

chant Shipping Act, 1958, a copy (in English and Hindi) of the Ministry of Shipping and Transport (Transport Wing) Notification G.S.R. No. 1218 dated the 31st October, 1974, publishing the Merchant Shipping (Wrecks and Salvage) Rules, 1974 [Placed in Library See No. LT-8594/74]

**THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI BALGOVIND VERMA):** Sir, I beg to lay on the Table, under sub-section (3) of section 37 of the Apprenticeship Act, 1961, a copy (in English and Hindi) of the Ministry of Labour Notification G.S.R. No. 1224 dated the 29th October, publishing the Apprenticeship (Amendment) Rules, 1974. [Placed in Library. See No. LT-85-99/74]

**MR. DEPUTY CHAIRMAN:** Calling Attention.

**SHRI NIREN GHOSH (West Bengal):** Sir, I have a submission to make on a point of order.

**श्री रबी राय (उड़ीसा):** उपसभापति जी हम भी कुछ कहता है अजेन्डा के संबंध में हमारी सबमिशन है।

#### REFERENCE TO DEMAND FOR C.B.I. REPORT ON LICENCE CASE

**SHRI LAL K. ADVANI (Delhi):** Sir, this House as well as the other House has been agitated over a matter regarding which we have just been informed that the Prime Minister, Mrs. Gandhi, would be making a statement. I am not aware of the time at which she is to make a statement.

**MR. DEPUTY CHAIRMAN:** There is no time. She would come to the House and when I permit she would make a statement.

**SHRI LAL K. ADVANI:** That is what I have said. I have sought your permission to rise at the moment because I would like to recall that yesterday on behalf of my Party, and subsequently endorsed by several prominent

colleagues representing various Parties in the Opposition here, we had stated that we are very much agitated over the Government's reluctance to share with this House the investigation report, the inquiry report, of the C.B.I. about licence scandal, and we had also stated that we would like the Government to consider the mood of the House and within 24 hours to share with this House all the reports in that regard. In between, much has taken place. You yourself, Sir, took an initiative and suggested to this House what you thought could be a *via media*. Sir, you suggested to the Government that the Government place the reports before the leaders of the various Parties and inform them about the contents. There was a meeting in your Chamber, Sir, on this point. Almost in a parallel way, meetings have been going on in the other House also. I do not want to go at length into all those meetings and what transpired there. But this I would like to make clear that this morning we were told by the Government what they are willing to lay before us. That does not in any way meet the demands of the situation because we were told that we would be given a summary of the report.

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA):** Absolutely incorrect.

**श्री रबी राय (उड़ीसा):** ओम मेहता जी आप बाद में बोलेंगा।

**SHRI LAL K. ADVANI:** The Minister of Home Affairs may say that, but the word 'summary' was used by the Leader of the House himself.

**SHRI OM MEHTA:** Never. Absolutely incorrect.

**THE MINISTER WITHOUT PORTFOLIO (SHRI UMASHANKAR DIKSHIT):** There is no question of a summary. It is 200-300 pages report. It is not same sort of a summary that is the only report. It is proper, complete report. You said you wanted earlier re-

ports, other reports—those may be two years before. But all this was said on your behalf. Sir, we are willing to show you the report.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, at that moment I was not in a position to contradict the Leader of the House. But at this moment I have just seen a letter written by Prof. D. P. Chattopadhyaya to Shri Madhu Limaye in the other House, dated 31-10-1974. . .

AN HONOURABLE MEMBER: No reference to the other House.

SHRI LAL K. ADVANI: It is a document; it is a public letter and in that letter. . .

SHRI AWADHESHWAR PRASAD SINHA (Bihar): Sir, I rise on a point of order. Things that happened in the other House should not be quoted here.

SHRI LAL K. ADVANI: I have, Sir, not referred to any proceedings of the other House.

SHRI N. R. CHOUDHURY (Assam): It is a private correspondence between them.

SHRI RABI RAY: श्री० मधु लिमये की लड़की की शादी थी क्या ?

It is about C.B.I. report; it is about the licence scandal.

SHRI N. R. CHOUDHURY: My submission is, yesterday you ruled, Sir, that no private correspondence can be referred to in the House and no private correspondence can be laid on the Table of the House. Sir, this is a private correspondence between D. P. Chattopadhyaya and Madhu Limaye. My submission is, you should also not allow him to read that here.

SHRI NIREN GHOSH (West Bengal): This is never a private correspondence. This is released to the press and this relates to the licence issue.

MR. DEPUTY CHAIRMAN: Do not quote.

SHRI LAL K. ADVANI: But, Sir, . .

MR. DEPUTY CHAIRMAN: Mr. Advani, if you start quoting from private letters. . .

SHRI LAL K. ADVANI: No, Sir, it is not a private letter. It is official letter written to Mr. Madhu Limaye. It has nothing to do with the proceedings of the other House.

SHRI N. R. CHOUDHURY: Let him read the address. If it is an official letter, you know there is some procedure to write an official letter and if it is a private letter, there is also a procedure to write a private letter. Let him read the address, if it is "Dear Limaye" or "My dear Limaye".

SHRI LAL K. ADVANI: Sir, he is unnecessarily agitated about it.

SHRI N. R. CHOUDHURY: "Dear Chattopadhyaya"—you cannot write an official letter like this.

SHRI LAL K. ADVANI: Chattopadhyaya is not in the wrong; Chattopadhyaya is quite correct when he explains the delay. He has written a letter. He says: "... As regards the delay, in replying to your letter, I was out of the country for a number of days and besides, certain consequential action had to be taken on receipt of the interim reports mainly from the C.B.I." Now this is very clear, very categorical.

SHRI NIREN GHOSH: Those are public letters, in public possession.

SHRI LAL K. ADVANI: This is a peripheral issue whether there are reports or a report. Whatever it is after all we do not know but when you suggested in your wisdom that the Government should share with us the C.B.I. report and show us, Sir, you were referring to the whole body of the documents and papers.

MR. DEPUTY CHAIRMAN: Let me make myself very clear now what I am supposed to have meant. Let me make myself very clear. When I say 'report' I mean the report, the final re-

[Mr. Deputy Chairman]

port which is a culmination of whatever process might have gone earlier but I do not envisage that every diary or every paper or every bit of chits that might have passed between all that, should form part of the report.

SHRI LAL K. ADVANI: I am not trying to put anything into your mouth but what I am saying is this that when you suggested something, it was a *via media* out of an impasse. A stalemate had developed. . .

SHRI A. G. KULKARNI (Maharashtra): I am on a point of order. Mr. Advani is making out a point out of Chattopadhyaya's letter. Perhaps, not being conversant with the import and export matters, he might be implying the implications part of it wrongly. Sir, Chattopadhyaya is quite justified in suggesting—and this is what he stated in his statement—that one part of the plan was that all those signatures were to be verified by the C.B.I. Perhaps, everybody knows that. Secondly, after the discussion in the House, the CBI was asked to have a full investigation and report. The implication naturally is to impound the licences that form part of the implication, to give a chargesheet and submit an FIR. These are all implications which he cannot put in the mouth of Prof. Chattopadhyaya suggesting that there must be a part I, a part II, part III, then an interim report, a mid-interim report and a final report or something like that. It would be a travesty of facts and reading too much into the letter. It is explained that Mr. L. N. Mishra understands the problem, but it is too difficult for Mr. Advani to interpret it.

MR. DEPUTY CHAIRMAN: It was his interpretation of it.

SHRI NIREN GHOSH: He gave a wrong interpretation and we have listened to him.

SHRI LAL K. ADVANI: My point is when we in this House demanded that before we discussed the licence scandal or the action taken on the enquiry by the CBI in this House, the CBI report

should be laid on the Table, first of all, we did not, at any stage, say that the CBI enquiry was a proper substitute for a parliamentary probe. A parliamentary probe is the only thing that should have been done in this matter.

SHRI A. G. KULKARNI: So, you want to start the whole thing again.

SHRI LAL K. ADVANI: I am not starting the whole thing again. . .

SHRI A. G. KULKARNI: Wasting the time of the House and the country.

SHRI LAL K. ADVANI: The second point is this. When we insist on the CBI report being placed on the Table, we do not want merely to score a debating point. It is a small matter. What we are concerned about is that this House should be enabled to unravel the whole episode, to reach out to the bottom of the whole stinking scandal. Unless the CBI report, with all the appendices, basic documents, case diaries, etc., is brought out, how do we know anything?

DR. R. K. CHAKRABARTI (West Bengal): Go to a court of law.

(Interruptions)

MR. DEPUTY CHAIRMAN: Let him say.

SHRI K. CHANDRASEKHARAN (Kerala): Why this excitement? Who is responsible for all this? Is he not a Congress member. Mr. Tulmohan Ram, who is responsible for all these things? Why are they getting excited? They are guilty and they should plead guilty before this House.

SHRI RANBIR SINGH (Haryana): You are misleading the country.

SHRI K. CHANDRASEKHARAN: You yourself will stop her from leading the country in due course.

(Interruption).

श्री राजनारायण (उत्तर प्रदेश) : देखिए हम लोग कितने शान्ति से बैठे हैं। ज़रा इनको शान्त कीजिए।

MR. DEPUTY CHAIRMAN: Please continue.

SHRI LAL K. ADVANI: I once again stress the reason why we demand the CBI report is to unravel the mystery completely. My submission is that in this particular case an unlettered and perhaps avaricious person is being made a scapegoat for the corruption at high ministerial and bureaucratic levels. The worst part of it is this. I may be wrong and I would be happy if I am proved to be wrong, because Shri L. N. Mishra and I have very cordial and friendly relations. So, if he is absolved of guilt I would be very happy personally, but there is a strong feeling not only in this section of the House, but also among a majority of members on that side. . .

HON. MEMBERS: No. no.

(Interruptions).

SHRI LAL K. ADVANI: . . . and certainly, in an overwhelming section of the people outside . . .

SEVERAL HON. MEMBERS: No, no.

SHRI LAL K. ADVANI: Shri Tul Mohan Ram is only being made a scapegoat for the sins and crimes of others and the arch culprit in this case is the Minister, Shri L. N. Mishra. I go further than this. . .

MR. DEPUTY CHAIRMAN: Please complete.

SHRI LAL K. ADVANI: I will be short in my observations, I will not take long.

MR. DEPUTY CHAIRMAN: When you discuss the Resolution on corruption, you can do it. It is about corruption.

SHRI RABI RAY: Shri L. N. Mishra figures in the CBI Report. That is only a Private Member's Resolution.

SHRI R. K. MISHRA (Rajasthan): Sir, on a point of order. The Chair has permitted the hon. Shri Advani to make a statement of personal explanation for wriggling out. . .

SHRI LAL K. ADVANI: No, no.

