

here. He is aware of the jute workers demands. Their first demand is that raw jute should be purchased at Rs. 100 per maund from the growers because there is the big monopolists' profit hunger. The other demand is the immediate publication and implementation with retrospective effect of the decisions and recommendations of the Expert Committee on computation of consumer price index numbers. Sir, this Expert Committee was set up by the State Government in consultation with the Central Government, and the Expert Committee has submitted its report to the State Government and a copy has been sent, I suppose, to the Central Government. According to the Expert Committee's findings and recommendations, Rs 55 p.m. should be given to the jute worker with retrospective effect by way of D.A. Sir, an index fraud had been committed by the Simla Bureau of the Labour Department of Government of India. And that fraud was found out by the Expert Committee.

Sir, all the central trade unions, including the CITU, the INTUC, the AITUC, the HMS and others have unitedly given this notice. Their demands include, among others, wage protection consequential to power rationing. Immediate implementation in full of the Union Labour Minister, Shri Raghunath Reddy's recommendation on relief to Budli workers. 20 per cent bonus and opening of fair and fixed price shops for adequate supply of all essential commodities and full implementation of the agreements and assurances and settlement of all pending disputes.

Sir, if they do not comply with these demands and fulfil these demands of the central trade unions, they will go on a protest strike on the 24th of this month. If even then they do not fulfil these demands, there is the danger of a continuous strike in the jute industry. Mr. Chattopadhyaya has not given his ear to this problem. Therefore, I would like to draw his attention through you and ask him to take immediate steps so that this strike may be averted and the jute barons may be forced to accept the demands of the workers.

MOTION REGARDING CONSTITUTION OF A JOINT COMMITTEE TO INVESTIGATE MATTERS ARISING OUT OF ANSWERS GIVEN TO STARRED QUESTION NO. 730 IN RAJYA SABHA ON AUGUST 27, 1974 AS WELL AS THE STATEMENT MADE BY THE MINISTER OF COMMERCE IN THAT CONNECTION.

SHRI BHUPESH GUPTA (West Bengal):

Sir, I move:

That this House resolves that a Joint Committee of both Houses of Parliament consisting of 10 members of Rajya Sabha to be nominated by the Chairman and 20 members of Lok Sabha to be nominated by the Speaker be constituted to investigate all matters arising out of answers given to Starred Question No. 730 in Rajya Sabha on August 27, 1974 and supplementaries thereto as well as the statement of the Minister of Commerce in connection therewith in Rajya Sabha on the same day and that the Committee do submit its report to this House on the first day of the next session.

That this House recommends to Lok Sabha that Lok Sabha do concur in this motion and join the said Committee.

Sir, I only move the resolution. Another Members of our group will speak on this. Later, in reply I may have to say something.

(Mr. Deputy Chairman in the Chair).

The question was proposed.

SHRI MOHAMMAD YUNUS SALEEM (Andhra Pradesh). On a point of order, Sir. Sir, this motion is unnecessary in view of the answers given by the Minister of Commerce on the 27th August, 1974, in this House, in reply the certain questions and supplementaries put by different hon. Members of this House. Sir, today a news item has appeared in the local papers. I have got today's *the Times of India* wherein the same matter has appeared. It has been stated therein that an F.I.R. has been lodged and the magisterial court is seized of the investigation of the matter.

MR. DEPUTY CHAIRMAN: Mr. Yunus Saleem, I have seen that report and there is no point of order.

SHRI MOHAMMAD YUNUS SALEEM: Sir, kindly allow me to make my submission.

MR. DEPUTY CHAIRMAN: I have heard you and I do not want to consider it.

SHRI MOHAMMAD YUNUS SALEEM: Sir, the matter is *sub judice*.

MR. DEPUTY CHAIRMAN: It is not *sub-judice*.

SHRI MOHAMMAD YUNUS SALEEM: Sir, you are not allowing me to complete my submission.

MR. DEPUTY CHAIRMAN: I have already heard you and let us not waste time on that.

SHRI MOHAMMAD YUNUS SALEEM: Sir, I will satisfy you by quoting the relevant section of the Criminal Procedure Code.

MR. DEPUTY CHAIRMAN: Mr. Yunus Saleem, I have heard you enough. There is no point of order.

SHRI MOHAMMAD YUNUS SALEEM: Sir, I could not complete my submission because you stopped me.

MR. DEPUTY CHAIRMAN: Mr. Yunus Saleem, I have heard what you have been referring to. There is no point of order and I need not listen to a speech. I can make that very plain to you.

MR. DEPUTY CHAIRMAN: Mr. Chinai, do you want to move your amendment?

SHRI BABUBHAI M. CHINAI (Maharashtra): Sir, I move:

That in the Motion in lines 1 to 12 for the words "Joint Committee of both Houses of Parliament . . . and join the said Committee", the following be substituted, namely:—

"Commission be appointed to consider and recommend in what manner the

present system of import licensing which is prone to external pressures can be replaced by an appropriate adjustment in tariffs and/or otherwise and thereby reduce import licensing to the minimum".

The question was proposed.

SHRI M. KADERSHAH (Tamil Nadu): Mr. Deputy Chairman, Sir, this is the final day of the Monsoon Session and this is the first speech of mine in this august House. Until at last the most anticipated debate, rather the climax of the existing Session, has come up for discussion, thanks to the permission of the Chair. Sir, I am in accord with the Motion moved by the veteran politician, Shri Bhupesh Gupta, and it is my proud privilege to have in my maiden speech itself a discussion on the matter directly concerning our Members, involving the integrity of all of us. We, the chosen Members of the people and various States have now been virtually reduced to be talked of by a person, a common person who does not take interest in politics or in the national or international affairs with the degree of contempt unprecedented, the degree of insult unparalleled and the degree of anguish and anger unpardonable. Our late leader Dr. Anna often used to remind us that Caesar's wife should stand above all suspicions. This is not only applicable to the members of the ruling party but to each and every person in public life irrespective of his political leanings.

Now, we may recall the incident in this House on the 27th of August. The Commerce Minister gave us the names of 21 members of the other House who had recommended that the licences to 7 firms of Pondicherry State may be given on the basis of their representations. The day will be remembered when the spontaneous reaction of the entire House was in favour of a Parliamentary probe. My friends on the Treasury Benches had even gone to the extent of suggesting for a mechanism to deal with the situation and were of the opinion that the CBI probe was likely to diminish the powers and privileges of Parliament. To save a Minister or a Member of Parliament, or a Government official, my humble submission is, Sir, that the entire

community of the Members of Parliament and the Parliament itself should never be brought into disrepute or disregard. But from the stand taken by the Government on the other day it is very clear that the frank and spontaneous reaction of the Congress Members has not found favour with the higher echelons in the Government and, therefore, with the strength of the brutal majority the motion had been turned down without convincing arguments. The line of argument taken by the Government that the CBI has already registered the case for investigation on September 2, and, therefore, a parliamentary enquiry by a Committee of Parliament, will be out of context, is a negative argument. Sir, I cannot understand why the Government is so nervous of a Parliamentary probe and the fact that the Government was reluctant from the very beginning to allow this discussion had created much resentment among the members of the ruling Party itself.

Sir, the reason why we demand a Parliamentary probe and not in favour the CBI probe is this. Those who are connected with the scandal are Members of the other House. They are all honourable members and the Minister Mishra is more honourable. They should not be subjected to a CBI enquiry. Sir, what is the CBI? It is nothing but a Department of the Government. How and in what manner the enquiry will be conducted and how far it will be impartial is yet to be seen. The probe by a Parliamentary Committee has definitely fundamental built in advantages and can rectify and plug the loopholes. The period which has been taken by the CBI in going to the deeper details in the matter is another instance which reflects the intentions of the Government. The matter was being looked into by the CBI for the last several months but no formal case was registered so far until the 2nd of September. What were the reasons, why so? Nobody from the Government side has come forward to convince the Members regarding the time lag between the enquiry—when it was started and the case when registered. Secondly, the Members who are supposed to be involved in this episode have neither on their own cared to clear themselves nor the Government thought it necessary to inform

the Parliament earlier. This was possible only after this question was answered and the members one after the other came and retuted the allegations that they were parties to the signing of the memorandum.

Sir, I am a new member to this House and may not be knowing as much about the practices and procedures of Parliament and its reasonable etiquette but my friends who have been involved in this controversy are supposed to know in much detail about such matters and it was their foremost parliamentary duty to have conveyed to the honourable Speaker of Lok Sabha about the matter and thereby could have absolved themselves from the controversy. But their silence together with the silence of the Government and the main architect of this drama which has brought much damage to us is rather intriguing and gives an idea of a dead fish with pungent smell coming out of the box.

Sir, now Mr. Mishra has not only come up for a severe criticism but he has also placed his own partymen, 21 MPs including his Cabinet colleagues on the horns of a dilemma. I do not know for what consideration he sought the assistance of MPs of his State and during the process some others also were magnified. I want to know what interests he can have or the MPs from the States of Bihar, U.P., Madhya Pradesh and Jammu and Kashmir can have in the business of the people of Pondicherry State. I do not know about it. But, Sir, I want to ask whether the members of Jammu & Kashmir were fully aware of the genuineness of the business concerns in the extreme South. I am glad that Mr. Mishra alone can unite Kashmir and Cape Comorin in such a fantastic manner as he has done. There are so many mal practices in this issue of the licences. It is said that the applications had been consequentially rejected by the predecessors of Mr. Mishra. When the case was pending in the Delhi High Court, how did the business people withdraw their petitions against the Government? What led them to withdraw their petitions? Sir, at least one person in the Congress Party is honest and it is Mr. Tulloh Ram. He has admitted that he signed in the document and also got

Rs. 1,25,000 for his noble service. Now it is not known where Mr. Tulmohan Kam is. What happened to him? I am afraid that the same fate of Nagarwala should not be repeated on him. Sir, it is not uncommon that big fishes use to gobble up the smaller ones for their survival. This is the case we see here. All his colleagues have been made scapegoat now. I will categorically state that several mal practices have been done in this licence issue. One engineering firm was granted licence to import raw woollen and polyester fibre which were not at all necessary for their firm. Is it not a fact, Sir? If Mr. Mishra were an honest politician, he should come forward to tender his resignation. We have seen the American Watergate. Don't think I am comparing it with this Indian Watergate. In my opinion, even the great Nixon would not have resigned if he had met Mr. Mishra and had acted upon his advice. Sir, in this connection I want to recall the wonderful advice given by the greatest statesman of India, the late Rajaji, that the licence and quota system should be done away with once for all since they are the root cause of all such evils as corruption, nepotism, favours and blackmarketing. Let us take concrete steps to immediately stop this tendency from our public life if we are sincere and honest in promoting the welfare of the people. The people in general are becoming impatient of facing hardships, of being denied the bare necessities of life, of being denied a decent livelihood, of being subjected to innumerable hardships in preserving their health and family while some of us on the other hand have indulged in the indecent luxury of conniving at corruption which has in the recent past rocked the basic structure of our parliamentary functioning. We should not allow the people to think that dictatorship is far better than democracy.

Sir, to my mind the demand for a parliamentary probe is neither too big nor totally new. We had some bunglings in the past but the Government of the day at that time took the initiative by taking concrete steps to set at rest the public indignation which was there on those matters and immediately a parliamentary probe or a commission of inquiry was constituted to ascertain

the facts. The famous Mundhra case, Sardar Partap Singh Kairon's case, the hon. Mr. K. D. Malaviya's serajuddin affair, Shri Siddhartha Shankar Ray's West Bengal affairs, the late Prime Minister Lal Bahadur Shastri's insistence to hand over the enquiry against TTK in 1965 and his ultimate resignation from the Ministry are some of the precedents which the Government can look into and review this matter in the light thereof. The public has to be satisfied as to what has happened and what are the facts. The cloud must be cleared, the sun should come out and the gloom should be lifted. I would like to appeal to my friends on the Treasury Benches and to the Government in particular that in the larger interests of parliamentary institutions and for the healthy growth of public relations it is the paramount duty of all of us to get the matter inquired into by an agency not directly subordinate to the Government. Are you prepared to constitute a judicial enquiry? Sir, I therefore support the motion and request for its acceptance by this august House for cherishing the traditions laid down by our predecessors and to show a path of righteousness to our successors.

Thank you.

SHRI V. B. RAJU (Andhra Pradesh): Mr. Deputy Chairman, Sir, . . .

SHRI NIREN GHOSH (West Bengal): I thought you were for fighting corruption.

SHRI V. B. RAJU: I think if the Opposition has the patience to listen I think it will be doing justice to this House, to democracy and to the nation also.

Sir, we have a responsibility in this House and in the other House also not only to reflect public opinion but also to give a direction towards the destination that this nation has fixed for itself. In my opinion after a quarter of a century is over it is necessary to examine ourselves, to have an introspection whether our functioning is in the direction in which we wanted it to be, whether the political institutions in the country, particularly the Parliament, is doing its job in the best interests of the nation and democracy. I think it will do good for us if we have an introspection

and if we make a study on this. Sir, in this particular set-up a subject is discussed without any relevance to realities, facts and truth.

SHRI NIREN GHOSH: Facts galore.

SHRI V. B. RAJU: Please do not go on commenting on every sentence. It will be difficult for me to make out and for you to understand what I say. Now, in this Parliament we have assembled to hear each other and understand each other. It is not our oratorical combat or competition here, whether you speak loud or we make more noise or whether we can make more acrobatics that matters. That is not the point. The cultural level of a nation is reflected, from time to time, in the performance of its political institutions. I know Mr. Niren Ghosh has a difficulty. He leads a party which has no faith in parliamentary democracy. He made no secret of it.

SHRI NIREN GHOSH: That is also an untrue statement to put it mildly.

SHRI V. B. RAJU: I have no quarrel with Shri Niren Ghosh. He understands us well and we understand him very well. At the same time, in spite of his declaration, I will have to make an appeal to him and as a democrat I feel I can convert Mr. Niren Ghosh . . .

SHRI NIREN GHOSH: As a democrat or as a Congressman?

SHRI V. B. RAJU: So, Sir, from this House particularly, as it is popularly called as the House of the Elders, the nation expects some light, not heat. I wish more light was thrown than heat being generated. That is how I appeal to the opposition to consider this matter today. Today is the last day of the Session and we shall part in a good atmosphere and with a correct understanding.

Now, I will come to the subject-matter. What is it that the opposition wants? I shall try to sincerely understand it, so that I, as a member of the ruling party, can prevail upon the leadership to see eye to eye with the opposition for the best preservation of democratic values and to establish good traditions. What is it that the

opposition wants and what is the subject-matter? Sir, you will recollect that for the first time it was on 30th March a report appeared in an English weekly and the matter was referred to in Starred Question No. 380 of 13th August and in that question, through a supplementary, this matter was brought in, not as a substantive question. On Starred Question No. 380 a supplementary was put, not by the Opposition Benches . . .

SHRI RABI RAY: So, what?

SHRI V. B. RAJU: I am not complaining. I am only making a factual statement, not that you do not know. You know much more than what I know and you ought to know about it. I only just remind ourselves . . .

SHRI SARDAR AMJAD ALI: You can address us.

SHRI V. B. RAJU: I have to address not necessarily you, because you are all the affected people.

SHRI N. P. CHAUDHARI: We have got equal right to hear you.

MR. DEPUTY CHAIRMAN: Mr. Raju, you address me now.

SHRI NIREN GHOSH: You are feeling ill at ease.

SHRI V. B. RAJU: It came as a supplementary not from the opposition. The opposition cannot claim any credit either for any success or failure. The supplementary question came from this side.

SHRI G. LAKSHMANAN (Tamil Nadu): Those Members who raised it are now not in the House.

SHRI V. B. RAJU: That is a different matter. Then, on 27-8-74 it again came as a Starred Question in a substantive manner. This is with reference to the issue of the licence. Hundreds of licences are given and there are cases which are referred to the CBI. There are companies, importers or licencees and a few of them are placed on the black list. This has been going on from the time we became independent and even before we became independent. This is not

a new thing that has happened in 1974, 1973 or 1972, but anyhow a reference came in respect of this particular licence or in respect of these seven licensees who belong to the erstwhile French possessions in the Pondicherry area. I do not want to go into the details and everybody is conversant with it. I am only surprised. As I said earlier, I only wanted to know what exactly the Opposition wants so that our hearts and minds can come together and then only we may be able to make some progress. Sir, the Minister made it clear in a reply to a supplementary—I would like this to be borne in mind by every Member of this House that it is no use taking a particular case and calling a Member a bad name and repeating it. By repeating it he does not become bad. I am not saying a thing based on party lines. I hope the Opposition will appreciate my submission. Sir, the Minister of Commerce has categorically said—this is the wording:—

“I would say, as I have already said, the licences have been issued strictly on merit. I do maintain that the licences are in accordance with the rules and regulations . . .”

SHRI NIREN GHOSH: No, no.

SHRI V. B. RAJU: I am reading out what the Minister said. It is not my observation, Mr. Niren Ghosh. You are not here. You are sleeping, unfortunately.

AN HON'BLE MEMBER: Better let him sleep.

SHRI V. B. RAJU: I am not saying it on my own. He goes on to say:—

“ . . . I do maintain that the licences are in accordance with the rules and regulations and I stand by what I said in the morning. There is nothing illegal or irregular and the allegation of bribery is absolutely incorrect . . .”

Now this is the statement categorically made by the present Minister of Commerce on the floor of the House and nobody refuted it. I was very carefully hearing the speech of the hon'ble Member who initiated the debate and till this moment . . .

SHRI NIREN GHOSH: You have yet to hear something more.

SHRI V. B. RAJU: I said “till this moment”. Till this moment this statement of the Minister of Commerce has not been refuted. Let us come to the point. Does the Opposition find fault with the issue of the licence that they were irregularly issued? Or does the Opposition find fault with the 21 Members who are alleged to have signed, out of whom twenty have said that they did not sign, that their signatures were misappropriated, that Members of Parliament should not indulge themselves in such representations? Does the Opposition want that since the honour and the respect and dignity of the Members of Parliament is involved we should all put our heads together and restore that dignity and honour? Or does the Opposition want investigation into the forged signatures, how they were forged, whether they were forged and why they were forged? What is the substantive matter? The Opposition wants that this House should be seized of the matter. Only after knowing facts will we be able to understand each other and come out with a working proposition. I will answer the question.

SHRI NIREN GHOSH: F.I.R.:

श्री राजनारायण : एक आई आर में क्या दर्ज है राजू साहब इस को भी बता दीजिए ।

SHRI V. B. RAJU: मुझे कुछ नहीं मालूम । आप जितने इन्सोर्ट दिखते हैं । मैं उतना इन्सोर्ट हू । मैं कुछ नहीं जानता हू । इस में कोई बुरी नीयत से, कोई आगुमेंट के लिए मैं तीसमारखां नहीं बन रहा हू । मैं सच्चाई के पास पहुँचने के लिए अपनी बात कह रहा हू ।

I am trying to get at the fact because the nation looks to us for this matter. Because you have raised this matter I will answer the questions.

I will take up the first question, whether the licences have been improperly issued. What is the procedure for issuing a licence? I will put it in a nutshell, no Member in the House till this moment—again I repeat

--has refuted the statement of the Minister of Commerce. And secondly, before this case took shape in the issue of licences, there were two Ministers.

SHRI NIREN GHOSH: No, no, Mr. Raju . . . (Interruptions).

SHRI V. B. RAJU: I am not giving opinions. I am giving only facts. Let us conclude over it. Two Ministers were there, and the House never made the charge that the two Ministers colluded in this. There were two Chief Controllers of Imports, not one, and a band of officers . . .

श्री राज नारायण : इसका मतबल क्या है कहने का ।

श्री बी० बी० राजू : कोई बात नहीं है

SHRI BIPINPAL DAS (Assam): Why do you reply to them? (Interruptions).

SHRI V. B. RAJU: I will not be misled by this. Are you refuting this fact that . . . (Interruptions) I am trying to bring facts before the House. Even after I have made an appeal, if that courtesy is not shown to me, what is the use of my speaking? So, the point is whether there is any irregularity in the issue of licences. That is an issue by itself. Sir, I have read the debate that took place in the Lok Sabha and I have seen the earlier questions and answers. At no point was it said that the licences were issued irregularly by the Government. There has been no violation of rules, there has been no violation of procedure. I would be very glad if any Member of the Opposition could bring to the notice of the House and the Government that there has been any irregularity in this. But there is a point of criticism, and I have taken note of it: that is, why the licences were denied in the earlier period and why the licences were issued later. There the Minister himself has answered . . .

DR. K. MATHEW KURIAN (Kerala): I can give you a fact. The import licence was given for the import of whisky and brandy. Was it regular or irregular?

SHRI V. B. RAJU: Sir, I do not expect Dr. Kurian, an eminent parliamentarian, economist and intellectual, to simply pull

me into such minor things with which I am not conversant. And that is not the question here. Whether brandy was imported or artificial silk was imported is not the question here.

DR. K. MATHEW KURIAN: Was it for development?

SHRI V. B. RAJU: I am only saying that the question is whether there is any irregularity in the issue of licences. The Minister himself on the 27th August stated on the floor of the House:

"I have made it clear that there was some defect in the original notification and the defect was rectified. As a result of that, some people debarred originally were given licences according to the rules. So there is nothing irregular about it."

The two places, Mahe and Yanam, did not find a place in the earlier notification, and they had to be included. It is purely procedural, neither political nor motivated with any bad intentions, nothing of that type. This has not been refuted. Therefore, I will end this matter here; I need not go further. I will be very happy if any Member of the House has any information that the issue of licences was irregular. Definitely this ruling party will take note of it. Sir, I would dilate a bit . . .

MR. DEPUTY CHAIRMAN: Not much time.

SHRI V. B. RAJU: Sir, the ruling party, the Congress Party, is a big party with a long history.

MR. DEPUTY CHAIRMAN: There are so many speakers.

SHRI V. B. RAJU: And you, too, must have had your association with it some time or the other, and Mr. Rajnarain has had his association. About Mr. Bhupesh Gupta, I do not know; he is a very senior man. But this party would not tolerate irregularities and corruption. There have been any number of instances to prove that. But one instance, I think, will be sufficient. Whenever tickets are issued by the Congress Party at the election time or whenever elected members are to be inducted as Ministers, the leader takes care that there is no cloud against anybody. This has been

the practice This was followed in 1972 State elections. This was followed in 1971 Lok Sabha elections. The leadership is alive. The Congress Party and its reputation are involved here. We have a vested interest to have our image clean. And we want people's backing, we want people's cooperation, we want people's confidence in us. The Opposition need not . . .

SHRI NIREN GHOSH: Point of order

MR. DEPUTY CHAIRMAN: Where is the point of order?

SHRI V. B. RAJU: No, I refuse to yield

MR. DEPUTY CHAIRMAN: Where is the point of order? He is making a speech.

SHRI NIREN GHOSH: Unless you listen to me, how can you decide it? First please listen to me with patience. The point of order is this, the Home Minister is here, he has cleared 21 MPs in the other House. How could he do it without being sure of it? How can we proceed with this debate? This is one . . .

MR. DEPUTY CHAIRMAN: That is not a point of order. Let us proceed with his speech.

SHRI NIREN GHOSH: I have not finished . . .

MR. DEPUTY CHAIRMAN: You won't finish. You will take a long time, one hour, at this rate I cannot be waiting for one hour.

SHRI NIREN GHOSH: By the time you are interrupting, I would have finished.

Secondly, the Law Minister said that the FIR is a public document so it need not be placed here. But the question is even Supreme Court judgment is placed before the House. So unless that is done, how can we clear the 21 MPs? Unless we know about this, how can we proceed with this? This is the point of order.

SHRI V. B. RAJU: Sir, it has nothing to do with my speech.

MR. DEPUTY CHAIRMAN: He is only trying to divert your attention.

(Interruptions)

SHRI V. B. RAJU: What is the use of throwing mud against each other? (Time-bell rings). Sir, this is a very important matter. The cloud must be cleared. And the Congress most unfortunately is being treated with such condemnation which the Opposition should not have done it . . .

DR. K. MATHEW KURIAN: Mr. Raju, why don't you reply to my question? Why was L. N. Mishra renominated after the Bharat Sevak Samaj affairs?

SHRI V. B. RAJU: It is not new, as I said earlier in the beginning, that if there is some sort of malpractice, if there is any violation of the rules and regulations, the Ministry refers the matter for a CBI inquiry. In 1971-72, 76 cases were referred in 1973-74, 64 cases were referred and in 1974, 55 cases were referred. There is nothing peculiar in it. If there is anything that the licensee or the importer has done which is injurious to the country or is against the rules and regulations, against the law, there is a practice, a method, of investigating it. (Time-bell rings). Just a minute, Sir. In this Session I have not participated more than once. Now we will come to next point, the memorandum allegedly signed by 21 Members of Parliament. One thing is this has happened outside our House. Those 21 Members belong to the other House. I do not call it Lower House even its floor level may be a few inches lower than ours . . .

MR. DEPUTY CHAIRMAN: Even that I doubt.

SHRI V. B. RAJU: They are honourable Members. So it is my appeal that their conduct and their behaviour and actions be not discussed by this House. But still we have the right to discuss about everybody and about ourselves also. If needs be we should discuss about ourselves. If we see the statements published in the newspapers, 20 of the signatories have denied that they had signed and one Member seems to have signed and then that Member has to justify his actions. It is not before a Parliamentary Committee. Everyday many

Members of Parliament jointly, individually, send representations to Ministers on many matters. And then the personal staff of the Ministers have no method, they have no instrument, of checking whether every signature is actually the signature of the Member of Parliament whose name is found there. It is not possible. We have done it. I am a victim of those things. If four people, who are my close friends, sign, I will also sign without reading it. It is my weakness which I agree I should not do. But let us understand . . .

AN HON. MEMBER: Now everybody is careful.

SHRI V. B. RAJU: If somebody wants passes for his friends or if somebody approaches me in the lobby for a pass, I sign the form. We are all human beings and out of human compassion we do it.

DR. K. MATHEW KURIAN: But you do not disown your own signature. Eight people who have signed have disowned their signatures.

SHRI V. B. RAJU: Let us not discuss their conduct. We have seen the report that they have denied their signatures. Let us leave it to them. It is for them to defend themselves. They do not need Dr. Mathew Kurian to defend them. If my signature is forged, I am the first man who is affected and I will take action.

SHRI NIREN GHOSH: Why don't you ask him to place the memorandum before the House?

DR. K. MATHEW KURIAN: Are you prepared to have a Parliamentary Committee with a hand-writing expert in it?

SHRI V. B. RAJU: Forging signature is a criminal action. It has got to be enquired into by a court of justice. I do not think this august body can function as a local court. We are not the persons, who are victims of politics, to judge whether a signature is right or whether it is a forged signature. This is not the practice. I do not think we have ever in this country such a practice of politicians certifying a signature to be correct or incorrect (Time bell). Therefore, an important political

institution like this House should not divert its attention from major economic and other issues to the question of verification of signatures. Courts are the competent bodies to do this. In India we have got an independent judiciary. Our courts have earned reputation for fairness. All questions about the correctness or incorrectness of signatures are best decided by them. It is not a political issue. It is a criminal matter and there are due processes of law to decide this matter, whether it is done by Members of Parliament or common people . . .

MR. DEPUTY CHAIRMAN: I am now calling the next speaker.

SHRI V. B. RAJU: I am sorry. I am completing. Some names are being dragged. When there are no arguments to meet the present situation, names are being dragged in. If Opposition Members want to wreak vengeance on anybody, then this is not the forum for it; this is not the proper method for it. There are other forums and there are other methods. Our individual predilections and our individual likes and dislikes shall not blind our vision and they shall not cloud our minds. The reputation of Parliament is involved in this. It is said that Parliament is indulging itself in such trivial matters and trying to throw mud on each other disregarding the realities of the situation, when the people are starving and when there are floods and droughts all over the country . . .

DR. K. MATHEW KURIAN: For which you are not doing anything.

SHRI V. B. RAJU: Parliament should not divert its attention to other matters. It should apply its mind to Parliamentary functions. I would appeal to the Members of the Opposition particularly to see that we put our heads together and try to go nearer to the truth and specify the issues and realise what is our role in this and what is the role of the Police and courts. Let us not become Policemen. We are not Policemen. We have to supervise the work of the administration. We cannot arrogate to ourselves the role of administration.

श्री रबी राय (उड़ीसा) : डिप्टी चेयरमैन साहब अभी जिस सवाल पर हम लोग बहस कर रहे हैं, जिसके बारे में पहले राजू साहब बोल रहे थे, मैं राजू साहब को जब सुन रहा था तो मेरे दिमाग में आया "He is trying to defend a lost case." सवाल यह है उपसभापति महोदय, कि जिम चीज पर हम लोग बहस करते हैं और हम लोग चाहते हैं कि संसद में जब हम लोग बात करते हैं तो इस तरह के एक सवाल पर जो भ्रष्टाचार, भाईभतीजावाद, कुनवापरस्ती से संवर्धित हो, कि हम लोगों की प्रजातन्त्र की नींव को देश के अन्दर से उखाड़ना चाहता है, उस पर हमारा क्या रवैया हो ? इस सिलसिले में मेरा कहना है कि वाटरगट काण्ड के बाद इस सरकार के दिमाग में आना चाहिय था कि इस बारे में भी प्रजातन्त्र की रक्षा करने के लिए प्रजातन्त्र को मजबूत बनाने के लिए ये कुछ फैसला करते । देश भर में यह चीज सामने आ गई है । यह भ्रष्टाचार का जो सबूत लोक सभा में और राज्य सभा में एक मंत्री के आचरण के बारे में बार बार आ चुका है लेकिन जो मजोरिटी पार्टी है उसके पास जो बूट मैजोरिटी है, संख्या बल है, उसके होते हुए भी सरकार इस बात पर अड़ी है कि हम लोग इसको मानेंगे नहीं, पार्लियामेंटरी प्रॉब भी नहीं करेंगे । सरकार का कहना है कि हम सी० बी० आई० से प्रॉब कराने के लिए तयार है । इस बारे में मैं कहना चाहता हूं कि प्रधान मंत्री संसद के मामले कोई स्पष्टीकरण नहीं दे पायी और चली गई लुधियाने और लुधियाने में कह दिया कि विरीथी दलों का मिर्क एक ही काम है कि 4 आदमियों के खिलाफ भ्रष्टाचार के आरोप लगा रहे हैं — उनके खिलाफ संजय गांधी के खिलाफ, बंसीलाल के खिलाफ और एल० एन० मिश्र के खिलाफ अभी श्री एल० एन० मिश्र के खिलाफ हम लोग बहस कर रहे हैं । गवां यह आता है कि चूंकि प्रधान मंत्री के दिमाग में आ चुका था कि प्राईमा फमी केस है, पार्लियामेंटरी प्रॉब जब होगा तो सबूत हो जाएगा कि एल० एन० मिश्र के

खिलाफ केस है । (व्यवधान) इसलिए प्रधान मंत्री सी० बी० आई को दबाती है क्योंकि सी० बी० आई० भारत सरकार की एजेंसी है, सी० बी० आई० के जो डाइरेक्टर है वे भारत सरकार के नौकर हैं इसलिए नौकर को मालिक दबा सकता है । इसलिए सारे देश और संसद् की यह राय होती हुए भी एक पार्लियामेंटरी प्रॉब करो, इस मांग को भारत सरकार ने ठुकरा दिया है । इसलिए ठुकरा दिया है क्योंकि उनका गिल्टी माईंड है, दोषी मन है । एक ऐसे संसदीय प्रॉब में, जिसमें कि संसद् सदस्यों में शासक दल के लोग भी रहेंगे, उसको कराने में कोई एतराज नहीं करना चाहिए केसरी साहब का भी नाम आ जाता उसमें...

