

Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon. [Placed in Library. See No. LT-8681/74].

Annual Reports and Accounts (1973-74) of the Air India and the Indian Airlines

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (SHRI SURENDRA PAL SINGH): Sir, I beg to lay on the Table—

I. A copy each (in English and Hindi) of the following papers, under sub-section (2) of section 37 of the Air Corporations Act, 1953:—

(i) Twenty-first Annual Report of the Air-India for the year 1973-74.

(ii) Twenty-first Annual Report of the Indian Airlines for the year 1973-74.

[Placed in Library. See No. LT-8682/74 for (i) and (ii)].

II. A copy each (in English and Hindi) of the following papers, under sub-section (4) of section 15 of the Air Corporations Act, 1953:—

(i) Annual Accounts of the Air-India for the year 1973-74 and the Audit Report thereon.

(ii) Annual Accounts of the Indian Airlines for the year 1973-74 and the Audit Report thereon.

[Placed in Library. See No. LT-8682/74, for (i) and (ii)].

Notifications issued by the Ministry of Finance

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI): Sir, I beg to lay on the Table—

I. A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue and Insurance) Notification G.S.R. No. 1236 dated the 23rd November, 1974, publishing the

Foreign Travel Tax (Amendment) Rules, 1974, under Section 51 of the Finance (No. 2) Act, 1971. [Placed in Library. See No. LT-8611/74].

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue and Insurance) Notification G.S.R. No. 667(E), dated the 27th November, 1974, together with an Explanatory Memorandum thereon, under section 159 of the Customs Act, 1962. [Placed in Library. See No. LT-8612/74].

Notification issued by the Ministry of Commerce

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI V. P. SINGH): Sir, I beg to lay on the Table under sub-section (3) of section 48 of the Coffee Act, 1942, a copy (in English and Hindi) of the Ministry of Commerce Notification G.S.R. No. 1163, dated the 2nd November, 1974, publishing the Coffee (Amendment) Rules, 1974. [Placed in Library. See No. LT-8584/74].

REFERENCE TO QUESTION OF BREACH OF PRIVILEGE OF THE HOUSE—Contd.

श्री रबी राय : यह सवाल राजनारायण जी का है और हमारा सब लोगों का है कि हम कैसे इस पर बहस करें। यह प्रिविलेज का सवाल है।

श्री राजनारायण : यह सवाल हमारा है, इस पर आप रुकिए दें। हमने आपसे निवेदन किया कि जब सी०बी०आई० की रिपोर्ट सरकार को प्राप्त है तो उसी की बुनियाद पर हम लोग बहस कर सकते हैं।

(Interruptions)

SHRI OM MEHTA: I do not want that the Government's case should go by default. I want to make it clear that the Government is not bringing

any motion for discussion. So many Members have tabled motions and it will be discussed under Rule 176.

SHRI RABI RAY: Where is the C.B.I. report ?

SHRI OM MEHTA: About the C.B.I. report, it is quite clear that there have been lot of precedences. Even when Madhu Limaye's case was *sub judice* it was decided by the Speaker at that time that if a case is *sub judice*, it could not be discussed.

SHRI RABI RAY: Why did you not place it before the House first ?

MR. CHAIRMAN: Please resume your seat.

श्री रबी राय : अध्यक्ष महोदय, पाइंट आफ आर्डर, पाइंट आफ आर्डर। मेरा यह पाइंट आफ आर्डर है कि पिछले सत्र में जब उमाशंकर दीक्षित जी निवेदन कर रहे थे, अंतिम भाषण में यह बोले, मैं पहले सी०बी०आई० रिपोर्ट को सदन के मभा पटल पर रखूंगा सदन की गाइडेंस के लिए।

THE MINISTER WITHOUT PORTFOLIO (SHRI UMASHANKAR DIKSHIT): Sir, I never said that.