SHRI R. K. MISHRA: . . . of a situation in which he finds himself. Yesterday, Mr. Deputy Chairman, you made the suggestion that the CBI Report may be placed at the disposal of the Chairman and that the leaders of the Opposition parties may see it. Now that they find that all the attempts that they made to create a cloud has been exposed thoroughly, evidently he is trying to make a statement of personal explanation to justify his wriggling out of the situation. The Leader of the House has made it clear that what the Government is prepared to place at your disposal is the Report of the CBI. Now, if they do not want to see it, evidently they are not interested in the facts.

SHRI LAL K. ADVANI: We are interested in the facts, in fact, in the whole episode.

SHRI N. R. CHOUDHURY: Sir, on a point of order. Yesterday you suggested, after long deliberations in the House, that the CBI Report should be placed at the disposal of the Chairman and that the Opposition party leaders should go through it and also that they can scrutinise if there is any discrepancy between the charge-sheet and the CBI Report. Sir, first of all, I would like to know from you whether the Government has placed the CBI Report at the disposal of the Chairman. . .

SHRI MAHAVIR TYAGI (Uttar Pradesh): Not yet.

SHRI N. R. CHOUDHURY: . . . and if this is done, whether the Opposition party leaders have gone through it under an oath of secrecy. If the Government has placed the Report in your custody and if they have not gone through it, I think, without going through the Report, making any such remark in the House will be sheer injustice not only to the Government but is also against the dignity of the House. So, my point of order is this: As Deputy Chairman, you are the custodian of the rights and the dignity of the House. My humble suggestion is that you should not allow them to take recourse to such type of malicious propaganda.

SHRI LAL K. ADVANI: Anybody in the name of points of order...

(Interruption).

श्री रणबीर सिंह : श्रीमन्, मेरा एक व्यवस्था का प्रश्न है और वह यह है कि श्री तुलमौहन राम एक केस के अन्दर एक्ज्यूस्ड हैं । अभी माननीय सदस्य ने इनको इस्केप-गोट कहा है और इसके माने यह हुए कि माननीय सदस्य इस चीज के बारे में अदालती फैसला देना चाहते हैं । मैं आपसे प्रार्थना करूंगा कि जब केस सबजुडिस हैं, तो इस तरह से सदन में राय देने की इजाजत नहीं दी जानी चाहिये और उन्होंने इस सम्बन्ध में जो कुछ कहा है, वह सब एक्सपन्ज कर दिया जाय ।

MR. DEPUTY CHAIRMAN: There is no question of expunging anything. However, I will request Members not to tread on the jurisdiction of the court.

SHRI LAL K. ADVANI: I will not tread on the jurisdiction of the court. I have described him as an unlettered avaricious person.

SHRI RANBIR SINGH: You used the word "scapegoat".

SHRI LAL K. ADVANI: I have not yet come to the worst part.

SHRI RANBIR SINGH: Without going through it how can you say any such thing?

SHRI HIMMAT SINH (Gujarat): Till yesterday you were talking about the C.B.I. report. Now you are sidetracking it. What is your intention?...

SHRI D. P. SINGH (Bihar): Sir, on a point of order. The hon'ble Member opposite says that Mr. Tulmohan Ram, who is an accused, is being made a scapegoat. It means he is providing defence to Mr. Tulmohan Ram and this cannot be permitted.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, my learned friend, Shri D. P. Singh, is a practising lawyer in the Supreme Court. He says when I re-

ferred to Shri Tulmohan Ram as a scapegoat I am absolving him of blame. I am not. I am merely saying that he is a scapegoat in the same way in which Mr. Howard Lyddy and Mr. Gordon were said to be made scapegoats for Richard Nixon. They were people who belonged to the corps of plumbers and went to burgle the Watergate office, headquarters of the Democratic Party. Just as these two people, Messrs. Howard Lyddy and Gordon, were said to be made scapegoats that does not mean that they were not burglars.

श्री रणबीर सिंह : अदालत में जाकर वकील बनिए ।

SHRI NIREN GHOSH: Mr. Tulmohan Ram can become a cover for Mr. L. N. Mishra and Prof. D. P. Chattopadhyaya.

श्री रणबीर सिंह : हाउस में वकील नहीं बनने दिया जायगा ।

SHRI R. K. MISHRA: Mr. Deputy Chairman, under Rule 238 I would like to say that it is very clearly said that

"A member while speaking shall not—

(i) refer to any matter of fact on which a judicial decision is pending."

A charge sheet has been filed against him and a judicial decision is pending. Now it is against Rule 238 for Mr. Advani to make reference or to advance any defence on behalf of Mr. Tulmohan Ram or to say something which will prejudice the case. Therefore, all that has been mentioned should be expunged and the hon'ble Member may be directed not to make any reference.

SHRI NIREN GHOSH: Sir, R. K. Mishra could have spoken about it at Narora. He has been here for a few months. I was astonished that no old Members were called at Narora and he was called to this select gathering. What is the background behind it I would like to know.

MR. DEPUTY CHAIRMAN: Mr. Niren Ghosh, you want an enquiry on that?

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, the entire thrust of my argument is that this is not a case of a petty peccadillo by a petty thief or a petty trafficker in licence. It is a serious matter and it involves ministerial corruption. That is number one. Even more than that, right from the 27th August, when this matter surfaced in this House and when as a result of the vigilance of several Members, including Members from that side also, the matter was brought to light, this House and the country has been treated to a continuing conspiracy and cover-up by the Government. The whole Government is involved in that; the whole Government is trying to cover up the whole thing. And the latest part of that is, having been reduced to this ridiculous state, having been exposed before the public eye. . .

श्री रणबीर सिंह : आडवाणी साहब, आप क्यों ऐक्सपोज हो र है ?

SHRI LAL K. K. ADVANI: . . . they have thought of this, that is: we will do what we are doing, we will protect the Minister whom we have got to protect, but at the same time, create a plausible impression of reasonableness in the minds of the people. (Interruptions) I say that the offer to show us a gist or summary of the report. . .

SHRI UMASHANKAR DIKSHIT: He can stop that impression by accepting the offer.

SHRI LAL K. ADVANI: We accept the offer provided you say that all papers pertaining to the enquiry. . .

SHRI UMASHANKAR DIKSHIT: No summary.

SHRI LAL K. ADVANI: . . . all the reports, interim as well as final, are to be shown to us. Then I can understand there will be plausibility. Otherwise, if the Government wants to take the country and the Parliament for a ride, I would say that I for one would not be

willing. I am willing to bear with them a while because the Prime Minister has conveyed to us that she wants to make a statement. Perhaps she has something new to say; I do not know. She might have taken note of all that is going on in the country. (Interruptions). The issue is simple

. . . (Interruption)

श्री रणबीर सिंह : प्वाइंट आफ आर्डर । उपसभापती महोदय , यह आडवाणी साहब की तकरीर किस नियम के तहत हो गयी है । यह क्या मसला है जिस पर हमें मजबूर किया जा रहा है कि यह गलत बातें हम को सुनायेंगे मैं यह प्रार्थना करता हूं कि आप सदन के फोरम को गलत इस्तेमाल न होने दें ।

SHRI NIREN GHOSH: It is arising out of his suggestion yesterday and the talks we had.

(Interruptions.)

SHRI RANBIR SINGH: Arising from the laying of papers?

(Interruptions.)

श्री रबी राय : डिप्टी चियरमन से पूछो न ।

श्री गणानन्द ठाकुर (बिहार) : मैं कहना चाहता हूं कि माननीय सदस्य जो विरोधी बेंच पर बैठे हुए हैं अभी उन्होंने प्रधान मंत्री का नाम भी बसीटा हैं, तो अखिर सरकार क्या करे । मैं आप से पूछना चाहता हूं कि हमारी प्रधान मंत्री जिस को चोर कह निकालती ह उस की ही यह वकालत करते हैं हैं, चाहे वह गुजरात का मामला हो वह चाहे चिमन भाई हों या फिर बीजू पटनायक हों या किसी और दूसरे का मामला हो वह यही काम करते हैं । अगर एक आदमी चोर है और उस को इंदीरा गांधी जी सजा देती ह तो उस को ही वह पनाह देते हैं । तो सवाल है कि काम कैसे चले। अब यह कहते हैं कि उस को बलिदान का बकरा बना दिया जब उस के लिए कुछ कहा जाता है तो यह पालिटिक्स शुरू कर देते हैं और इस प्रकार वह लोग विरोधी दल की सच्ची भूमिका नहीं निभा रहे हैं । झगडा होतो काम चल

[श्री गुणानन्द ठाकुर]

सकता है लेकिन अगर रगडा हो तो काम नहीं चल सकता है। अब उन्होंने रगडा शुरू किया है। एक सवाल उठाया उन्होंने कि पालियामेटरों प्रोब ही इस मामले में गवर्न-मेंट ने कहा कि हम सी; बी; आई से प्रोब करते हैं और उसके बाद सी; बी; आई; ने सब कुछ किया और दीक्षित जी ने उस की जांच कराया। जो कांपीडशियल चीज है उसके डिटेल् में मैं नहीं जाना चाहता, लेकिन जब गवर्नमेंट कोई निर्णय करने लगती है तो ये मानते नहीं। हमारे साथ कोई आदमी है तो कहते हैं बड़ा चोर है और इनकी बैच पर बैठ जाय तो बड़ा ईमानदार हो गया? .. (Interruption) मैं चाहता हूँ कि आप इस पर रुलिंग दीजिए।

श्री महावीर त्यागी : मैं इनका शुक्रिया अदा करता हूँ कि

श्री गुणानन्द ठाकुर : मैं जनसंघी नहीं हूँ।

श्री एन० आर० चौधरी : करपूरी ठाकुर का क्या हो गया .

MR. DEPUTY CHAIRMAN: Yes, Shri Advani, you say what you want to say.

डा; रामकृपाल सिंह (बिहार) : मोठिया और बैचा का क्या होगा .

SHRI SALIL KUMAR GANGULI (West Bengal): Sir, on a point of order. Are the Government Whips encouraging this sort of thing leading to pandemonium? If that is so, we shall not allow this House to continue in a peaceful way. I would request the Government Whips to control their Members.

श्री राजनारायण : श्रीमन्, पाइंट आफ आर्डर। व्यवस्था का प्रश्न है। हम लोग अपोजिशन में बिलकुल शान्ति बैठे हुए हैं। करपूरी ठाकुर यहाँ पर नहीं है। हमारे सम्मानित सदस्य आवश्यक ढंग से करपूरी ठाकुर का नाम ले रहे हैं

श्री रघुवीर सिंह : कल सुरेन्द्र सिंह यह पर थे ? इनसे पूछा जाए। हरियाणा के मास्टर यहाँ थे ? .. (Interruption)

श्री राजनारायण : श्री ललित नारायण के भ्रष्टाचार कि जांच के लिए एक आयोग बैठाया गया था और श्रीमती इंदिरा गांधी वह प्रधान मंत्री हैं जिन्होंने कि श्री पासवान का मुख्य मंत्री बनाकर उस आयोग से पूरे पूरे डायन्यूमेट वापस लिवा लिये थे। ललित नारायण मिश्रा के भ्रष्टाचार पर रोशन: नहीं डालने कि करपूरी ठाकुर . (Interruption) मैं चाहता हूँ कि यह रेकार्ड में रहे। प्रधान मंत्री ने

(Interruptions)

MR. DEPUTY CHAIRMAN: Yes, Shri Advani.