श्री सीताराम केसरी : पटनायक के साथ क्या न गए आप ?

श्री रबी राय : अरे भाई, संसद सदस्यों के साथ आपका नाम आ जाता । इसलिए मेरा कहना यह है (व्यवधान) उपसभापति जी, आज ये कांग्रेस के सदस्य मेरे भाषण में गडबड़ पैदा कर रहे हैं, आपको जान कर ताजुब हो जाएगा इसकी शुरुआत कैसे हुई, शुरुआत इस तरह से हुई फ्री प्रैस जर्नल में बता रहा हूं :

"Father-son Feud Rips Open Import Licence Muddle:

"Our Delhi Bureau reports: The forgery scandal which rocked the proceedings of the Lok Sabha during the past two days has an interesting human angle story behind it: A tiff between a father and son on the sharing of the commission.

"It is learnt that the son of one of the MPs, whose name was dragged into the controversy, demanded a big cut from the father. was adamant and refused to oblige his son. The son thereupon made a complaint to the Commerce Ministry. After getting the tip from the son, the officials of the Ministry had a second look at the memorandum signed by 21 MPs and started verifying the veracity of the signatures

"The episode took place about eight months ago and the Ministry was able to find out that most of the signatures were nothing but forgery. However, since a Bombay weekly made a pot shot on this affair and a Marxist party member, Shri Jyotirmoy Bosu, tried to raise it in the Lok Sabha, the CBI was dragged into the picture . . .".

"The CBI is believed to have come to the conclusion that some of the signatures were forged."

श्री मानू में बतलाना चाहता हूँ कि दुआ क्या ? श्री चट्टोपाध्याय ने कल सदन में ब्यान दिया कि श्री तुलमोहन राय का कहना है कि उस कागज में उनके दस्तखत हैं, लेकिन इस चीज को श्री राजू माहब ने नजरअन्दाज कर दिया है। श्रीमान् जो एफ० आई० आर० की रिपोर्ट है, वह क्या है। एफ० आई० आर० की रिपोर्ट में यह कहा गया है : —

"The First Information Report lodged with the Police in connection with the import licences scandal, which has rocked Parliament, contains the allegation that Mr. Tulmohan Ram, Member of Parliament, was paid Rs. 10,000/- per licence by importers in Yanam and Mahe. If the allegation is true, Mr. Tulmohan Ram collected Rs. 70,000/- since seven licences were ultimately obtained."

सवाल यह है कि श्री तुलमोहन राम ने इस बात को स्वीकार किया है। वह यह श्री ललित नारायण मिश्र का निजी आदमी है। यह भी सत्य है कि इसके पहले कि उस दरखास्त पर 21 आदमियों ने दस्तखत किये थे इससे भी पहले उन्होंने अकेले दस्तखत से श्री एल० एन० मिश्र को एक दरखास्त इस बारे में दी थी। इसके बाद 21 लोगों के दस्तखत करके अर्जी दी गई ? क्या इन कांग्रेस के सदस्यों को मालूम नहीं था कि इस तरह की दरखास्त उनके नाम से दी गई है ? इन सब को मालूम था और जानबूझकर पांच महीने का समय नष्ट किया गया। जिन एम० पीज० ने उस दरखास्त पर दस्तखत किये थे, कोई बिहार का था, कोई उत्तर

प्रदेश का था और कोई गुजरात का था। माही और करायकल का जो इम्पोर्ट था, व सदस्यों को व्यक्तिगत रूप से नहीं जानता था। बात यह हुई कि श्री तुलमोहन राम ने इस इम्पोर्ट से कह दिया कि हम तुम्हारा श्री एल० एन० मिश्र से काम करा देंगे। वह 21 संसद सदस्यों की स्वीकृत ले गया कि हम अर्जी में तुम्हारे फर्जी दस्तखत कर देंगे और तुम इस बारे में कोई चिन्ता मत करना। पांच महीने क्यों बीत गये ? जब राज्य सभा में श्री कृष्ण कान्त जी ने सवाल उठाया तो सवाल के जवाब में श्री चट्टोपाध्याय जी ने 21 संसद सदस्यों का नाम बतलाया। प्रधान मंत्री जी नाम बतलाने पर नाराज हुई और उन्होंने चट्टोपाध्याय को बुलाकर धमकी दिया कि तुमने क्यों नाम बतलाये ?

SHRI BIPINPAL DAS: This has been denied by the Prime Minister. It is absolutely untrue and malicious . . . (Interruptions).

श्री रबी राय : हम प्राइम मिनिस्टर पर विश्वास नहीं करते हैं। मैं प्राइम मिनिस्टर पर यकीन नहीं करता हूँ क्योंकि वे भ्रष्टाचार की गयोत्री हैं। मैं किसी प्राइम मिनिस्टर पर विश्वास नहीं करता हूँ (व्यवधान) क्या आपको कोई प्वाइन्ट ऑफ आर्डर ? अगर है, तो मैं बैठ जाता हूँ।

MINISTER OF COMMERCE PROF. D.P. CHATTOPADHYAYA, On a point of order. Since my name and Prime Minister's names have been dragged in the matter, I would like to put on record very clearly and categorically that the question of my being pulled up in this connection by the Prime Minister did not arise, does not arise, and it is absolutely wrong . . . (Interruptions).

श्री रबी राय : उप सभापति जी, जाहिर है कि प्राइम मिनिस्टर श्री चट्टोपाध्याय की नेत्री हैं, प्राइम मिनिस्टर हैं, जब उनको बुलाकर उन्होने डांटा होगा तो यह थोड़े ही मानेंगे ?

SHRI NIREN GHOSH: We have many invisible ears . . .

श्री रबी राय : लेकिन मामला साफ है कि पांच महीने इस तरह से क्यों नष्ट किये गये ? यह बात इन लोगों को मालूम थी कि जब यह बात संसद में आयेगी, तो हम लोगों को झक मारकर नाम बतलाने पड़ेंगे। जिन 18 लोगों ने दस्तखत के बारे में कहा कि ये हमारे दस्तखत नहीं हैं, उनके बारे में श्री तुलमोहन राम ने यह कहा होगा कि आप के दस्तखत मैं कर देता हूँ, लेकिन आप को बाद में इस बारे में एतराज नहीं करना होगा लेकिन मैं पार्लियामेंट के विजिलेंस को धन्यवाद देना चाहता हूँ कि जिसने यह मामला खोज निकाला।

श्री चन्द्रशेखर : (उत्तर प्रदेश) : श्रीमन् मेरा एक व्यवस्था का प्रश्न है। मैं इस विवाद में पड़ना नहीं चाहता हूँ लेकिन माननीय रबी राय दो तीन बार यह बात कह चुके हैं। अभी श्री चहोपाध्याय जी ने एक बात कही कि प्रधान मंत्री जी ने मुझे इस बारे में न बुलाया और न किसी प्रकार डांटा। अगर कोई भी सदस्य पार्लियामेंट में एक वक्तव्य देता है, तो दूसरे सदस्यों को जब तक उसके विरुद्ध कोई प्रमाण न हो, तब तक उस वक्तव्य को मान लेना चाहिये और यही मंसदीय परम्परा है। मैं नहीं जानता हूँ कि माननीय श्री रबी राय जी को यह परम्परा मालूम है या नहीं ?

दूसरी बात यह है कि जहां तक 20 सदस्यों का सवाल है, उनके बारे में उन्होंने ध्यान दिया है और माननीय गृह मंत्री जी ने भी कहा है कि उनका कोई दोष नहीं है, कोई अपराध नहीं है। इसके बाद भी अगर माननीय रबी राय अपनी शंकाओं को प्रदर्शित करना चाहते हैं और उसको अभिव्यक्त करना चाहते हैं...

तो मैं निवेदन करूंगा कि यह स्वस्थ संसदीय परम्परा के सर्वथा विपरीत है और माननीय रबी राय जैसे व्यक्ति के लिए शोभनीय नहीं है। मान लीजिए कि यह सही भी हो कि उन्होंने गलत ध्यान दिया हो, लेकिन अगर रबी राय के पास सबूत नहीं है, जब तक ऐसा

प्रमाण नहीं है तब तक उन सदस्यों की ओर मंत्री की बात मानी जायेगी और माननीय रबी राय को उन बातों को फिर नहीं उठाना चाहिये।

श्री रबी राय : डिपुटी चैयरमैन साहब, मैं यही कह रहा था कि इस पर तुलमोहन राम के दस्तखत हैं और इससे साफ जाहिर होता है कि एल० एन० मिश्र जब फारेन ट्रेड के मिनिस्टर थे तब उनके सारे मंत्रालय में क्या धांधली चल रही थी। इसमें सरकार को क्या आपत्ति हो सकती है कि इसमें पार्लियामेंट प्रोब किया जाय। संसद की जो कमेटी होगी वह सी० बी० आई० को बुला सकती है, सी० बी० आई० के सारे कागजात ले सकती है, सी० बी० आई० को इन्टरव्यू कर सकती है। आप जानते हैं कि एल० एन० मिश्र के खिलाफ सन्धानम कमेटी की रिपोर्ट है। उसने सिफारिश की है कि दस लैजिस्लेटर्स इस तरह का आरोप लगाए तो उसमें जांच होनी चाहिए। एल० एन० मिश्र के खिलाफ 70-80 बिहार के विधायकों ने आरोप लगाए थे और कहा था कि आप जांच कर लीजिए लेकिन अभी तक सरकार की तरफ से कुछ नहीं हुआ। अन्त में मैं यह कहना चाहता हूँ कि इस मंत्रालय के बारे में संसद सदस्य मधु लिमये ने कुछ दिनों पहले राष्ट्रपति को मेमोरेण्डम दिया था और उसमें कहा था :—

"Our Memorandum to the Prime Minister on the unholy corrupt alliance of L. N. Mishra, L. S. Darbari and K.N.R. Pillai, is based on bare facts. Pillai who is Joint Chief Controller of Imports and Exports, has been instrumental in these deals. In the case of Baba Industries the Chief Controller of Imports and Exports personally looked into the case and fixed the entitlement at Rs. 3 lakhs only. The case was rejected twice in the Ministry of Commerce; then followed the collusive deal involving the above-mentioned persons. The show-piece legal advice was arranged. The so-called legal adviser was Raman who is Pillai's deputy. The Law Ministry was ignored. Licences were issued for Rs. 20 lakhs, which represents seven times the genuine requirements of the party. In the case of M/s. Metro and My-

sore Steel, there was forgery and tampering of documents by the parties. Investigation followed but Pillai and Raman got into the deal and hushed up everything and got licence worth lakhs of rupees issued."

मधु निमये ने जो याचिका दी थी, उस पर भी कुछ नहीं हुआ। प्रौफ्यूमो का केस हमारे सामने है। प्रौफ्यूमो ने ब्रिटिश संसद में गलतबयानी की थी और उस गलतबयानी के चलते उनको इस्तीफा देना पड़ा। उसके बारे में जैनिंग कमेटी रिपोर्ट आई थी। मैं आपके माध्यम से यही कहना चाहता हूँ कि यह हमारे सामने है जो ब्रिटिश संसद में हुआ है, जबकि यहां 26 लाख के स्कैंडल पर भी मंत्री महोदय इस्तीफा नहीं देते। उनके अन्दर प्रजातंत्र के तौर तरीकों के प्रति सम्मान नहीं दिखाई देता है, मुद्गल केस के बारे में टी० टी० कृष्णमाचारी की रिपोर्ट हमारे सामने है। उसमें केवल 1 लाख 60 हजार रूपया इन्वाल्ड था। इसलिए एल० एन० मिश्र के इस्तीफे की हम मांग कर रहे हैं, इन्हें मंत्रीमंडल से हटाना चाहिए क्योंकि यह किंग आफ करप्शन है। प्रधान मंत्री उनकी सहायता कर रही हैं। इसलिए मैं मांग करता हूँ कि पार्लियामेंटरी प्रोब होना चाहिए, सी० बी० आई० प्रोब नहीं होना चाहिए : वैसा होगा तो कट बिल बी आऊट आफ दि वेग।

DR. V. A. SEYID MUHAMMAD (Kerala): Mr. Deputy Chairman, Sir, today a motion has been moved with the object of setting up a Joint Committee of both Houses of Parliament to investigate into certain matters arising out of answers given to Starred Question No. 730 in Rajya Sabha on August 27, 1974, etc. and various things which have been mentioned. The speakers before me from the other side have brought out a point which has been stressed continuously that it is the Congress Party and the Government which want to evade an enquiry by this Parliament, and that the Government is trying to handover the investigation to the CBI which is only another Department of the Government. In short, this is the substance of the allegation from that side. In the tumult and the turmoil created by

the situation, we are liable to forget some of the great principles which are normally known to everybody. But in this situation, it seems that the Opposition has forgotten these altogether. Those principles are regarding the setting up of the Committee, to which I am referring. When two bodies, persons or authorities with concurrent jurisdiction are seized of a matter, there are certain principles according to which one should proceed. Here, before us, there is Parliament which has undoubtedly the jurisdiction to go into the question. There is the CBI which has also the jurisdiction to go into the question. So, the question is: Which of the two bodies should look into the matter and deal with the matter? This question is not to be decided on whimsical grounds or arbitrary grounds. There are universally accepted principles. One of the principles is that when there are two such bodies having concurrent jurisdiction, the body which can effectively, efficiently and conveniently deal with the matter should be allowed to deal with the matter. Sir, here are certain allegations...

DR. K. MATHEW KURIAN: Parliamentary probe is inconvenient. That is your argument.

DR. V. A. SEYID MUHAMMAD: Don't jump to conclusions, Mr. Kurian. The whole day, Dr. Kurian is jumping like a Jack is the box. (Interruptions)

MR. DEPUTY CHAIRMAN: Dr. Kurian, you cannot be getting up everytime. Once in a while you can make an interruption and not all the time.

DR. V. A. SEYID MUHAMMAD: Dr. Kurian has been jumping like a Jack-in-the-box all the time. I do not know what bug is biting him or is there something wrong with the spring? A committee should examine it.

Sir, I was submitting that a body which can conveniently—I repeat 'conveniently'—which can efficiently and which can effectively go into the question, that body should be allowed to go into the question. Here, for example, when the enquiry is there, the question will come whether a forgery has been committed, for which handwriting experts are to come, police investigation has

to be conducted, if necessary, documents have to be seized, and various such things are to be done. Is a Parliamentary Committee in a position to seize documents, to have them examined by handwriting experts and various other things which a CBI enquiry can do? So, the first principle is, when there are two parallel bodies having concurrent jurisdiction, that body which can effectively, efficiently and conveniently deal with the matter should be allowed to deal with that. The second principle is, in a situation where there are two bodies which have got concurrent jurisdiction, if the proceedings have already been started before a particular body, normally judicial and other courtesy demands that that body with which the investigation is pending should go on with that. This is not as if a new principle. This has been there under Section 10 of the Cr. P. C. If a matter is pending before a Sub-Magistrate or a Munsif, even the Supreme Court will not go into the matter not because the Supreme Court cannot do it nor nobody cares for the Supreme Court but because judicial courtesy has been accepted in jurisprudence throughout the world. So, when we say that the C.B.I. must go on with it, it is not because we want to evade the issue; it is not because we do not want to respect the Parliament and it is not because we have some other ulterior motive. We are saying that because of the fundamental basic principle accepted throughout the world that when two bodies are seized of the matter, that body which can efficiently deal with it must be allowed to go on. And, secondly, when the matter is already pending before a body, however inferior that body may be, that body must continue with it. When we are saying that, we are asserting some of the fundamental principles accepted throughout the civilised world. There is nothing wrong with it. There is nothing abhorrent with it and if Mr. Kurian and his friends make allegations against us, we can either say that either they are deliberately saying so or . . .

DR. K. MATHEW KURIAN: From the very beginning you have been shielding.

MR. DEPUTY CHAIRMAN: Dr. Kurian, what shall we do to cure you of this habit?

DR. K. MATHEW KURIAN: Sir, when the hon. Member refers to my name, you will have to give me an opportunity to reply.

DR. V. A. SEYID MUHAMMAD: Dr. Kurian's adjectives can never solve the problem.

DR. K. MATHEW KURIAN: Sir, that Supreme Court . . .

MR. DEPUTY CHAIRMAN: Dr. Kurian, there is no use interrupting. You cannot go on getting up like that.

DR. V. A. SEYID MUHAMMAD: Sir, I am quoting sound principles. If they do not appeal to them, what can I do. In this Parliament I cannot use the words like 'throwing pearls before somebody'. I cannot use these words here. Now, this is the position and it is clear to everybody except to Dr. Kurian. This principle is well-established and clear to everybody except Dr. Kurian. Then, in spite of that what was the necessity of discharging so much of venom and vitriol and so much of bitterness and bile and so much of fire and fury in this debate; I cannot understand. But, Sir, there is a reason and there is a very clear reason. Our friends have been chasing the mirage of power for long. That mirage has been evading them. That mirage has been taking them to a situation where they have launched themselves in a surrealist nightmare where they see all sorts of phantoms everywhere, they see corruption, they see everybody as corrupt and in that surrealist situation they cannot see anything proper and everything looks to them to be distorted. Consequently, they have got a slogans and the slogan is 'character assassination'. That is the weapon which they have adopted. The electorate has rejected them time and again. They have appealed to the electorate but they are not supporting them. The U.P. elections have proved to them, if anything, that in spite of the extreme situation . . .

DR. K. MATHEW KURIAN: You are there by minority votes.

DR. V. A. SEYID MUHAMMAD: Majority voted for Dr. Kurian; yes, majority voted for Dr. Kurian. (Interruptions). So, if at all the U.P. elections prove anything, it is that

in spite of the extremely difficult conditions that any ruling party can face, the electorate gave us the mandate and they are disappointed. It is clear from the statement and that statement makes it out that by an electoral method they cannot get the Congress out. So, they have started this method of character assassination.

I would say, Sir, that a new method of revolution has been started. They have adopted Mr. Jayaprakash Narayan as their mascot or leader or hero or whatever you call and what is the advice of the great leader for the political revolution? Sir, we have heard about armed revolutions, we have also heard about non-violent revolutions but we have now a new type of revolution—revolution by slaps. Mr. Jayaprakash Narayan has now started catering to licences for people to assault and slap M.L.As. That is the mascot under which their party is now. This is the odd combination. Even Noah would have been surprised to see such an odd combination, so many specimens would have been there. Now this being the situation, they have practically no positive platform to face the electorate. So they have come with these easy slogans—with the slogan of corruption, with the slogan of character assassination. I am sure, that would not carry them anywhere and the electorate would find what they are.

I am extremely sad to find Mr. Bhupesh Gupta and his party in this odd combination, this odd conglomeration—an extremely curious amalgam of parties. (Interruption) Now, in spite of everything, I appeal to Mr. Bhupesh Gupta who has moved this Resolution to withdraw it. I could not find any particular rule . . .

श्री राजनारायण : इसलिए हमने दस्तखत कर दिए ताकि वे विद्वा न कर लें।

DR. V. A. SEYID MUHAMMAD: I think Dr. Kurian's disease is a contagious disease. Mr. Rajnarain has also started this Jack-in-the-box business . . . (Interruption).

Now the question is, as far as this motion is concerned, I examined all the rules to see what exactly this motion is, under what unles it has come. I could not find any. Is it a Resolution? Is it a motion? Is it a privilege motion? How can this go to a Joint

Committee as contemplated here? Various rules are there for different committees but could not find any for this. I only found that it is a sort of extremely unusual combination of resolution and motion. You may remember, Sir, the Agricultural Research Institute has discovered a new sort of thing, that is, a combination of brinjal and tomato, and they call it "Britom" or something like that. This, to me, is neither a Resolution nor a motion; it is something like a "mosolution". Therefore I would request Mr. Bhupesh Gupta to extricate himself from this ludicrous situation from this I could not find any for this. I only found ludicrous combination and kindly withdraw this Resolution because the Resolution is basically wrong.

Sir there is one very important point about which all of us should be concerned. What are we doing by this? We are really passing comments or we are examining the conduct of the Members of the other House. Out of the 21 Members who are alleged to have signed the representation, none of them belongs to this House; all of them belong to the other House. What authority we have, under what rule are we going to sit in judgment on the conduct of Members of the other House. Normally I would have said that on that ground alone this is out of place and this should not be allowed to be moved, but I do not want it to appear that I am opposing on a technical ground; I am not doing that. I am raising the fundamental question that we are doing one of the most improper things in parliamentary practice, namely, trying to sit in judgment on the conduct of Members of the other House which is not our business, over which we have no jurisdiction and which is improper for us to do. That is all, Sir. Thank you very much. (Ends).

MR. DEPUTY CHAIRMAN: Mr. T. N. Singh, I think you want to start now. Or, will you start after lunch?

SHRI T. N. SINGH (Uttar Pradesh): After lunch break, Sir. Of course, I can start just now if you want.

MR. DEPUTY CHAIRMAN: You may speak for two minutes now, and after lunch you can continue.

श्री टी० एन० सिंह : (उत्तर प्रदेश) : उप-सभापति जी, मैं चाहता हूँ कि इस प्रश्न पर जो हमारी संसदीय प्रथा से संबंध रखता है उस पर हम आब्जेक्टिवली, निष्पक्ष भाव से विचार करने की कोशिश करें। मुझे 25 वर्ष से ज्यादा हो गए जब मैं संसद में पहले पहल आया था। मैं चाहता हूँ हमने जो इन वर्षों में कई परम्पराएं कायम की हैं वे परम्पराएं कायम रहें, तोड़ी न जाएं। आज मुझ को इस बात का सबसे बड़ा दुख है कि जब कोई ऐसी बात आती है जिसमें सदस्यों की प्रतिष्ठा की बात आती है तो सदन में वह पार्टी इशू बन जाती है।

आज जब मैं यहां बैठा था तो यहां पर हुए व्याख्यान सुन रहा था और कई लोगों के व्याख्यान मैंने सुने। मुझे इस बात का खेद है कि उस तरफ से एक तरह के व्याख्यान हो रहे हैं और इस तरफ से दूसरी तरह के व्याख्यान हो रहे हैं। मैं समझता हूँ कि आज आवश्यकता इस बात की है कि इस मामले को हम एक औब्जेक्टिव तरीके से देखें। यह कोई पार्टी इशू नहीं है। इसलिए मैं यह जानना चाहता हूँ कि क्या कोई विप इशू किया गया है कि ऐसी बात सदन में कहनी है? अगर यह सही है कि कोई विप इशू किया गया है तो यह बड़े खेद की बात है। आप जानते हैं कि श्री जवाहर लाल जी के जमाने से हमारी एक परम्परा चली आ रही है। मैं कहना चाहता हूँ कि उस वक्त मैं कांग्रेस पार्टी का सेक्रेटरी था। जिस तरह के आरोप आज लगाये जा रहे हैं कि दस हजार रुपये फी लायसेंस सदस्य ने लिये या किसी सदस्य ने लिये, उसी तरह का आरोप मुदगल साहब के खिलाफ भी लगाये गये थे। रकम इससे जरूर कम थी, लेकिन एक आरोप था मैंने उसके बारे में पंडित जवाहर लाल जी से शिकायत की कि ऐसी बात अखबारों में छपी है। पंडित जी ने उसी वक्त एक कमेटी नियुक्त कर दी और आप जानते हैं कि श्री टी० टी० कृष्णाभाचारी की रिपोर्ट आप लोगों के सामने आई। मुझे इस बात का अफसोस है कि उस वक्त उन्होंने क्या कहा? उन्होंने यही कहा कि यह साबित होता है कि ऐसा किया गया है या तो एक मेम्बर ने कुछ पैसे

लिये। मेरे कहने का अभिप्राय यह है कि जब ऐसा आरोप लगाया गया तो उसकी इन्क्वायरी हुई और इन्क्वायरी होने के बाद उस पर जो उचित कार्यवाई हो सकती थी वह की गई। मैं जानना चाहूंगा कि वर्तमान केस क्या मुदगल केस से भिन्न है? मुदगल केस में यही बात आई थी कि उन्होंने पैसा लिया था, ऐसा कहा गया था। ऐसी स्थिति में वह यहां आए और ट्रायल हुआ। मैं उस वक्त लोक सभा का सदस्य था। आज श्री तुलमोहन राम के खिलाफ आरोप लगाये जा रहे हैं, लेकिन वे यहां से गायब हैं। मैं यह जानना चाहता हूँ कि क्या कोई इस बात पर विश्वास करेगा कि एक आदमी जो हिन्दुस्तान का रहने वाला हो, आपकी पार्टी का सदस्य हो, वह इतने दिनों तक बिल्कुल गायब रहे? किसी ने भी श्री तुलमोहन राम का पता नहीं लगाया। मैं यह सपष्ट रूप से कहना चाहता हूँ कि आज जनता के हृदय में यह बात बैठ गई है कि कांग्रेस पार्टी के नेताओं को पता है कि श्री तुलमोहन कहाँ हैं, लेकिन फिर भी वे गायब कर दिये गये हैं। ऐसी भावना आज जनता में फैल चुकी है और यह अत्यन्त खेद की बात है।

MR. DEPUTY CHAIRMAN: I think we adjourn now for lunch. The House stands adjourned till 2.00 p.m.

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

The House reassembled after lunch at one minutes past two of the clock, MR. DEPUTY CHAIRMAN in the chair.

