this sense of anguish in this House at the kind of language being used, at the kind of allegations being flaunted to and fro and, what shall I say, at the dilution of the authority of this House, sense of responsibility of this House and the decorum of this House. I agree with Mr. Dharia that charges should not be made frivolously and that there should be protections. But I would like to point out that while there should be protection for the Ministers, how is it that the hon. Ministers are allowed to make dastardly charges against the Members here?

MR. DEPUTY CHAIRMAN: Please do not go into it again. This is no point of order.

DR. V. P. DUTT: They should consider whether there should be protection against this or not. (*Time Bell rings*) I am on a personal matter. Yesterday, the hon. Minister for Education made such a cheap allegation against me. I was surprised that any educationist should get up and say such a thing. (*Time Bell rings*) I feel ashamed. I never listen to these libels.

MR. DEPUTY CHAIRMAN: Papers to be laid on the Table.

DR. V. P. DUTT: I am making a suggestion. I assure you that many of us here are feeling exasperated that there must be certain norms and standards set up for public life. Otherwise, public life is getting bad. Therefore, I suggest that you call the leaders of all the parties of this House, the Leader of the House and the others concerned and discuss with them this question of how to maintain the decorum of the House, because after all, charges are being made from that side also and there must be

[Dr. V. P. Dutt]

thorough discussion on this. I also suggest that every morning for the next week or two, you also call the leaders of all parties and other people concerned to discuss the issue as to how the House has to function.

DR. RAFIQ ZAKARIA (Maharashtra): Sir, I am on a point of order. My point of order arises out of the ruling that you have given. You have just now said that if certain unparliamentary expressions have been used, you shall go through the record and expunge them or take appropriate action. But the Press is bound to report what has been said here unless, of course, you give a direction. There are certain words, certain expressions which are to be expunged. So, mischief can be caused as a result of the reporting of such expressions unless that direction is there, and if the Press does not know which of the expressions are parliamentary or unparliamentary. Therefore, it is necessary that you will have to give your ruling. As far as I know, in these matters, the Chair has to give an immediate ruling whether a particular expression is parliamentary or unparliamentary. Otherwise, on record it may be expunged but as far as the rest of the word is concerned, it will be published and printed.

श्री श्याम लाल यादव : अभी कैसे हो सकता है ।

MR. DEPUTY CHAIRMAN: Now, Papers to be laid on the Table.

DR. RAFIQ ZAKARIA: What about your ruling, Sir.

MR. DEPUTY CHAIRMAN: It was a suggestion.

DR. RAFIQ ZAKARIA: Sir, this is not a suggestion. Mr. George Fernandes used the expression 'damn liar'. I do not know whether it is parliamentary or unparliamentary.

(Interruptions)

MR. DEPUTY CHAIRMAN: Order please.

DR. RAFIQ ZAKARIA: If the Press tomorrow publishes those expressions, the Press cannot be taken to task.

MR. DEPUTY CHAIRMAN: Papers to be laid on the Table.

PAPERS LAID ON THE TABLE

The Mild Steel Tubes (excluding seamless tubes and tubes according to API specifications) (Quality Control) Order, 1978

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): Sir, I beg to lay on the Table, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, a copy (in English and Hindi) of the Ministry of Industry Notification G.S.R. No. 347(E), dated the 18th July, 1978, publishing the Mild Steel Tubes (excluding seamless tubes and tubes according to API specifications) (Quality Control) Order, 1978. (Placed in Library See No. LT-2644/78).

Annual Accounts (1976-77) of the Various Port Trusts and related Papers

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): Sir, I beg to lay on the Table, under sub-section (2) of section 103 of the Major Port Trusts Act, 1963, a copy each (in English and Hindi) of the following papers:

(i) Annual Accounts of the Cochin Port for the year 1976-77 and the Audit Report thereon. [Placed in Library. See No. LT-2121/78]

(ii) Annual Accounts of the Calcutta Port Trust for the year 1976-77 and the Audit Report thereon. [Placed in Library. See No. LT-1935/78]

(iii) Annual Accounts of the Madras Port Trust for the year 1976-77 and the Audit Report thereon. [Placed in Library. See No. LT-1635/78]

(iv) Annual Accounts of the Paradip Port Trust for the year 1976-77 and the Audit Report thereon.