SHRI BHUPESH GUPTA (West Bengal): Sir, I am making a suggestion. Let Shri Advani speak and after that let others speak. Let there be no interruptions. We are now discussing as to what should be done with regard to CBI report or something else. Let him speak and let others also speak. What is the use of delivering political speeches? We are on the question what should or should not be given to you. This is the issue. Let us not have political discussion.

Dr. R. K. CHAKRABARTI: We agree to hear him provided you give him some time, say 15 minutes or 20 minutes. A man cannot get up and speak for more than an hour.

MR. DEPUTY CHAIRMAN: If you remain silent...

SHRI SALIL KUMAR GANGULI: How many points of order you raise?

MR. DEPUTY CHAIRMAN: Dr. Chakrabarti, if you are very silent and if there is no pandemonium in the House, then even time can be regulated. If you go on interrupting, then the speaker will ask for five minutes more because of interruptions. Shri Advani, kindly finish in five minutes.

SHRI LAL K. ADVANI: I can finish even within three minutes or two minutes. After all the issue is simple. The issue is one of corruption. Are we really earnest and sincere about probing corruption? The other day the Prime Minister herself said somewhere—I read a statement to that effect—that the Congress Party and she are as much concerned about rooting out corruption as the Opposition Parties profess to be.

And, Sir, I think here is the testing stone because, after all, in this case, no one, none even from those benches, says that Mr. Tulmohan Ram is not guilty. . . . (Interruption) . . . No one says that. That is what I say. Everybody agrees that Mr. Tulmohan Ram is guilty. After about three or four months, you have had this small decency to suspend that member from your party, that is, only last night. After all, this was going on and it is a very petty thing, it is a small thing. In these matters, a *prima facie* case was sufficient even to expel the member from your party. A *prima facie* case was sufficient. But this was a serious matter and, in this particular case, what has been happening? Ever since the 27th of August, it is continuing process of brinkmanship: "Go to the brink and not more." It is brinkmanship all along, right from the beginning. Unless the House presses it, don't even discuss the matter. Seven days it took the Lok Sabha to have the discussions in the matter and another seven days to have a discussion on the privilege issue and now, after three days or four days of discussion in this House, the Government comes forward with the proposal and that too after the Chair suggested: "All right. Show the Report to the leaders." And they come and tell us. "We shall not show the complete Report, not the complete paper, not the complete document, but only the final report", so that we are not in a position to find out whether anyone is absolved or not and we should not be in a position to do so and that is their wish. On the other hand, a posture is made for public consumption to show: "We are all fair; but these people want to play politics with us." Sir, I can assure you that

this is not a matter of politics at all. I would be the last person to say that it is a matter of politics. It is not a matter of politics. This is a matter involving purity of public life. . . . (Interruptions). . . and if, today, the social conditions in the country are corrupt, it is because—this is my confirmed opinion—the roots of all corruption that we see in the country lie not in administrative corruption, but they lie in political corruption and it serves no purpose when we continue to tolerate political corruption and not only tolerate, but to collude with it and not only collude with it, but to cover up corruption, when the whole Government is acting to cover up corruption . . .

SOME HON. MEMBERS: No.

SHRI LAL K. ADVANI: I am sorry to say that in this situation there is no scope for rooting out corruption. My submission is—I would reiterate it—that in a matter of this kind, where the prestige of the Parliament is involved, where the Members of Parliament—I do not know whether it is Mr. Tulmohan Ram or whether it is those or many of those 21 Members whose signatures appear there—are involved, we should take a serious view. 21 Members of Parliament are involved in the episode. The name of Mr. L. N. Mishra has appeared repeatedly in the debates and many Members have given proofs as to how he had colluded. Even the charge-sheets show that Mr. L. N. Mishra has been in the picture throughout and all along and yesterday, Mr. L. N. Mishra's notes were also quoted. Because this involves ministerial corruption also, I think the ends of justice cannot be met unless a parliamentary probe is instituted. So far as yesterday's matter is concerned, about laying of the CBI Report on the Table, my submission, Sir, is that it would be fair to the Opposition, it would be fair to the House, if all the Reports including the interim Reports, if all the documents, on the basis of which the Report has been framed, if all the case diary, etc., all the relevant papers pertaining to the Report on the basis of which this House and we can come to a conclusion whether anyone has been deliberately shielded



[Shri Lal K. Advani]

or not, whether a proper course of action has been taken or not, are shared with us. This is my submission, Sir. With these words, Sir, I can only say that I would wait to hear the Prime Minister in this matter before proceeding with the course of action that I suggested yesterday. Thank you, Sir.

श्री जगदीश जोशी (मध्य प्रदेश) : हमको भी बोलने का मौका मिलना चाहिए। जब उधर से सदस्य बोल रहे हैं तो इधर से भी एक-एक सदस्य को मौका देना चाहिए।

MR. DEPUTY CHAIRMAN: Mr. Joshi, it is for the Opposition to tell us whether they are prepared to accept the Government's proposal or not. So, let us hear the Opposition first.

SHRI KOTA PUNNAIAH (Andhra Pradesh): Sir, on a point of order. Sir, you know I seldom rise to speak.

SHRI LAL K. ADVANI: Sir, is the Prime Minister coming here?

MR. DEPUTY CHAIRMAN: I think she is making the statement there.

SHRI LAL K. ADVANI: So, immediately thereafter she is coming here. Thank you.

SHRI KOTA PUNNAIAH: Sir, on a point of order. We have been carefully listening to Mr. Advani for a long time. I want to ask him a straight question again whether he is sincere, whether he is reasonable. Yesterday, Mr. Deputy Chairman, you yourself suggested that the Government should show the CBI report, taking some Opposition leaders into confidence. Later on, you yourself know, Mr. Deputy Chairman, what happened. They agreed and disagreed. Let them not suffer like a culprit, whom the judge punished with a fine of Rs. 500. The gentleman said, "I am unable to pay Rs. 500". Then the judge said as an alternative, "You take two seers of ghee or two seers of onions or 50 strokes or 20 days' imprisonment". This gentleman thought that it was better to consume two seers of

ghee because every day he was taking it. He took one seer of ghee and said, "I cannot take more; I will take onions". He took one seer of onions, and after that he said, "I cannot take more". He said, "I will take 50 strokes". After taking 25, he said that he was prepared to go to jail for 20 days. After 10 days in jail, he agreed to pay Rs. 500 as fine. If this is the story of the Opposition, they have to suffer more, I do not... (Interruption). Let them not suffer from this kind of illusion...

(Interruptions)

SHRI NIREN GHOSH: Let us finish our speeches. Then you will see whether you are relevant or irrelevant.

श्री रवी राय : डिप्टी चैयरमन साहब सी० बी० आई० की रिपोर्ट के संबंध में आपने एक प्रस्ताव सदन के सामने रखा और हम लोग उससे सहमत होकर सरकार और हमारे बीच में वार्तालाप हुआ और आज सबरे भी बातचीत हुई। आप जानते हैं कि कल और आज हमारी तरफ से और हमारे दल की तरफ से सारी स्थिति को स्पष्ट किया गया था। मैं दुबारा सदन के सामने इस चीज को स्पष्ट कर देना चाहता हूँ। पहला नवाल यह है कि व्हाट कांस्ट्यूट दी सी० बी० आई० रिपोर्ट? यह मौलिक और बुनियादी सवाल है। सरकार की तरफ से कहा जाता है कि सी० बी० आई० की रिपोर्ट लोकसभा के स्पीकर को दी गई है, लेकिन यह जो रिपोर्ट है, वैसे, हम लोग यह समझते हैं कि सी० बी० आई० की रिपोर्ट के संबंध में जिस तरीके से हम मांग कर रहे हैं, उस शर्त को पूरा नहीं करती है। सवाल यह है कि सी० बी० आई० की रिपोर्ट का जो सारांश बन कर आया है और जो लोकसभा के स्पीकर के पास है या सरकार के पास है, उसके पहले जो बैकग्राउण्ड पेपर्स हैं, औजिलियरी और एसीलियरी चीज हैं, उनके बारे में क्या स्थिति है? सी० बी० आई० की तरफ से जो हैण्डराइटिंग एक्सपर्ट रिपोर्ट है और जिस पत्र में कहते हैं कि 21 एम० पीज० के दस्तखत है, उसमें श्री तुलमोह

राम के फोज्डर्ड दस्तखत है, उस मिलसिले मैं यह कहना चाहता हूँ कि यह सिर्फ इतनी सी चीज नहीं है क्योंकि सी० बी० आई० की रिपोर्ट के बारे में पहले भी शिकायत आई है। मैं जानता हूँ, जब मैं लोकसभा का सदस्य था तो उस वक़्त श्री नित्यानंद कानूनगो बिहार के गवर्नर थे। उनके बारे में सी० बी० आई० ने कहा था कि वे जब गुजरात के गवर्नर थे तो उस वक़्त उन्होंने हाजी मस्तान को गुड कंडक्ट का जो सर्टिफिकेट दिया था वह फर्जी था। लेकिन बाद में हाई कोर्ट के सामने जब यह मामला गया तो यह पाया कि उनके दस्तखत फर्जी नहीं थे, जेनूएन थे। यह बात आप जानते हैं। इस संबंध में यह बात भी सामने आई है कि एक सी० बी० आई० के अफसर ने पार्लियामेंट की एक कमेटी के सामने इस बात को माना है कि किसी कैबिनेट मिनिस्टर के कंडक्ट की जांच सी० बी० आई० नहीं कर पाएगा। आप जानते हैं कि सी० बी० आई० सरकार के मातहत एक विभाग है और एक प्रोसेक्यूटिंग एजेंसी है और सरकार के नीचे काम करती है। इसलिए हम लोग जिस तरिके की जांच चाहते हैं वह सी० बी० आई० नहीं कर पाएगा, यह हम लोगों का कंटेनशन रहा है। यह हम लोगोका कंटेनशन है। इसलिए मैं कहना चाहता हूँ कि सी० बी० आई० रिपोर्ट जो सरकार हमको देने के लिए कह रही है यह सी० बी० आई० की रपट नहीं है बल्कि एड इंटरिम रिपोर्ट है, असल रपट को सरकार छिपा रही है। तुलमोहन राम दोषी है, उनके खिलाफ सरकार कार्यवाही कर रही है, ठीक है, लेकिन जो सब से बड़ा दोषी है, जो मिनिस्ट्रियल जिम्मेदारी एल० एन० मिश्र की उसको हम लोग जानना चाहते हैं। फिर जो पोलिटिकल कंरप्शन की गंगोत्री है मंत्री लोग उनके बारे में क्या कहा है। जो सी० बी० आई० की रिपोर्ट सरकार हमको देने के लिए कह रही है वह बाफ़ी नहीं है। इसलिए हम यह मांग करते हैं कि