श्री टी० एन० सिंह : उप-सभापति महोदय, मैं कह रहा था कि जहां तक तुलमोहन राम का संबंध है, उनका केस मुदगल केस से बिल्कुल मिलता जुलता है और कोई वजह नहीं है कि हम वह परंपरा जो जवाहर लाल जी के जमाने में चलायी गई उससे थोड़ा भी विचलित हो, उससे दूर जाए। उसमें भी यह आरोप था कि उन्होंने कुछ पैसे लिए। आज भी यह आरोप है—टाइम्स

आफ इंडिया में खबर छपी है—कि हर लाइमेंस के लिए 10,000 रु० लिए गए। तो मेरी ममझ में नहीं आया कि कैसे हमारे होम मिनिस्टर ने और हमारी गवर्नमेंट ने यह राय रखी कि मुद्गल केस से यह भिन्न है? मैं आश्चर्य-चकित हूँ, और मैं आपको बताता हूँ कि हमारे देश का भविष्य इस पर निर्भर करना है कि हम लोकतंत्र में किस तरह की परंपराएँ इस देश में कायम करते हैं मुझे इसका दुख नहीं है कि अमुक व्यक्ति ने गलती की, सही की, बेईमानी की—इसका हमको उतना ज्यादा दुख नहीं होगा। हमको दुख इस बात का है कि जो बड़े लोगों के दिखाए हुए रास्ते से हमने कुछ परंपराएँ इन बीस-पच्चीस वर्षों में कायम कीं, उनकी हम हत्या कर रहे हैं, सत्य ही हत्या कर रहे हैं। यह नहीं करना चाहिए। मैं तो शायद मई 1949 से यहाँ हूँ। माननीय दीक्षित जी अभी थोड़े दिन हुए आए हैं, दो-चार-छः वर्ष में, उनको शायद न मालूम हो कि हमारे हाऊस की क्या परंपराएँ हैं लेकिन मैं उनको याद दिलाना चाहता हूँ कि हमारे हाऊस की परंपराएँ यह हैं कि अगर किसी मेम्बर के प्रति ऐसे आरोप लगाये गए तो हमने उस पर हाऊस की कमेटी बैठाई; इन्क्वारी हुई He was brought to the bar of the House और जजमेन्ट हुआ। यह हमारी परंपरा है। उस परंपरा से हम विचलित नहीं हुए। दूसरी परंपरा क्या है कि अगर किसी वजह से, चाहे वह कोई व्यक्ति हो—हमारे मिनिस्टर हों और बड़े ही प्यारे मिनिस्टर हों—अगर उनके खिलाफ भी आरोप आ गए, सदन में आएँ या बाहर आए, तो उसके बारे में भी प्राइम मिनिस्टर और हमारी गवर्नमेंट सजग हो जाती है। टी० टी० कृष्णामाचारी का केस आया, मूंदरा केस के संबंध में श्री फीरोज गांधी ने कुछ आरोप लगाए; उसी तरह से श्री केशव देव मालवीय के संबंध में आरोप लगाए गए; बीजू पटनायक के संबंध में आरोप लगाए गए—एक-दो का केस नहीं है—सरदार ताप सिंह कैरो के बारे में आरोप लगाए गए। मैं मानता हूँ, यदि मिनिस्टर के खिलाफ कोई इन्क्वायरी करनी है तो शायद पार्लियामेन्टरी इन्क्वायरी में आजकल कुछ उतना नतीजा न निकले क्योंकि मुझे बड़ा भारी खेद हुआ इन सब बातों से जो हुई। जहाँ हाऊस का प्रिविलेज है वहाँ पार्टी लाइन पर बातें नहीं करनी चाहिए लेकिन हम पार्टी लाइन पर बात करना शुरू कर देते हैं। दूसरा मुझे खेद है कि शायद हाऊस की कमेटी पूरी जस्टिस नहीं कर पाए क्योंकि पार्टी अपना रुख छोड़िगी नहीं। तो जवाहरलाल जी ने परंपरा कायम रखी कि वे किसी सुप्रीम कोर्ट के या हाईकोर्ट के जज को नियुक्त करते थे, उनसे जांच-पड़ताल कराते थे।

मैं तो यह बान जानता हूँ कि वे कभी भी इस बात में खुश नहीं होत थे कि एग्जीक्यूटिव कोई फैसला करें। श्री केशव देव मालवीय का केस हुआ। सिराजुद्दीन अफियस के बारे में। इस केस की एक जज ने जांच की और जांच करने के बाद एक रिपोर्ट दी। मैं यह बात जानता हूँ कि श्री केशव देव मालवीय यह चाहते थे कि इस केस का पोलिटिकल लेवल पर फैसला किया जाय। इस तरह का प्रस्ताव आया था और उस समय श्री लाल बहादुर शास्त्री जी होम मिनिस्टर थे। मैं इस चीज को दावे के साथ कह सकता हूँ क्योंकि मैं इस केस को जानता हूँ। उस समय लाल बहादुर शास्त्री जी होम मिनिस्टर थे और उस समय यह कहा गया था कि जज की रिपोर्ट से प्राइमफेसी केस बनता है या नहीं बनता है। इस पर लाल बहादुर शास्त्री जी ने कहा था कि मैं इस चीज की जिम्मेदारी लेने के लिए तैयार नहीं हूँ। यह एक न्यायिक मामला है और इस मामले को चीफ जस्टिस के पास रेफर किया जाना चाहिये। लोग इस बारे में कहते रहे—लेकिन यह मामला सुप्रीम कोर्ट के चीफ जस्टिस को रेफर कर दिया गया और उन्होंने जो निर्णय दिया, वह सब को मालूम है। इतिहास बतलाता है कि इस निर्णय के बाद श्री केशव देव मालवीय को इस्तीफा देना पड़ा। इसलिए मेरा कहना यह है कि अगर श्री लाल नारायण मिश्र जी के बारे में कोई बात गलत आई है या सही आई है तो उसका निर्णय होना ही चाहिये। यह बात किसी

के उत्थान या वैभव के प्रतिकूल नहीं है, लेकिन मैं समझता हूँ कि यह एक न्यायिक बात है श्री ललित नारायण मिश्र जी के प्रति, इस गवर्नमेंट के प्रति और इस पार्टी के प्रति कि इस बारे में एक न्यायिक जांच कराई जाये। तो मेरी एक मांग यह है कि श्री तुलमोहन राम का जो केस है, उसको हाउस की प्रिविलेज कमेटी के सामने जाना चाहिये और इसमें दो राय नहीं हो सकती है।

श्री महाबीर त्यागी : केस क्या है ?

श्री टी० एन० सिंह : केस यह है कि उन्होंने रुपया लिया है। मैं इस बारे में नहीं जानता हूँ, लेकिन यह आरोप है और लोग कहते हैं। जिस गवर्नमेंट की साख उतर जाती है, वह बुरी चीज होती है और गवर्नमेंट के लिए ही यह हितकर है कि वह अपनी साख को पुनर्जीवित करें। आज आप कहीं चले जाइये, रेस्टोरेंट में चले जाइये, ट्रेनों में चले जाइये, बसों में चले जाइये, सब लोग यहीं बात करते हैं और श्री ललित नारायण मिश्र की बात करते हैं। इस तरह की चीजों से दुःख होता है : मुझे इस तरह की बातों से कोई प्रसन्नता नहीं होती है। मैं इस वक्त विरोधी दल में हूँ और आप यह समझिये कि मुझे इससे खुशी हो रही है, बल्कि मैंने इस चीज से दुःख हो रहा है। मैं चाहता हूँ कि जो हमारी सरकार है, जो हमारा लोकतंत्र है, उसका सिर संसार में ऊंचा होना चाहिये। मैं श्री दीक्षित जी से कहना चाहता हूँ कि वे भी बूढ़े हो गये हैं और मैं भी बूढ़ा हो गया हूँ। आज इस उम्र, मैं आकर हम लोगों का यह धर्म हो जाता है, हमारा और आपका तथा सब का यह धर्म हो जाता है कि जो अच्छी परम्पराएँ हैं, जिन्हें हमारे अप्रज कर गये हैं, उनको कायम रखें और उनसे विचलित न हों।

मैं यह बात कहना चाहता हूँ कि आज के टाइम्स आफ इंडिया में यह खबर छपी है कि योगेन्द्र झा के सामने अमृक आदमी के साथ बात

चीत हुई और दस हजार रुपया दिया गया। यह अखबार में खबर छपी है।

श्री महाबीर त्यागी : (उत्तर प्रदेश) किस को दिया गया?

श्री टी० एन० सिंह : तुलमोहन राम को दिया जाता है। (Interruption)

श्री महाबीर त्यागी : क्या अखबार में कोई और नाम भी है ?

श्री टी० एन० सिंह : अखबार में तो केवल यही नाम है। श्री मिश्रा जी यहां पर बैठे हैं और वे इन्कार कर दें कि योगेन्द्र झा उनके रिश्तेदार है।

रेल मंत्री श्री एल० एन० मिश्र : नहीं है।

(Interruption)

श्री महाबीर त्यागी : दूर के भी नहीं है ?

श्री एल० एन० मिश्र : दूर के भी नहीं है। एक जाति के हो सकते हैं।

श्री योगेन्द्र शर्मा : टी० एन० सिंह जी आपको मालूम होना चाहिये कि वे पहिले राजनारायण की पार्टी में थे।

श्री रणबीर सिंह (हरियाणा) : तुलमोहन राम जी राजनारायण की पार्टी में थे।

श्री राजनारायण : इन्दिरा गांधी भी हमारी पार्टी में रह चुकी हैं जब वह सन् 40 में छात्रसंघ के सम्मेलन में स्वागताध्यक्ष नहीं बन पाई और विजयलक्ष्मी पंडित की बड़ी लड़की स्वागताध्यक्ष बन गई... (व्यवधान)

श्री टी० एन० सिंह : मेरी समझ में इन्टरप्शन न हो तो ज्यादा अच्छा होगा। मैं यह कह रहा हूँ कि मेरा भाई भी हो तो मैं उसको भी नहीं छोड़ूंगा अगर मुझे सन्देह है, और कहूंगा कि उसके खिलाफ भी न्यायिक जांच होनी चाहिये, मेरा लड़का है तो उसके खिलाफ भी न्यायिक जांच होनी चाहिए। यह मेरा धर्म है, चाहे ललित नारायण मिश्र हो, चाहे कोई हो। यदि आरोप आए...

SHRI P. L. KUREEL URF. TALIB (Uttar Pradesh): You are only assuming that. You have heard only one side of the story. You have not heard the other side. It is only a news report.

श्री टी० एन० सिंह : मैं बिल्कुल आन्जैक्टिवी कह रहा हूँ। अखबारों में, बाजार में, सड़कों पर, रेस्ट्रॉज में आरोप लगाए जा रहे हैं।

श्री प्यारे लाल कुरील उर्फ तालि : आरोप हमेशा लगाए जाते हैं।

श्री टी० एन० सिंह : प्रताप सिंह कैरों के खिलाफ भी आरोप लगाये थे प्रेस में, पार्लियामेंट में। लेकिन जवाहरलाल जी ने क्या किया? जवाहरलाल जी ने न्यायिक जांच वैठा दी। (Interruption) मुझको बड़ा आश्चर्य है कि एक मिनिस्टर का नाम आते ही आप लॉग इतने उतावले हो गए। जरा दूसरों की बात सुनने की क्षमता कीजिये। अप्रिय बात आपका दोस्त भी कह सकता है, आपका दुश्मन भी कह सकता है। मैं आपका कोई बड़ा दुश्मन नहीं हूँ। मैं अप्रिय बात कह रहा हूँ, लेकिन सत्य है इसलिए बोलना चाहता हूँ। यह बात ठीक है कि आरोप लगाया गया है, इसमें कोई सन्देह नहीं मूढ़ा कांड के संबंध में टी० टी० के० पर तरह-तरह के आरोप लगाये थे। वे सही थे या गलत थे, यह कहने वाले आप नहीं हैं, जवाहरलाल जी कहने वाले नहीं थे। जवाहरलाल जी ने अपने ऊपर जिम्मेदारी नहीं ली, यह नहीं कहा कि आरोप गलत है या सही है। उनकी जिम्मेदारी उन्होंने छोड़ दी न्यायिक जांच पर। छागला साहब का कमीशन बना। आप आंग्ल देशों की परम्परा देखिए। इंग्लैंड में हीथ के जमाने में मॉडलिंग मिनिस्टर था, किसी विजिनेस से उनकी वाइफ कैंकड़ थीं। इनने पर ही मॉडलिंग ने रिजाइन कर दिया, मॉडलिंग डाइरेक्टली इनवाल्ड नहीं था लेकिन जनश्रुति ऐसी थी गांधी जी स्वराज्य के भाने राम-राज्य कहते थे। रामराज्य क्या होता है? राम को लोक मत का भय था। एक श्रीबिन के कहने पर उन्होंने

सीना जी को त्याग दिया (Interruption) आप सुनने की क्षमता रखिए।

श्री महावीर त्यागी : उनका रायबहादुरी का खिताब चाहिए।

श्री टी० एन० सिंह : सभापति महोदय, जो इन्टरप्शन हो रहे हैं उनका आप ख्याल रखिएगा। मैं बहुत दिनों तक पब्लिक एकाऊंट्स कमिटी का सदस्य रह चुका हूँ।

एक माननीय सदस्य चीफ मिनिस्टर भी रह चुके हैं।

श्री टी० एन० सिंह : चीफ मिनिस्टर भी रह चुके हैं, मेम्बर भी रह चुके हैं और इसलिये मैं कुछ तजुबों से बात कह रहा हूँ। जब इस तरह की बात होती है तो तब में जाना चाहिए। जहाँ तक इस लाइसेंस की बात है, शायद 55 की बात है, उसके बाद कई साल यह रेंज नहीं किया गया। अब उसके बाद यह हुआ कि कुछ नोटिस दिए गये कुछ लोगों को कि अमुक तारीख तक कर नी नहीं तो नहीं। कुछ लोगों ने अजियां दी होंगी। कुछ लोगों ने नहीं दी, समय कम होगा, समय का एक्सटेंशन दिया गया, उस वक्त भी नहीं दी। उसके बाद उनका केम लालबहादुर जी जब कामर्स और इंडस्ट्री मिनिस्टर थे उस वक्त भी आया था, वह नहीं ग्रांट हुआ, उसके बाद मे कई मिनिस्टर चले गए, लालबहादुर जी के बाद मोरारजी भी कमर्स एण्ड इंडस्ट्री मिनिस्टर थे।

और हमारे दिनेश सिंह थे, मनुभाई शाह थे, यह कई लोग थे, बलीराम भगत थे और सब के जमाने में यह केस आया। यह मोचने की बात है कि यह केस इतने दिनों तक आता रहा और किसी की हिम्मत नहीं पड़ी कि इसको रिवाइज करे और उसमें जस्टिस करे। क्यों जस्टिस नहीं किया गया। आज 15, 20 वर्ष बीत गए, आज तक इस केस में जस्टिस नहीं हुआ और आज तक जो जो मिनिस्टर आये और उन सभी के सामने यह केस आया और यह लॉग कोर्ट में

गए और फिर उनको क्या दिया गया यह देखी जाने वाली बात है। मैं बहुत तजुबे से कह रहा हूँ। आप लोग जरा न्यायिक बात पर आ जाइये। आखिर उनको आप ने दिया क्या-क्या। उस के बाद भी आप ने प्रतिबन्ध लगाया हमारे डी० पी० चट्टोपाध्याय साहब ने He was not sure of his ground वह कहते हैं कि जितने का इंटाइटिलमेंट है उसका हाफ उनको दिया जाये। उन को अगर जस्टिस करनी थी तो पूरी तरह से करते। क्यों ऐसा किया। उनके मन में यह बात थी कि इसको रिस्ट्रिक्ट करना है। एक दम से उनको खुली छूट नहीं देना है। ऐट पार उन को नहीं नाना है। There case is some what different from that of other यह भावना उन की थी इस वास्ते इसमें फर्क किया गया। यह सब इतिहास है, इस को देखिये, उसके बाद आप देखेंगे कि और मेरा यह ख्याल है कि मिश्र जी के जमाने में यह कैसे उठा। डिप्टी या ज्वायंट चीफ कंट्रोलर कोई है, वह भेजे जाते हैं इन्क्वायरी के लिये। लालबहादुर शास्त्री जी का जमाना चला गया, इन्क्वायरी नहीं हुई, मनुभाई शाह का जमाना चला गया, बलराम भगत का जमाना चला गया इन्क्वायरी नहीं हुई, दिनेश सिंह का जमाना चला गया इन्क्वायरी नहीं हुई, मिश्र जी का जमाना आया और कैसे रिस्रोपन किया गया। यह जो क्लोज्ड कैसे था वह रिस्रोपन किया गया। कैसे को रिस्रोपन करने का तरीका मैं जानता हूँ। मैंने कुछ सेक्रेट्रियट देखा है कि जब किसी को फेवर करना हो तो फाइल बनती है और यह फाइल बनी है यह मेरा आरोप है। मैं एक जिम्मेदार मेम्बर की हैसियत में कह रहा हूँ।

श्री एल० एन० मिश्र : चूँकि आप ने मेरा नाम लिया है इसलिये मैं कह रहा हूँ कि मुझे इसका कोई इल्म नहीं है। लाइसेंस का कोई वकील मेरे पास नहीं आया और न मैंने कैसे को रिस्रोपन किया। उल्टे अगर आप देखेंगे तो मैंने वह भी कहा था कि उन को न्यायालय

में ले जाना चाहिये और हम लोगों को रेगुलर कोर्ट में कंटेस्ट करना चाहिए।

श्री टी० एन० सिंह : इस अखबार के मुताबिक जो आज छपा है...

श्री एल० एन० मिश्र : आप अखबार पर मत जाइय। आप बड़े मीनयर मॅबर हैं, आप चीफ मिनिस्टर रह चुके हैं, अखबार के आधार पर आप अपनी बात मत कहिये।

श्री टी० एन० सिंह : जब अखबार में एक आरोप लगाया गया तो जरूरी है कि उसकी सफाई हो जाए। अगर मैं नहीं कहता तो आप को सफाई देने का मौका नहीं मिलता।

श्री एल० एन० मिश्र : हम ने वह अखबार पढ़ा भी नहीं है।

श्री टी० एन० सिंह : आप टाइम्स के लिये परेशान न हों। हमारे साथी ही अगलबगल बैठे हैं। जरा चीजों को ऊपर उठ कर देखें। ऐसा नहीं होना चाहिये, यह गलत बात है। तो मैं यह कह रहा था कि यह फाइल किमी तरह से खोली गयी एकाडिग टु दिस पेपर रिपोर्ट और यह रिपोर्ट आज तक कांटेडिक्ट नहीं हुई। ईंट स्टैंडम (Interruption) इस के बाद इन्वेस्टीगेशन होगा मैं कहता हूँ कि आदमी को बहुत होशियारी से बातें कहनी चाहिये। आखिर यह कैसे कव ओपन हुआ। हाईकोर्ट में उनका केस था यह फैक्ट है। उन्होंने कैसे विदड़ा किया। उस समय कौन से मिनिस्टर थे। क्या आज के डी० पी० चट्टोपाध्याय उस के मिनिस्टर थे। वह नहीं थे। जब कैसे कोर्ट से विदड़ा कर लिया उन्होंने, तो कुछ समझ कर ही विदड़ा किया होगा कोई बात होगी।

श्री राजनारायण : मिनिस्टर ने ऐश्वोर किया होगा।

श्री टी० एन० सिंह : यह मैं नहीं कहना चाहता इसको तो इन्क्वायरी बतायेगी। मिश्र जी ने अपना पक्ष कहा। मैं चाहता हूँ...

श्री एल० एन० मिश्र : आपने कहा रिक्रोपन किया। जब यह केस विद्वा किया, उसके बाद हमने लिखा है—

... that the case was withdrawn by the party in 1971.

मैं मिनिसटर था 1971 में। After that in early April, I recorded in the file that legal opinion may be taken and the case contested.

हमने केस कंटेस्ट करने के लिये कहा था । . . .
(व्यवधान)

श्री राजनारायण : श्रीमन्, हमारा प्वाइंट आफ आर्डर है। कृपा करके आप आर्डर दें कि जो मैमोरंडम है जिससे मैं 21 सदस्यों के हस्ताक्षर है वह हमको मिले। चूँकि वह मैमोरंडम नहीं मिला है इसलिये गड़बड़ हो रही है। दूसरी बात यह है कि जो एफ० आइ० आर० दाखिल है उसकी कापी दीक्षित जी मगवाकर हम लोगों को दिलायें।

श्री भैरों सिंह शेखावत : श्रीमन्, हमारा एक प्वाइंट आफ आर्डर है।

श्री उप-सभापति : उनको खत्म करने दीजिये।

श्री भैरों सिंह शेखावत : एक मिनट में समाप्त कर दूंगा। माननीय मंत्री महोदय ने जो अभी पढ़ कर सुनाया वह उम फाइल की नोटिंग है जो यहां विवादास्पद है। . . .

श्री एल० एन० मिश्र : वह फाइल की नहीं है। मेरी अपनी लैंग्वेज है। फाइल हमने नहीं देखी है।

श्री राजनारायण : फिर आपने काहे में से लिया? हाई कोर्ट ने नहीं किया होता तो वहां ओरिजनेट न होता।

श्री एल० एन० मिश्र : यहां मेरा नोट है।

SHRI RAJNARAIN: It is not your personal note. It is the Minister's note.

श्री टी० एन० सिंह : माननीय मंत्री महोदय यह कह रहे हैं कि यह अपना नोट है। लेकिन हाउस में उन्होंने यह इंप्रेशन प्रिजेंट किया है कि फाइल पर उन्होंने खुद कहा है कि इस प्रकार से मैंने लिखा है। सादे कागज पर लिखने का हक नहीं है। उन्होंने कहा है। अगर किसी रिकार्ड पर यहां कहा जाता है तो वह मदन की मेज पर रखा जाए। . . . (Interruption)

मेरा कहना यह है कि जरा सोचने की बात है। 1970 या 1971 में मिश्रा जी मिनिसटर हुए। यह केस आता है, हाई कोर्ट से विद्वा होता है। सन् 1955 से 1970 या 71 तक इस बारे में हमेशा एक ही राय है। लीगल ओपीनियन लेने की बात, हाई कोर्ट से विद्वा करने की बात, इसको रिकसिडर करने की बात उठती 1970-71 के बाद। उसके पहले नहीं उठी। और लोग भी न्यायप्रिय थे, उन्होंने क्यों नहीं किया? इस बात से मेरा विष्वास है कि इन सब बातों को देखते हुए मैं बड़े अदब के साथ पार्टी के नाने नहीं इस महान संसद के सम्मान के लिए, हमारे सदस्यों की प्रतिष्ठा के लिए आप इस पर विचार करें। आज मझे खेद है कि जहां जाते हैं, संसद् सदस्यों की प्रतिष्ठा वह नहीं रह गई जो पहले थी।

श्री एन० आर० चौधरी : आप की बदौलत।

श्री टी० एन० सिंह : मेरी बदौलत, मैं भी उसका अपराधी हूँ। मैं मानने के लिए तैयार हूँ। मेरे में काफी विनय है। मैं बतला सकता हूँ। तो मैं आपसे कहता हूँ कि ऐसी हमारी प्रतिष्ठा है इस प्रतिष्ठा की फिर स्थापना करने के लिए आप जाइये तमाम बजार में, हमारे मिनिसटरों के बारे में, प्राइम मिनिसटर के बारे में यह बात कही जानी है। जब ऐसी बात आवे तो वह करिये जो हमारे सबसे बड़े महापुरुष राम ने उदाहरण दिया है—

That every body should be above suspicion like Caesar's wife.

यह करना है। अगर आप चाहते हैं कि भारत में लोकतन्त्र कायम रहे तो यह करना चाहिए।

श्री भूपेश गुप्ता : कौन बोला है?

श्री टी० एन० सिंह : राम । मैं दोनों के लिए कह रहा हूँ । मैं दोनों उदाहरण दे रहा हूँ । राम का अपने लिए, सीज़र का आपके लिए दे रहा हूँ ।

SHRI BHUPESH GUPTA: Caesar's wife came after Ram. He said that Ram's wife should be above suspicion.

SHRI T. N. SINGH: I did not say that. Don't try to explain what you do not understand.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, he was trying to explain both the things.

श्री टी० एन० सिंह : आज यहाँ प्राइम मिनिस्टर नहीं हैं मैं सोचता हूँ उनसे भी दरखास्त करूँ । उमाशंकर दीक्षित जी से दरखास्त करता हूँ । वह हमारे पुराने साथी हैं, सन् 20 के साथी हैं मैं कहना चाहता हूँ कि हमारा देश डूबे जा रहा है । हमारे यहाँ सत्यता की परम्पराएँ हजारों फीट नीचे दफना दी गई हैं और जब हमारी संसदीय परंपराओं, लोकतंत्रीय परंपराओं को ठेस लगती है तो आपका और हम सबका धर्म है कि जो भी कंपलेंट हो वह सब न्याय के सामने रखी जाए । जो न्याय फैसला करे वह आपको और हम सबको मानना पड़ेगा । मेरी आपसे सिफारिश है कि जहाँ तक तुलु मोहन राम का सम्बन्ध है वह तो प्रिविलेज इसू है और जो परंपराएँ हैं उनके अनुसार इन्क्वायरी होनी चाहिए । मेरी डिमान्ड है, मैं चाहता हूँ, और ललित नारायण मिश्र जी के हित में भी है कि आपके खिलाफ न्यायिक जांच हो । निर्दोष होंगे तो निर्दोष पाये जायेंगे और अगर दोषी होंगे तो दोषी पाये जायेंगे । और कोई बात नहीं होगी इतना कह कर मैं समाप्त करता हूँ ।

SHRI MANUBHAI SHAH (Gujarat): Mr. Deputy Chairman, Sir, I am privileged to stand before the House for speaking against this Motion.

It is true, Sir, that for the past few weeks, the whole country and the two Houses of Parliament have been greatly concerned over this issue. What I would tell before you and before the honourable Members here is that the record of the

Congress party under the three Prime Ministers, if closely examined, would show and forcefully prove that our party is second to none in enforcing the rules of public conduct and, as a matter of fact, it has been the pioneer and the leader in enforcing the rules of public conduct. During the time of the late Prime Minister, Shri Jawaharlal Nehru, when I joined as a Member of the Rajya Sabha and a member of the Government in 1956, I read about the Mudgal case and before that the so-called jeep scandal.

SHRI T. N. SINGH: I was there then. I will tell you what happened.

SHRI MANUBHAI SHAH (Gujarat): I was not a Member of the Parliament then. But I am telling you what happened and how it came up. You please hear me a bit before you contradict me.

Sir, the so-called jeep scandal was raised by the late Shri Feroze Gandhi who was an honourable member of the Congress party and it was not any Opposition member who really raised it. Later on, the Mundhara affairs case, which cost us the services of a very valuable Minister, was also raised by the Congress members on this side of the House. Now, when difference is being drawn, as Mr. T. N. Singh, an honourable and respected Member of our House and our former colleague in the Government, has tried to draw and he has mentioned that he sees no distinction between the Mundhara affair and this particular demand for a parliamentary inquiry. I would ask him to examine the records of the House and see that Mudgal, as a Member of Parliament, admitted both in side the house and outside that he was at fault with respect to the allegations made against him.

SHRI T. N. SINGH: When did it happen? Only when the inquiry against Mr. T. F. Krishnamachari was going on.

SHRI MANUBHAI SHAH: You have to go to that stage. That is what exactly I am telling you now. If you go through the records carefully, you will see that the stage at which the present import licence matter rests at present is the preliminary

investigation stage and the Home Minister is on record as having assured the Lok Sabha that when the CBI inquiry into all these aspects of the case will be finalised, that report will come before the honourable Members. At that stage, Members like Mr. T. N. Singh and others can form a judgment as to what the crime is or who did it and so on and I can assure him that none on this side of the House will spare any guilty person if the CBI inquiry shows that A or B or C or D has committed any offence. It is not a question of six months. You don't have the patience. When you want to maintain the dignity and honour of this country before the peoples of the world, then you also as part of the entire democratic apparatus in which the Opposition has to play a very important role, will have to forbear with the process of law. No one can be hanged without being proved guilty. And a mere submission of FIR report does not mean that some member who might have signed the document is supposed to be guilty. Therefore, Sir, what I am trying to point out—I am sorry I was interrupted—is that during the whole history of the Congress Party since we came into power, during the three Prime Ministers' time, the major matters which have been examined and punishment accorded, were all pointed out by Congress members more or less. Even here, it is my hon. friend, Mr. Krishna Kant who had really raised this question about these import licences. If this party was afraid of exposing anything or exposing the Minister and his colleagues in any type of public calumny, they would not have allowed, or they would have persuaded him not to raise it in the House. Freedom of expression and the highest standard of public conduct is the one thing to which the Congress Party has been wedded . . . (Interruptions). Have you ever heard this? The Chief Minister, with the permission of Prime Minister Indira Gandhi has instituted the Wanchoo Commission in Calcutta. And Mr. T. N. Singh Mr. Rabi Ray and Mr. Kadershah should remember that it is this Government of Shrimati Indira Gandhi which as permitted the Chief Minister to appoint Wanchoo Committee to go and examine the conduct of Ministers . . .

SHRI MONORANJAN ROY (West Bengal): Sir, on a point of order. He cannot mention the Wanchoo Commission in this connection. It is merely an eye-wash . . . (Interruptions).

SHRI MANUBHAI SHAH: If the hon. Member thinks that whatever he alleges against any one and immediately he should be found guilty and punished, then I do not think you can meet the ends of justice. If the ends of justice are to be met, then even in the case of an ordinary type of letter, the Wanchoo Commission can examine what is in law and . . . (Interruptions).

SHRI MONORANJAN ROY: On a point of order. Some letters were written . . . (Interruptions).

MR. DEPUTY CHAIRMAN: No, Mr. Monoranjan Roy, it is no point of order.

SHRI MANUBHAI SHAH: What I am trying to point is that my party and this Government for the last twenty-five years, since it assumed the rein of office, have tried to uphold the highest public standard. In the case of Bansi Lal, a memorandum was presented to the President. This was examined by the Cabinet of India and when they found that most of the allegations were baseless, how can you punish anybody? Sir, I do not believe that Mr. T. N. Singh . . . (Interruption by Shri T. N. Singh) . . . I yield to none and I can assure the hon. Members of this House . . . (Interruptions). What the form of investigation should be depends upon the merits of each case. Whether it should be a CBI inquiry and, if so, at what stage, at what stage there should be a judicial inquiry and at what stage a parliamentary probe is needed—all depends upon the merits of each case. There is a vast sea of difference between the Mudgil case and the present one. Investigation is going on. We have to wait till the CBI inquiry is over. It is no use doubting every agency. Somebody mentioned that they will use private agency to investigate the crime. Where is the expertise? I do not think—I am the Chairman of a Select Committee appointed by the hon. Chairman—that any private agency can undertake this. To examine evi-

dence under the Criminal Procedure Code or under the Indian Penal Code is a matter of a expertise opinion. And I am quite sure that when the facts of the case come before this House in the form of a report to be submitted by the Home Minister, after this inquiry is completed, then will be the time to judge our **bonafides**. The Prime Minister has stated in Madras that she would shield no guilty man. Yesterday also she repeated, when everybody tried to put different interpretations to what she said, in Ambala. She said she will not tolerate any guilty person in my party or anywhere . . .

SHRI MONORANJAN ROY: Bansi Lal is not guilty? . . .

SHRI MANUBHAI SHAH: All the time you are shouting: Bansi Lal, L. N. Mishra . . . My point is this. We had a committee in Gujarat, the Navnirman Committee. Some people were shouting: Chamanbhai Patel, Hai Hai. But when we asked them to give one or two or five evidences or one affidavit which can prove that money has been taken by him and we would be too glad to institute an inquiry—even the Governor and the Prime Minister assured about it—there was nothing coming forward. We have always, and this honourable House has always, held the high dignity and held the scales of justice even. Here some Members of Parliament are involved. Their reputation is at stake. Let us give time to the process of justice to complete the first stage. Then we can take up the second stage. At this stage we can assure that we shall be on the side of justice. Then Sir, the question comes, as Mr. T. N. Singh, has rightly pointed out, that Ministers come and Ministers go. Many people ask me, "When you were the Commerce Minister, you did not issue the licences and somebody else issued." This is the normal form of administration. Ministers come and Ministers go, but the administration and the citizens are always in their position. Men may come and men may go. But the citizens remain forever. They have a right to represent certain types of features of a case before the Government at a particular point of time and on the basis of those facts, the Minister decides and administers

justice as he thinks best according to the rules under the Import Trade Control Manual and the Red Book. Now, if another Minister comes and by that time, they find that they have another additional point, then they represent the case again. There is a High Court. There is a reference to the judiciary and they come again.

SHRI K. N. DHULAP (Maharashtra): When you were the Minister, why did you not issue the licences?