श्री रबी राय : He is going back on that. पहले तो सबजूडिश होते हुए भी हम लोग बहस कर सकते हैं। इसलिए आप मेहरबानी करके इस पर व्यवस्था दीजिए कि हमको सी० बी०आई० की रिपोर्ट जल्द से जल्द प्राप्त हो ताकि हम इस पर बहस कर सकें।

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश) : मेरा अपना निवेदन यह है कि मैं उमाशंकर दीक्षित के इस कथन के सर्वांश में सहमत हूँ कि उन्होंने इस बात को नहीं कहा था कि सदन के पटल पर प्रस्तुत करूंगा, लेकिन जो उनके शब्द हैं अगर मैं भूल नहीं करता हूँ तो—और ज्यादा रेकार्ड से देखा जा सकता है—उन्होंने यह कहा था कि सदन के अगले सत्र के प्रारम्भ होने से पहले हम इस बात का यत्न करेंगे कि सी०बी०आई०

की रिपोर्ट प्राप्त हो जाए। अगर मैं भूल नहीं करता हूँ तो श्री दीक्षित जी यहां पर बैठे हैं, वह इस बात का खंडन कर सकते हैं, उन्होंने कहा कि सी०बी०आई० की रिपोर्ट प्राप्त हो जाए।

श्री उमाशंकर दीक्षित : मुझे ठीक करने दिया जाए। मैंने कहा था कि हम-यह कोशिश करेंगे कि यह जांच उसके पहले पूरी हो जाए।

श्री प्रकाशवीर शास्त्री : अगर दीक्षित जी के शब्द वे हैं, तो मेरा निवेदन यह है कि मेरे और आपके शब्दों में कोई बहुत बड़ा अंतर नहीं है। आपने कहा कि जांच पूरी हो जाए। जांच पूरी हो जाए का अभिप्राय यह है कि अगर संसद...

(Interruptions)

SHRI NIREN GHOSH: You should listen to the taperecorder. Otherwise we will not be convinced.

श्री प्रकाशवीर शास्त्री : जांच पूरी हो जाए का अभिप्राय यह नहीं है कि सरकार उसको अपनी जेब में रख ले। जांच पूरी होने का अभिप्राय यह है कि इतना बड़ा सदन जिसमें इतने दिन तक चर्चा चली है उसको भी अवगत कराया जाए। जब इस पर चर्चा होनी है तो उसकी जांच के कुछ अंश सदन के सदस्यों को दिये जाय ताकि उस पर चर्चा हो सके। अगर जांच रिपोर्ट सरकार की जेब में रखी रह जाए तो बहस कैसे कर सकेंगे ?

MR. CHAIRMAN: Now, let us look into the records. They are here and there is no difficulty in looking into them.

SHRI JAGDISH PRASAD MATHUR: Why should the Government not put C.B.I. report ?

SHRI NIREN GHOSH: I have gone through the records personally and they are quite clear. He said that if there be any impropriety, he would come before the House and take the advice of the House. It is there in the records. I do not know what the

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taperecorder would reveal. It may reveal more because I have heard that after the inquiry is completed, he will take the guidance of the House. The record is somehow not clear on that. But the tape-recorder might reveal the real thing. He said it because it is still ringing in my ears. That is what I heard. But it is definitely on record that if any impropriety has been committed, he will come before the House and seek the guidance of the House and then proceed. Impropriety has been committed. Licences have been impounded. It is clear that impropriety has been committed. Even the report of Shri Brahmananda Reddy makes it clear. So, it was his duty, according to his statement, to seek the guidance of the House since that impropriety was committed. It is there in the record.