सी० बी० आई० रिपोर्ट और उसका सब आधार, सारे बैकग्राउण्ड पेपर्स, हम लोगों को उपलब्ध कराने चाहिए। यह जो चीज साफ हो गई है कि सरकार के पास सारी जानकारी है इस मिलसिले में उस जानकारी को सरकार हम लोगों के साथ शेयर करना नहीं चाहती इसलिए हम लोगों की निश्चित राय है कि जो सी० बी० आई० की रिपोर्ट सरकार देने के लिए सोच रही है उसमें वह बैकग्राउण्ड पेपर्स, आग्निलरी पेपर्स, केस डायरीज, हैडराइटिंग एक्मपर्ट्स के रिपोर्ट्स नहीं है इसलिए हम सरकार के प्रस्ताव को ठुकरा देते हैं, सरकार के कंटेनशन को हम मानते नहीं हैं। इसलिए हमारा जो कलसे ऐलान था कि जब तक सारी सी० बी० आई० की रपट और उसका सारा आधार हम लोगों के सामने प्रस्तुत नहीं करेंगी, सदन के सामने नहीं देगी चाहे तो एक स्पीकर की कमेटी बने और स्पीकर की कमेटी में दोनों सदन के सदस्य जाकर बैठें और वह सी० बी० आई० की रिपोर्ट और बैकग्राउण्ड पेपर्स सामने लाए और उस पर कार्यवाही करने के लिए सरकार तैयार हो। हो सकता है स्पीकर कमेटी हमारी मांग को पूरा कर सके। स्पीकर की कमेटी में दोनों सदनों के सदस्य जाएंगे और जो सारा बैकग्राउण्ड पेपर सरकार देगी उसके आधार पर कानूनी या संसदीय कार्यवाही जो कर सकते हैं वह होनी चाहिए। यह हम लोगों की मांग है और इसलिए यह सारा का सारा जो ऊपर, मंत्री लेवल पर भ्रष्टाचार हो रहा है, उसका भण्डाफोड़ करना चाहते हैं और देश के सामने एक उदाहरण प्रस्तुत करना चाहते हैं। हमारा तरीका साफ है। तो इसलिए जरूरी है कि सरकार हम लोगों की मांग को मान ले और अगर वह हमारी मांग को नहीं मानती है तो हम लोग जो सत्याग्रह करने के लिए कह रहे हैं यह केवल ज़िद नहीं है, यह हम अपने कर्तव्यों को निभा रहे हैं और निभाते रहेंगे। इतना ही मुझे कहना है।

SHRI M. KADERSHAH (Tamil Nadu): Sir, I responded spontaneously to the valued suggestion of the Chair for solving this parliamentary tangle. But it is most unfortunate that the Government is so adamant in not placing the C.B.I. report without which we cannot have a fair and fruitful discussion. Mr. Advani made a mention of the former American President. I would like to remind our friend on the Treasury Benches what happened finally to Mr. Nixon. Nixon denied the charges. Watergate scandal was alleged against him. He misled the House and even refused to hand over the tape recorded evidence. A similar situation has arisen here. The Government is misleading and even refusing to place the C.B.I. report in this House. I am afraid that the same fate of Nixon will befall my hon. friends and the price will have to be paid one day or the other. The unbecoming attitude of the Government is totally detrimental to the democratic traditions. As a responsible opposition party Member, I stage a walk-out in protest against the undemocratic, unjustified and untrustworthy act of the Government.

*(At this stage, the hon. Member left the Chamber.)*

SHRI T. N. SINGH (Uttar Pradesh): Mr. Deputy Chairman, Sir, we have been hearing all the discussions that were held in your Chamber. It appears to me that the Government has not come out openly and frankly with all that is wanted. Sir, in 1929, when Gandhiji was to start Salt Satyagraha for Swaraj, at that time or a little before that, the British Government offered the Simon Commission to us. I do not want such offers to be made. There should be a full and frank offer of what we want. As Shri Advani has said, we have a feeling, not only in this House, not only in the Lok Sabha, but also all over the country that the Government is protecting more important people behind Shri Tulmohan Ram. We welcomed your suggestion because we thought that this will unveil the fact and we shall be able to get at the real culprits and that we shall have a fruitful discussion. But what has happened so far?

The offer is only to show us the tip of the iceberg and the bulk of the iceberg is sunk below the water. They are trying to show us the tip of the iceberg. Will that actually satisfy anyone who wants to go in some depth into the whole matter? I claim, Sir, that this House and we, particularly of the Opposition, want to go into the various facts, the inner story of the whole affair. Other people have done the same thing. In America, as was rightly quoted here, what has happened to the Watergate cover-up? It ended up with the resignation of the President. I say, if there is going to be any protection to anybody, you are going to meet the same fate as happened to Mr. Nixon in America. Therefore, my sincere advice is that Government should take us openly, whole-heartedly into confidence so that we can have the satisfaction that we can get an opportunity to get at the real culprits behind Shri Tulmohan Ram. We are not satisfied. We must be satisfied and that is our demand. Sir, the House, on this side, is not concerned with making only a debating point. We want to get this information. And unless we are satisfied that we will get that information, how can you expect that we can in any way co-operate fully in the discussions here? Sir, yesterday, our Leader in the Lok Sabha said that he would resort to Satyagraha. I think this is a fit case because what we want out of Satyagraha, what we want to get at is the truth. For getting at the truth, we must be able to suffer. I say, Sir, the Opposition is prepared to invite suffering on itself in order to get at the truth. It is in the country's interest, it is in our interest and in everybody's interest.

Then, Sir, about Mrs. Indira Gandhi's statement, we shall like to hear what she wants to tell. I welcome it. I do not know when she is coming to us to give the statement about which a note has been circulated to every Member.

Sir, this is the attitude of our Party on this issue.

SHRI NIREN GHOSH: Sir, you will recall this entire case originated from a Question tabled by Shri A. G.

Kulkarni, Shri Krishan Kant and others. And afterwards, Mr D. P. Chattopadhyaya submitted information that 21 MPs were involved and that whomsoever he was able to contact, they denied it. So, the matter came up before the House where the entire prestige of the Parliament is involved.

And the manner in which at least the two Ministers—L. N. Mishra and D. P. Chattopadhyaya—acted came up before the country and Parliament. I should like to put it on record that the first reaction of the Treasury Benches and the Congress Party was completely healthy and in accord with the desire to preserve whatever parliamentary democracy is still left at the Centre. They unanimously demanded along with the House a parliamentary probe. It was a fit case for a parliamentary probe not only because it is not a simple criminal matter. It is a question where the behaviour of Members of Parliament, demeanour or misdemeanour of the Ministers and the Government as a whole and their attitude are involved. So we demanded a parliamentary probe and our colleagues in the CPI also strongly pleaded for that. But the Government has put it under cloud before the entire country and Parliament by bypassing that probe and at the fag-end they said that they referred it to the CBI. You know what all has happened.—I need not repeat all that—how a categorical assurance was given and all that. But it does not mean that any of us has given up the demand for a parliamentary probe. We feel and strongly feel that the country and the people have been cheated and parliamentary traditions, norms and forms have been thrown overboard by refusing to institute a parliamentary probe. The Congress Party members were dictated: Congress Party members were dictated: not agitate for that; you must keep silent.” Because, I am told, there was a special meeting where they found that everything was in the wrong and if a parliamentary probe was there the entire Government may go down the mire, may go down the gutter. So, whatever the risk, whatever the damage to the reputation of the Government...

SHRI D. D. PURI (Haryana): On a point of order. The point of order is this: The hon. Member is suggesting that the members sitting on this side were not acting on their own free will. That is a serious aspersion on the members and we strongly repudiate it.

Shri Advani also made a mention when he said that a large number of members on this side of the House have “the same way of thinking” which is strongly objectionable and it should not be permitted. We are not suggesting that any hon. Member is acting on the dictates of somebody else because that is completely unparliamentary. So, Mr. Niren Ghosh should not cast aspersions on the freedom of expression of this side.

Secondly, Sir, one very brief mention. Once again we are hearing the version of only one side. It was not the proposal of the Government.

SHRI NIREN GHOSH: Yes, yes. We will hear you.

SHRI D. D. PURI: It was not the proposal of the Government. It fell from your lips. Therefore, this side should be given an equal opportunity of expressing our views.

SHRI NIREN GHOSH: We won't object to that.

SHRI D. D. PURI: It is not a Government offer at all. I would like to put the record straight. This is not a Government offer. It was a suggestion which you in your wisdom gave in order to get out of an impasse, a very serious impasse which the House found itself in. Therefore, for the Opposition to say as if they are expressing views on a Government offer. I think, would be quite unfair.

श्री ओमप्रकाश त्यागी (उत्तर प्रदेश) : आप लोगों की हालत, पुरी साहब कौरव सभा जैसी हो गई है ।

**SHRI NIREN GHOSH:** I am speaking now with the utmost responsibility and seriousness. That point I want to make clear to the Government as well as to the Treasury Benches. I am not in a threatening or agitating or mud-slinging mood. I am speaking in a serious vein. I would request you to patiently listen. So, that was the attitude and that attitude was revised since the Congress Parliamentary Party took a decision. As I have said, a unanimous opinion cannot be revised otherwise. It is clear to anybody, any people in the country. So, what is the use of trying to shut it out? I do feel that the overwhelming bulk of the Congress Members feel that their party is being damaged, that a parliamentary probe should have been instituted...

**HON. MEMBERS:** No, no.

**SHRI D. D. PURI:** This thing is happening again. The hon. Member is speaking on behalf of this side also. He should not speak on our behalf, he should speak on behalf of his party.

**MR. DEPUTY CHAIRMAN:** Yes, you speak on your own behalf.

**SHRI NIREN GHOSH:** Even all of us have not given up that demand, let it be clearly understood by all. Whatever the leadership, we want to follow whatever parliamentary democracy is still there and preserve it. So, this CBI report came but the assurances were broken and the matter was agitated. Naturally, when the CBI report was denied, that assurance was broken, we have to think of the next step. It does not and did not mean that we have given up the demand for a parliamentary probe. That I want to speak out frankly.