SHRI MANUBHAI SHAH: This is exactly what I am saying. I have many a time reviewed my own decisions. I did not continue to say no, no, no because I had said no once. That is not the essence of democracy. A man has a right to review the decision of his predecessor under democratic institutions. Therefore, I do not say that what my friend, Mr. Chattopadhyaya did was hundred per cent correct. I am not prepared to give him a certificate. But I am prepared to believe his words when he said in the Statement laid before the hon. House that he had no knowledge that there was a representation of 21 Members of Parliament and that he had done it in the normal course. This is what I have heard or came to know. Even if we don't believe it, it is a fact that he has applied his mind to the rules under the I.T.C. Now, Mr. T. N. Singh made a point as to why he gave half. As a matter of fact, my feeling is that he should have given one-fourth. Today, the profit on the items is somewhat larger than what it was in 1955 when they were entitled to it. Therefore, perhaps he thought that people should not be exorbitantly benefited after so many years and the ends of justice will be met if they are given that much which will make up the loss which they might have suffered. There can be other reasons also. Now, Mr. Kadershah was vexing eloquence that all tereylene, nylon, brandy and whisky have been given. I have closely examined the import licences and I can say that no tereylene and nylon licences have been given. Eighty per cent of the material is entirely what is required by the industries of this country and 20 per cent of the licences are for whisky and brandy. The Minister has given 80 per cent of the goods required by the industry and only 20 per cent of the consumer products are there.

SHRI BHUPESH GUPTA: Are you speaking from experience or from expectation?

SHRI MANUBHAI SHAH: Both. I am speaking from the expectation of this country to live long under democratic institutions and not from my personal expectation. I may come or I may go. I may be there or anybody else may be there. But we cannot undervalue the system to which we are pledged that justice will be done on the facts presented to the Minister. What his predecessor did will certainly be borne in mind. But to say that because Lal Bahadur Ji did not do it or I did not do it or Mr. T.T. Krishnamachari did not do it, Mr. L.N. Mishra or Mr. Chattopadhyaya should not do it is not correct. At least I don't feel humiliated that my decision has been reversed by anybody. It is a part of the democratic procedure. If anything else is found or there is some by passing of the rules then that will come out. Therefore, all that is necessary is to have a sense of justice and not terrorisation. Don't allow the investigating agencies to feel that somehow or the other they have to find somebody guilty. Let everybody be judged on the merits of the case. Whatever crime wherever has committed he will pay for it. Let us not make the apparatus witch hunting to find somebody guilty. Otherwise, McCarthyism will spread. Even the normal justice which may be available to a Member of Parliament will be denied to him. (Interruptions) I only pray for your forbearance. I do not pray for your pardon. I do not pray for any mercy. I pray for your patience and forbearance to allow the justice to operate in a free and democratic atmosphere so that those who are guilty are punished and those who are innocent are allowed to live as respectable citizens of this country.

SHRI BHUPESH GUPTA: You said ends of justice or hands of justice?

SHRI MANUBHAI SHAH: Ends of justice.

SHRI BHUPESH GUPTA: All right.

SHRI MANUBHAI SHAH: I thought justice has no hands. Justice is blind; it cannot hear. It has only ends to satisfy and those are to be satisfied.

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Then, Sir, the question here arises is regarding the various types of allegations that we hear. We have seen that when Mr. Chandra Shekhar raised the question against the Birlas and Birla affairs, this House and this Party never hesitated and the Sarcar Commission, which is one of the classic commissions in the country, has been appointed at the instance of Members of this Party and at the request made to the Parliament, to the Leader of the House. Therefore, I am saying that if any hon. Member, whether it is from the opposite side or here, brings to the notice of the Government and to the notice of the leader about any matter which is polluting public atmosphere or public conduct, I can assure him from the experience at my command of serving the last three Prime Ministers, that there has been no deviation in that—there might have been changes in circumstances—that proper enquiry will be made. Then, Sir I come to the point why I consider the Parliamentary Committee as a premature proposition at this juncture. I do not want to join the issue on that. Here is a case which has been brought to our notice. We came to know of this. A reply was given. 22 names are put in that. When the Government examines and finds that somebody has signed it really and only one signature is correct, then they go to the C.B.I. and file a complaint in the Magistrate's court in order to find out that proper type of investigation takes place. Now this is to prevent any interference of ordinary type or extraordinary type in the process of examination. I would request the hon. Members opposite to decide if they have found any evidence to prove what they say is right. And merely to depend upon newspapers. I say the newspaper publishes news and it does not publish what is called the truthful facts because it does not know what the facts of the situation are. They write what is represented in the F.I.R. or what is presented in the document. What we want is whether there was any consideration for giving of this licence, whether the signatures influenced the mind of the Minister to give this licence, and whether anybody transgressed the rules of business under the I.T.C. to give this licence. In my view, the I.T.C. licences given to those Parties are useful to the country's economy and the profitability is comparatively low.

If the licences were there in the normal course of the established quota, the consumer quota, then the licensees would have profited much more. Therefore, it has been a wise act and 50 per cent, in my view, is on the higher side and not on the lower side as T. N. Singhji was thinking.

Then, Sir, before I end, I only want to beseech—that many types of feelings about individuals run high in our country as everywhere. I do not say that everybody is motivated with ill motives—but we have got to listen to people. If they say that in all their honour and what they thought at the time when they took a particular administrative decision, it should be separated from the earlier stigma or the earlier type of confusion round the personality. I hold no brief for anybody but it is the essence of democracy that the individual Minister who serves the public in his administrative capacity is allowed to have his say irrespective of what the other background may be. In this particular case, Mr. Mishra has clearly stated here before us that he himself wanted to contest this case in the court. This is the view which they have been taking in this Ministry before that if a man feels aggrieved, instead of an executive decision to reverse the previous process, it might be better to have a judicial thing. And at times, if the representation show clearly that the facts are unimpeachable or which cannot be contradicted, then the administrative decision can be taken. Therefore, presently, in my view, it is the time when the CBI enquiry should be completed without delay. I would request the Home Minister, who is present here, to see that this delay is brought to the minimum because the earlier this is brought, the atmosphere in the country can be brought to a better situation than what it is prevailing today. And I will appeal to the hon. Members on the other side that in order to complete this process, give the fullest backing to the CBI enquiry being completed first. Then on the merits of the case, when the papers come before us and the report comes before us, there will be time for you and for us to decide whether it should be a parliamentary probe or whether it should be a judicial enquiry in order to see that if

any allegations of proved character are there, we punish the guilty properly.

With these words, Sir, I once more plead for the forbearance of the Members opposite that my Party, which is wedded to upholding the highest principles of democratic justice in this country, be allowed to proceed with the work of the CBI investigation in this case so that all the atmosphere that has been vitiated to some extent in the country is restored and the work of progress and development of this backward country is carried on unhampered.

श्री योगेन्द्र शर्मा (बिहार) : उप-सभापति महोदय, हम श्री भूपेश गुप्त के प्रस्ताव के समर्थन में कुछ अपने विचार सदन के सामने रखने के लिये खड़े हुए हैं। अभी अभी हमारे पूर्व वक्ता ने यह अपील की है कि हम उनके पक्ष की बात को भी समझने की कोशिश करें। इस दृष्टिकोण की हम सराहना करने हैं और इसी दृष्टिकोण से प्रेरित होकर उस पक्ष की बातों को हमने समझने की कोशिश की है लेकिन हमें बहुत निराश होना पड़ा। अभी तक उन्होंने कोई युक्तिसंगत तर्क नहीं दिया कि श्री भूपेश गुप्त के प्रस्ताव को स्वीकार करने में क्या आपत्ति है। उस पक्ष के तमाम वक्ताओं ने भी इस बात को कहा कि 27 अगस्त को इसी सभा में सवाल जवाब के दौरान जो प्रश्न उठे उनके सिवसिले में सत्यासत्य की जांच की जाये। ट्रेजरी बैचेज और अपोजीशन बैचेज दोनों पक्ष इस एक बात पर एक राय हैं कि सत्यासत्य की जांच होनी चाहिए। फिर फर्क कहाँ होता है? फर्क यहाँ आता है कि सत्यासत्य की जांच किस तरह से हो और इस सत्यासत्य की जांच कौन करे। हम लोगों का प्रस्ताव यह है कि इस सत्यासत्य की जांच संसदीय समिति करे। उस पक्ष का कहना है कि सत्यासत्य की जांच सी० बी० आई० करे। हमको जहाँ तक समझ में आया है मतभेद का यह प्रश्न है। हमारे कांग्रेस के सदस्यों ने अपील की है कि दूसरे पक्ष की बातों को समझने की कोशिश की जाए। हम इस अपील को दोहराना

चाहते हैं कि आप लोग भी हम लोगों की बातों को समझने की कोशिश करें। श्रीमन्, प्रश्न यह है कि सत्यासत्य की जांच संसदीय समिति करे या सत्यासत्य की जांच सी० बी० आई० करे। यही मतभेद का है मुख्य प्रश्न। तमाम बातों को सुनने के बाद भी हम समझते हैं कि इस सम्बन्ध में जो हैसवाल उठे उनका सत्यासत्य संसदीय समिति ही करे। क्यों? पहली बात तो यह है कि जो मामले हैं उनसे 21 संसद सदस्यों का सम्बन्ध है। कहा जा सकता है कि वे इस सदन के नहीं हैं, उस सदन के हैं, लेकिन इसी सदन से यह सवाल पैदा हुआ। कहा जाता है कि जाली दस्तखत है, लेकिन यह सवाल तो उठेगा कि पार्लियामेंट के 21 सदस्यों के दस्तखत हैं—वे जाली हैं या नहीं यह तो बाद में मालूम होगा—इसलिये पार्लियामेंट के 21 सदस्यों के आचरण का सवाल उठ खड़ा हुआ है। तो जांच के लिये सीकौन एजेंसी श्रेयस्कर होगी, यह प्रश्न है। उस पक्ष के माननीय सदस्य यह समझते हैं कि 21 सदस्यों के आचरण के सवाल पर सी० बी० आई० को जांच की एजेंसी श्रेयस्कर मान लिया जाये। आप सोचिए, संसदीय मर्यादा, संसदीय गरिमा की बात उठाई गई है। परयहां 21 सदस्यों के आचरण का सवाल है। उसकी जांच कौन करे? सी० बी० आई०? हमारे कुछ माननीय सदस्यों ने यह कहा कि सी० बी० आई० तो सरकारी एजेंसी है। हम अभी उन पर दोषारोपण करने नहीं जा रहे हैं, लेकिन यह आशंका है इस सदन के एक पक्ष में और सदन के बाहर जनमत में कि सरकारी एजेंसी यदि जांच करेगी तो सरकारी पक्ष के बारे में यह सही बात कहेगी, या नहीं कहेगी, इसके बारे में उनकी कुछ आशंका है और जब इस सत्यासत्य की जांच की एजेंसी के बारे में आशंका हो जाए और सत्यासत्य पर पहुंचना हमारा सर्वोपरि कर्तव्य हो तो कांग्रेस के माननीय सदस्य सोचें कि ऐसी अवस्था में संसदीय समिति ही श्रेयस्कर नहीं है क्या।

हमारे पास एक दूसरा कारण भी है। जब प्रश्न यह पैदा हो गया है कि संसदीय समिति जांच करे या सी० बी० आई० जांच करे और जब इस बात हमपर लोग एक राय हैं कि जांच होनी चाहिए और सत्य को खोज कर निकालना चाहिए तो क्या ऐसी दशा में संसदीय समिति से भी बढ़कर कोई दूसरी एजेंसी हो सकती है। हम संसदीय जनतंत्र की बात करते हैं और संसदीय जनतंत्र की सबसे बड़ी अभिव्यक्ति संसद की समिति के मामले जाकर, उसके द्वारा जांच कराने की बात जब आती है तो हम अगल-बगल करते हैं। प्रश्न यह है कि देश को संसदीय जनतंत्र में पूरा विश्वास है और उसकी गरिमा और महिमा को वह बढ़ाना चाहता है और उसके सामने यह प्रश्न उपस्थित है कि संसदीय समिति इस की जांच करे या सी० बी० आई० इस की जांच करे या कोई प्रशासनिक एजेंसी इसकी जांच करे तो ऐसे समय में संसदीय समिति को वरीयता मिलनी चाहिये, उसे प्राथमिकता मिलनी चाहिये और उसी को हम श्रेष्ठ मानेंगे।

श्रीमन्, एक तीसरा कारण भी है। ब्लिट्ज ने यह मामला बहुत दिनों पहले छपा था और शायद इसी साल मार्च के महीने में ब्लिट्ज ने इसको प्रकाशित किया था और तब से लेकर आज तक 5 महीने बीत गए, सी० बी० आई० यह भी पता नहीं लगा सकी कि यह दस्तखत जाली हैं या सही हैं। कब उन्होंने पता लगाया या नहीं लगाया था उनको पता लगा या नहीं लगा, या पता लगाने पर भी उनको पता नहीं लगा, यह सब बात है, लेकिन जब संसद में इस सदन में यह सवाल उठा तो 5 घंटे के भीतर ही चट्टोपाध्याय जी ने टेलीफोन से पता लगा लिया कि इतने भिन्नेचर जाली हैं। पांच महीने में वह पता नहीं लगा सकी और 5 घंटे में आप ने यह पता लगा लिया, लेकिन 5 महीने बीत गए। (व्यवधान)

श्री एन० शार० चौधरी : चट्टोपाध्याय जी ने जांच नहीं की या सी० बी० आई० से

पता नहीं चला, उन्होंने पांच घंटों में लोक सभा से मेम्बरों से बातचीत की और हाउस को इन्फार्म किया। सी०बी०आई० की रिपोर्ट यह नहीं है। उन्होंने कहा कि सी०बी०आई० पांच महीने में जांच नहीं कर पायी और पांच घंटों में चट्टोपाध्याय जी ने केम का पता चला लिया, यह बात सही नहीं है।

श्री योगेन्द्र शर्मा : मैं जो कह रहा हूँ वह यह है कि यह बात सही है या नहीं कि पांच महीने पहले मार्च में विल्ट्ज में यह बात छपी थी और जब तक यह सवाल यहां नहीं उठा उस समय तक या आज तक सी०बी०आई० को कुछ पता नहीं चला और जब सदन में सवाल उठा तो प्रोफेसर चट्टोपाध्याय ने टेलीफोन से पता लगा लिया और पता चल गया तो ऐसी स्थिति में इस बात की आशंका बढ़ जाती है कि सी०बी०आई० से सही सही जांच नहीं हो सकती।

एक माननीय सदस्य : होगी।

श्री योगेन्द्र शर्मा : इस पर आप आमादा ही हैं तो दूसरी बात है, मगर मैं तो यहां पर न्याय के दृष्टिकोण से बात कर रहा हूँ। उसी न्याय के दृष्टिकोण से आपने भी स्वीकार किया है कि सत्यासत्य का पता लगाना चाहिये और सत्यासत्य का पता इस तरह से लगाना चाहिए कि जो आशंका के बादल और आशंका का वातावरण पूरे देश में फैल गया है वह बादल कटे। संसद के वातावरण से केवल आपका और हमारा ही नहीं बल्कि संसदीय व्यवस्था का संबंध है तो हालतऐसी में क्यों आप हमारे प्रस्ताव को स्वीकार नहीं करते? क्यों, हमारे प्रस्ताव को स्वीकार करने में आप हिचकते हैं? क्या आशंका है? किसी सदस्य ने यह नहीं बतलाया कि संसदीय समिति यदि जांच करेगी तो उसके क्या नुकसान है, उसमें क्या डर है। मैंने बहुत ध्यान से सुनने की कोशिश की। यह आशंका है, सकती है कि संसदीय समिति के माध्यम से

जांच की जो बात उठाई जा रही है, उसके पीछे एक राजनीतिक उद्देश्य है। इस पर हम वाद में आयेगे। मगर श्रीमन् हम दीक्षित जी और दूसरे माननीय सदस्यों से विनय के साथ कहना चाहते हैं कि इस पूरे सवाल पर पिछले 10-15 दिनों में पार्लियामेंट में जो कुछ भी हुआ उससे किसकी प्रतिष्ठा बढ़ी और किसकी प्रतिष्ठा घटी है? अगर आप शुरु में इस सवाल को मान लेते और संसदीय समिति में भेज देते, प्रिविलेज कमेटी में भेज देते तो ऐसा नहीं होता।

श्री जगन्नाथ भारद्वाज : इन्क्वायरी नहीं करते, ऐसे ही भेज देते?

श्री योगेन्द्र शर्मा : संसदीय समिति इस देश में इन्क्वायरी की सबसे अधिक मान्यता प्राप्त चीज है। आप हमको गाली ही देना चाहते हैं तो दूसरी बात है। तो श्रीमन्, इस बात पर उसी समय ऐक्शन लेते तो संसद का कितना समय बच जाता। आज देश में बाढ़ है, तरह तरह की समस्याएँ हैं, सदन को उस पर विचार करने का समय मिल जाता, संसद के समय का उपयोग हम उसमें कर सकते थे। लेकिन कितना समय बरबाद गया। इससे बहुत से काम समय में हो सकते थे। संसद के नेता दीक्षित जी जरा अपने सदस्यों को कहिये कि शान्ति रखें। . . . (व्यवधान) कितना समय हमारा बचता। क्या यह आशंका है कि उसमें न्याय नहीं होता। जाहिर है कि संसद में सभी दलों के लोग हैं। हमको यह भरोसा करना चाहिये कि सभी दल के लोग हों तो किसी के साथ अन्याय नहीं हो सकता। बहुत समय बचता, इतना हंगामा नहीं होता। इस सवाल को इतना तूल नहीं मिलता। पता नहीं, ऐसा न करके आपने कौन सा उद्देश्य सिद्ध करने की कोशिश की है।

श्रीमन्, हम पार्लियामेंट के सदस्य अब किसी चीज पर हस्ताक्षर करेंगे तो माहौल ऐसा पैदा हो गया है कि लोग आशंका की दृष्टि से देखेंगे कि यह जाली हस्ताक्षर है या सही है।

हममें से हर एक मैम्बर अब इस सवाल की गिरफ्त में आ गये । जो माहौल पैदा हो गया है यदि कल हम बरूवा जी को एक पत्र लिखेंगे कि प्रौढी नेल शोधक कारखाने में यह जुल्म हो रहा है प्रबन्ध की ओर से तो बरूवा जी सोचेंगे कि योगेन्द्र शर्मा कि सिगनेचर हैं या जाली हैं ।

श्री डी० के० बरूआ : आप जबानी कह दीजिएगा ।

श्री योगेन्द्र झा : हम तमाम मैम्बरों का काम धाम और आचार आज एक सवाल बन गया है और जब ऐसी हालत पैदा हो गई है तो क्या अच्छा नहीं है कि संसदीय समिति जांच करें । हमको अफसोस के साथ कहना पड़ता है कि कांग्रेस पक्ष के जो लोग हैं वे इसको महसूस नहीं करते, हम टी० एन० सिंह की इस बात का समर्थन करेंगे कि इसको पार्टी बाजी का सवाल नहीं बनाना चाहिए और न ही इसको संकीर्ण प्रशासनिक और औपचारिक दायरे में देखना चाहिये ; जो प्रश्न पैदा हो गया है उसको संकीर्ण औपचारिक और प्रशासनिक दायरे में रखकर हम न्याय नहीं कर सकते । कांग्रेस पक्ष के जो माननीय सदस्य बोल रहे हैं, मुझ को अफसोस के साथ कहना पड़ता है कि वे बहुत ही संकीर्ण, प्रशासनिक दायरे में इस सवाल को देख रहे हैं । हम चाहते हैं आप इस को लोक दायरे में देखने की कोशिश करें जब हम लोक दायरे में देखने की कोशिश करते हैं तो हम देखते हैं पूरा देश भ्रष्टाचार से व्यापत है । जन जीवन का कोई भी पहलू नहीं है जिसमें भ्रष्टाचार न व्याप्त हो गया हो । जन-जीवन के तमाम पहलू भ्रष्टाचार से व्याप्त हो गए हैं । समय नहीं है कि मैं इनके विस्तार में जाऊं । जो वास्तविकता है उसमें हम अपनी आंखें नहीं मूंद सकते, इन्कार नहीं कर सकते । जो इतना बड़ा सर्वव्यापी भ्रष्टाचार का प्रश्न बन गया हो तो क्या यह श्रेष्ठ्यकर नहीं है, उचित नहीं है कि पार्लियामेंट की एक समिति इस सवाल पर गौर करे, विचार करे ।

श्री मन्, हम बहुत माफ-माफ कहना चाहते हैं कि भ्रष्टाचार किसी दल या गिरोह की समस्या नहीं रह गई है । हम इस बात से सहमत नहीं हैं कि भ्रष्टाचार किसी एक व्यक्ति से निकल रहा है । हम कम्युनिस्ट हैं । हम जानते हैं कि भ्रष्टाचार बड़े-बड़े व्यवसायी बड़े-बड़े व्यापारी और बड़े बड़े राजनीतिज्ञ और प्रशासनिक अधिकारियों के मिलीभगत से पैदा होता है । यदि हम भ्रष्टाचार का अंत करना चाहते हैं तो हमें इस मिलीभगत का अंत करना होगा । इसलिए हमारी पार्टी, जब भी मौका मिलता है यह अर्ज करने के लिए यह निवेदन करने के लिए खड़ी होती है कि इस मिलीभगत को तोड़िये । बड़े-बड़े व्यवसायियों, बड़े-बड़े व्यापारियों के अधिकारों को बढ़ावा मत दो । उनके अधिकारों को आप खत्म कीजिए चूंकि इनको बढ़ाने की कोशिश करने हैं इसलिए भ्रष्टाचार बढ़ता है

श्री जगदीश प्रसाद माथुर : कांग्रेस की मिलीभगत कब छोड़ेंगे ?

श्री योगेन्द्र शर्मा : यह भ्रष्टाचार के खिलाफ लड़ाई का सही तरीका है । हम यही कहना चाहते हैं कि आज भ्रष्टाचार के खिलाफ, विरोधी दल की ओर से भी जो लोग भ्रष्टाचार के खिलाफ लड़ने की बात करते हैं हम कहते हैं आप भी संकीर्ण दायरे के दृष्टिकोण से बात करते हैं । यदि आप इसको भी संकीर्ण दृष्टिकोण का सवाल बना लेंगे तो आप भ्रष्टाचार के खिलाफ नहीं लड़ सकेंगे । भ्रष्टाचार के खिलाफ लड़ाई का तकाजा यह नहीं है कि आप इसे पार्टी का हथकंडा बना लें । पार्टी का हथकंडा बनने से भ्रष्टाचार के खिलाफ लड़ाई कमजोर होती है । अगर आप चाहते हैं कि लड़ाई मजबूत हो तो इसका तकाजा यह है कि इसको हम राजनितिक हथकंडा न बनाएं । श्रीमन् राजनितिक हथकंडा जब भ्रष्टाचार को बनाया जाता है तो इसका बड़ा ही कटु अनुभव हम को है । एक मर्तवा जब केरल में हमने और सी० पी० एम० दोनों ने मिल कर मिलीजुल

सरकार बनाई तो वह पूरी सरकार खत्म हो गई क्योंकि भ्रष्टाचार के सवाल को राजनितिक हथकंडे के रूप में लिया गया। जब भ्रष्टाचार के सवाल को राजनितिक हथकंडे के रूप में शामिल किया जाता है तो उसका नतीजा कुछ नहीं होता है हम विरोधी दल के सदस्यों से अपील करेंगे कि भ्रष्टाचार के सवाल को राजनितिक हथकंडा न बनाए बल्कि भ्रष्टाचार के खिलाफ अभियान चलाएं। कल की बात है। इसी सदन में एक माननीय सदस्य के बारे में हमने सवाल उठाया था। श्रीमन्, सवाल यह उठाया था कि विधान सभा से काले धन के आधार पर एक सदस्य यहां पर आया लेकिन इन्होंने उसका खंडन किया। तब सत्य पर कैसे पहुंचे। इससे भ्रष्टाचार कैसे खत्म होगा। जब कोई पैसा देकर असेम्बली के मੈम्बरों को वोट खरीद कर इस सदन में आएगा और इस सदन में भ्रष्टाचार के खिलाफ बात आएगी तो वह कैसे भ्रष्टाचार के खिलाफ लड़ेगा।

श्री राजनारायण : ठीक है।

श्री योगेन्द्र शर्मा : राजनारायण जी सही कहते हैं। सही कहने का मतलब यह है कि आप सिर्फ अपने राजनितिक उद्देश्य से उन मंत्रियों के उपर प्रहार मत कीजिए जो किसी कारण से आपके दुश्मन हैं। हम एल० एन० मिश्र जी के न दोस्त हैं और न दुश्मन हैं।

श्री राजनारायण : हमारा कोई दुश्मन नहीं है।

श्री योगेन्द्र शर्मा : मगर जब तक संसदीय समिति के द्वारा जांच नहीं हो जाती है और संसदीय समिति इस नतीजे पर नहीं पहुंचती है कि वह निर्दोष है तब तक हम का तसल्ली नहीं होगी। और यदि संसदीय समिति इस नतीजे पर पहुंचती है कि वे इसमें दोषी हैं तो तब हम उनकी राजनैतिक हत्या करने के लिए तैयार हैं। हम

किसी को बचाना नहीं चाहते हैं। श्री ललीत नारायण मिश्र भ्रष्टाचारी हैं और दूसरे सब सदाचारी हैं, यह कोई तर्कसंगत बात नहीं है। मैं आपको बताना चाहता हूं कि श्री राजनारायण के दल के एक बड़े नेता श्री कर्पूरी ठाकुर के संबंध में जब वे बिहार में मुख्य मंत्री थे तो मधोलकर कमिशन ने कहा कि उनका कंडक्ट एक दुकान को लायमेंस देने के सिलसिले में ओसली इम्प्रोपर था।

श्री राजनारायण : यह गलत है।

श्री योगेन्द्र शर्मा : मुख्य मंत्री के खिलाफ यह बात कही गई है। मधोलकर कमिशन इस संबंध में अपना फैसला कर चुका है। इसलिए मेरा यह निवेदन है कि जब हम भ्रष्टाचार जैसे गम्भीर विषय पर विचार करें तो इसको व्यापक रूप से देखें और जब तक हम इस प्रश्न पर व्यापक रूप से विचार नहीं करेंगे तब तक भ्रष्टाचार के खिलाफ प्रभावशाली ढंग से संघर्ष हम नहीं कर सकेंगे। इसलिए मैं इस तरफ के लोगों से और उस तरफ के लोगों से अपील करना चाहता हूं कि भ्रष्टाचार के सवाल को राजनीति का हथकंडा मत बनाओ और अगर इसको राजनैतिक हथकंडा बनाओगे तो भ्रष्टाचार सर्वग्राही होता जाएगा और समूचे देश की पार्लियामेन्टरी डेमोक्रेसी को निगल जाएगा। ऐसी स्थिति में हम सब का समान कर्तव्य हो जाता है कि भ्रष्टाचार के खिलाफ सर्वमुखी संघर्ष करें इसी दृष्टिकोण से श्री भूपेश गुप्ता जी ने जो प्रस्ताव सदन के सामने रखा है कि एक संसदीय समिति द्वारा इसकी जांच हो, उसका हमने समर्थन किया है।

श्री कमलनाथ झा (बिहार) : उपनभापति जी, इस सदन में आज जो चर्चा का विषय है उसके संबंध में हमारे माननीय मंत्री श्री डी० पी० चट्टोपाध्याय जी ने बहुत ही क्लीयरली, स्पष्ट रूप से, कटेगरीकली, बयानेवार ढंग से एक एक मुद्दे पर प्रकाश डाला है। नायमेंस के

की जांच के संबंध में हमारे आदरणीय गृह मंत्री श्री उमाशंकर दिक्षीत जी ने भी सदन को आश्वासन दिया है कि सी० बी० आई० की जांच के बाद अगर कोई त्रुटि या दोष पाया जाएगा तो हम दोनों सदनों के सामने तथ्यों को रखेंगे और उन पर यहां पर विचार होगा ऐसी स्थिति में मुझे आश्चर्य है कि इस कैटेगरीकल एमुरेन्स के बाद भी कुछ लोगों के दिमाग में एक हौवा बैठा क्यों हुआ है जिसमें प्रेरित होकर वे यहां पर बेसिर पैर की बातें कहते हैं। स्पष्ट है कि कुछ लोग श्री ललित नारायण मिश्र जी को तथा कुछ और अन्य लोगों को इस हिन्दुस्तान में एक हौवा बनाना चाहते हैं। हौवा इनके दिमाग में घुसा हुआ है। मैं यह कहना चाहता हूं कि अखबारों को पढ़ने के बाद और सदन के डिबेट सुनने के बाद और श्री चट्टोपाध्याय जी के भाषण को सुनने के बाद जो मोटी मोटी बातें सामने आई हैं उनको मैं एक एक करके पहले आप के सामने रखना चाहता हूं उसके बाद इस संबंध में कुछ बोलूंगा।

प्रतिपक्ष ने पहला अभियोग यह लगाया है कि 21 संसद सदस्यों के तथाकथित हस्ताक्षर से दिये गये ज्ञापन पर श्री ललित नारायण मिश्र ने कुछ निश्चित आदेश भी लाइसेंस जारी करने के संबंध में दिये हैं। यह कैटेगरीकली फाल्स है क्योंकि श्री ललित नारायण मिश्र जी के मंत्रित्व काल में जो लाइसेंस प्राप्त करने के लिए आवेदन-पत्र दिया गया था उस पर कोई आदेश श्री ललित नारायण मिश्र जी ने नहीं दिया बल्कि रूटीन तरीके से उसको आफिस को फॉरवर्ड कर दिया था। इसलिए मैं चुनौती देता हूं माननीय विरोधी दल के सदस्यों को कि अगर उनके पास कोई प्रमाण है तो उसको मिस्ट्री नहीं बनाये और यह बताये कि लाइसेंस ग्रांट करने के लिए क्या आदेश दिया गया था उसको सामने रखें। दूसरा आरोप यह लगाया गया है कि श्री मिश्र ने किसी अधिकारी पर लाइसेंस जारी करने के लिए दबाव डाला है और नियमों और सिद्धान्तों

का प्रतिपादन किया है जिससे लाइसेंस जारी होने में मदद मिली है।

यह दूसरा, 2 नम्बर का अभियोग है.....