SHRI BHUPESH GUPTA (West Bengal): Sir, as far as we are concerned, you know very well, we wanted that the matter should go to the Privileges Committee or to a Parliamentary Committee. We wanted to examine it there in a Parliamentary Committee. The hon. Minister came and told us about the C.B.I. We are not very happy with the C.B.I. business. As far as I am concerned, I said the C.B.I. might or might not have been brought in, but we had our role to play, especially when the matter involves the dignity and prestige of the Parliament, apart from individual Members of Parliament. Now, the hon. Minister made a speech and a statement. Are we to discuss it from the angle of the newspapers towards a civil suit where two widows are claiming properties? We are not widows claiming properties of the departed husbands. This is how it should not be. This is how you should not allow the matter to be discussed. Suppose he had not said it. Does it detract from the gravity of the problem? No. Parliament should view this matter from a larger public angle, in the larger public interest. And the

Government should be forthright in facing the situation, and behave in a manner that it is not only right but it appears to be right in the public eye. I feel, Sir, every day, the Government is displaying a masterly capacity to mess up and bungle up things.

SHRI OM MEHTA: No, no.

SHRI BHUPESH GUPTA: This is what we find. Now, Sir, how are we going to discuss these things? I do not know. We are not interested in a particular 'this' or 'that'. We want to know the entire situation. That is why we said, we should. Now, Sir, the C.B.I. report is there. We are told from other sources that a charge-sheet is there. Sir, as far as I know, the function of the C.B.I. is not to frame a charge-sheet. The function of the C.B.I. is defined by its title—Central Investigation Bureau. It investigates. The prosecuting authority takes into account the legal aspect of it and frames the charge-sheet in order to be in line with the provisions of the Indian Penal Code, the Evidence Act and others. But the C.B.I. report should be something else. Suppose, somebody was seen at 10 O'clock in the house of somebody. That does not form part of the charge-sheet. It can be led in the evidence. Therefore, Sir, I don't think the Government is playing fair. I do not know why this hesitation. Sir, it is for you to consider. Are we in the Parliament to accept the principle that the C.B.I. Report is such a document which can never be laid on the Table of the House? In that case, Sir, why in the past, when the Report was divulged, after some time, the Government had to admit it. Is it left to us to lay on the Table after having got hold of the Report somehow? Therefore, Sir, you consider that point. That is number one. I think it will be a sad day for the parliamentary institution if only convenient reports are made liable to be laid on the Table of the House. Sir, public interest, standards of public life, should have a prior claim in this matter

rather than the niceties of equation between the Government and the Opposition or the procedure and other things. Procedure does not object to it. Which way, Sir, it has prevented the C.B.I. Report from being laid on the Table of the House? Not at all. Nothing is there. Other more important reports have been laid on the Table of the House. And in the British Parliament, much more secret reports are laid on the Table of the House. Therefore, Sir, you should consider this point.

The second point. Well, Sir, I had the impression that before they moved in this matter further, they would take Parliament into confidence. Sir, on the day, the Parliament opened, a charge-sheet was filed. Evidently it was done with a view to preventing Parliament from discussing the matter on the specious plea that the matter was *sub judice* and we could not discuss. The Government forgot the fact that Parliament is Supreme and the Speaker's ruling is quite clear on the subject. The Parliament discusses matters relating to its Members in its own right. Sir, we have discussed in the past even *sub judice* matters in some ways. But even that stand was not taken. Why, Sir? On November 11, in the morning, a charge-sheet was filed. Why the Government did not come to tell on November 11 in the morning in the House that they proposed to file a charge-sheet and take the permission of the two Houses of Parliament? Never it was done. Then, Sir... (*Interruption*).

SHRI NIREN GHOSH: We are faced with the *fait accompli*.

SHRI BHUPESH GUPTA: These are matters of propriety. Parliamentary institutions are to be run on certain basic principles, conventions and traditions. Sir, what prevented the Government from doing that? Suppose they take the technical and abstract stand that C.B.I. report cannot be laid on the Table. Sir, there is another way. Sometimes it is done in Parliament—