When this CBI report came, naturally it was most proper that the Parliament was seized of it. Why should the Parliament not be seized of it? Whatever legal technicalities may be there, there can be even a secret session of Parliament, if necessary, putting the entire record, entire background material and other documents before the Parliament. You could do that; there are precedents

for that. If there are legal technicalities barring you, you did not go into them earlier. So, we wanted the full CBI report, all the materials, interim reports and the background materials on which the final report is based because final report follows only from something preceding. So, the two must tally. It is no use hiding that we have some amount of suspicion about the conduct of two Ministers and perhaps some Members of Parliament. It is no use hiding that. The country is also on that point. Even you will see, Shri L. N. Mishra made a statement that he merely passed it on to the officers. Then he says in the meantime that he directed for an on-the-spot enquiry by two officers. So, even that 'directing' is there. It is there in this charge-sheet also. As regards Shri D. P. Chattopadhyaya, he says that he works in accordance with the directives of the Chief Controller of Imports and Exports. Everybody knows that the Pondicherry Chamber of Commerce is a registered, recognised body. All the importers are registered with the Pondicherry Chamber of Commerce but these people were not importers. They were not members of the Pondicherry Chamber of Commerce. Their offices even did not exist. So, that is the position regarding this scandal. That is why the earlier Ministry took a correct decision that no additional licences can be issued. Suddenly, in 1972 Shri L. N. Mishra gives a directive for an on-the-spot enquiry. That document of 'directing' is there. We should get that document in original. We should see what is written in that document. Sir, there is a file of the Chief Controller of Imports and Exports covering the entire Pondicherry French Settlement business till then and up to now. There must be a file like that. There are many things like that. We would like to examine that file. Here is our suspicion, how can we clear our minds and come to a conclusion? We yielded though we did not give up our demand for a parliamentary probe when you made that suggestion yesterday. Yesterday itself I said: It is perhaps helpful and welcome provided this Committee functions almost in the same manner as the Committee on Privileges.

Why did I say that? That Committee has the right to call for any document, to call for any person to be produced before the Committee. That is not for public. That should not disclose anything. When I said that, I meant that it should function as the Committee on Privileges. So, when we wanted to examine the full CBI report, with the interim reports, case diaries, evidence and all that in order to find out whether both tally or there is something that has been left out, we undertook a tremendous responsibility that in camera we will be seeing and not divulging it. Parliament is seized of the matter. The entire country is seized of the matter. So, we must be in a position to discharge even that responsibility, (*Time bell rings*). We showed the utmost reasonableness. That is why we demanded that all these things should be there. Otherwise, it is difficult to come to correct judgment. Now, Sir, further, after that, if anything is actionable, that must be actionable. What is the way out? A mere suggestion does not help. Not only that. It has been said earlier, no precedent, but about the misdemeanour of a Member of Parliament or of a certain Minister of the Government there can be no precedent. That must be discussed on the floor of Parliament. It cannot cover that point in any case. Then we will be able to discuss breach of privilege and misconduct.

MR. DEPUTY CHAIRMAN: You will have to wind up.

SHRI NIREN GHOSH: All these things were covered in this. Let it be known to the Treasury Benches that many Congress MPs. tell us in private that one person, Mr. L. N. Mishra, is holding the Congress party to ransom...

HON. MEMBERS: No, no.

SHRI NIREN GHOSH: ... and the Congress are protecting him. Let it be known. I will not name them.

SHRI D. D. PURI: Name them.

SHRI NIREN GHOSH: This is the position. So, Sir, it is clear. Not only

that. The school building is there. Its precincts have been sealed. The school is proposed to be built in the name of Shri L. N. Mishra's father. I do not know whether at this time there is the school or not, but the entire precincts of the school have been sealed. Later on, Mr. Tulmohan Ram gave a statement saying that he would come and pay two and a half lakh rupees if they changed the name of the school to Raghunandan Mishra High School; that Mr. Mishra is an influential person and through licences he would ...

MR. DEPUTY CHAIRMAN: I am asking you to wind up.

SHRI NIREN GHOSH: That is why I say that we had a discussion yesterday and today. We are prepared to exchange further information, but the entire country must know that we acted with the utmost reasonableness, even under the circumstances, to find a way out. When certain Members undertook the responsibility, we undertook it on behalf of the entire Parliament, making no invidious distinction between Members. The entire country expected something out of that. We must explore all possibilities. I say it with anguish and pain and not with anger. With pain in my heart I say that we went to such length and suggested a way out. Give us the full report with the background material. If we find misdemeanour by Members of Parliament and by Ministers we must be seized of it. If criminal action is to be proceeded with in the case of other members, that must also be done. What is the way out? How can we proceed in this matter? I say first before we examine it, we cannot say it. We have our differences.

MR. DEPUTY CHAIRMAN: I am calling Mr. Chandrasekharan.

SHRI NIREN GHOSH: I say the Government must be reasonable. They are most unreasonable. You can see this is the invidious position in which we are placed. The discussion has been fruitless yesterday and today.

**SHRI K. CHANDRASEKHARAN :** Sir, we who are sitting in this group also associate ourselves...

*(Interruption)*

**MR. DEPUTY CHAIRMAN :** I cannot allow this, Mr. Rajnarain. I have allowed Mr. Rabi Ray. You cannot go on getting up again and again.

**SHRI K. CHANDRASEKHARAN :** I extend my support to with the general Opposition demand for a parliamentary enquiry and probe into those very scandalous affairs. The nation has been rocked and shocked on account of the story that has come out as never before. Sir, the Government are talking of precedents. When we ask for the report of the enquiry conducted by the CBI. Let me ask the Government in return whether there has been any precedent in the history of this country after independence of anything to be the affair that has taken place, to be the incidents that have unfolded themselves before the nation, popularly called the Tulmohan Ram affair. Sir, the probe has got to be conducted by Parliament and in effect and in substance, this demand has been accepted by Government—by the concession of Government, if I may say so—saying that the leaders of the Opposition may look at the final enquiry report of the CBI. Now, the position is only as to whether the Opposition leaders should see only the final inquiry report of the CBI or they should be given the interim reports and also any background papers. It is only normal and natural that for studying and understanding fully the final enquiry report, the interim reports are absolutely essential. We know that in many cases the interim reports are totally different from the final report. The final Report of the CBI has come after the controversy has heightened itself, after it has risen to—very serious proportions throughout the country. We do not know whether the CBI itself has been politically influenced or administratively influenced to give a final Report in the form in which the CBI has given it now. Therefore, it is all the more necessary that the Opposition leaders should be enabled to look at the interim reports and the background papers also.

**SHRI BHUPESH GUPTA :** This matter has been discussed, and yesterday you made certain suggestions. Before that I also made a suggestion. On the 27th August, when the matter first came up in the House from these Benches, I remember—I was the first to make a suggestion about a parliamentary probe and I insisted on it. We still insist on it. There is no question about it. In a situation of this kind, the best course would have been to appoint a Parliamentary Committee to go into it, especially in view of the fact that the names of so many Members of Parliament, rightly or wrongly, figure, apart from the names of the Ministers. Unfortunately, the Government did not move in that direction, and brushed aside the constructive suggestion that we made. If we had appointed a Parliamentary Committee during the last session, we would not have been wasting almost three weeks in discussing as to whether a certain document—or documents—should be laid on the Table of the House. That matter would have been considered by the Committee itself, and we would have been left to do our normal work. Unfortunately, this has not happened. I make it absolutely clear that the best course would have been—and still is—to appoint a Parliamentary Committee. Government has rejected it. Well, when the Government rejects it what are we to do? We can only press our demand, argue our case and then proceed on the basis of our case.

Now, Sir, during the last few days we were demanding here that the C.B.I. report should be laid on the Table...

**AN HON'BLE MEMBER :** Reports.

**SHRI BHUPESH GUPTA :** I do not know. I am not so clear. *(Interruption)*. All right reports. Let it be either plural or singular. We discussed it and I think it was a valid demand that the C.B.I. report from which the charge-sheet emerged should be examined by the Members of Parliament. It was a very legitimate demand. I supported it and I still support it. Yesterday, Mr. Morarji Desai has written to the Speaker a letter in which he said

that he would start his programme of satyagraha if the C.B.I. report is not laid on the Table of the House. Mr. Morarji Desai in his letter, which you can see with the Speaker, does not use the word in plural. He says "the report". Now, Mr. Morarji Desai is entitled to change his mind. I am not saying it. But his case was, to which he attached the term "satyagraha", that the report should be laid.

**SHRI BANARSI DAS (Uttar Pradesh):** What constitutes the report?

**SHRI BHUPESH GUPTA:** That we can discuss. We are presently discussing Mr. L. N. Mishra. What constitutes the report can be discussed later. That is why from the Opposition friends I got also the impression that we are interested in getting the C.B.I. report in singular. Well, if they want in plural I have no objection.

You, Sir, made a suggestion. Earlier I had made a suggestion and you had also made and we felt that a solution would be found. The Government came out with its proposal. It seems that they were prepared to show the report, as you suggested, to the Leaders of the Opposition under your chairmanship. I did not accept the Government proposal. I suggested immediately my alternative proposal. It is there in the paper. It seems somebody has given it. It has been circulated to the Members. We were bound by two conditions only which I am glad they have accepted this morning. They told you that the Government would accept our proposal. Sir, what is that thing? It says that "we will not divulge" what is there in the report for public use and we shall "not treat it as a precedent". These are the two points. These are our obligations and after reading the report we can take whatever step we like . . .

**SHRI MAHAVIR TYAGI:** Do you confirm this one thing that the condition laid down originally by the Government was that even Members will not be taken into confidence, that the Leaders will not talk it over with the Members of their party . . .

**SHRI BHUPESH GUPTA:** Tyagiji, you are quite right. I do not like to whip the dead horse in this matter. That is gone. They have not insisted on it. You also supported my draft at that meeting. The Government had accepted my draft. So let us not bring in that thing. My draft is very clear because the Government is also trying . . .

**AN HON'BLE MEMBER:** We are trying to come to an understanding.

**SHRI MAHAVIR TYAGI:** Both the drafts.

**SHRI BHUPESH GUPTA:** All right. The Government draft said:—

"It is prepared to place before them the CBI report on condition that they would peruse the report themselves and in no circumstances either disclose it to anyone or quote it in the House. They should not make any use of the report except to satisfy themselves as to what it contained and this would not be regarded as a precedent."

I objected to this draft. Then I gave the other draft.

**SHRI RAJNARAIN:** We have read it.

**SHRI BHUPESH GUPTA:** No, he wants it. "The Government is prepared to place before the Chairman of the Rajya Sabha the CBI report on the basis of an understanding . . ."

**SHRI RAJNARAIN:** This is Government's draft.

**SHRI BHUPESH GUPTA:** It is my draft.

**SHRI RAJNARAIN:** But the Government has taken your draft. So it is Government's draft now.

**SHRI BHUPESH GUPTA:** Suppose you accept it, does it become Mr. Rajnarain's draft? Don't be embarrassed by it. My draft was: "The Government is prepared to place before the Chairman of the Rajya Sabha the CBI report on the basis of an understanding



[Shri Bhupesh Gupta]

that the leaders will peruse the report but will not disclose it for public use or quote it in the House. It will, however, be open to the Members to keep in mind what they come to know in the event of their speaking on the subject. It is also agreed that this will not be regarded as a precedent." Now, Sir, I am reading it for them to consider also. Suppose we go through the report they have given. They say it is full report. Whether it is full or half, only they can say. If you think it is half, let us see whether it looks like half.