SHRI MONORANJAN ROY: On a point of order. My question is: How does he know all these things?

MR. DEPUTY CHAIRMAN All right, please sit down.

श्री कमलेनाथ झा : श्रीमन्, जिस समय यह ज्ञापन श्री ललित नारायण मिश्र के मंत्रित्व-काल में दिया गया उस समय मिस्टर नारंग, आई० ए० एस० वहा के प्रभारी कंट्रोलिंग अधिकारी थे और श्री ललित नारायण मिश्र जी के उस विभाग से हटने के बाद उनका भी तबादला 2 महीने के बाद हो गया और मिस्टर बोस मल्लिक, आई० ए० एस०, उत्तर प्रदेश के, उस विभाग के प्रभारी अधिकारी बनाए गए जिनके समय में इस लाइसेंस की स्वीकृति मिली। तो यह मनगढ़ंत कहानी अलिफ लैला की कहानी या अरेबियन नाइट्स की कहानी गढ़ने में विरोधी दल के लोग बहुत चतुर हैं। आफिसर बदले गए, मिनिस्टर बदले गए लेकिन Men may come and men may go but the Opposition will go on doubting for ever. लाइसेंस नये आफिसर तथा मिनिस्टर ने दिया लेकिन चार्ज उन अधिकारी तथा मंत्री पर लगाया जाना है जिनका इनसे कोई सम्बन्ध नहीं है।

तीसरी बात मैं यह कहना चाहता हूं इस सदन में यह आरोप लगाया गया कि प्रभारी मंत्री ललित नारायण मिश्र जी ने विभाग के मंत्री-पद का भार जब अपने दूसरे माथी के हाथों में दिया उसके 3 दिन के अन्दर यह लाइसेंस ग्रांट किया गया। मैं कहना चाहता हूं कि यह एक सफेद झूठ है जो इस सदन में बोला गया है। ललित नारायण मिश्र जी ने फरवरी में अपना आफिस लेडाउन किया और सितम्बर में 7 महीने के बाद ये लाइसेंस ग्रांट किये गये हैं.... (व्यवधान).....आप जरा धीरज रखिये, और

उन्होंने चौथी बात यह कही, मालूम पड़ता है जैसे कोई एक रहस्य भेदी मिस्टर ब्लेक के जासूसी उपन्यास में जैसे दिलचस्प कहानी होती है वैसे ही आजकल विरोधी पक्ष के लोगों ने जासूसी करने और दिलचस्प मनगढ़ंत कहानी गढ़ने की एक आदत बना ली है। उन्होंने अभियोग लगाया है कि ललित नारायण मिश्र ने इस जापन को तैयार कराया है। हकीकत यह है कि जिस वक्त ललित नारायण मिश्र जी प्रभारी मंत्री थे, दो जापन पहले से ही मौजूद थे जिसमें एक जापन संसद् सदस्य के हस्ताक्षर का था, और अगर वह संसद् सदस्य के हस्ताक्षर के बहाने लाइसेंस देना चाहते तो दे दिये होते—देयर वाज़ नो इंपेडीमेंट—उनके मार्ग में कोई रुकावट नहीं थी, लेकिन ललित नारायण मिश्र ने कोई ऐसा लाइसेंस ग्रांट नहीं दिया और जो कुछ अभी मिश्र जी ने खुद सदन में कहा, मैं उसको दोहराना नहीं चाहता हूँ। इसलिये उपसभापति महोदय, अब प्रश्न यह उठता है, इतना बड़ा हौवा विरोधी पार्टी क्यों खड़ा करती है। मैं बिल्कुल सहमत हूँ विरोधी पक्ष के माननीय सदस्य श्री शर्मा से कि अगर किसी मंत्री के विरुद्ध, किसी सदस्य के विरुद्ध कोई अभियोग है, तो इस सदन का कोई भी सदस्य उस अभियोग को प्रोटैक्ट करने के लिये तैयार नहीं है लेकिन अभियोग को कोई हथकण्डा नहीं बनाना चाहिये और कुछ माननीय सदस्य कहते हैं कि यह हमारा पोलिटिकल गेम नहीं है। मैं आपके माध्यम से श्रीमन्, विरोध पक्ष के कुछ लोगों पर यह चार्ज लाता हूँ कि यह विशुद्ध उनका एक राजनैतिक हथकण्डा है। आज देश में आर्थिक संकट है। और उस आर्थिक संकट को और भी गंभीर करने के लिये, हिन्दुस्तान की 56 करोड़ जनता और सारे देश की अर्थ व्यवस्था को अपंग करने के लिये इन लोगों ने रेलवे स्ट्राइक करवाया। हिन्दुस्तान के विरोधी दलों के पास कोई पोजिटिव प्रोग्राम नहीं है, कोई कांस्ट्रक्टिव प्रोग्राम नहीं है। वे जनता को परेशान करके, भूखा मार करके सरकार को बदनाम करके नाकारात्मक आधार पर सत्ता में आना चाहते हैं। जब रेलवे में हड़ताल हुई

तो प्रधान मंत्री के नेतृत्व में श्री ललित नारायण मिश्र ने देश में चलने वाले षडयंत्र को नाकामयाब कर दिया उनकी मारी साजीसे और मनगढ़न्त सपने, टूट गये। आज विरोधी लोग इस पराजय को कभी नहीं भूल सकते हैं।

श्रीमन्, जब से इस सदन का सत्र शुरू हुआ, एक के बाद एक अटक विरोधी दलों की ओर से होने रहे। वेब आफ्टर वेब। कभी रेलवे में विक्ट-माइजेशन के प्रश्न को लेकर यह कहा गया कि रेलवे में मजदूरों के साथ विक्टमाइजेशन हो रहा है। जब यह बात भी नहीं चली तो श्री ललित नारायण मिश्र का मामला ले आये और जब इस पर भी कामयाब नहीं हुए तो फिर महामहिम राष्ट्रपति के नाम को खींच लाये। कम से कम उन्हें राष्ट्रपति जी का नाम तो नहीं लाना चाहिये था। जब इस चीज पर भी कामयाब नहीं हुए, तो फिर यह चीज लाकर खड़ी कर दी। “लड़ती है आखें, टूटता है दिल”। अभियोग किस पर हैं और निशाना किस को बनाया जाता है।

श्रीमन्, मैं विरोधी दल के सदस्यों से कहता हूँ कि आप हमें जनतांत्रिक नेतिकता का उपदेश देते हैं तो जरूर दीजिये। मैं श्री टी० एन० सिंह जी से निवेदन करना चाहता हूँ कि वे मुझ से उम्र में बड़े हैं। मैं उनको बहुत अदब करता हूँ, लेकिन उनसे कहना चाहता हूँ “एग्जैम्पुल इज बेंटर दैन प्रिन्सैट”। कांग्रेस ने अपने 100 वर्ष के इतिहास में अपने कामों के माध्यम से अपने आदर्शों को ऊपर रखा। श्री टी० एन० सिंह जी आप उत्तर प्रदेश के मुख्यमंत्री थे, विधान सभा के चुनाव में हार गये। जनता ने आपको रिजेक्ट कर दिया। फिर भी आप अपने पद पर चिपके रहे, आपको जनतांत्रिक नैतिकता की बात करना शोभा नहीं देता।

राज्य सभा में सिर्फ एक मत से पराजित होने पर हमारी नेता श्रीमती इंदिरा गांधी ने अपने ताज को उठाकर जनता के चरणों में फेंक दिया। जनतांत्रिक नैतिकता के हर मुद्दे पर पंडित जवाहर

लाल ने और श्रीमती इंदिरा गांधी जी ने जो परम्परा कायम की है वे अपने आप में महान् आदर्श बन गये हैं। हमने जो डेमोक्रेटिक ट्रेंडिङ्ग हैं उन सब को बरकरार रखा और देश में पार्लियामेन्टरी डेमोक्रेटिक कंसेप्ट को कथनी में नहीं करनी में करके दिखाया है। अगर हमने ये चीजें न की होती तो आज हिन्दुस्तान के जनतंत्र का इतिहास ही दूसरा होता। लेकिन आज हम देख रहे हैं कि इस भारत की जमीन पर पार्लियामेन्टरी डेमोक्रेटिक सिस्टम को रिजेक्ट करने के लिये किस तरह की कार्यवाही की जा रही है। यह कोई आइसोलेटेड घटना नहीं है। एक घटना नहीं है बल्कि अभी आप देखेंगे कि आज एक मंत्री पर हमला किया गया है, कल दूसरे मंत्री के ऊपर हमला किया जायेगा और फिर तीसरे मंत्री के ऊपर हमला किया जायेगा। इस तरह से इन लोगों का प्रोग्राम है और कार्यक्रम है। अब इन लोगों का यह प्रोग्राम है कि लेजिस्लेचर, एजीक्यूटिव, ज्यूडिशियरी को बाई अप्लीकेशन आफ फार्स कब्जा किया जाय। लेजिस्लेचर के प्रति विरोधी दलों का क्या सम्मान है, जनसंघ और राजनारायण की पार्टी का क्या सम्मान है और श्री कूरियन तथा नीरेन घोष का क्या सम्मान है, यह सब लोग अच्छी तरह से जानते हैं। आज ये लोग चाहते हैं कि जनता द्वारा चुनी हुई सभा भंग कर दी जाय। अगर विधायक राजी से इस्तीफा न दें, तो थप्पड़ मारकर उन्हें मजबूर किया जाय। आज इस तरह से ये लोग डेमोक्रेटिक इंस्टीट्यूशन का जो एक पाया है, उसको ढहा देना चाहते हैं। अब जयप्रकाश जी कहते हैं कि हमारी लड़ाई बिहार से नहीं है बल्कि अब हम दारुण सत्तनत से टक्कर लेंगे।

He is making no secret of it. These are open and clear.

महात्मा गांधी, सेवा और सत्य जिनका व्रत था, आज उनके जन्म दिवस के अवसर पर घोषणा की गई है कि बिहार में, जहां 5 करोड़ आदमी सूखे बाढ़ प्रभावित हैं, सरकार को, कार्यपालिका

को पैरालाइज कर दी जिससे वह उनकी सेवा न कर सके। यह भी पार्लियामेन्टरी डेमोक्रेसी है।

लास्ट बट नाट दि लीस्ट, अब मैं इस प्रश्न पर आता हूं। (व्यवधान) आपको मेरी बातें क्यों अच्छी लगेंगी। दोस्ती पुरानी है, कड़वी भी लगे तो बर्दाश्त करो। मैं चाहूंगा कि इस प्रश्न पर आप सोचें। अगर सदन का कार्य सम्पादित करने के सिलसिले में कोई ब्रीच आफ प्रिविलेज होती है तो वह सदन की प्रापर्टी है, लेकिन अगर सदन का कोई माननीय सदस्य किसी डकैनी के केस में इनवाल्ड हो तो उस प्रश्न पर जो हिन्दुस्तान के ग्राम नागरिकों के लिये कानून है वही सदन के माननीय सदस्यों पर भी लागू होगा। वे कोई प्रिविलेज पर्सन नहीं हैं। यह बात साफ होनी चाहिये कि हम सदन के माननीय सदस्य होने के कारण उतनी ही दूर तक प्रिविलेज से प्रोटेक्टेड हैं जितनी दूर तक इस सदन की कार्यवाही से सम्बन्धित मामला है, लेकिन अगर कोई सदन का सम्मानित सदस्य ब्राडवरी के केस में, घूसखोरी के केस में, मर्डर के केस में, रेप के केस में या आगजनी के केस में इनवाल्ड होता है तो उस पर जूरिस्डिक्शन सदन का नहीं है, देश का जो ग्रांडिनी ला है वह उस पर लागू होगा। इसलिए जो अभियोग लगाए गए हैं वे सदन की मर्यादा के अन्दर नहीं हैं, सदन के सम्मानित सदस्य जरूर एनटेंगल्ड है। इसलिए संवैधानिक ढंग से बनाए गये भारतीय संविधान के माध्यम से जो माननीय दीक्षित जी इस सिलसिले में कार्यवाही कर रहे हैं उसका मैं पूरे तौर से समर्थन करता हूं और मैं समझता हूं कि वह जायज है।

(Time bell rings)

आपने घन्टी बजा दी है, मैं एक मिनट समय लेना चाहता हूं। अन्त में मैं यह कहना चाहता हूं कि अगर इस देश में जनतंत्र टूटेगा, अगर जनतंत्र समाप्त होगा तो सत्ता रुढ़ पार्टी ही नहीं आप भी समाप्त होंगे। अमरीका में निक्सन और वाटरगेट कांड के

सिलसिले में अमरीका की पोलिटिकल पार्टीज ने कभी भी कोर्ट्स के जूरिस्टिकशन को ब्लाक करने का प्रयास नहीं किया। हमारी नेता इन्दिरा गांधी ने कहा "सेपरेशन आफ एग्जीक्यूटिव फ्रॉम जूडीशियरी" को असली रूप दिया है। इसी माननीय संसद् ने हमारे नेता के नेतृत्व में बिल पास किया था कि कार्यपालिका से न्यायापालिका को अलग कर दिया जाए। हम न्यायपालिका की शक्ति को बढ़ाना चाहते हैं क्योंकि उस पर हमारा विश्वास है। आपको इस देश की जूडीशियरी मेजिस्ट्रेसी पर विश्वास नहीं है। एक सदस्य ने कहा—

"Wanchoo Committee Report is an eye-wash." A man of Wanchoo's reputation is referred to like this. What to talk of others?

यह इस बात का प्रमाण है कि इस देश में विरोधी दल का न असेम्बली पर विश्वास है, न एग्जीक्यूटिव पर विश्वास है और न जूडीशियरी पर विश्वास है क्योंकि जो स्वयं कन्डेम्ड रहता है उसको सारी दुनिया सड़ी हुई लगती है। इन शब्दों के साथ मैं इस प्रस्ताव की मुखालिफत करता हूँ।

श्री प्रकाशवीर शास्त्री : (उत्तर प्रदेश) : सभापति जी, प्रजातांत्रिक पद्धति से चलने वाले देशों की अपनी कुछ मान्यताएं, कुछ अपनी परम्पराएं होती हैं। तानाशाही देशों में राजनीतिक जीवन की शुद्धता को बनाए रखने की क्या प्रक्रिया है मैं उससे परिचित नहीं हूँ, लेकिन प्रजातंत्री देशों में राजनीतिक जीवन की शुद्धता और पवित्रता बनाए रखने की प्रक्रिया क्या है उसके कुछ उदाहरणों से मैं अवश्य परिचित हूँ मैं उस विस्तार में नहीं जाना चाहता कि किस प्रकार वाटरगेट कांड के कारण निक्सन को अपने पद से हटना पड़ा था किस प्रकार निजी सचिव की एक भूल से पश्चिम जर्मनी के प्रधान मंत्री बिली ब्रान्ड को अपने पद से त्यागपत्र देना पड़ा और न मैं उस चर्चा में विस्तार से जाना चाहता हूँ कि ब्रिटेन के गृह मंत्री श्री मीडलिंग को और ब्रिटेन के तत्कालीन रक्षा मंत्री श्री प्रॉफ्यूमोको

राजनीतिक जीवन की शुद्धता बनाए रखने के लिये त्यागपत्र देना पड़ा। मैं तो अपने देश के राजनीतिक जीवन से सम्बन्धित कुछ उदाहरण देकर अपनी चर्चा को आगे बढ़ाना चाहता हूँ और अपनी चर्चा को प्रारम्भ करना चाहता हूँ कि भारत के प्रथम उपप्रधान मंत्री सरदार वल्लभभाई पटेल के जीवन से। सरदार वल्लभ भाई पटेल जो इस देश के पहले गृह मंत्री थे, उन के सुपुत्र श्री डाह्या भाई पटेल उस समय बंबई के मेयर थे वह राज्य सभा में विरोधी दल के नेता भी कुछ समय तक रहे। डाह्या भाई पटेल उस समय एक अंग्रेजी का समाचार पत्र निकालना चाहते थे। सरदार को पता चला कि डाह्या भाई पटेल उस के लिए कुछ पैसा इकट्ठा कर रहे हैं। सरदार ने यहां से डाह्या भाई पटेल को सकेन भेजा कि मैं क्योंकि गृह मंत्री हूँ और तुम बंबई के मेयर हो इसलिए कहीं ऐसा न हो कि पैसा देने वाले मेरे पद का अनुचित लाभ उठाने के लिये तुम को पैसा दें। तो मेरी निजी राय है कि तुम पैसा मत एकत्रित करो और इस प्रकार का अंग्रेजी पत्र मत निकालो उस संदेश के बाद कुछ दिन के लिये उन्होंने पैसा एकत्रित करना रोक दिया। पर उस के बाद सरदार पटेल को पता लगा उनकी चेतावनी के बाद भी उन्होंने कुछ पैसा एकत्रित किया है। जब सरदार ने उस के लिये डाह्या भाई को कहा तो डाह्या भाई ने जो पैसा एकत्र किया था वह तो वापस कर दिया, लेकिन सरदार पटेल को इस बात की इतनी चोट लगी जब तक सरदार जीवित रहे तब तक डाह्या भाई पटेल के घर नहीं ठहरे। यहां तक कि उन के जीवन का जो अंत हुआ, प्राण भी जब उनके निकले तो भी वह डाह्या भाई पटेल के के निवास स्थान पर नहीं निकले, वह किसी दूसरे के निवास स्थान निकले। यह मैंने राजनीतिक जीवन की शुद्धि का एक उदाहरण दिया। मैं एक और उदाहरण देना चाहता हूँ। जवाहरलाल नेहरू जी के जीवनकाल का जो एक सज्जन रेवेन्यू एक्सपेंडिचर के मिनिस्टर

थे। मैं उन का नाम नहीं लेना चाहूंगा क्योंकि वह सौभाग्य से जीवित हैं और परमात्मा करे उन की दीर्घायु हो, और सौभाग्य से वह इसी सदन के सदस्य भी हैं, मैं उन की चर्चा कर रहा हूं। जब वह रेवेन्यू एक्सपेंडिचर के मिनिस्टर थे तो उन को पता लगा कि उन की लड़की का पति उसी विभाग में सरकारी कर्मचारी है और वह रिश्वत लेता है। उन्होंने जवाहर लाल जी को कहा कि वह मेरे इस पद का अनुचित लाभ उठा रहा है, अच्छा हो कि तुम मेरे विभाग को ले लो। जवाहर लाल जी ने कहा कि यह तो एक मोटी सी बात है। तुम समाचार पत्रों में यह बात निकलवा दो यह मेरे इस पद का लाभ उठाना चाहता है, लोग आगाह हो जायेंगे। उन्होंने कहा कि मेरे ऐसा करने का अभिप्राय यह होगा कि उसके बच्चों पर इस का प्रभाव पड़ेगा इसलिये मैं इस बात को समाचार पत्रों में नहीं देना चाहता। बाद में यह हुआ कि पंडित जी ने उन का विभाग बदल दिया। उन को डिफेंस प्रोडक्शन का मिनिस्टर बना दिया। इस के बाद एक बार जब वह मज्जन उनके घर आये तो उन के दामाद होते थे तो उन्होंने यह कहा कि तुम जैसे गलत आदमी को मेरे घर ठहरने का कोई अधिकार नहीं है वरना तुम इस का भी अनुचित लाभ उठाओगे। तो जब उन को उन्होंने अपने घर ठहराने से इन्कार कर दिया तो उन की पुत्री ने कहा कि क्या पापा, मैं भी इस के साथ जाऊं शायद कुछ सुधार हो ही जाये। उन का जबाब था कि हां, तुम भी उस के साथ जाओ। पर बात न बनी और आज वह आदर्श लड़की बीस साल से तपस्विनी का सा जीवन व्यतीत कर रही है और अपने घर में बैठी है। यह एक दूसरा उदाहरण है। मैं श्री मनुभाई शाह की बात से सहमत हूं। मैं मानता हूं कि यह उन के दल के सदस्यों के उदाहरण ही हैं जो मैंने दिये हैं, जो मिनिस्टर रहे हैं, और जिन्होंने राजनीतिक जीवन की शुद्धि के इस प्रकार के पवित्र उदाहरण प्रस्तुत किये। मैं तो आज की बात पर भी कहना चाहता हूं कि आप के दल के 50 सदस्यों ने, मेरी जानकारी है कि आप के दल की बैठक में प्रधान मंत्री जी

से अनुरोध किया था कि इस केस की संसदीय जांच होनी चाहिए। आप के दल के दो सदस्यों ने लोक सभा के अन्दर यह अनुरोध किया था कि इसकी संसदीय जांच होनी चाहिए। मुझे प्रसन्नता है कि किम तरह से मूँघड़ा के केस में श्री फरीज गांधी ने इसी प्रकार से नेतृत्व किया था और उस राजनीतिक जीवन बात की शुद्धि के लिये श्री फरीज गांधी ने एक अभियान सा चलाया था। मिराजुद्दीन के मामले में भी इसी प्रकार से आप के दल के कुछ सदस्यों ने प्रश्न उठाया और प्रताप सिंह कैरों के भ्रष्टाचार के केसेज के संबंध में भी आप के दल के कुछ सदस्यों ने इसी तरह से प्रश्न उठाया। मैं आपकी इस बात से इन्कार नहीं करता, लेकिन मैं यह कहना चाहता हूं कि जहां आप के दल में इस तरह के सदस्य रहे जिन्होंने राजनीतिक जीवन की शुद्धि बनाये रखने के लिये अपने सगे पुत्रों के साथ भी अपने जीवन काल में सम्बन्ध विच्छेद कर लिये अपनी लड़की को तपस्विनी की तरह से जीवन व्यतीत कराना पसंद किया जो प्रताप सिंह कैरों के केस में खुल कर सामने आये, और अभी बंगाल के मिनिस्टर्स के लिए बंगाल के मुख्य मंत्री ने जस्टिस बांचू आयोग नियुक्त किया है, तो मैं जानना चाहता हूं कि राजनीतिक जीवन की शुद्धि बनाए रखने के लिए अभी तक जो आप की परंपरा रही है आज उस परंपरा को यहां पर आप क्यों तोड़ना चाहते हैं। जब कि आप के अपने दल के सदस्य कहते हैं, उनमें 50 सदस्यों ने दर्जिय बैठक में कहा है कि संसदीय समिति के द्वारा इस की जांच होनी चाहिये, आप के दल के दो सदस्य ही लोक सभा में कहते हैं कि नहीं, संसदीय समिति के द्वारा ही इस की जांच होनी चाहिये, तो फिर आप जानते हैं कि राजनीतिक जीवन को अपवित्र बनाने लिये इन लोगों की बात नहीं मानते। इस चर्चा में मैं दूसरी ओर नहीं जाना चाहता। मेरे पास एक विश्वस्त जानकारी है। मैं उसका नाम नहीं बताऊंगा क्योंकि वह आपके विभाग से संबंधित है, कल को जाकर उसके गले से छुरी

न निकल जाए, उससे मुझे ज्ञात हुआ कि इस कांड के लिए जिस पर कि आज यह चर्चा चल रही है, कौन कौन वह 5 व्यक्ति हैं जिन्होंने इसमें नेतृत्व किया। उनमें पहला नाम है गुथु स्वामी पिल्ले, कुड्डालौर। दूसरा नाम है मि० अली सिद्दीकी, हैदराबाद, मैसर्स इडो बगला ट्रेडिंग कारपोरेशन, तीसरा नाम है शर्मा फार्म बाम्बे। चौथा नाम है सरदार गुरवक्श सिंह, दिल्ली। पांचवां नाम है, नेमचन्द, मैसर्स, बाबूलाल एण्ड कंपनी, पान्डीचेरी। कुल यह पांच व्यक्ति हैं।

जो धन लगाने वाले हैं, इन्वेस्टर्स, उनके नाम हैं—

1. मिस्टर राजू फ्राम हैदराबाद, (बी० बी० राजू नहीं।)
2. मिस्टर नरेन्द्र गोपाल फ्राम हैदराबाद। दोनों आपके राज्य के रहने वाले हैं।

अब खरीदने वाले कौन हैं, (हू आर दि बायर्स,) वह मैं आपको बताना चाहता हूँ। खरीदने वाले हैं—मैसर्स संडेलवाल ब्रदर्स, बम्बई।

अब इनको जो पैसा मिला, इसके ऊपर लाभ जो उठाया गया है, जिन चीजों का लाइसेंस दिया गया है, कितना कितना किस चीज पर लाभ है उसका उदाहरण मैं देना चाहता हूँ।

इसमें फारन लिक्वर, विदेशी शराब इसके अन्तर्गत आती है। उस पर जो प्रीमियम था वह था 260 प्रतिशत।

बानबे न्यूक्लियर साइंटिफिक इन्सट्रुमेंट्स थे इनके ऊपर प्रीमियम था 175 प्रतिशत।

ग्रेड टूल्स थे, इनके ऊपर प्रीमियम था 120 प्रतिशत।

मोटर पार्ट्स के ऊपर प्रीमियम था 120 प्रतिशत।

स्टुडियो इंक्विपमेंट्स थे, उन के ऊपर प्रीमियम था 120 प्रतिशत,

आर्टिस्ट मैटीरियल था, उस पर प्रीमियम था 100 प्रतिशत। इसके अतिरिक्त बिल बनाने में जो गड़बड़ी की गई यह तो दूसरी चीज है। उन्होंने तो यहां तक भी बताया कि किसको कितना दिया है। मैं चाहूंगा कि चट्टोपाध्याय जी इस बात को विशेष रूप से मुझे और अगर यह गलत हो तो इसका निराकरण करें।

जहां श्री तुलमोहन राम के लिए इसमें लिखा है कि उन्होंने डेढ़ लाख रुपया लिया, उन्होंने एक भूतपूर्व एम० पी० का नाम भी लिखा है जिन्होंने 1 लाख रुपया लिया। के० एन० आर० पिल्ले, कंट्रोलर सी० सी० आई० एण्ड ई० दिल्ली ने 50 हजार रुपया लिया। श्री रमन, पालिसी सेक्सन ने 50 हजार रुपये लिए। मिस्टर पिचियप्पन, डिप्टी कंट्रोलर, पांडिचेरी ने 25 हजार रुपया लिया। मिस्टर रशीद, मद्रास जे० सी० सी० आई०, कंट्रोल ने 25 हजार रुपया लिया। मैं कहना चाहता हूँ कि इसमें राजनीतिक जीवन हमारा और आपका अलग अलग कहा जाता है ये लोग इस प्रकार से मिल कर भ्रष्टाचार कर रहे हैं?

गृह मंत्री (श्री उमशंकर दीक्षित) : शमा करेंगे, यह कहाँ से आप पढ़ रहे हैं?