here it has been done. From my experience I can say Government can come and say without laying documents on the Table of the House that according to the investigations these are the things. Simply without quoting they could give an analysis of it and then show the report privately. Nothing has been done. Why the Minister does not make a statement and circumvent their bogus stand of not laying the report on the Table? They can certainly say, subject to your check-up, what the report contains, in their own free style. This could be done. But even that has not been done. Therefore, Sir, it is quite clear that something is sought to be hidden; it is open to the charge. I am asked to go and see the charge-sheet in the Parliament Library. Why should I go to the library? Library is not the Parliament Chamber. I was surprised that in the other House even a suggestion was made that the document has been laid on the table of the Library and that the Members could go and read there. Sir, I am glad they did not say that the document has been laid on the Qutab Minar and that we should go to the Qutab Minar and read it there. This must be laid in the Parliament, in the House. The House is entitled to be seized of it. But even that courtesy has not been shown. Why the hon'ble Minister, even if he did not lay document on the Table, could not tell us that they had framed charges and the charges contained these things. Information is given. Even that has not been done. It is strange. Therefore, I would like to ask the Members opposite not to always join the bandwagon of the Treasury Benches. Parliament tradition is something which you and we together share, and together we have built it and together we can destroy it also. That is the position. If you think that there is any substance in what we say, the first reaction on all sides of the House must be that the report should be given. If that was the initial sentiment, it was an overt action on

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both sides of the House, the Congress and the Opposition benches—Mr. Chandra Shekhar was one of them—when we demanded that the matter should be enquired into by a Parliamentary Committee. Why it was not accepted? The sentiment is brushed aside at every step. That is not good.

SHRI G. C. TOTU (Himachal Pradesh): Sir, the hon'ble Member has been speaking for the last 10 minutes. Have you allowed discussion, Sir?

MR. CHAIRMAN: No discussion.

SHRI BHUPESH GUPTA: Well, Sir, I do not wish to take your time. Evidently, I have not made any sense to my hon'ble friend over there. I am extremely sorry for my incapacity. I crave his forgiveness in this matter, but Sir, I seek your indulgence on that account. You need not go by what we have only asked here. You consider it yourself.

Sir, I say, here really comes an occasion when the Chair the Presiding Officer is put to test. You, Sir, today in the gaze of the public, have been put to a severe test. Whether moral principles and public standards should have priority over the semantics of the Treasury Benches is the issue at the moment. I do hope, Sir, you would make this discussion effective, fruitful and all pervasive by making available all information and relevant material that we need in order to clear up one of the shadiest and the darkest things which we are facing in the Parliament today. How long shall we continue? It seems rather we are chasing those who dealt in licences. I do not like that. I want to close that chapter because there are other things to do, like the problems of the people, problems of the masses, sufferings of the people. Therefore, Sir, you kindly help us and liberate us from the tyranny for which the Government is responsible, by allowing us the opportunity

to be seized of the matter objectively and dispassionately so that we can go, with your guidance and co-operation, into the whole subject and come to a collective conclusion over this matter so that such things do not recur in Parliament in the conduct of the business.

SHRI T. N. SINGH: I will make one small statement. I think this matter, this whole C.B.I. report has been given to the court...

SHRI OM MEHTA: No.

SHRI T. N. SINGH: I say it on the basis of my information. Now that we are discussing the subject—and it is not possible for you to give the entire report—at least a summary of the report could be given as suggested by Mr. Bhupesh Gupta. Only then the discussion that you are allowing, can be fruitfully done. No attempt should be made to take refuge under the plea that the matter is *sub judice*. We should be allowed a free discussion. It is your responsibility, Sir, that you maintain the dignity of the House and allow freedom of expression by providing this kind of summary at least.

MR. CHAIRMAN: Now Calling Attention.

श्री राजनारायण : श्रीमन्, इस पर फैसला क्या हुआ ?

MR. CHAIRMAN: I have heard it now. It will be examined.

श्री ओज्म प्रकाश त्यागी (उत्तर प्रदेश) : इस सम्बन्ध में आपकी रूलिंग क्या हुई ?

MR. CHAIRMAN: How can I give a ruling?

श्री राजनारायण : हम लोग कल क्या बहस कर रहे हैं, यह मैं जानना चाहता हूँ ?