**SHRI SALIL KUMAR GANGULI :**  
If it looks like half, then what?

**SHRI BHUPESH GUPTA :** After that there are two obligations: one, we shall not divulge it to the public or the press and two, we shall not regard it as a precedent for the future. Now, Sir, what prevents us from making representations to the Government that this step or that step should be taken? The Opposition can make representations not always on the floor of the House.

**SHRI SALIL KUMAR GANGULI :**  
Sir, may I ask him a question through you? If we are of the impression that the report is not a full report and something has been suppressed . . .

**SHRI N. R. CHOUDHURY :** How do you know it? Unless you go through the report, how will you know?

**SHRI SALIL KUMAR GANGULI :**  
If we are of the opinion that something has been suppressed . . .

**SHRI BHUPESH GUPTA :** You sit down. Credit me with that much intelligence. You are a solicitor. I am also a kind of lawyer who never accepts briefs. Now, I tell you we also discussed that point. I am just now discussing it in the context of the "satyagraha" that you propose. Well, if the "satyagraha" had not been there, we could have discussed many other things. At the moment, I am not prepared to pre-judge anything. I have some submissions to make or some cri-

ticism to make. Certainly we can do it. This is an independent case by itself. Now, we cannot divulge the report to the public nor quote it. It is quite clear. They said we could make our submissions in the meeting. Surely we can make, but why should we start pre-judging it just now? Probably I will have more submissions. Why should I pre-judge it? I want to be absolutely fair because I know that here we are fighting for a principle. I would not like to be caught on the wrong foot anyhow. We demanded that the CBI report should be laid on the Table of the House. It was wrong on their part not to have laid it on the Table of the House. Then this suggestion was made that it should be shown to the Opposition leaders. We went there. They were ready to show it. But when they said we should not talk about it to anybody else, we said "No, we shall talk to our party members and others; only we shall not give it to the public for consumption because it would prejudice the trial and all that sort of thing." It was a very reasonable suggestion and they accepted it. Now we can see it and having seen it, we can come to our conclusions. But one thing is quite clear. We shall fight for it, but we shall be never participate in the "satyagraha". It is absolutely clear. Do not misunderstand it. I shall voice the demand as strongly as I can. I agree that the CBI report should have been laid on the Table and a committee should have been appointed. But there is sometimes a *via media*; there is sometimes a give and take. In Parliament politics also it does happen and it has happened. I think the Government has also yielded to us. What was the attitude of the Government? "No, nothing will be done." It was an arrogant attitude. But I think saner counsel has prevailed on the Treasury Bench and they have accepted it. I think we should accept the opportunity. Otherwise, none will see the CBI report and we shall be making the same speeches all over again. The public also want the opposition leaders to see the CBI report and come to their conclusion. I would like to deal with the matter responsibly when you are in the picture. I shall like to deal with it in the Cham-

ber. If no remedy comes, I shall not be bartering away my rights under the Constitution to come to the House, except that under the agreement I shall not quote the report in the House nor shall I give it to the press for public use. These are the two conditions. Why should this not be acceptable to you? It should be acceptable to Shri Morarji Desai who wrote to the speaker about this. I would like all Members to know what the CBI report contains. I am very sorry only the leaders will see it. Then we are now free to tell about it to the members of our Party. Congress leaders can tell their members. Shri Rajnarain can tell his Party members. There is no objection to even telling Shri Charan Singh. That is also covered by my draft. I can tell Comrades Dange and Rajeswara Rao. Having seen the CBI report, we can discuss it privately maintaining the terms of the agreement and come to our own conclusions as to what should be done. You can call another meeting as to what we have to say on the draft. Then you can discuss as to how you should proceed. But why forestall a thing? Parliament through its leaders should be apprised of the contents of the CBI report which according to them is a full report. I cannot question it till I have seen it . .

श्री राजनारायण : श्रीमन् , श्री भूपेश गुप्त ने अपना ड्राफ्ट पढ़ा, तो मैं आपकी इजाजत से यह जानना चाहता हूँ श्री भूपेश गुप्त से कि मेम्बर सी० बी० आई० की रपट पढ़ें, उस रपट को हम इस सदन में भी कोट न करें और न ही उसका पब्लिक यूज ही करें तथा न उसको प्रेसेडेंट ही बनायें। तो मैं यह जानना चाहता हूँ कि श्री भूपेश गुप्त का ड्राफ्ट हमको कहा ले जा रहा है। उनके ड्राफ्ट के बारे में मैं यह कहना चाहता हूँ कि आज तक जनतंत्र की जितनी मान्यताएं हैं, वे उन सब की तिलांजली देना चाहते हैं। मैं श्री भूपेश गुप्त से यह पूछना चाहता हूँ कि उन्होंने ऐसा गन्दा ड्राफ्ट बनाया ही क्यों। ऐसा लगता है कि नर्क कुण्ड के गन्दे किड़े ने उनके विभाग को छलनी कर दिया है; क्योंकि श्री भूपेश गुप्त अपने

ड्राफ्ट के जरिये भविष्य में भी अगर कोई पार्लियामेंट का मेम्बर कहीं फंस जाय, मिनिस्टर फंस जाय, कैबिनेट का कोई मन्त्री फंस जाय और उसके बारे में सी० बी० आई० की रपट हो, तो उसके बारे में फिर देखने की मांग न करे। यही तो आपके ड्राफ्ट का मतलब है।

मैं बहुत सफाई के साथ कहना चाहता हूँ कि इस तरह का कोई प्रेसेडेंट नहीं है। यहां पर रपट की बात कही गई है और सी० बी० आई० की रपट नहीं रखी गई है और इस सम्बन्ध में जाकिर हुसैन जी का जो हवाला दिया जाता है, वह इस कवर नहीं करता है। मैं श्री भूपेश गुप्त से कहना चाहता हूँ कि अगर पार्लियामेंट का मेम्बर कैबिनेट का मेम्बर के बारे में कोई सी० बी० आई० की रिपोर्ट है, कोई स्कैन्डल है, भ्रष्टाचार है, तो उसके बारे में संसद ही एक मात्र स्थान है, जहां पर इस बारे में पूरी तरह से विचार किया जा सकता है और विचार करके ही रपट को मांगा जा सकता है। मैं श्री भूपेश गुप्त से एक प्रश्न करना चाहता हूँ और यह कहना चाहता हूँ...

SHRI BHUPESH GUPTA : I thought you are asking me a question.

MR. DEPUTY CHAIRMAN : Can I reply to that because the suggestion was actually mine.

श्री राजनारायण : आप कुछ कह देते हैं, तो हमारे लिए मसीबत हो जाती है। आप न कहें।

श्री उपसभापति : प्रेसेडेंट की बात आप कह रहे हैं। मैं आपको बता रहा हूँ कि कल किसी मेम्बर ने डिमान्ड किया because there was a precedent and the report was placed on such and such a day. वह तो नहीं होगा।

According to the draft, that is what it means लेकिन अगर इन्डिपेंडेंट डिमान्ड हो तो

[श्री उपसभापति]

उसे कोई नहीं रोक्ता है। अभी आप डिमान्ड करें कि जाकिर हुसैन साहेब ने कलिंग दी थी। उस तरह की डिमान्ड हो सकती है लेकिन Nobody can quote this as a precedent and demand it as a matter of right. That is all. यह बात है।

**श्री राजनारायण :** श्रीमन्, मेरा निवेदन भूपेश जी से है। भूपेश जी अपने ड्राफ्ट को चेंज करें। हम चाहते हैं कि सी० बी० आई० की रिपोर्ट को रखा जाय जब कि भूपेश जी सी० बी० आई० की रिपोर्ट को देखने और रखने में डिस्टिक्शन कर रहे हैं। 1955 में श्री टी० टी० कृष्णामाचारी ने उसकी एप्लीकेशन को रिजेक्ट किया, 1956 में मोरारजी ने रिजेक्ट किया, 1958 में लालबहादुर शास्त्री ने रिजेक्ट किया 1967 में मनुभाई शाह ने रिजेक्ट किया, बलिराम भगत ने रिजेक्ट किया, ललित नारायण मिश्र ने भी रिजेक्ट किया। मैं यह जानना चाहता हूँ...

**श्री रणबीर सिंह :** ये तकरिर कर रहे हैं, आप इनकी बैठाइए।

**श्री राजनारायण :** मैं यह कहना चाहता कि जितने मंत्री इस विभाग के थे उन्होंने इस एप्लीकेशन को रिजेक्ट किया। सी० बी० आई० रिपोर्ट में क्या मेन्शड है? 31 अगस्त 73 को...

**श्री रणबीर सिंह :** आपने कभी देखी है...

**श्री उपसभापति :** अगर आप प्रश्न करेंगे तो वे आपको जवाब देने लगेंगे।

**श्री राजनारायण :** मैं भूपेश जी को इस सदन का सम्मानित सदस्य मानता हूँ और उनकी बात को बख्त देता हूँ। मैं यह कहना चाहता हूँ कि श्री चट्टोपाध्याय ने यह कहा है कि 31 अगस्त 74 को पहले सी० बी० आई० की रिपोर्ट आई। फिर 30 सितम्बर को वे कहते हैं कि अन्तरिम रिपोर्ट सी० बी० आई० की रिपोर्ट आई, उसको भी मुद्देनजर

रखा जाय। मैं यह कहना चाहता हूँ कि जिसको फाइनल रिपोर्ट कहा जा रहा है, क्या इस में यह रिपोर्ट कवर होगी? यह मैं भूपेश गुप्त से पूछना चाहता हूँ। इसलिए हमने कहा था कि सी० बी० आई० की रिपोर्ट और वह तमाम आधार जिस पर वह बनी है, वह सब पेश किया जाय।

**SHRI BHUPESH GUPTA :** I have heard his points. I think the House has converted itself into a committee. He has raised two points and I think they are legitimate points. Sir, first of all, you have answered one point about the precedent. It only means that if and when in future I make a demand for any report to be laid, I will not quote this as a precedent...

**SHRI D. D. PURI :** Yes.

**SHRI BHUPESH GUPTA :** ... and on the strength of it seek the submission of it on the Table. That is all. On merits I can do it. You are not even bound by it. With regard to the parliamentary thing, Sir, you know very well that I have been here for long and I have never said—nobody has said, I think—that all the CBI reports should be laid on the Table of the House and that has never been the stand of anyone. Some CBI reports are sometimes demanded because of some special, overriding and compelling considerations of public interest or public standard. We have done it once or twice. In the CBI you have many reports which have piled up, which have piled up in the Ministry of Home Affairs and we never demanded that all the reports should be laid. Therefore, I am not suggesting that the procedure should be reversed by us. Let it continue. I am not demanding that the procedure which has been followed so far should be reversed. I am only keeping the options open and, Sir, you have very rightly said about the precedent and, on the merits of the case in future if the demand is justified, we shall make it and we are not signing away our rights and privileges in this respect.