श्री भैरासिंह शेखावत (मध्य प्रदेश) : सूचना मिली है।

श्री उमशंकर दीक्षित : सूचना किम अधिकारी से मिली है? अगर वह बता सके तो अच्छा है।

श्री प्रकाशवीर शास्त्री : मैंने इसीलिए पहले जान-बूझकर आपको कह दिया था कि मैं उसका नाम बता नहीं सकूंगा।

श्री उमशंकर दीक्षित : श्रीमन्, जो उपस्थित नहीं हैं, उसके बारे में कहना कि सूचना दी है, वह समाचार सत्य है, असत्य है नहीं कहा जा सकता। एफ० आई० आर० पब्लिश हो चुका

है। समाचार पत्र में आ चुका है, अखबारों में आ गया है और वह कोई प्राप्त कर सकता है। यह जो दूसरे समाचार है, जो वहाँ उपस्थित नहीं है उनके बारे में अनेक प्रकार के आरोप लगाये जा रहे हैं, इसलिए मैं जानना चाहता हूँ जिससे कि मैं आगे भी पता लगा सकूँ और अभी मेरे पास सूचना हो तो मैं अभी उत्तर दे सकूँ।

श्री प्रकाशवीर शास्त्री : मुझे बड़ी प्रसन्नता होगी कि जब आप सी० बी० आई० द्वारा जांच करवाने जा रहे हैं, आपके पास इंटरव्यू का डिपार्टमेंट है, तो मैं चाहूंगा कि मेरी बात को आप गलत सिद्ध करें। मैं अपनी भूल को स्वीकार करने के लिए तैयार हूँ। मेरा कहना तो यह है कि जो जानकारी मेरे पास आई, मैं सड़क से तो उतार नहीं लाया, सरकार की फाइल मेरे पास नहीं आ सकती, वह मिनिस्ट्रों के पास ही जाएगी, लेकिन अगर मुझे अपने ढंग से कोई जानकारी आती है तो आप उसको गलत सिद्ध कर सकते हैं। मैं कहना चाहता हूँ कि राजनीतिक जीवन की शुद्धता बनाये रखने के लिए आप यहाँ इस प्रकार की परम्परा लागू करें कि जो लोग राज-नेताओं और संसद सदस्यों को भ्रष्ट कर रहे हैं तो उसको हम दोनों मिलकर सोचें कि इस परिस्थिति से कैसे संसदीय जीवन को मुक्त कराया जा सकता है।

जहाँ तक संसदीय समिति का प्रश्न है मैं अपने मित्रों से एक बात कहना चाहता हूँ कि जो संसदीय समिति बनेगी उसमें दो सदस्य आपके होंगे। आपकी सरकार की अनुमति से ही वह संसदीय समिति बनेगी। बाकी जो सदस्य होंगे वह विरोधी पक्ष के होंगे।

उसमें आप निश्चित रूप से सब बातों को गहराई में जाकर छानबीन कर सकते हैं। यह नहीं है कि विरोधी पक्ष आपके ऊपर किसी प्रकार के निर्णय को लाद देगा।

दूसरी चीज यह है कि जो 21 सदस्य हैं उसमें से 20 सदस्यों को छोड़ भी दें तो हाताकि

20 सदस्यों के सम्बन्ध में अभी केवल उनसे मौखिक जानकारी ली गई है। उन्होंने कह दिया है कि हमारे हस्ताक्षर नहीं हैं। अभी वह किसी हस्ताक्षर विशेषज्ञ को नहीं भेजे गए हैं। हस्ताक्षर विशेषज्ञ की रिपोर्ट नहीं है जिसमें उन्होंने कहा हो कि उनके भूल हस्ताक्षरों का इनसे मिलान किया गया है और ये 20 हस्ताक्षर नहीं मिलते हैं। लेकिन थोड़ी देर के लिए मैं मान लेता हूँ 20 हस्ताक्षर बिल्कुल फोर्ज बनावटी हैं परन्तु एक सदस्य तो स्वीकार करता है कि मेरे दस्तखत सही हैं। जो सदस्य स्वीकार करता है कि मेरे दस्तखत सही हैं उस के केस को संसदीय जांच समिति में भेजने में आपको क्या आपत्ति है।

अभी तक परम्परा यह रही है संसद को किसी सदस्य या मंत्री के आचरण पर कोई दोष आए तो ऐसे केस को संसदीय जांच समिति में भेजा जाए और उसकी निष्पक्ष रूप से जांच हो। इससे यह होता है कि किसी संसद सदस्य या किसी मंत्री के सामूहिक जीवन पर या वैयक्तिक के जीवन पर किसी प्रकार की जांच नहीं आ सकती। मेरा कहना यह है कि इस प्रश्न को टालने से तरह तरह की आशंकाएँ लोगों के मन में पैदा होंगी। आप इस प्रश्न को टालने का यत्न मत करिए और इसे संसदीय समिति को भेजिए। इसको प्रतिष्ठा का प्रश्न भी न बनाइये।

दूसरी बात मैं विशेष रूप से कहना चाहता हूँ कि वे जो सदस्य हैं जिनके बारे में यह चीज आई। पहली बात तो श्री चट्टोपाध्याय या गृह मंत्री श्री दीक्षित अपना उत्तर देते समय अवश्य बताएं कि 20 सदस्यों के सम्बन्ध में आप कहते हैं कि उनके हस्ताक्षर जाली हैं तो उस स्टेज को हमें बताइए जहाँ से ये फोर्ज हस्ताक्षर हुए हैं आपन देने समय, मंत्री के कार्यालय में जाकर या किसी सरकारी अधिकारी के पास जाकर ये फोर्ज हस्ताक्षर हुए हैं? अभी तक यह बात रहस्य के गर्भ में छिपी हुई है। ये बनावटी हस्ताक्षर हुए कहां हैं इसका कोई पता नहीं है। इसलिए इसके सबन्ध में हमको जानकारी दी जाए।

तीसरे जो सी० वी० आई० है, उपमभाषित महोदय मोटी सी बात है चाहे वह कितनी भी निष्पक्ष एजेंसी हो आखिर है तो सरकारी एजेंसी। पर जो संसदीय समिति बनेगी जो संसद के प्रतिनिधियों की होगी इसकी जांच और जो सरकारी एजेंसी है उसकी जांच में क्या किसी प्रकार का अंतर ही नहीं है? यह तब जब कि संसद सदस्यो और एक मंत्री को उससे सम्बद्ध किया जा रहा है, उससे संबंधित प्रश्न है तो फिर एक सरकारी एजेंसी में और संसदीय समिति की जांच में किसी प्रकार का अंतर नहीं होगा? मैं चाहूंगा कि इस बात को गम्भीरता से सत्तारूढ़ पक्ष सोचे। जहां तक राजनीतिक जीवन से आपका और हमारा दोनों की शुद्धता का प्रश्न है तो मैं बताना चाहता हूं कि जब हम कहीं जाते हैं खदर के कपड़े पहन कर तो हमें कोई यह नहीं कहता कि हम विरोधी पक्ष के सदस्य हैं और जब आप भी खदर के कपड़े पहन कर निकलते हैं तो आप को भी कोई यह नहीं कहता कि आप कांग्रेस के सदस्य हैं। वहां दोनों संसद सदस्य हैं अगर एक बार संसद सदस्य के जीवन के संबंध में लोगों के मन में घृणा और तीव्र प्रतिक्रिया पैदा हो गई तो मैं कहना चाहता हूं कि संसदीय जीवन से भी लोग ऊब जायेंगे और संसदीय जीवन के प्रति घृणा अगर पैदा हो गई तो किस रूप में उसकी परिणति होगी आज मैं इसे शब्दों में नहीं कह सकूंगा। इसलिए मेरा निवेदन है कि इस बात को प्रतिष्ठा का प्रश्न न बनाया जाए।

मैं दीक्षित जो से कहना चाहता हूं कि न्याय करना ही आवश्यक नहीं होता है बल्कि न्याय का झलकना भी आवश्यक होता है। सी० वी० आई० अगर निष्पक्ष जांच दे दे, जिसमें मुझे सन्देह है, तो भी आम जनता उस को स्वीकार नहीं करेगी। क्योंकि वह एक सरकारी एजेंसी की रिपोर्ट होगी। इसलिए मैं दोहराना हूं कि न्याय मिलना ही आवश्यक नहीं है न्याय का झलकना भी आवश्यक है और वह तभी हो सकता है जब कि राजनीतिक जीवन की शुद्धता को बनाए रखने के लिए दोनों पक्ष मिलकर एक सी चीज को स्वीकार कर लें।

अगर आप यह कहते हैं कि नहीं यह केस संसदीय समिति में नहीं जाना चाहिए तो मेरा कहना है कि इसे सी० वी० आई० को भी मत भेजिए किसी इंडिपेंडेंट एजेंसी के पास भेजिए जिस तरह से पंडित जवाहर लाल नेहरू ने कैरो साहब के मामले में दास साहब को जांच करने के लिए कहा था। दास साहब ने उसकी जांच करके रिपोर्ट दी थी। इसी प्रकार से बांचू कमीशन है या छागला साहब ने जिस तरह से अपने रिमार्क्स दिए थे मैं कहना चाहता हूं कि उसी तरह से आप भी कोई इंडीपेंडेंट कमीशन बनाएं। मैं उसके लिए नाम पेश कर सकता हूं। आप उसके लिए सुप्रीम कोर्ट के रिटायर्ड चीफ जस्टिस श्री हिदायतुल्ला को रखिए, जस्टिस टैगड़े को रखिए, जस्टिस सीकरी को रखिए। (व्यवधान)। यदि आप को इन पर आपत्ति है तो तीसरा नाम मैं आपके ऊपर ही छोड़ता हूं। मैंने आपके सामने श्री हिदायतुल्ला और सीकरी साहब का नाम लिया तीसरा नाम मैं सत्तारूढ़ पक्ष पर छोड़ता हूं। मेरा कहना यह है कि यह मामला किसी इंडीपेंडेंट कमेटी के पास भेजा जाए। सी० वी० आई० सरकारी एजेंसी है अगर उसके द्वारा जांच कराई गई तो इसमें कमजोरी रह जाएगी।

मैं अपनी बात को ज्यादा लम्बा न बढ़ाते हुए यह जो संबंधित सदस्य है उनके संबंध कुछ बाद कह कर बैठ जाना चाहूंगा। सुप्रीम कोर्ट के एडवोकेट हैं बखशी भान सिंह इन्होंने एक नोटिस दिया है 21 दिसम्बर, 73 को अपने क्लाइंट सरदार सेवा सिंह की और से रजिस्ट्री के द्वारा। उस रजिस्ट्री की वापसी रसीद भी मेरे पास है। उस रजिस्ट्री पर हस्ताक्षर उनके घर में किसी नौकर ने किये हैं 26-12-73 को।

इसमें उन्होंने यह लिखा है कि मेरे जो क्लाइंट श्री सेवा सिंह हैं उनको लाइसेंसों के मामले में आपको जो आमदनी होती है उसके 6,600 रुपये आपके ऊपर बाकि हैं और ये रुपये आप

जल्दी से जल्दी उनको अदा कर दीजिए। जिससे कि उनके साथ न्याय हो सके। इस प्रकार की एक चीज है। दूसरी बात जिसकी चर्चा मैं नहीं करूंगा जिसमें बनस्पति धी की बात कही गई है अथवा रेलवे वेगन्स देने के संबंध में भी बातें कही गई हैं। लोक सभा में इस बारे में चर्चा आ चुकी है कि किस प्रकार से इसमें उनका हाथ रहता है। लेकिन मैं मोटी सी बात यह कहना चाहता हूं और विशेष रूप से गृह मन्त्री श्री उमाशंकर दीक्षित जी से कहना चाहता हूं कि पंडित जी महाराज आप कितने भी पवित्र हों, लेकिन दुनिया की दृष्टि से एक निष्पक्ष जांच करा लें। आप जानते हैं कि सती साध्वी सीता को भी एक बार अग्नि परीक्षा देनी पड़ी थी। आपका केस कितना ही अच्छा हो, लेकिन जब तक वह किसी निष्पक्ष, इंडिपेंडेंट जज के सामने नहीं आता तब तक उसके बारे में कुछ नहीं कहा जा सकता है। इसलिये आपको इस संबंध में एक संसदीय जांच समिति मुकर्रर करनी चाहिये। इतना ही कह कर मैं अपना भाषण समाप्त करता हूं।

SHRI BIPINPAL DAS (Assam): Mr. Deputy Chairman, Sir, today I have a feeling that—I do not know why—the opposition has come to this House after losing their teeth completely. Uptil now I have been listening to almost all the speeches but I did not find that they have been able to make any real case, any substantial case, in support of the motion. On the other hand, Sir, instead of substantiating with facts and arguments, sound arguments, strong arguments, some of them have been trying only to sermonize.

Sir, I am a very small man, I do not claim to be a super-normal man nor even a sub-normal man nor even an abnormal man; I am just a normal man a normal human being with all his failings and weaknesses. I cannot claim to be in the position of say my esteemed friends, Shri T. N. Singh or Shri Shastriji or others, who try to elevate themselves to a high pedestal and from that high pedestal, cut off from the people, they try to deliver sermons.

M/B(N)24RSS—12

(The Vice-Chairman, Shrimati Purabi Mukhopadhyay in the Chair).

Madam, I have already said that I am a normal human being and I approach the whole question in that spirit. Now, what are the issues before us? My friend, Shri Raju, focussed the attention of the House on the concrete issue. Let us not try to run away from the main issues and try to deliver long lectures on the basis of certain facts which are not substantiated. Just now my esteemed friend, Shastriji, read out from a document certain facts and he refused to disclose the source. Madam, I do not know whether it is permissible in the House to read out some documents and then refuse to disclose the source. The very fact that he failed to disclose the source in spite of a question being raised by the Leader of the House, indicates where the opposition has found itself today. They are trying to cook-up stories, write stories about scandals or instigate people to write stories about scandals without any facts, without any substance and without any truth.

Now, let us see what the issues are and pay our attention to them. We have heard lots of stories about the scandal. The gentlemen of the press have been writing about this scandal. I would like to ask them what is this scandal about? Where does the scandal lie? They have been writing stories after stories and most of the stories by now have been proved to be absolutely baseless. The question is these 21 MPs allegedly recommended the case of certain firms for issue of licences to them. Out of them twenty have denied having signed this paper. Only one has admitted his signature. Twenty signatures have been proved to be not genuine according to their statement.

AN HON. MEMBER: Who forged it?

SHRI BIPINPAL DAS: I shall answer your question.

Now the question is whether this one gentleman who has admitted that he signed this document signed this or recommended this case in return for some monetary consideration. Then the question is whether the firms which were recommended were black-listed firms. Then the question is whether

the licences that were issued were issued only on the basis of the recommendation of the MPs or otherwise. Then the question is whether the issue of the licence was proper and regular. These are the concrete issues. And what are the answers? Not one of them has taken the pains to answer these issues, which are the only issues and there are no other issues. Of course one MP has admitted but it is yet to be proved and found out; whether that MP also took some monetary consideration in return for his signature; it is yet to be investigated and found out. The Minister has categorically stated that the firms were never blacklisted; the Minister has categorically stated that the firms were issued licences on merits. Has anybody from that side contradicted this? Has any gentleman of the press contradicted this? Has anybody been able to find out facts to disprove the statement of the Minister and the Government? In spite of all this, since there is slight doubt the Government has taken immediate action to refer the matter to the CBI. Now, Dr. Kurian asks what action Government has taken. Government took immediate action. No sooner the preliminary report of the CBI came into the hands of the Minister than the Minister has referred the matter to CBI for further investigation.

DR. K. MATHEW KURIAN: Do you support the import of whisky and brandy?

SHRI BIPINPAL DAS: Dr. Kurian, don't try to run away from arguments.

DR. K. MATHEW KURIAN: Is that an item on which foreign exchange is to be spent especially now?

SHRI BIPINPAL DAS: You are a knowledgeable man. Intelligent students like you, I know how to treat them. I found during my career a number of intelligent naughty boys like you.

DR. K. MATHEW KURIAN: Is foreign exchange to be spent on whisky and brandy?

SHRI BIPINPAL DAS: Come to brass tacks; come to the real question. You cannot run away from argument. These are the questions before us. What are your answers? You cannot say that the firms were

blacklisted. You have not been able to prove that the Minister showed any favour to the firms in issuing licences. You have not been able to prove that the licences were given only on the alleged recommendation made by the 21 MPs. You have not been able to prove that Mr. Tulmohan Ram accepted any money. Since you have not been able to prove any of these things you have absolutely no case. Therefore, Madam, I am not surprised that right from the start when this debate started today the Opposition has fallen flat on the ground. *(Interruptions)* I have never seen this before. I have been here for about 4½ years and I have never experienced this kind of thing in this House when the Opposition *(Interruptions)*. They sell their heads to the headlines of the newspapers. They get fascinated by the headlines, come to the House and say this has happened. If the headlines are to be believed I do not know, Madam, how many cases may come up in the House today, tomorrow, the day after and so on.

DR. K. MATHEW KURIAN: All these skeletons in the cupboard should come out.

SHRI BIPINPAL DAS: I am not going into that. Dr. Kurian, I have already said that in my life I have dealt with hundreds of naughty students like you and I can deal with you. But I am not wasting my time.

Now, Madam, let us come to brass tacks, to the real question. The question was raised by Shastriji. He was good enough to admit that the Congress history is full of instances when members of the Congress Party have always tried to uphold moral standards. Mr. Manubhai Shah said it and he has supported it by giving more instances. I am grateful to him, but what makes him believe today that we are not trying to uphold the moral standards?

SHRI NIREN GHOSH: Because you are avoiding it.

SHRI BIPINPAL DAS: Wait a minute. Who raised this question? Who revealed the names of 21 Members? Was it not this Minister, Prof. Chattopadhyaya?

SHRI NIREN GHOSH: Could he help it?

SHRI BIPINPAL DAS: If he had not wanted to serve the cause of democracy, he could have said that he did not want to reveal the names and he would have got away with it. (*Interruptions*). It is the Congress Members who raised this question here. It is the Congress Minister who was bold enough to reveal the names. It is the Congress Government which took immediate action by referring this matter to the CBI. It is, again, the Home Minister and the Leader of this House who declared solemnly that when the CBI report is submitted, he will go further into it. I would ask you . . . (*Interruptions*). . .

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Silence please.

SHRI BIPINPAL DAS: What Mr. Manubhai Shah said, Shastriji supported by citing some more instances. Here is the latest instance and the Congress party will never fail in its duty to uphold the dignity and honour of Parliament. The Congress party will never fail in its duty and it will maintain the tradition which has come to us from Gandhiji downwards. The other day I said and I repeat it, if anybody is found guilty as a result of this investigation, whoever he may be, the Congress party and our leader will see that he is punished and he will be punished. Nobody is going to spare him . . .

SHRI NIREN GHOSH: Nobody believes that. None in the country now believes that.

SHRI BIPINPAL DAS: Mr. Niren Ghosh, I may add one word more. You want a parliamentary committee. Here is in my hand a ruling given by the Speaker of Lok Sabha regarding the procedure. I do not want to take the time of the House, Madam, by reading the whole ruling. I invite your attention to the ruling given by the then Speaker, Mr. Sanjiva Reddy, on 31st May, 1967. He gave a ruling on this particular question. I would only give a few sentences out of it. It reads:—

“In order that a notice of a motion on the conduct of a Member may be

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admissible, certain preliminary procedures have to be followed. I would refer the hon. Member to the procedure that was adopted in 1951 . . .”

He went on to say:—

“He should be careful in sifting and arranging facts because, if the allegations are proved to be frivolous, worthless or based on personal jealousy or animosity, directly or indirectly, he will himself be liable to a charge of breach of privilege of the House. Therefore, it is of the utmost importance the allegations are based on solid, tested and checked facts.”

The learned Speaker had further to say:—

“When information regarding the alleged misconduct on the part of a Member of Parliament is received, the usual practice is that the Prime Minister examines the whole evidence and if he is satisfied that the matter should be proceeded with, he should give a full and fair opportunity to the Member to state his own version of the case, to disprove the allegations against him . . .”

In this case the Prime Minister has not kept the matter to herself. She has given it to a regular investigating body like the C.B.I. The Speaker went on to say:—

“If the Member has given adequate explanation and it is found that there is nothing improper in his conduct and he has cleared all the doubts, the matter may be dropped and the Member exonerated. If, however, on the basis of the explanation given by the Member and the evidence it is held by the Speaker that there is a *prima facie* case for further investigation, the matter is brought before the House on a motion for the appointment of a Parliamentary Committee to investigate the specific matter and to report to the House by the specified date.”

It is absolutely clear, Madam, that before any such matter may go to a Parliamentary Committee—if this ruling has any weight—then this matter must first be thoroughly investigated by the Prime Minister himself. Here the Prime Minister has decided that

it should be investigated by the C.B.I. And only if a *prima facie* case for further investigation is made out the matter may be brought before the House for a Parliamentary probe. The hon'ble Member wants a judicial enquiry. Shri Kamalnath Jha said a very nice thing. I do not want to repeat it. If it is entrusted to the C.B.I. you say C.B.I. is, after all, a servant of the Government; it is under the control of the Government. If it is a Judge you will say that he is a committed Judge. Mr. Siddhartha Shankar Roy has instituted judicial enquiry against his own Minister. I challenge Mr. Monoranjan Roy to give a single instance in the history of parliamentary democracy where a Chief Minister instituted a judicial enquiry against his own Ministers.

SHRI MONORANJAN ROY: Since he is mentioning my name . . .

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): There is a moment, Mr. Monoranjan Roy, when a Member mentions the name of any Member present in the House, if he has to say something, he does it on personal explanation. Personal explanation never takes precedence over the person who is holding the floor. Please sit down.

SHRI BIPINPAL DAS: Let me reply to his point . . .

SHRI MONORANJAN ROY: Madam, he has mentioned my name. On a point of order. There is no greater stunt than this appointment of a judicial enquiry by Mr. Siddhartha Shankar Roy.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): This is no point of order.

SHRI BIPINPAL DAS: If this is his idea of a point of order, then you are the best judge. I cannot pass judgment on it. I was saying about Mr. Siddhartha Shankar Roy. He has appointed judicial enquiry against his own Ministers. And he says it is a stunt. If tomorrow the Prime Minister appoints a Supreme Court Judge for enquiry he will say he is a committed Judge and that he is in the pocket of the Prime Minister. If it is handed over to the C.B.I.

you say that the C.B.I. is a subordinate organ of the Government. You condemn judicial enquiry because all the Judges are supposed to be committed Judges, committed to the Prime Minister.

Now they talk of a Parliamentary Committee. If a Parliamentary Committee is appointed, the Congress Party, obviously, will have the majority. And if the verdict goes against them, they will say that there was brute majority of the Congress Party. Then where do we go? We cannot get it enquired by the C.B.I. We cannot get it enquired by a judicial enquiry. I predict that if tomorrow by chance a Parliamentary Committee is appointed and if the Committee's verdict goes against their interest they will immediately say that was dominated by the brute majority of the Congress Party . . .

SHRI NIREN GHOSH: You will also get an opportunity.

SHRI BIPINPAL DAS: Therefore, I have come to the conclusion that there is no other way. The procedure laid down by the hon. Speaker of the Lok Sabha in 1967 has to be followed. The Home Minister is on record as having said that even after the CBI enquiry report is received, if further action is necessary the Government will go forward. This Congress Party stands on merit, on the basis of its own image. And finally, Madam, leave aside judicial enquiry, leave aside any parliamentary committee, leave aside even the verdict of this House, the ultimate verdict will be given by the people of this country, and I know what the verdict will be.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): Mr. Niren Ghosh.

SHRI MAHAVIR TYAGI: Madam, . . .

THE VICE-CHAIRMAN: Your name is not in the list of speakers.

SHRI NIREN GHOSH: Your party Member has spoken.

SHRI MAHAVIR TYAGI: If my party Member has spoken, can't I speak? My name is there in the notice of motion.

THE VICE-CHAIRMAN: Your name is not there in the list of speakers. I am sorry.

SHRI NIREN GHOSH: Madam, you should see that my time is not lost. It is quite natural that one of the Cabinet Ministers of the Congress Government has become the symbol of corruption in India, that is, Shri L. N. Mishra. First of all, I will say that Mr. D. P. Chatterjee has given a wrong statement that Mahe and Yanam were excluded. In fact, notifications were issued by the Chief Controller as well as the Controller of Pondicherry, the capital of the French possessions, and Mahe and Yanam were included. Secondly, I would like to point out that these importers are not established business firms, none of them. They are clerks or brokers. That is their status. They have not submitted any regular income-tax returns. Now, apart from that, I will also point out that the Foreign Trade Ministers, including Manubhai Shah, did not explain why those cases were rejected. It was because they were unfit, they had no *locus standi* in this business. But there is something very interesting. The Pondicherry Chief Minister in 1962 recommended these cases for licence, but it was turned down by the Government of India as not being genuine. In 1963 the Pondicherry Assembly passed a resolution, again recommending these cases. But again it was turned down by the Foreign Trade Ministry as not being genuine. What made D. P. Chatterjee or L. N. Mishra take them as genuine? He has also made a misleading statement that he got the memo passed on to the officers. But D. P. Chatterjee has made a statement in the Lok Sabha that when Shri L. N. Mishra was Foreign Trade Minister, at that time the first letter from Tul Mohan Ram was received by him regarding these licences, and then representations from those firms were made. So, for more than one year his Ministry was seised of this fact. And he asked the officers to expedite those cases. I will tell you, Madam, that Shri L. N. Mishra even went to the extent of sending two officials to Pondicherry to expedite the issue of licences immediately; at Government expense, two officials were sent. All those facts are here. Now, I will come to the main *protege*, Tul Mohan Ram. He was a pauper. He comes from the same district as

Shri L. N. Mishra and for long, over a decade or more, he has been an instrument in the hands of Shri L. N. Mishra . . .

SHRI L. N. MISHRA: No.

SHRI NIREN GHOSH: . . . for various malpractice and corruption. Now the Congress Party has decided that since he cannot be said to be this, that he has been this, he has been this. But the Congress Party has come forward to save Mr. Lalit Narain Mishra. Is it not a fact that the Congress Members of Parliament were briefed that we are wholly in the wrong, if the parliamentary committee goes into it, the existence of the Government would be at stake, that damage is being done by denying Parliament to go into the matter, but we can put up with this damage, but if a parliamentary committee goes into it, more damage will be done, so don't accept it though the case is just? Again Mr. L. N. Mishra personally telephoned Members of the Congress Executive Committee so that in the Executive Committee they do not raise this issue . . .

SHRI L. N. MISHRA: I telephoned you also.

SHRI NIREN GHOSH: Yes, you have a bugging apparatus. You can check it.

Madam, this memorandum was drafted by Shri L. N. Mishra himself. It was signed by Shri Tul Mohan Ram, a very thick friend of Mr. L. N. Mishra . . .

SHRI L. N. MISHRA: All wrong.

SHRI NIREN GHOSH: . . . and other names were added, all close to Mr. L. N. Mishra. Can I ask him this question: After this representation, for over a year almost, he knew these names were there, why did he not ask those Members of Parliament who were very close to him whether they actually signed such a memorandum? He never asked them. It is strange. Now, this Tul Mohan Ram operates with two cronies, Sharma and Pillai. They are the liaison officers in this matter. In this context in passing I make another remark that the order or the licence that the Government granted, a copy of that order itself was given to . . .

SHRI KAMESHWAR SINGH (Bihar): On a point of order. I have reliable information that Mr. Niren Ghosh and his friend, Dr. Mathew Kurian, induced and bribed Mr. Pillai to file an FIR with the police. I have proof that he bribed Mr. Pillai. Let him come out and deny it. Let us see whether he denies it.

SHRI NIREN GHOSH: No, this is the original letter of Tul Mohan Ram, signed by Tul Mohan Ram. He says to Banarsidas, inform Pillai when I get money from Madras—that means from those firms—I will pay him. This is the original letter . . .

SHRI BHUPESH GUPTA: On a point of order. It is an original letter. Therefore, I suggest because we are living in the days of forgery, alleged or real, that letter may be laid on the Table of the House.

SHRI NIREN GHOSH: Yes, I am ready to lay it on the Table of the House. Madam, would you permit me?

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Generally it is not done. You can hand it over to the Minister.

SHRI RAJNARAIN: You read it.

SHRI NIREN GHOSH: It is in Hindi. I cannot read Hindi . . .

SHRI RAJNARAIN: You give it to me. I will read it for you.

SHRI NIREN GHOSH: This is the original letter. I can give you the date . . .

SHRI BHUPESH GUPTA: Madam, we have reached a stage where if we write letters to our wives, they will not read them . . . (Interruption).

SHRI NIREN GHOSH: Madam, there are other funny things. This is the bogus organisation of Tul Mohan Ram. He always keeps his colleagues in this matter. This is called Unemployed Harijan Association. President. Tul Mohan Ram; Vice-President: Ganga Ram, another shopkeeper, his relative; then there is another one, Suriya Ram, a railway employee in Moghul Sarai; then there is Sharabi Ram, Joint Secretary—he does business; and then his

brother Harimohan Ram, Treasurer. He is the treasurer engaged in agriculture . . . (Interruptions). I am not yielding . . .

SHRI KAMESHWAR SINGH: On a point of order. Whatever Shri Niren Ghosh is saying has been published and printed in Janashakti. Let him say no . . . (Interruptions).

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Please resume your seat. There is no point of order.

SHRI NIREN GHOSH: You should give me protection. This time should be given to me.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): If somebody gets up on a point of order, I have to listen to him.

SHRI NIREN GHOSH: He has floated another Association, called the Bara Hindu Rao Merchants' Association. The Vice President of this Association is Hari Mohan Ram. This is a letter written by him on 29-3-1974 to Shri L. N. Mishra, Union Minister of Railways, Rail Bhavan, regarding allotment of railway waste and vacant lands situated on Kutak Road . . . (Interruptions). I am not yielding . . .

SHRI NAND KISHORE BHATT (Madhya Pradesh): On a point of order. Shri Tul Mohan Ram is a sitting Member of the Lok Sabha. Is it proper to criticise a Member of the other House who is not here to defend himself?

SHRI NIREN GHOSH: This is that petition asking for lease of 50 shops. Another Association has been floated and this is known as Kutab Road Merchants' Association. Mr. Sharma of Bombay is involved in this. Already the Railway Board have sanctioned 50 shops on lease. I do not know whether this was granted after this or not. They are saying here that we will give Rs. 2 lakhs to Tul Mohan Ram. That means the Kutab Road Merchants' Association will give Rs. 2 lakhs, if land is given to them . . . (Interruptions).

SHRI KAMESHWAR SINGH: On a point of order. Under rule 23, time has not been given Shri Niren Ghosh to talking like this on the floor of the House. Under rules 167 to 169, he should not be permitted to do this because he is wasting the time of the House and whatever he says is useless. It is a bunch of irrelevencies. He is talking about Railway Board and coal. This is all nonsense. I request you to give your ruling under rule 170 . . .

SHRI NIREN GHOSH: Is it a point of order?

SHRI KAMESHWAR SINGH: Yes, I have quoted the Rule. Nobody does it. I would request the Vice Chairman to give the ruling under Rule 170 . . . *(Interruptions)*. How can he speak when you have allowed me to speak?

श्री राजनारायण :

देने हैं हिमायत उस गरीब को
जिसे हमने कभी लात मारी थी ।

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): Please sit down. I have heard you quoting the rules. Since Shri Tul Mohan Ram and the whole licence issue are before the House for discussion Your point of order is irrelevant.

SHRI NIREN GHOSH: Madam, this protege of Mr. L. N. Mishra, under his instructions . . .

SHRI L. N. MISHRA: All wrong.

SHRI NIREN GHOSH: He comes from your district and forged the signatures. At 9, Akbar Road, under his instructions, complaints were manufactured against a leading member of the ex-Congress Government. There are other signatures also like those of Kamalnath Jha and R. P. Yadav. These were made to the Congress President. But those allegations were never gone into. But a leading Congress member has been disgraced. I am not holding any brief for anybody . . . *(Interruptions)*. I am only narrating how you are in collusion with these persons and how you are behaving . . . *(Interruptions)*.

I understand, Madam, that there are photostat copies of a genuine letter incriminating Shri L. N. Mishra and Shri Tul

Mohan Ram in the possession of a Member or Members of this House or that House. So, unless a parliamentary committee goes into these things, will never come out. This information also I want to give now.

Now, Madam, this Tul Mohan Ram started, under his instructions, a fake school in his father's name . . .

SHRI L. N. MISHRA: It is wrong . . .

SHRI NIREN GHOSH: . . . and the Kosi Project employees and the officers there are to contribute for that. He can start a school in his father's name. This is how the collusion is going on. Now, this Anwar is a known smuggler and it is through him that Shri L. N. Mishra organised the riots in Delhi in order to divert the attention of the people and the Qutab Road merchants are also associated with this. These are the things . . .

SHRI KAMESHWAR SINGH: Madam, on a point of order . . . *(Interruptions)*.