SHRI T. N. SINGH : Mr. Bhupesh Gupta there is one point. The condition laid down is that this will not be a precedent. Does it not bar us from raising a similar demand when a Minister is involved in a similar case in the future? How can we stop it?

SHRI BHUPESH GUPTA : One thing is quite clear. The text of this thing . . .

SHRI T. N. SINGH : It is not the 'text'. I am not particular about words. What I say is this. The undertaking given by this House for future Members of Parliament to come that we shall not treat this as an example . . . (Interruptions) Why not . . .

(Interruptions)

SHRI BHUPESH GUPTA : 'Precedent' and 'example' are not the same thing.

SHRI RAJNARAIN : What is the necessity of saying this?

SHRI BHUPESH GUPTA : 'Precedent' has a meaning; it has a juridical meanings. (Interruptions) Do I

demand the CBI report this time to be laid on the Table of the House on the basis of some precedent? No. On the merits of the case I demand it. I need not cite any old cases at all. You can always do it in future. But we are not now dealing with a contingency that might arise in future. We are dealing with the present situation.

SHRI RAJNARAIN : How can you accept this? . . .

(Interruptions)

SHRI BHUPESH GUPTA : First of all, it is possible that the CBI report has got reference to this kind of thing. I have not seen the full report. Why should I presume what I might . . . (Interruptions) You are trying to go ahead. I would see the CBI report. I would try to find out what it contains and does not contain. I shall come to the conclusion which need not relate only to Tulmohan Ram's case. I might also see other related matters on a wider scale. I will make submissions to the Chairman of the committee

which will be considering . . .

(Interruptions)

SHRI RAJNARAIN : It does not convince us.

SHRI BHUPESH GUPTA : You will not be convinced, because you have made up your mind.

Let me make the position clear. I am not satisfied. I tell you that I am not satisfied with what the Government has done. There is no doubt about it. I stand by the basic demand which I made on the 27th of August. But suppose they do not agree to it, do we retire and do nothing? The only thing I say is that we will not participate in the 'satyagraha'. Other methods are open to us . . .

(Interruptions)

SHRI T. N. SINGH : You took a different attitude from that of Gandhiji in 1941 also.

SHRI BHUPESH GUPTA : Well, Gandhiji has been mentioned. You know very well when I spoke against Morarji Desai when he was Deputy Prime Minister. At that time I demanded a CBI inquiry into all his shares in the business. He did not deny it. He did not disclose it. Then I got the Balance Sheet and exposed it here . . .

(Interruptions)

श्री राजनारायण : भूपेश गुप्त जी की इस मांग के साथ मैं अब भी हूँ कि अगर मोरारजी देसाई के खिलाफ कोई रिपोर्ट हो तो उस को पेश किया जाय ।

(Interruptions)

SHRI BHUPESH GUPTA : That is why I say that you are playing politics . . . (Interruptions) But, Sir, Corruption cannot be fought with a narrow partisan angle . . .

(Interruptions)

श्री राजनारायण : मोरारजी देसाई की सी० बी० आई० की रिपोर्ट मंगाइये, हम तैयार हैं ।

SHRI BHUPESH GUPTA : I know very well. All the CBI reports will be gone into, and some will at least be

relating to some very esteemable former Chief Minister who belonged to this side of the House . . .

(Interruptions)

SEVERAL HON. MEMBERS :  
Yes, yes Let that be . . .

(Interruptions)

SHRI RABI RAY : We accept the challenge. Let the Government also accept the challenge.

श्री राजनारायण : गवर्नमेंट अगर अनिस्ट हो तो मोरारजी और बीजू पटनायक की रिपोर्ट रखें ।

(Interruptions)

SHRI BHUPESH GUPTA : We will be a party to fighting corruption. If L. N. Mishra is guilty, hang him. If Bhupesh Gupta is corrupt, hang him. That is not the point. The point is that you wanted to see the C.B.I. report. See it. (Time bell rings.) I have told them not to rely too much on the C.B.I. report. C.B.I. is also an organ of the Government. Having realised that C.B.I. report will not help them, they are heroically retreating from their position. We shall go through it. We shall read it and then we shall see what the Government has shown or not shown. We shall proceed according to the rules laid down. You have taken this thing in the Chamber. I am not precluding myself. I am not prejudging what should be done. We have agreed to it. In view of this, satyagraha should be stopped.

SHRI BANARSI DAS : How many times will he repeat it ?

श्री राजनारायण : सत्याग्रह नहीं करें तो दुराग्रह करें ?

SHRI BHUPESH GUPTA : Before I sit down, I will say that we stand by the principle laid down. You have taken the initiative. The Chair has taken the initiative. We are prepared to co-operate with you in following the matter according to the rules and procedures laid down by you in a manner which will, on the one hand, ensure the dignity of the Members of Parliament and, on the other hand, will serve public interest.

SHRI HAMID ALI SCHAMNAD (Kerala) : I should like to express the view of my party also in this manner. The Government ought to have placed before the House the C.B.I. report in toto. By not placing it before the House and before the Members of Parliament, they have expressed their guilt. This is not a party issue. This is not an issue that has to be dealt with by the Members alone. The entire nation is watching what is going on today here. I appeal to the Government to place the C.B.I. report in toto before the Members at the House so that the nation as a whole may know what is going on in this corruption network. This is not a matter affecting one Member of Parliament alone who has been sacked. Sir, this is a conspiracy, a conspiracy of corruption, and every Member of Parliament has got a right to know what has happened, whether it is at the ministerial level or at the governmental level and at the level of Members of Parliament who are involved in this matter. So I appeal to the Government to place . . .

MR. DEPUTY CHAIRMAN : Mr. Schamnad, we have traversed a long way from there. You express your view on the proposals that were formulated yesterday.

SHRI B. V. ABDULLA KOYA (Kerala) : Are we to follow the expressions expressed here ? We have our own independent view. Why do you object ? He has taken only four minutes.

MR. DEPUTY CHAIRMAN : Mr. Koya, I must remind you that there is no discussion before the House on this. I allowed certain Members to make observations on the proposals that we were discussing yesterday. You cannot reverse back and start all over again. That is why I am reminding you. When I am talking to Mr. Schamnad, no other Member need help him. He can take care of himself.

SHRI HAMID ALI SCHAMNAD : Sir, I appeal to the Government to appoint a parliamentary committee also to go into this matter.

**श्री श्याम लाल यादव** (उत्तर प्रदेश) :  
उपसभापति जी, मैं सिर्फ दो मिनट लेना चाहूंगा। सभापति जी, जो प्रस्ताव आपने सदन के सामने रखा और उसके बाद विरोधी पक्ष के नेताओं की मिटिंग बुलाई और उसके बाद जो प्रस्ताव भूपेश गुप्त जी ने रखा, मैं समझता हूँ आमतौर पर उस पर सहमति हो जानी चाहिए।

शुरू-शुरू में जो सी० बी० आई० की रिपोर्ट पाने की मांग की गई थी ताकि पर्दा खुले। मैं समझता हूँ हमारी वह मांग बहुत हद तक पूरी हो जाती है। चैंबर में आपके सम्मुख कुछ कहा जाता है, और यहाँ आकर कुछ कहा जाता है, यह बात उपसभापति जी आपके सामने हो गई। मैं आपसे यह कहना चाहता हूँ कि जो सदस्य यह कहते हैं कि सी० बी० आई० की रिपोर्ट वह नहीं है जो ओरीजिनल है और दीक्षित जी ने कहा कि वह पुरी रिपोर्ट सदन के नेताओं के सामने रखने को तैयार है इसको भी विपक्षी दल के कुछ सदस्य असली रिपोर्ट नहीं मानते तो मेरा कहना यह है कि सी० बी० आई० ने जितने सबूत दिए हैं, उन्हीं सबूतों पर अदालत में मुकदमा चल रहा है और सारे सबूत अदालत में उपलब्ध हैं। चाहे वह हैडराइटिंग एक्सपर्ट्स के हों, चाहे गवाहों की शहान्त हों, चाहे दूसरे रिकार्ड हों, वह सब चार्ज शीट में है और उसकी नकल सदस्यों के पास है...

**SHRI SALIL KUMAR GANGULI :**  
Sir, I want to contradict him. He is making a new statement.

**MR. DEPUTY CHAIRMAN :** Please take your seat. I cannot allow this kind of interruption. Please take your seat now. And nothing of what you say will go on record.

**SHRI SALIL KUMAR GANGULI :**  
(Continued to speak.)

**MR. DEPUTY CHAIRMAN :** He wanted two minutes and you are going to interrupt him. I have given him strictly two minutes and he should finish within two minutes.

**श्री श्याम लाल यादव :** श्री गांगुली एक प्रसिद्ध वकील हैं। मैं उनसे निवेदन करूंगा कि वे पुनः इस चार्ज शीट को देख लें।

(Interruptions)

**श्री सलिल कुमार गांगुली :** मैंने इसको देखा है ...

**MR. DEPUTY CHAIRMAN :**  
Please take your seat.

**श्री श्याम लाल यादव :** मैं यह निवेदन करूंगा कि जितने सबूत हैं, उन सारे सबूतों पर मामला अदालत में विचाराधीन है और उनकी लिस्ट इसमें एक-एक करके दी हुई है। कम से कम इसमें 200 सबूत की सूची है ...

**श्री सलिल कुमार गांगुली :** ठीक है 200 है पर ...

**MR. DEPUTY CHAIRMAN :** Mr. Ganguli, you are not going to reply to him.

**श्री श्याम लाल यादव :** श्रीमान्, जो असल सबूत अदालत में मौजूद हैं उसकी कापी हर मुलजिम को दी जाएगी यह कानून का तकाजा है। जितने बयान गवाहों के हुए हैं, उनकी नकल सब मुलजिमों को दी जाएगी।

मान्यवर, इसके अलावा जो कागजात हैं, वे भी ये सदस्य मांग रहे हैं। मैं समझता हूँ यह मान्य नहीं है। पहले तो सरकार भी हिचकिचाती थी कि सी० बी० आई० की रिपोर्ट पेश की जाए, लेकिन ऐसा वातावरण बनने पर सरकार विपक्ष के नेताओं को दिखाने को तैयार हो गई है। उपसभापति जी, मैं बड़ी नम्रता से कहना चाहता हूँ कि सी० बी० आई० ने जो 300 पेज की रिपोर्ट दी है, उसी के आधार पर अदालत में मुकदमा भेजा है। मैं समझता हूँ शायद ही कोई वाक्य हो जो इसमें रह गया है और यह मान्य भी है; क्योंकि इससे मुलजिम को फायदा मिलेगा। मैं समझता हूँ कोई सी० बी० आई० का अधिकारी इतना बड़ा मूर्ख नहीं होगा जो ऐसी गलती करेगा।

[श्री श्याम लाल यादव]

मैं बड़ी नम्रता से कहना चाहता हूँ कि जो सी० बी० आई० की रिपोर्ट के बारे में आपने सुझाव दिया और जो प्रस्ताव भूपेश गुप्त जी ने रखा उसके अनुरूप हो उसे दिखाने के लिए सरकार तयार है और उसे देखना चाहिए। उसके बाद ही हम किसी नतीजे पर पहुँच सकते हैं, अपने सुझाव रख सकते हैं कि यह सही रिपोर्ट है अथवा गलत, इसमें तथ्य छिपाए गए हैं या नहीं। इन सब बातों की जानकारी रिपोर्ट के सामने आने पर ही लग सकती है।

आखिरी बात मैं यह कहना चाहता हूँ कि इस संबंध में जो सत्याग्रह की बात कही जा रही है वह ठीक नहीं है; क्योंकि हमारे संविधान के अंदर जो जनतंत्र का तरीका दिया गया है, जो परम्परा दी गई है उसको मान कर हम लोग यहां पर बैठे हुए हैं। मैं समझता हूँ कि इस बारे में सत्याग्रह की बात करना संविधान की परिधि के बाहर है। मान्यवर, अगर देश में इस प्रकार की परम्परा चली तो इससे विषम स्थिति पैदा हो जाएगी। आज चाहे कोई भी सत्ता में हों, शासन में हों, चाहे वे पैसे के बल पर हों, जमीन के बल पर हों या अधिकारों के बल पर हों, लेकिन अगर सत्याग्रह की बात चलेगी तो इस देश में सत्याग्रह का राज हो जाएगा, तानाशाही का राज हो जाएगा, पूंजीपतियों का राज हो जाएगा। ऐसी स्थिति में गरीब का और किसान का राज नहीं हो पाएगा। वह खत्म हो जाएगा। मैं यह नम्र निवेदन करना चाहता हूँ कि जो लोग आज जनतंत्र की दुहाई दे रहे हैं, समाजवाद की दुहाई दे रहे हैं, वे इन बातों पर गम्भीरता पूर्वक विचार करें। क्या इस प्रकार के सत्याग्रह जनतंत्र को शक्ति मिलेगी। मैं समझता हूँ कि इससे तो जनता के हाथ में जो अधिकार हैं वे भी खत्म हो जाएंगे। आज अगर आप किसानों और गरीबों का राज इस देश में लाना चाहते हैं, तो इस प्रकार के सत्याग्रह से वह नहीं आ सकता है।

**श्री राजनारायण :** जो लोग इस तरह की बात करते हैं वे ही हरिजनों को हत्या करते हैं।

**श्री श्याम लाल यादव :** मैं इस प्रकार के ब्राह्मणवाद की निन्दा करता हूँ।

**MR. DEPUTY CHAIRMAN :** Mr. Kumbhare now. And I am giving you only one minute.

**SHRI N. H. KUMBHARE (Maharashtra) :** Sir, I have to make a small submission about my grievance. Today, a meeting was convened by the Chairman and leaders of the Opposition were invited but I fail to understand why representation was not given to small parties here.

**MR. DEPUTY CHAIRMAN :** You are only one man; there is no party at all.

**SHRI N. H. KUMBHARE :** I am not speaking for myself, but for other political parties.

**MR. DEPUTY CHAIRMAN :** You make whatever submission you want to make.

**SHRI N. H. KUMBHARE :** My submission is, Sir, that if the Government is prepared to show the report and if some of the members of Opposition are not willing to go into that report, why cannot the report be made available to those leaders of the Opposition who would like to have that report? I would request the Government to make the report available to other members who would like to have a look at it.

**SHRI OM MEHTA :** Sir, I have patiently listened for two hours to what has been said from the other side, by the hon. Members of the Opposition and their leaders who were yesterday in the meeting with you at 4.30 P.M. and today also in the morning at about 10 A. M. As you know, Sir, this licence issue has been going on in the other House and in this House, not in this session but in the earlier session also. In both the sessions this has been going on. Mr. Niren Ghosh in his

wisdom gave a notion that this should be discussed in this house. He gave the notion and I hope that it was not done by the Secretariat but he wrote that it should be discussed under Rule 176 on the floor of the House. Though we were not obliged to agree to this notion, Sir, but still we thought that nothing should be shrouded in mystery and we agreed to Mr. Niren Ghosh's suggestion and the notion which were given by the Opposition parties. We said on this very floor of the House let the truth come out; let them state what they wanted to and we will have our viewpoint to put forward. Let them listen to our point of view so that the truth is out and let the world and everybody know what is the truth. We never wanted to keep anything secret or shrouded in mystery. Again they refused to discuss because they thought that the C.B.I. report was an essential document and it should be in their knowledge and that they would discuss it only when the C.B.I. report is placed on the Table. I have got the proceedings here, Sir. Time and again they have asked : "CBI report; CBI report". Nowhere have they said that other documents should also be given. Sir, the full report is with me. The words they have used are—if you allow. I can read them and I can quote them also—"CBI report; CBI report." Yesterday, Sir, when in your wisdom you were kind enough to find a way out of this impasse, you gave a suggestion. At that time I never knew the view of my Government. Some of our Opposition leaders were sitting here and they welcomed the suggestion. If you like, Sir, that suggestion is also with me, I can repeat that. Then, Sir, at 4.30 p. m. I came before the leaders and before you, Sir, and I accepted the suggestion given by you. The Government accepted that suggestion and the resolution which was read by Mr. Bhupesh Gupta that Government is prepared to place before the Chairman and leaders the C.B.I. report in this case on the condition that the leaders would peruse the report themselves and . . .

SHRI LAL K. ADVANI : He never used the words. "peruse".

SHRI OM MEHTA : Those are my words. Their leaders will peruse the report themselves and will, under no circumstances, either disclose it to anyone or quote it in the House or make any use of it except to satisfy themselves as to what the report contains and also it would not be regarded as a precedent. There was no earlier draft. But Shri Bhupesh Gupta suggested another draft and in the presence of everybody he wrote a draft and gave it to me. Immediately, my reaction was—I will consult the Government and tomorrow morning we will come and tell you about our reaction. Today the first thing I did was that I came and said that the draft is acceptable to the Government and we agree to it. Then Mr. Advani said in the very beginning that somehow they got the impression that a summary of the report would be given to them. Sir, I emphatically say that in my draft there is no word 'summary'. And, also, Sir, I would like to make it clear that normally in such investigations there are no other reports. The investigation report, which we call the C.B.I. report, is the final report, on the basis of which the challans are filed. This is the report. Sir, which was sent to the Speaker, and the Government has been generous enough to take the leaders of the Opposition into confidence. And I said, Sir, in that committee that I am thankful to 4/5 Opposition leaders who supported this stand and who agreed. (Interruption) There was Mr. Advani . . .

SHRI RABI RAY : Name them.

श्री राजनारायण : चार-पांच सदस्य कौन हैं जिन्होंने कहा ?

श्री ओम मेहता : मैं डाइवल्ज नहीं करूंगा ।

श्री राजनारायण : इसमें कनफ्यूजन है । चार-पांच में कोई कैसे कह सकता है आडवाणी जी ने किया, रबी राय ने किया, नीरेन घोष ने किया . . .



**श्री उपसभापति :** राजनारायण जी, आप तो वहां थे नहीं ? आपने तो नहीं किया, यह तो जाहिर है । इसलिए आप अपनी सीट पर बैठिए ।

**श्री राजनारायण :** मैं जानता हूं, आडवाणी जी ने नहीं किया, मैं जानता हूं रबी राय ने नहीं किया, मैं जानता हूं नरेंद्र घोष ने नहीं किया ...

**MR. DEPUTY CHAIRMAN :** Mr. Rajnarain, what transpired there, you better not go into that.

**SHRI RAJNARAIN :** I have heard from so many sources.

**MR. DEPUTY CHAIRMAN :** You can hear anything. We do not go by hearsay.

**श्री राजनारायण :** उनका नाम बताने में क्या हर्ज है ? उनकी कहना नहीं चाहिए था ...

**श्री रबी राय :** उन्होंने ऐसा कहा क्यों कि चार-पांच ने समर्थन किया ?

**श्री राजनारायण :** इसको हम साफ कहते हैं कि आडवाणी जी, रबी राय, नरेंद्र घोष उसमें नहीं थे, जिन्होंने सपोर्ट किया ।

**MR. DEPUTY CHAIRMAN :** It is a fact.

**SHRI OM MEHTA :** Therefore, our proposal fell through because Mr. Advani, Mr. Rabi Ray and Mr. Niren Ghosh did not support it. So the position of the Government is quite clear. We never wanted to hide anything, and by agreeing to show the complete C.B.I. report to the Opposition leaders, to you, Sir, we acceded to each and every word of the suggestion you gave and we thought that the unanimous opinion of the House was that it should be shown to the leaders. I say with pain now that it is on second thoughts they have thought of these documents and other things and other things. It was pure and simple. First of all, they gave a motion, for discussion and they backed out of it. They wanted the

C.B.I. report, we agreed to it, and again they backed out of it. I think even if we give them the documents, tomorrow they will say, 'No, they are fake documents', and they will back out.

(Interruption)

**SHRI NIREN GHOSH :** C.B.I. report covers all reports. Otherwise, there is no report.

**MR. DEPUTY CHAIRMAN :** Now the House stands adjourned till 3.30 P.M. today. We take up the Calling Attention when we resume.

The House then adjourned for lunch at two of the clock.

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

#### RE STATEMENT BY PRIME MINISTER

**श्री राजनारायण (उत्तर प्रदेश) :** प्रधान मंत्री के स्टेटमेंट का क्या हुआ ?

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PERSONNEL (SHRI OM MEHTA) :** I think there are some developments in the other House. So, she is not making any statement today.

**SHRI LAL K. ADVANI (Delhi) :** We could not understand what is the position, because this morning I have made my position very clear. हमने आपसे यहां पर यह आग्रह किया था कि हमारे सामने पूरी जानकारी आनी चाहिए और यह भी कहा था कि आज 12 बजे तक पता लगा लें । क्योंकि इसको सूचना मिली है कि इस विषय पर प्रधान मंत्री बोलेंगी । इसी लिए मैंने कहा था कि हम प्रधान मंत्री की बात सुनेंगे । इस बीच में यह भी निवेदन करूंगा और श्री अ.म. मेहता जी ने भी कहा है कि उस सदन में कुछ गतिविधियां हुई हैं और उन गतिविधियों के बारे में आप लोगों को परिचित करायेंगे ।