SHRI NIREN GHOSH: Madam, this Tul Mohan Ram has put his niece as his daughter in the Willingdon Hospital for three months! He has a monthly expenditure of more than about five thousand rupees and he has licences for guns and pistols . . . *(Interruptions)* and has purchased about 56 acres of land, more than about Rs. 2.00 lakhs worth of property. In all his misdeeds, he is in collusion with him and for this business, you see, the division of the money is: Rs. 10½ lakhs to him and Rs. 1½ lakhs to Tul Mohan Ram and he has secured 21 signatures and each M.P. has got Rs. 5,000 or so and this is how he has collected about Rs. 21 lakhs . . . *(Interruptions)*

श्री सीता राम केमरी (बिहा) . मेरा
पाइन्ट आफ आर्डर है । इना यह कहना कि
हर मेम्बर ने पैसा लिया है यह गलत है ।

SHRI NIREN GHOSH: Now, Madam, after the CBI people went to him—I am coming to the last part— . . . *(Interruptions)*. . . . Madam, my time is wasted by these people like this.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): I have calculated your time.

SHRI NIREN GHOSH: I am also calculating. Now, after the CBI people went to him, Tul Mohan Ram broke down and he understood that he was finished and he flew into a rage and said, "I don't mind. I will tell the truth. I don't mind who gets caught in this process." He approached some M.P. and then he went to Mr. Joghendra Jha, an ex-Member of Parliament and said, "It is under the instructions of Mr. L. N. Mishra that I have done all these things". Then, according to his instructions, a draft was made by Shri Joghendra Jha. Then, before he took it before he could submit it to the Prime Minister or the Home Minister, somehow or other Mr. Mishra intervened. Whether it has been done or not, I do not know . . .

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Please finish now.

SHRI NIREN GHOSH: I have it on the authority of Mr. Joghendra Jha and I want to tell the House clearly . . . (*Interruptions*) . . . The entire blame can be put on him. But he has not said anything. He merely carried out the instruction to get a draft. I am telling you how nothing came out. Mr. Joghendra Jha is in Delhi and when he approached some Members of Parliament for the purpose and said that these things were there and the CBI could not go into these things, but only a parliamentary committee could go into these things, but only a parliamentary committee could go into these things and . . .

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Please finish.

SHRI NIREN GHOSH: Just one minute more, if you allow me, Madam.

There is another case also. In the case of the Seashore Traders, the Chief Controller of Import & Exports; Shri M. M. Sen, had stoutly protested, but he was overruled by the triple alliance of Shri L. N. Mishra, Shri J. N. Darbari and Shri K. N. R. Pillai in the name of so-called legal advice

of Ram Devi and a licence for stainless steel worth about Rs. 50.00 lakhs was issued to them. This is how you behave, Mr. Mishra. This is one case and there is another case.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): No, Please. Please finish. I am calling Mr. Dwivedi.

SHRI NIREN GHOSH: I have got more facts. They want facts and I am giving facts and they want to deny the facts. I have got more and more facts in my possession. If a parliamentary committee is set up, I will place all the facts before it. You are not allowing me time. How can I place all the facts before the House? . . .

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): No, please. Yes, Mr. Dwivedi.

SHRI D. N. DWIVEDI (Uttar Pradesh): Madam, Vice-Chairman, grateful to you for giving me this opportunity to take part in this debate.

At the very outset, I should like to congratulate the Government, and particularly the Minister of Parliamentary Affairs, for having agreed to have this debate, because there is nothing that could have been done which would have exposed their . . .

SHRI NIREN GHOSH: On a point of order. I should like to know that the *bonami* affairs . . . (*Interruptions*) . . . I should like to know from the Minister . . . (*Interruptions*).

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): Mr. Ghosh, will you please sit down? This is no point of order . . . (*Interruptions*).

SHRI D. N. DWIVEDI: Madam, since this is my maiden speech, I would request the hon. Members to show a little more indulgence to me than is normally shown by them.

I was submitting that nothing whatever would have exposed the fatuity, emptiness and hollowness of the Opposition's case than this debate. Madam, when I came here this morning, I hoped that I would hear great speeches from the hon. Members

opposite. But I am disappointed with them. Rather I sympathize with them because in spite of all their debating talent, they have miserably failed to make out any case whatsoever. They were arguing a very weak case, Madam, and therefore they have made no impact on the House.

Madam, this demand for a parliamentary probe has stemmed from some dishonest brains and some confused brains. I repeat that this demand has stemmed from some dishonest brains and some confused brains. Madam, some of them are confused about the facts of the case. They are confused about the basic principles involved, and they are also confused about some of the issues that the present controversy has raised. Their facts are wrong and they have miserably misunderstood the basic issues that are involved in this case. Then I said that some of them are dishonest brains. When I say 'dishonest', I mean a special type of intellectual dishonesty, because in moving this motion they do not have a desire to vindicate the honour of the hon. Members of Parliament. It is not their desire to find the truth and go to the roots of the matter. Their intentions are *mala fide* and their motivations are political, and they have brought this motion only to malign the ruling party and to indulge in mud-slinging, character assassination . . . (*Interruptions*) . . . Indulgence in mud-slinging has become the hobby of the Opposition leaders, and it is their profession, and it has become now an ideology of opposition politics of this country . . .

SOME HON. MEMBERS: Shameful . . . (*Interruptions*).

SHRI D. N. DWIVEDI: Madam, I will deal with the dishonesty part and the confusion part separately, and I seek your indulgence and a little more time. Let me first deal with their confusion. When I say that they are confused, I mean that they are confused about the facts and they are confused about the issues involved in it. In spite of all the hullabaloo they have raised what are the facts. Stripped of irrelevancies the basic issue is very simple: A crime has been committed, some foregery

has been committed and the law has been set in motion and a special machinery is making investigation. It is nobody's case that twenty and odd Members of Parliament signed a certain petition which resulted in fetching licences to certain people who are not entitled to get the licence; it is nobody's case. That is not the case of the Opposition that the firms concerned did not fulfil the rules of eligibility. All that has happened is that apparently forgery been committed and the CBI is making investigation.

Now, what has happened? What are the special circumstances which necessitate and justify the appointment of a parliamentary probe? Parliamentary probe has been talked about and has been demanded as if it is the normal feature in a Parliamentary system. I most respectfully and humbly challenge all the leaders of the Opposition to cite one example in this century in any country which has the parliamentary system where a parliamentary probe was instituted to go into the criminality of the offence of a given Member of Parliament or anybody else. Madam, the last time a parliamentary probe was appointed, it was in England in the famous marconi scandal in the days of Lloyd George. After that, no country, Britain, Canada, Australia or for that matter no country which has the parliamentary system, has appointed one single parliamentary committee to go into the criminality of a Member of Parliament. They have been talking as if it is a normal feature. As a matter of fact, the reason why Britain stopped doing it or other stopped doing it is because they realised that the one way of not finding the truth was to appoint a parliamentary committee. Let us, for argument's sake, imagine a situation in which a parliamentary probe is appointed. My senior colleague, Mr. Bipinpal talked about the Congress being in majority and what happens if the verdict is against what the Opposition wants. I want to draw your attention to another aspect. Imagine a parliamentary probe being conducted in which the hon. Dr. Mathew Kurian, the hon. Mr. Rajnarain and the hon. Mr. Niren Ghosh are sitting. Will they try to find out the truth? Are they interested in finding out the truth?

They are not interested in finding out the truth. The interest of these opposition leaders is to use the issue of corruption to attack the Government every morning and every evening. Therefore, the question of appointing a parliamentary probe does not arise at all.

There are two basic, constitutional, legal and moral issues which are involved in this and which have been lost sight of by the hon. Members of the Opposition. One is whether parliamentary probe is consistent with the scheme of the Government that our Constitution has given to the people of this country. A parliamentary system is not born out of the myths. There are certain conventions. There are certain traditions. There are certain assumptions and there are certain premises which underlie the parliamentary system. The basic point that I would like to emphasise is that under the parliamentary system, Parliament is there to legislate. Parliament is the most august institution in the land which represents the will of the people. It is here that the Government is answerable to the people and it is this institution which makes the concept of representative Government relevant. We are here to legislate. We are here to seek information from the Government. We are here to discipline the Government on political matters. These people want us to be C.I.D. Inspectors, Magistrates and Drainage Inspectors. Tomorrow, there might be a scandal about health. They might want to appoint a parliamentary committee and we may be called upon to perform the work of a Drainage Inspector. It is defamatory to Parliament for Members of Parliament to get up and ask the M.P.s. to perform the functions which are not consistent with the functions that belong to the Parliament. This is one point that I would like to make.

Then, there is another point. We have division of functions. We have the Union Public Service Commission. We have the judiciary. We have the Executive. We have the Police. We have the investigating agency, that is, the C.B.I. or the C.I.D. Day in and day out, there are certain people in this Country who are creating

doubts about the honesty and integrity of some of the institutions which are the bases of the functioning of democracy. What is special about this case that it cannot be investigated about the C.B.I.? If the investigation of the assassination of the Father of the country can be investigated by the C.B.I., what is there in the case of an alleged forgery? Is it simply because the Members of Parliament are involved? Do the Members of Parliament constitute a special class of citizens? Are we the Members of Parliament more important than the people of the country, more important than the teachers, more important than the lawyers? We are agents of the people. We are representatives of the people. We do not enjoy any right which is superior to the rights which are enjoyed by any other people. What will people and what will history say? They say that Members of Parliament are so conscious of their superiority that even if somebody committed theft, Parliament comes into the picture. (Time bell). Whatever crime is committed, why is the Parliament coming into the picture? The ordinary law will take its own course. Suppose a Member committed a robbery. What will you do? Will you appoint a Parliamentary Committee to probe? There is the CBI which will take care of that. Then there is yet another fundamental principle involved the rule of law. Why do you allow the fundamental principle of rule of law to be violated? I submit, Madam, if we appoint a parliamentary probe, it will be violative of the principle of the rule of law. Madam, I will just mention one quotation. The most fundamental principle of rule of law is equality of law. And this is what the famous Dicey has to say, and I quote:

"No man is above the law. Every man, whatever his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals."

So, it is very clear that if we treat ourselves as special class of citizens, since one of our brother is involved we will make special laws which are exception to the principle of rule of law, then we are going to get a very bad name. I was referring to what

happened in Britain. An hon. Member—referred to the Profumo scandal. Does he know that a motion was moved in the British Parliament for the appointment of a Parliamentary Committee and it was rejected by the British Parliament? Is it not true that a judicial enquiry was ordered there which proves one thing that Parliamentary probe is no way of probing into the criminality or otherwise of a given individual, be he a Member of Parliament or an ordinary citizen? So, Madam, this is no solution. They are confused about some of the fundamental issues.

Madam, I will just conclude by making a few comments about the crocodile tears that they have shed about corruption. Of course, corruption is something which is not a party issue. The whole country is agitated. Corruption is like cancer, it is eating up the vitals of our body polity. And everybody, whether he belongs to this side or that side, is concerned over the matter. But do not make it a party issue. Do not create an atmosphere in the country like the atmosphere which was created by Senator McArthur in the United States. Our leader, Madam Gandhi spoke the other day in the Lok Sabha and she has expressed her fear. This is what is happening. Everybody, particularly the Opposition leaders are talking of corruption. An atmosphere of suspicion is being created as was done by McArthur when he said that there was a Communist behind every bush. And some of the Opposition leaders want to make the people of India believe that every second Indian is a corrupt man. This is just not so . . .

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): Mr. Dwivedi, please conclude now. You have already taken 15 minutes.

SHRI D. N. DWIVEDI: I will take just a couple of minutes.

SHRI CHANDRA SHEKHAR: Madam, it is his maiden speech. So, he should be given some more time.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAYA): All right

SHRI D. N. DWIVEDI: Thank you, Madam, you have conceded to the request of a senior Member.

Madam, I was talking about the attitude towards corruption of the opposition leaders. I want to pose certain questions to the opposition leaders. Of course, the Congress Party is determined to wipe out corruption from this land. But what the opposition leaders themselves have done when they got an opportunity to do something about corruption? Is it not a fact that in the year 1967, the SVD Governments were formed in several States and the parties of Prakash Vir Shastrija and Mr. Rabi Ray got an opportunity to form the Governments? And I am making a revelation here, Madam, that the Leader of the Socialist Party at that time, Dr. Ram Manohar Lohia, was so much disgusted with the performance of the SVD socialist ministers and the allegations made against them that I know it for sure that he refused to meet some of the SVD Ministers who went to call on him. What did they do? Allegations were made and no inquiry was instituted. Madam, recently a very senior Member of this House, Shri Pitamber Das, retired. The House will recall the contribution that Mr. Pitamber Das made to the deliberations of the House. Mr. Pitamber Das, in March or February of this year, made public allegation and charges against the leadership of the Jan Sangh that Jan Sangh shut its eyes whenever allegations and charges were made against the corrupt practices by Jan Sangh wherever they are in power, be it in Delhi Municipality or anywhere else. He said that whenever he brought this to the notice of the Jan Sangh leadership, they tried to hush-hush the matter. I do not mean that we should not do something about it. But, as my senior colleagues have assured this House, it is the function of the C.B.I. and the C.B.I. is making an investigation and those who are found to be guilty will be dealt with according to the law of the land and the Congress will not be lagging behind any political party in trying its level best to remove corruption from this country. Thank you, Madam.

DR. K. MATHEW KURIAN: Madam, I rise on a point of personal explanation.

Madam, in my absence, Mr. Kameshwar Singh, an hon. Member of this House made cheap and wild allegations against me. Normally, Madam, I would have ignored him. But, since he has made certain cheap allegations and they are on record, I must set the record straight.

Madam, I do know something about Mr. S. M. Pillai of Cuddalore and Mr. S. L. Sharma of Bombay, who, with their associates in Hyderabad had sold through what is called the Indo-Bangladesh Trading Company (P) Ltd. the import licences of whisky and brandy at 200 per cent to 300 per cent premium. I know the activities of these people and I have enabled this to be brought to light. But, what does Mr. Kameshwar Singh say? He says that Mr. Pillai, who filed the FIR, is known to me. Madam, I have not even seen him. I do not even know his address. Not only that, he said that I am behind this whole affair. As if he is giving credit to me more than what I deserve. In any case, Madam, it is a cheap and obnoxious stunt in order to get cheap popularity in the press. Madam, I do not want him to get cheap popularity. I, therefore, ignore him and dismiss his wild and cheap allegations with the contempt that they deserve.

Madam, Mr. Kameshwar Singh is known to have changed his colours. In the Fourth Lok Sabha he was a S.S.P. Member. Today he sits in the ruling party benches and he wants to become the right hand man of the person who is the king-pin of corruption. Mr. Kameshwar Singh wants to become the king-pin of the king of corruption, Shri L. N. Mishra, who is protected by the Prime Minister, and he wants to have cheap popularity.

SHRI KAMESHWAR SINGH: I highly appreciate your frankness, Dr. Kurian.

SHRI R. K. MISHRA (Rajasthan): The rules regarding 'personal explanations' provide that no debatable matter should be brought forward and only personal explanation should be given. He is now leveling soome charges against him. Madam, I hope that just as the House will accept Mr. Mathew Kurian's explanation that he had no connection—though there is no evidence to prove whether he had or had not such

a connection—similarly, the explanation given by 20 Members of Parliament, that they had nothing to do with signing the controversial letter, will also be accepted by Dr. Kurian.

श्री श्याम लाल यादव : (उत्तर प्रदेश) : उप सभापति जी, मान्यवर, लाइसेंस प्रकरण के सम्बन्ध में मेरा निवेदन यह है कि लाइसेंस देने में क्या अनियमितताये हुई, अथवा नहीं हुई, इस सदन में और दूसरे सदन में सरकार की तरफ से जो जवाब गृह मंत्री जी, श्री डी० पी० चट्टोपाध्याय, ने दिया उससे यह आभास होता है कि लाइसेंस देने का फैसला उन्होंने किया। लेकिन लाइसेंस दिये जाने की प्रक्रिया उनके पहले ही शुरू हो चुकी थी और कहा जाता है कि इस सम्बन्ध में 23 नवम्बर, 1972 को पहली दफा कामर्स मिनिस्टर को यह आवेदन दिया गया था। यह बात मेरी समझ में नहीं आती, स्पष्ट नहीं आती कि जब 1955 से पांडिचेरी के सम्बन्ध में आयात-निर्यात लाइसेंस देने के बारे में कोई हुक्म सरकार का निकला था तो उसमें क्या कमी रह गई, उस कमी को दूर करने के लिये जब मामला हाई कोर्ट में गया, सुप्रीम कोर्ट तक गया, उसके बाद यह सद्बुद्धि सरकार को कैसे आई? क्यों नहीं यह मामला जब हाई कोर्ट में गया, उसी समय सद्बुद्धि क्यों नहीं आई, यह विचारणीय विषय है।

जब श्री टी० एन० सिंह जी कह रहे थे, तो मिश्र जी ने कहा कि हमने यह आदेश दिया कि यह मामला कंटेस्ट किया जाये कोर्ट में। बाद में यह बात महसूस हुई कि माहे और यनम जो स्थान छूट गये थे, तो फिर उस समय क्यों आदेश दिया गया कि इस मामले को कंटेस्ट किया जाये कोर्ट में? इतने दिनों बाद सरकार ने यह मुनासिब समझा कि इस गलती को सही किया जाये? यह इतनी साधारण सी बात लगती है कि मंत्री कोई स्पष्टीकरण दें, तो जब इन शहरों का नाम नहीं था तो यह बात

पहले ही होनी चाहिये थी, क्यों इतना विलम्ब हुआ ।

दूसरी बात जो मैं समझता हूँ कि इस प्रकरण के मूल में जाती है वह यह है कि क्या सरकार सही काम करने के लिये भी अथवा उस पर राजनीतिक दबाव देने के लिये यह आवश्यक समझती है कि संसद् सदस्य अथवा कोई राजनेता उसके सामने फरियाद करे, उसकी सिफारिश करे तब वह उन बातों पर विचार करते हैं अन्यथा जब गलती होती है तब उस पर विचार करते हैं ? इस पर मैं समझता हूँ कि विचार होना चाहिये ।

आज देश में जो वातावरण है उसमें आम धारणा यह है कि बिना सिफारिश के कोई काम नहीं हो सकता है चाहे वह सरकार का निचला कर्मचारी हो, चाहे ऊँचा कर्मचारी हो । एक आम धारणा यह बन गई है और जो लोग चुनाव लड़ते हैं, जनता से सीधे इलैक्शन लड़ कर आते हैं, इस सदन के सदस्य जो चुनाव लड़े होंगे उनको तज्जुब होना कि जनता आज यह यकीन लेकर चलती है कि बिना सिफारिश के कोई बात नहीं होती और कोई चाहे संसद सदस्य हो, चाहे विधान सभा सदस्य हो, उसके सामने नित्यप्रति समस्याएँ आती हैं और मैं समझता हूँ कि ये समस्याएँ यहीं नहीं बाहर भी आती हैं । रोज इस तरह की बातें होती हैं तो सरकार को इस सम्बन्ध में ये बातें स्पष्ट करनी चाहिये । यह मौका है कि वह इस तरह की परम्पराओं का निर्धारण करे कि सही काम हो ।

आज भ्रष्टाचार की जो बात कहीं जाती है, अगर विनोबा जी की वाणी में कहा जाये तो भ्रष्टाचार आज शिष्टाचार हो गया । यही नहीं, आज कुशल मंगल और क्षेम पूछने में सब प्रतिनिधियों को अनुभव होगा कि आम तौर से यह चर्चा होती है कि—जब किसी का हाल चाल पूछते हैं तो—क्या उसका वेतन है, उसके ऊपर क्या आमदनी है । देश का वातावरण ही भ्रष्टाचार के खिलाफ नहीं है । आज

लोग उनकी चर्चा करते हैं समाज में उनके रिश्तेदार, नातेदार, उनके मित्र होंगे, उनका स्तर क्या है, कितना वेतन है, कैसे वे जीवन बिताते हैं, मैं समझता हूँ कि समाज में कोई घृणा नहीं है उनके लिये । आज हिन्दुस्तान में भ्रष्टाचार के बारे में भाषण देने के लिये कहा जाये तो हर व्यक्ति कह सकता है, वहाँ लाख जनता इकट्ठी हो, वहाँ भ्रष्टाचार की आवाज उठाने के लिये कहा जाये और भ्रष्ट को फाँसी के लिये कहा जाये तो हर आदमी कहेगा ठीक है । लेकिन जब भ्रष्टाचारी को पकड़ा जायेगा, उसको क्या सजा दी जाये, इस बारे में पूछा जायेगा तो उन में से 10-20 तैयार होंगे जो सहमति देंगे कि उसको सजा दी जाये । उसके नातेदार, उसके रिश्तेदार, पार्टी के लोग, दूर के मित्र और संबंधी लोग उसकी पैरवी में आये दिन आते हैं और मैं समझता हूँ कि यह अनुभव जो सरकार में रहते हैं, एक न एक दिन उनको होगा, हमको भी प्राप्त है कि किस प्रकार से लोग अपने लाभ के लिये विभिन्न दलों का फायदा उठाने हैं ।

जो दल सत्तारूढ़ में होता है उसके सदस्यों के पास लोग जाते हैं । जो मंत्री होता है उसके नजदीकी आदमियों के पास उसकी कंस्टीट्यूंसी के लोग जाते हैं वे यह सोचते हैं कि इन्हीं के जरिए से प्रयास करने में हमें सफलता मिलेगी । मान्यवर जिन लोगों ने दस्तखत किए हैं उनमें से 20 सदस्यों ने कहा है कि हमने दस्तखत नहीं किए तो मैं समझता हूँ अगर पार्लियामेंटरी कमेटी बनाई गई तो इसमें दो मुद्दे होते हैं जिस पर जांच होती है । एक मुद्दा यह है कि जो पहले मैंने निवेदन किया कि यह जो लाइसेंस दिया गया क्या यह ठीक था ? जो तथ्य दिए गए हैं उन तथ्यों के आधार पर क्या यह सही फैसला है अथवा किसी सिफारिश के आधार पर गलत फैसले को मही कर दिया गया ? यह बात स्पष्ट नहीं है । अगर यह सिफारिश न होती तब भी क्या यह फैसला होता ? अगर नहीं तो फैसले में जो विलम्ब हुआ क्या इसके लिए मंत्री या सरकार ने किसी को दोषी पाया ?

दूसरी बात, जिन 20 सदस्यों ने दस्तखत करने से इन्कार किया तो पालियामेंटरी कमेटी नहीं बनेगी और सी० बी० आई० ने जो इन्क्वायरी अपने हाथ में ली इससे यह स्थिति स्पष्ट नहीं है कि जो 20 सदस्यों ने ब्यान दिया है सदन में और सदन के बाहर, उसको सही मान कर इन्क्वायरी हो रही है या नहीं? अगर पालियामेंटरी कमेटी बनती है तो मैं समझता हूँ कि उससे कोई ज्यादा अधिकार प्राप्त होंगे। वह इन संसद सदस्यों से जांच पड़ताल कर सकती है उनके बयानों के बारे में भी पूछताछ कर सकती है लेकिन सी० बी० आई० को यह अख्तियार प्राप्त नहीं है कि जो संसद सदस्य ब्यान दे उसके खिलाफ कोई कार्रवाई करें। उनके ब्यान पर कोई पूछताछ कर सके या उसके खिलाफ कोई निष्कर्ष निकाल सके। इस प्रकार के अख्तियार सी० बी० आई० को होंगे मुझे इसमें सन्देह है।

इसको सरकार स्पष्ट करें, क्योंकि एफ० आई० आर० के बारे में जो अखबारों में निकला है उसमें कई बातें स्पष्ट नहीं हैं। एक तो नया एफ० आई० आर० किस ने लिखाई है? आया सी० बी० आई० की तरफ से लिखाई गई है या कामर्स मिनिस्ट्री की तरफ से लिखाई गई है? मंत्री जी जब बोलें तो इन बातों को स्पष्ट सदन के सामने रखें। एक बात यह भी स्पष्ट करें कि संसद सदस्यों की जाँ तथा-कथित सिफारिश है उसमें क्या लिखा है, उसकी क्या भाषा है? दूसरे यह कि जो एफ० आई० आर० लिखाई गई है सरकार की ओर से या किसी अधिकारी की ओर से वह क्या है और किस के विरुद्ध लिखाई गई है। मैं चाहता हूँ यह स्थिति भी स्पष्ट होनी चाहिए। सी० बी० आई० की इन्क्वायरी का दायरा क्या है? वह किन मुद्दों पर इन्क्वायरी करेगी यह बात भी स्पष्ट हो जानी चाहिए।

श्रीमन्, मैं कहना चाहता हूँ कि इन्क्वायरी में सरकार की मंशा यह है कि जो लाइसेंस दिया गया यह ठीक है या नहीं, इस बात की जांच हो तो मैं समझता हूँ कि यह सी० बी० आई०

के दायरे के बाहर की बात है। मेरा कहना है कि यह फैसला मिनिस्टर का होता है और मिनिस्टर के उस फैसले पर सी० बी० आई० इन्क्वायरी नहीं कर सकती है, कोई पालिटिकल डिविजन ही हो सकता है।

जैसा और माननीय सदस्यों ने कहा इन्क्वायरी आफ कमीशन के बारे में, पिछले प्राइम मिनिस्टर ने भी जिस प्रकार से जांच पड़ताल के लिए किसी जज को नियुक्त किया था, आप भी ऐसा कर दें तो बात समझ में आती है। सी० बी० आई० की इन्क्वायरी की बात हमारी समझ में आई नहीं। क्योंकि सी० बी० आई० तो केवल एक दो मुद्दों पर ही इन्क्वायरी कर सकती है वह यह कि फर्म वही है या नहीं और दूसरे लाइसेंस सही दिया गया या नहीं।

हम को यह नहीं पता लगा कि मिश्र जी को किन व्यक्तियों ने दखिस्त दी है। अगर मंत्री जी को स्मरण से या लैटर में लिखा हो कि फलां व्यक्ति ने दी है तो वह भी बता दें जिससे जो भ्रम है वह दूर हो सके।

एक चीज और मैं निवेदन करना चाहता हूँ कि अगर इन्क्वायरी आफ कमीशन हो तो उसमें एक चीज का प्रावधान करना होगा। वह यह कि उसका जो नतीजा निकले उस पर कोई कार्रवाई हो। अब तक इन्क्वायरी आफ कमीशन ने कई चीफ मिनिस्ट्रों के खिलाफ रिपोर्ट दी और वे चीफ मिनिस्टर कांग्रेस में ही थे और एक आध गैर कांग्रेसी डिप्टी चीफ मिनिस्टर थे लेकिन उन के खिलाफ कोई कार्रवाई नहीं हुई। उन्होंने क्या करा उस दल को छोड़ कर दूसरे दल में चले गए। मैं पूछना चाहता हूँ कि क्या देश के राजनीतिक दल इस बात का वायदा करेंगे कि ऐसे व्यक्ति को अपनी पार्टियों में नहीं रखेंगे। मैं जानता हूँ जिस चीफ मिनिस्ट्रों ने डिप्टी चीफ मिनिस्ट्रों के खिलाफ इन्क्वायरी बैठी और खिलाफ फैसला हुए वे आज देश में बड़े अलमबरदार बने हुए हैं।

ऐसे लोग किसी भी राजनैतिक दल से संबंधित हो, निन्दनीय है। मैं समझता हूँ कि जो दल इस प्रकार के स्टैंडर्ड कायम करना चाहता है उसको देश के सामने उदाहरण रखना चाहिए। इसके साथ-साथ मैं यह भी कहना चाहता हूँ कि जिस व्यक्ति के खिलाफ कमीशन आफ इन्क्वायरी बैठाया गया हो और उसका कोई फैसला हुआ हो या अदालत का फैसला हुआ हो, अगर कोई दल उसको मानने के लिए तैयार न हो तो इस बात की क्या गारंटी है कि सी० बी० आई० के फैसले को या पार्लियामेन्टरी कमेटी के फैसले को वह मान जाएगा। मैं यह भी कहना चाहता हूँ कि जिन दलों में ऐसे लोग सरीक हैं जिनके खिलाफ फैसले हो चुके हैं उनको इस सम्बन्ध में गम्भीरतापूर्वक विचार करना होगा और उनको अपने दिलों से निष्कासित करना होगा। जब ऐसे व्यक्तियों को कोई भी राजनैतिक दल शरण न दे तब मैं मानूंगा कि मैं कमीशन आफ इन्क्वायरी का फैसला या सी० बी० आई० का फैसला हम लोगों को प्रभावित कर रहा है। अन्यथा इसका परिणाम यह होगा कि कांग्रेस ने किसी मंत्री को इन्क्वायरी करके हटा दिया तो दूसरे दलों ने उसको अपने पास बैठा लिया तो यह कोई अच्छी बात नहीं होगी।

अंत में मैं यह निवेदन करूंगा कि जो सदन के नेता हैं और संबंधित मंत्री हैं, वे इन बातों को स्पष्ट करें ताकि देश में जो एक भ्रम फैला हुआ है और इस प्रकरण के कारण देश में संसद के प्रति जो अविश्वास पैदा हो गया है उसका निराकरण हो सके। ऐसी स्थिति में मैं नम्रता से यह निवेदन करना चाहता हूँ कि इस संबंध में सी० बी० आई० के द्वारा जो इन्क्वायरी की जा रही है उसको शीघ्र पूरा किया जाय ताकि शीघ्र उसके नतीजे देश के सामने आ सकें। इस प्रकरण के संबंध में हमारे देश के अन्दर इस वक्त जो एक भ्रम फैला हुआ है उसका निपटारा शीघ्र किया जाना चाहिए और एक स्पष्ट स्थिति सदन के सामने आनी चाहिए ताकि जिन मामलों में आज आशंका व्यक्त की जा रही है,

उनकी सफाई हो सके आप लोग बहुमत के बल पर इस प्रस्ताव को गिरा दें तो इससे सरकार के मुख की कालिमा नहीं धुल सकती है। आपको अपनी स्थिति स्पष्ट करनी होगी और जितनी शीघ्रता के साथ आप इस इन्क्वायरी को पूरा कर सके उतना ही अच्छा रहेगा। इन शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

SHRI HIMMAT SINGH (Gujarat): Madam Vice-Chairman, there are three things before us in connection with this debate on which we are required to give our mature judgement after due deliberation. The first is the statement by the Minister, in the background of the statement, that is, the Resolution and then what appears to be a small amendment by Mr. Babubhai Chinai. I shall take the amendment first.

In the amendment Mr. Chinai has suggested that we should appoint a Commission to go into this question of import licences. Now what appears to me to be the biggest problem in this country is the amount of money that has been drained out, the amount of corruption that has taken place, the amount of unnecessary and inessential things that are being imported into this country and, therefore, this licences question cannot be reviewed by a Commission. This licences question has to be approached in a very drastic manner. Therefore, my suggestion is that the entire import and export trade of this country must be nationalised. I suggest to the Minister that he gives very serious thought to this question of nationalisation of the entire import and export trade of this country. Then there will be no question of influence being brought to bear, there will be no question of recommendations being made and there will be no question of importation of inessential items, of wasting and draining out of a country's valuable foreign exchange.

Madam, having said this I would go to the statement by the Minister. The statement by the Minister, in my opinion, is very clear and very categorical, very forthright. There is a Latin maxim which says "Res Ipsa Loquitur", things speak for them-

selves, and the Minister's statement is very clear. The Minister's statement says that the whole matter has been referred to the CBI and we are awaiting the results of the C.B.I. enquiry.

Now, what is wrong with the CBI enquiry? My friend, Mr. D. N. Dwivedi, very rightly pointed out that if criminal offences, offences of a nature which can be dealt with under the common law of the country, are to be gone into by parliamentary committees, then there will be nothing else that parliamentary committees would be required to do. Their whole time will be consumed by such enquiries. Sir, to-day we are exercised over this question. Why? Because attempts are being made at character assassination. And if I can quote Gita: "संभावितस्य चाकीर्तिः मरणादतिरिच्यते" character assassination is worse than murder, and it is this character assassination which is adopted as a policy by the Opposition parties, against which we have to assert ourselves very firmly and very categorically. Have the opposition parties anything concrete to offer to the people? Have they any alternative which will be accepted by the people as plausible, as workable? Are there not questions of national importance on which their minds are exercised? Is not corruption a question of national urgency which requires to be fought without any party barriers?

Why don't you come forward and make suggestions about fighting corruption? By denigrating departments of the Government like the CBI and others, you are undermining the functions of the administration. And mind you, are you free from your own political predilections? Are you free from your political pulls? Will you be able to exercise the amount of objectivity which is necessary in probing into such matters, even as Members of Parliament? Let me say, from my limited experience of more than two years in Parliament now, that whatever has been discussed in this House or in the other House, the discussion has been influenced by political pulls. Apart from these political pulls, to which political parties are subject, I may also mention about the pulls and factions inside the parties which also have their own influences which cannot be ignored.

I come from Gujarat, Madam Vice-Chairman, and I know what happened in Gujarat about six or eight months ago. Political institutions were criticised with motivated purposes. The legislature was brought down and we were afraid at that time of Trojan Horses, Trojan Horses are there. They have penetrated into parties with ulterior motives and they are performing their own functions. We have to guard against them. It is in this background that we have to consider this question very dispassionately and without being influenced by political pulls or any other considerations, personal or otherwise. This is a question which is also linked up with what is going on in Bihar to-day, because what happened in Bihar was high on the heels of what happened in Gujarat. The same Mr. Jayaprakash Narayan was in Gujarat. He spent four or five days there. What was he doing? With whom was he hobnobbing? I am sorry to say that members of the State Government themselves were going to Mr. Jayaprakash Narayan. I do not know whether they were taking instructions or not, but they were certainly influenced by him because at one time or the other, they had regarded him as their hero. Here also we find people paying compliments to Mr. Jayaprakash Narayan. And what is Mr. Jayaprakash Narayan trying to suggest? Is he trying to suggest that he is strengthening democracy, he is strengthening parliamentary institutions? (Interruption). The whole move is to undermine our parliamentary system. The whole move is to destroy our democracy. Why? Because this is the biggest asset of the people. If the Indian people are proud of anything to-day, it is their right to have the type of democracy they want and nobody is going to prevent them from exercising that right. You have tried your hand at it. The Indian people have rejected you. They have thrown you out. And therefore, you are power-hungry people and in your hunger for power you are prepared to resort to anything almost, and in that I would not be surprised if foreign agencies are also coordinating their activities with yours in order to undermine the very future of this country.

The world has realised now that this country is not going to shift from its determined path of socialism, this country is not going to give in in regard to its efforts at

self-reliance. This country has thrown in its lot with the socialist countries of the world. This morning we had an instance of your reading out something from the Pravda. May I ask you what the relevance is of this Pravda comment of which you have got no means to verify, even to bring it up in the manner in which you did, in order to criticise a country which has been the most consistent friend of India? (Interruption). I know, I know. And I shall reiterate with all the emphasis at my command that these foreign agencies have shown us what they can do and what they cannot do. What they can do, we saw in Chile and what they cannot do, they shall see in India. Because, every Indian is proud of his democratic institutions; every Indian is proud of his parliamentary system. And this is the biggest asset which we have achieved, which our Government is preserving, which our Government is not going to give up, no matter what amount of propaganda you may conduct, exploiting the forum of Parliament also. I am sorry to say you have done that and you want to continue to do that. That is why I say and I request the Government to expedite the CBI inquiry, make it available within the shortest possible time; and the Home Minister has promised that whatever may be the findings of the CBI inquiry, they will be again before Parliament and whatever Parliament decides in its judgment to do in respect of that CBI inquiry, Parliament will do.

Madam Vice-Chairman, so much time has been taken and I do not want to say very much although there is a great deal one can say. But when the history of this century comes to be written, the decade of '70s will go down as a decade of the frustration and disappointments and attempts at destroying all that is valuable by the angry men of India. And I can tell them in one sentence, again from the Geeta,—

अथौ गच्छन्ति तामसाः

Those who are angry today, they are destined only to one thing; And that is self-destruction. That is their lot, that is their lot and they must reconcile with it without maligning others for their own misdeeds and for their own dark future. Thank you, Madam.

L/B(N)24RS-6

(The Vice-Chairman, Shri Bipinpal Das, in the Chair)

श्री राजनारायण : श्रीमन्, मैं पर्सनल एक्सप्लेनेशन दे रहा हूँ। हमारे माननीय सदस्य जिनको हम नहीं जानते हैं श्री जयप्रकाश नारायण के लिए और हमारे लिए उन्होंने कहा कि इसमें क्या रिलैवेंस है कि उन्होंने प्रावदा की यहां पर चर्चा की। मैं यह निवेदन करना चाहता हूँ कि प्रावदा ने हमारे दल के बारे में, भारतीय लोक दल के बारे में टीका टिप्पणी की थी और हम को पूरा अधिकार है कि हम उसके बारे में कहे क्योंकि हमने इस बारे में चेयरमैन से इजाजत ले ली थी।

उपसभाध्यक्ष (श्री विपिनपाल दास) :
आप का नाम तो नहीं लिया।

श्री राजनारायण : हमारा नाम लिया है और तब ही तो हम यह बात कह रहे हैं। हमने कहा था कि प्रावदा रिएक्शनरी है, रूसी सिस्टम रिएक्शनरी है.....

(Interruption)

श्री योगेन्द्र शर्मा : ये रूसी सिस्टम को रिएक्शनरी कहते हैं क्योंकि वहां पर महंगाई नहीं है, वहां पर भ्रष्टाचार नहीं है और इस तरह से रिएक्शनरी की बात कह कर यहां पर ऐसा सिस्टम चाहते हैं जिसमें महंगाई हो, भ्रष्टाचार हो। इनकी तो महंगाई और भ्रष्टाचार के खिलाफ एक पाखंडपूर्ण लड़ाई है।

(Interruption)

श्री राजनारायण : इसलिए हम कहना चाहते हैं कि प्रावदा ने हमारे दल के खिलाफ जो बात.....

उप सभाध्यक्ष (श्री विपिन पाल दास) :
आप तो बोलने वाले हैं।.....

श्री राजनारायण : इस समय तो हम उनकी बात का जवाब दे रहे हैं जो उन्होंने हमारे और

हमारे दल के बारे में कही। इसलिए मैं कहना चाहता हूँ कि श्री जयप्रकाश नारायण का जो आन्दोलन है, वह सही आन्दोलन है और हम उस आन्दोलन के साथ हैं। आज जनतंत्र चिल्ला चिल्ला कर कह रहा है कि श्री जयप्रकाश नारायण का जो तरीका है, वह भारतीय संसदीय परम्परा को बचाने वाला है और इसीलिए हम श्री जयप्रकाश नारायण के साथ हैं। छोटी मुंह बड़ी बात न किया करो।

(Interruption)

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): Mr. Vice-Chairman, I have carefully heard the interventions made by honourable Members on both sides of the House today and over the last fortnight on the import licence issue. The numerous legal, administrative and other aspects of the issue have been commented upon at length during the earlier part of the debate. I would at this stage like to state some factual aspects of the matter straight.

After the merger of the former French possessions, namely, Pondicherry, Karaikal Yanam and Mahe with the Union of India in November, 1954, the Import-Export Control Act and the Orders issued thereunder were made applicable to the same territories. Of these territories, only Pondicherry and Karaikal were port of call. Government allowed additional licence facilities to the former French possessions. The first notification in this respect was issued on June 11, 1955. The caption of the public notice was: "Grant of additional licences to importers of the former French Indian establishments for the period January to June 1955". In the same public notice, it was mentioned that additional licences would be issued to the established importers in Pondicherry and Karaikal while no mention was made to Yanam and Mahe. The importers in Pondicherry and Karaikal were not satisfied with the facilities given and the public notice was issued on July 14, 1955, giving some further special additional licences. Again Yanam and Mahe were not mentioned. This continued to be in the announcement made for the ensuing period

on November 21, 1955. The importers of Yanam and Mahe had been representing their case for the special additional licences to the Government and Government ordered in the public notice issued on December 20, 1955 that the facilities given to the importers of Pondicherry and Karaikal should be extended to Yanam and Mahe for the first time. Hon. Members will appreciate, therefore, that the rectification of the public notice has not been done recently, but was done as early as in 1955. Some importers of Yanam and Mahe who had offices in Pondicherry and Karaikal could avail themselves of these facilities. However, others could not, for the last date prescribed for filing applications under this public notice was December 30, 1955, leaving the intended beneficiaries scarcely 10 days to apply and the Christmas holidays intervened. Later on it was decided in 1964 that any application received between the last date and the 31st January 1956 would also be considered. This shows that as late as 1964 Government discovered that there was force in the argument of these people that the time that was given in 1955, that is between 20th and 30th December, with Christmas holidays intervening, was very inadequate. So, 1964 notification indicates that the time was inadequate and therefore that notification allowed also the applicants, actual or possible, who submitted their applications between 1st and 31st January of 1956. Unfortunately this administrative decision was of no benefit to the importers of Yanam and Mahe who had not applied prior to January 31, 1956. The policy for the ensuing period was announced in May 1956. The importers of Yanam and Mahe could not take advantage of this policy because only those importers who had obtained licences in January—June 1955 and July—December 1955 were eligible for licences on a repeat basis. The licensing policy on repeat basis continued till September 1959 and thereafter the facility for special additional licences was abolished. During this year, the importers of Yanam and Mahe who were left out had been representing off and on for securing additional special licences for the period 1955—1959. The Government continued to take the stand that since they were not eligible for securing these facilities on a repeat basis, their claims could not be entertained. Accordingly, the Ministry answered a question

in the Parliament in 1967 to the effect that no discrimination had been made against the importers of Yanam and Mahe. That decision of the Government was based on this that we took an administrative decision and we should stick to that administrative decision. The representations from the importers of Yanam and Mahe, however, continued. Some of the importers had also filed writ petitions in the Delhi High Court. During the pendency of these petitions, it was not possible for the Government to take any decision on these representations. After the writ petitions were withdrawn, the Ministry re-examine the matter from a point of view as to whether the denial of these licences was consistent with the principles of equity and justice. In this connection, I would like to say that this memorandum which has been the subject-matter of our discussion for the last few days, addressed to the then Minister of Foreign Trade, was received on November 23, 1972. Even prior to the receipt of the memorandum, three other representations on identical subjects were received in the Ministry and were under examination . . .

SHRI NIREN GHOSH: What was the Ministry doing?

PROF. D. P. CHATTOPADHYAYA: Let me finish first. You have the time, the mind and the vigilance to put your questions later on.

Now, the earlier representations of the importers of Yanam and Mahe and this memorandum were duly examined and processed in the Ministry and in the office of the Chief Controller of Imports and Exports. After a thorough examination, we came to the conclusion that some injustice had been done to the importers of Yanam and Mahe even though this was not the intention of the Government. I, therefore, decided in September 1973 that some relief might be accorded to such of the importers of Yanam and Mahe who fulfilled the conditions of eligibility, repeat, who fulfilled the conditions of eligibility and, later on, . . .

SHRI NIREN GHOSH: What are the rules of eligibility?

SOME HON. MEMBERS: No interruptions, please.

PROF. D. P. CHATTOPADHYAYA: You have to read the two volumes of the Red Book and I can present them to you here if you are interested.

SHRI NIREN GHOSH: They are the brokers and clients. . . (Interruption) . . . They have paid four times of premium. . .

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): No running commentary, please.

PROF. D. P. CHATTOPADHYAYA: While taking this decision, I was prompted only by the consideration that when a case of injustice causing hardship had come to the notice of the Government, the hardship caused thereby should be removed to the extent possible. However, while granting this relief, certain special precautions were taken and conditions imposed, circumscribing both the monetary ceiling and the permissible items of import. I would like to submit here, Sir, that these firms were not blacklisted, debarred or non-existent.

Then, Sir, after the issue of the licences, a reference was received from the Lok Sabha Secretariat raising suspicions about the matter. Immediately, the matter was referred to the Department of Personnel which is the administrative Ministry for the CBI and preliminary verification was undertaken. The preliminary verification of the CBI, which contacted the honourable Members of Parliament and had obtained their statements, and the letters that I received subsequently from them showed that their signatures were not genuine. Only one of the hon. Members concerned, Shri Tul Mohan Ram, had admitted his signature, according to the CBI's report. I received the report of the CBI on the 31st August and I passed orders on the 1st September for the registration of a case on the basis of the preliminary findings of the CBI.

Sir, I would like to add here that the investigation by the CBI will cover all the aspects of the matter. If any malpractice comes to light in the course of the investigation, necessary action will follow.

I would like to emphasise that whatever I had said in this House on August 27, 1974, was not intended, even in the faintest manner, to show any disrespect to any of

my colleagues, senior colleagues, the Members of Parliament or to impair the dignity of the Parliament.

I am just as anxious as other hon. Members are to get at the root of the whole matter. Our Government, and I, are committed to uphold the values of parliamentary democracy and maintain the highest possible norms of administration and public morality.

Sir, I would briefly comment upon some of the other issues which have been raised by hon. Members in the course of the discussion today. . .

SHRI NIREN GHOSH: Mr. Vice-Chairman, he has read out a statement. . .

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): You cannot stand up like this. . .

SHRI NIREN GHOSH: Can we seek some clarifications?

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): Not at this stage. . .

SHRI NIREN GHOSH: He has read out a statement. . .

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): Carry on, Prof. Chattopadhyaya.

PROF. D. P. CHATTOPADHYAYA: Sir, certain questions have been raised by . . .

SHRI RAJNARAIN: He has read out a statement. It is our right to . . .

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): This is only an intervention in the debate. . .

SHRI RAJNARAIN: We have got every parliamentary right to seek clarifications. . .

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): This is an intervention. . .

SHRI NIREN GHOSH: He has read out a statement. . .

SHRI BHUPESH GUPTA: You have said on the 27th, after giving 21 names—I am quoting you:

“The memoranda was received in the Commerce Ministry on 23rd November, 1973 . . .”,

Then you said that the matter is under verification. Earlier you said:

“When the news-item appeared in the Blitz, a secret verification through the CBI was instituted. . .”.

This means that on the 27th morning, when you came, somewhere between 11 and 12 o'clock, you were not aware of anything. May I take it that when you came to Parliament to reply the question. . .

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): No, Mr. Gupta. . .

SHRI BHUPESH GUPTA: . . . you were not aware of the result of the investigation, because in the same reply you say, you informed us, that the CBI had been brought into the picture as soon as the publication appeared in the Blitz? Should we assume that at that time, by 11 or 12 o'clock you did not have it verified that way? Do I understand that before you came you did not consult the CBI when you were going to reply the question or do I take it that the CBI kept you virtually in the dark?

SHRI NIREN GHOSH: He has said that all these firms are eligible. He should give the grounds. Earlier it was stated that these cases were withdrawn from the High Court on the basis of collusion with L. N. Mishra . . .

SHRI L. N. MISHRA: No, no. . .

SHRI NIREN GHOSH: Is he aware that the CBI interrogated Tulmohan Ram? Shri Dixit, Special Assistant, interviewed Mr. Tulmohan Ram in Willingdon Hospital. This is very suspicious. . .

श्री भैरों सिंह शेखावत : श्रीमन्, एक स्पष्टीकरण मैं भी चाहता हूँ। माननीय मंत्री जी ने अभी बताया कि सारा मामला 1955 से चल रहा है। उनके पास 1955 में रिप्रजन्टेशन आया, 1956 में आया और 1956 में आने के बाद वह लोग हाई कोर्ट में गये और हाई कोर्ट के बाद एक रिप्रजन्टेशन जिस पर संसद सदस्य श्री तुलमोहन राम के दस्तखत है, उस प्रकार का रिप्रजन्टेशन मिला और कुछ लोगों को लाइसेंस मिले। मैं माननीय मंत्री

महोदय से जानना चाहूंगा कि इन लाइसेंससीज में वही व्यक्ति है क्या जिन्होंने कि हाई कोर्ट में रिट-पिटीशन की या 1956 से लेकर 1964 तक लगातार रिप्रजेन्टेशन करते रहे ?

दूसरा प्रश्न यह है कि आपने प्रिलिमिनरी फाईडिंग के ऊपर कैसे रजिस्टर कराया । इस सदन को आप कम से कम इस बात की जानकारी दीजिए कि प्रिलिमिनरी फाईडिंग किस प्रकार की थी जिनके आधार पर आपने कैसे रजिस्टर करवाया ?

श्री रबी राय : मैं एक सवाल आपके जरिए मंत्री जी से जानना चाहता हूँ कि जो मैमोरेन्डम है जिस पर 21 व्यक्तियों के दस्तखत हैं वह मैमोरेन्डम सभापटल पर रखा जाए ताकि पता लगे वह क्या है ?

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): He was going to answer all these points.

PROF. D. P. CHATTOPADHYAYA: A question was raised by Mr. Bhupesh Gupta whether I was aware of the contents of the CBI report when I came here and made a speech.

SHRI BHUPESH GUPTA: You have said in reply to the first question that when the news items published in the Blitz came to the notice of the Government, secret verifications through the CBI were instituted. From your reply, it was quite clear that the CBI investigation was on and you were aware of it. You said later that the matter was under verification with regard to the names, whether they are genuine or not. All that I asked you was whether you had asked the CBI before you came to reply, about their finding or is it that the CBI did not care to inform you knowing full well that the question was coming on the 27th August between 11 and 12?

PROF. D. P. CHATTOPADHYAYA: I was going to clarify these things. The point is that when I answered the question in the morning of the 27th August or even when I made the speech in the afternoon

of the 27th August, the contents of the CBI enquiry were not known to me or were not available to me. I think this is the answer he wanted. This is what I said before.

SHRI BHUPESH GUPTA: If I wanted the answer in that way, I would have asked you some other thing. I asked you whether before coming here you asked the CBI what they had to say with regard to the genuineness or otherwise of the signatures or alternatively I asked you whether the CBI kept you in the dark or did not inform you. I am not asking you anything more than that. In the afternoon, when you came to reply, you told us that you have found out by personal verification from the Members, that the signatures were not genuine. You never said, "CBI".

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): This is precisely what he has been saying

PROF. D. P. CHATTOPADHYAYA: What I say or what I was saying is consistent with what he is suggesting, namely that neither in the morning nor in the evening I was informed or aware of the contents of the CBI verification. The report was made available to me only on the 31st of August. I may add that at every stage of their enquiry, the CBI perhaps does not keep the Minister or the Ministry informed of the developments or otherwise. I say perhaps because on this point Dikshit ji might add something later on.

SHRI NIREN GHOSH: The question is that you did not ask the CBI.

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): Let him answer this. You put lot of questions.

SHRI CHANDRA SHEKHAR: Mr. Vice-Chairman, Sir, the Minister is on his legs. He is going to speak. Our friends are entitled to ask questions. But let him have his say. This is a very peculiar way to deal with the proceedings of this House. I hope that the Minister will be allowed to speak.

SHRI BHUPESH GUPTA: There is nothing peculiar about it. The Minister makes a speech and we ask questions. All that I asked is a clarification.

PROF. D. P. CHATTOPADHYAYA: The other question which was raised perhaps by Shri T. N. Singh was as to why the Government took such a long time, say about 18 years, to correct their so-called mistake, namely, the consequences of the defective notification. This question was also raised by some other hon. Members. They also asked as to why is it so that the view of the other predecessors in the Commerce Ministry, that is, my predecessors, not one but several predecessors, had to be reversed or modified in 1973? My submission on took in September, 1973. My submission on these three points are as follows:

(1) Successive notifications of the Government indicate that the aim and the scope of the previous notifications were inadequate or less than what was originally intended. . .

SHRI NIREN GHOSH: Originally intended by the Government.

THE VICE-CHAIRMAN (SHRI BIPIN PAL DAS): I think, Mr. Niren Ghosh, you understand English.

PROF. D. P. CHATTOPADHYAYA: Simply because the language is important, therefore, I am not speaking off the cuff but from it.

(2) In two different spells, spread over a decade, 1962 to 1972, the cases of importers of Yaman and Mahe for some reason or the other had been lying before the Delhi High Court and so no administrative decision on the matter could be taken.

(3) It is inherent in the power and responsibility of Government to review, modify or if necessary reverse its decision on the basis of the new facts or reasons or both. The point has been well argued by Shri Manubhai Shah.

(4) Fallibility of the human nature and Governmental authority is the basis of democracy. Separation of power, doctrine of review, judicial and administrative, etc. are there to reconcile the ends of justice and liberty.

(5) When it was brought to my notice on the basis of recorded information that un-

intended and somewhat avoidable hardship was caused to the importers, it was, perhaps, called for us to take some remedial measures according to rules and regulations.

Sir, a question has been raised as to why only 50 per cent has been given and why it is that what has been given was *ex gratia* and too much of importance has been attached to the literal meaning of *ex gratia* and not its legal and contextual significance? To these things, my answer is somewhat like this: Under the licensing procedure, the marking '*ex gratia*' is given by the licensing authority on a licence where it is intended to prevent the licence-holder from claiming further import quotas based on such licences. In the instant cases, the importers of Yanam and Mahe were dealing with import items in the past which are currently banned from import by established importers. These importers have, therefore, been allowed to import alternative items which are now permissible. These licences for alternative items have been marked '*ex gratia*' or '*N.Q.Q.*' means '*Not Qualifyinw for Quota*' so that these importers do not build up regular quotas for future imports based on these licences. Sir, on support of this *ex gratia* payment, I could refer to a Government Notification issued on 22nd August, 1955, as earlier as that. There it has been said: "It is determined that if the lapses were on the part of the applicant, the application may be rejected. While enforcing this principle, the licensing authorities will no doubt see that bona fide delay by applicants in the submission of complete documents or other information required in connection with the application are to be overlooked except where the licensing policy for an item has undergone a radical change. But where it is established that the lapses were on the part of the I.T.C.—the Import Trade Control authorities—and the application could not be finalized or was wrongly rejected, the licence should be granted on an *ex gratia* basis under. . . etc., etc."

And, Sir, I have already submitted and I reiterate that had they been entitled but for the defective notifications than what they would have got, we have given only 50 per cent of that and that too under restrictive conditions and the restriction is both in

respect of monetary ceiling and also in respect of items.

Sir, I say and I say it humbly that my decision has been the result of duly processed informations and facts known to me. Now, Sir, I have said in my statement that all these matters are under examination by the CBI and on a verification by the CBI the whole truth will come out. Sir, I am as much interested as the hon. Members of the House are in finding out the truth and our interest is in truth and justice.

(Mr. Deputy Chairman in the Chair)

SHRI NIREN GHOSH: Sir, he has not been able to answer a single word of the charges I made and he has not been able to give me a single clarification which I sought. Therefore, it shows that the allegations and charges that are made are proved to the hilt. (Interruptions).

PROF. D. P. CHATTOPADHYAYA: That is a conclusion which you may draw; I do not know.

श्री राजनारायण : श्रीमन्, मैं आपके द्वारा सदन के सम्मानित सदस्यों से निवेदन करूँगा और माननीय नीरेन घोष से भी कि जरा ध्यान से मुझ को सुनें और उसके बाद कोई प्रश्न उठे तो बीच में पॉइन्ट ऑफ आर्डर उठे। श्रीमन्, अभी अभी जब मैं बोलने खड़ा हो रहा हूँ मुझे मद्रास से एक तार मिला है। मैं पहले उस तार को पढ़ देना चाहता हूँ :

"It is a naked fact known to the trade and Import Controllers, Pondicherry, Madras, Bombay, Delhi, that the entire Pondicherry parties ex-gratia import licences were sold in advance and received lakhs advance payment (stop) It is known the cases were piloted by one S.M. Pillai, Cuddalore, authorised Liaison representative of these parties with his right hand (stop) Assistant C.C.P. famed S.L. Sharma of Bombay who piloted successfully these cases also sold the entire licences in advance and obtained cash on behalf of the parties (stop) An enquiry will reveal the truth as such (stop) The parties who are given these licences are neither importers or as any capacity

financially or otherwise to import goods on the face of import licences received by them . . . SUBRAMANIAM".

यह तार है, इसकी कापी मैं दे सकता हूँ।

श्री गुणानन्द ठाकुर : कौन लिखे हैं ?

श्री राजनारायण : सुब्रह्मण्यम, मद्रास से। यह तार आया है श्री राजनारायण, एम० पी० वी० के० डी०, राज्य सभा, नई दिल्ली।

श्री रणबीर सिंह : क्या बी० के० डी० हो ?

श्री राजनारायण : अब इसमें क्या हल्ला हो रहा है ? उसको, बेचारे को, नहीं मालूम है बी० एल० डी० है। श्रीमन्, अब मैं कहना चाहता हूँ जितनी भी बातें श्री चट्टोपाध्याय ने कहीं, उस सब को काट दिया इसी एक तार ने, कि उनके पास फाइनेशियल कपेसिटी नहीं थी, वह इम्पोर्ट वगैरह खुद नहीं करता था, वह लाइसेंस लेकर के बेच देता है। मैं जानना चाहता हूँ कि 1955 से जो केस पड़ा हुआ था और 1974 में जो केस खुल रहा है...

SHRI SARDAR AMJAD ALI (West Bengal): On a point of order, Sir, Sir, the hon. Member alleges that whatever there is in that telegram is the same thing that has been quoted by the hon. Commerce Minister. I would request you to give a direction to him to place it on the Table of the House. There is something more in it.

MR. DEPUTY CHAIRMAN: Mr. Rajnarain, you continue your speech.

श्री राजनारायण : श्रीमन्, उन लोगों को समझा दीजिए हम जानते हैं टेबल पर रखना। यह तो हमारे जो सेक्रेटरी हैं के० कुमारन उन्होंने कहा : आदरणीय नेता जी, अभी अभी एक तार हमको लाइसेंस के संबंध में मिला जिसको शीघ्र भेज रहा हूँ। हमारे जो मित्र वाराणसी से आए हैं हम उनको बहुत ही प्यार करते हैं...

श्री रवी राय : क्या नाम है ?

श्री राजनारायण : द्विवेदी । यहां पर एक और सज्जन हैं, सम्मानित सदस्य, जिनके मस्तिष्क में कंप्यूजन है...

श्रीमन्, खास कर के गृह मंत्री जी के दिमाग में कंप्यूजन है और मैं उसको दूर करना चाहता हूं । सुना जाय। पार्लियामेंटरी कमेटी जो होगी वह ज्यूडिशियल और पोलिटिकल दोनों होंगी । लीगल एक्शन बाहर की कोर्ट लेगी मगर वह पोलिटिकल एक्शन नहीं ले सकेगी । बाहर की कोर्ट मेम्बर को अलग नहीं कर सकती हैं । अगर पार्लियामेंटरी एक्शन करती है, तो वह एक्शन होगा

We will deal with the political activity of the gentlemen here.

इसलिए नई नई ब्रिटिया, नये नये गीता श्रीमन्, आपको मालूम होगा कि जब हम लोग थानु पिल्लई से इस्तीफा मांग रहे थे तो उस समय यह कहा गया था कि पहिले ज्यूडिशियल इन्क्वायरी हो और जब यह साबित हो जाय तब वे इस्तीफा दें । श्रीमन्, आपको इस बारे में मुझ से ज्यादा जानकारी होगी । उस समय यह चीज कही गई थी कि यह पोलिटिकल एक्शन कि थानु पिल्लई इस्तीफा दें, यह पार्टी लेगी और ज्यूडिशियल इन्क्वायरी कमिशन करेगी और वह एक्शन लेगी । इसलिए मैं नये बन्धुओं से कहता हूं नम्रता के साथ कि अनावश्यक ढंग पर अपनी प्रतिभा का ज्ञान बेजगह पर खर्च न करें । हम कहते हैं कि यह पोलिटिकल एक्शन होना चाहिये और पार्लियामेंटरी कमेटी पूरी जांच करे और जांच करके अगर वह सदस्य दोषी पाया जाता है तो उनकी पार्टी कहे कि तुम लोग सभा और राज्य सभा की सदस्यता से इस्तीफा दो । मुदगल केस में क्या हुआ था ?

That decision was a political decision; that was not a legal decision.

श्री महावीर प्रसाद शुक्ल : आप अंग्रेजी में बोलने लगे हैं ।

श्री राजनारायण : यह मेरी गलती है और आप लोग मुझे माफ कीजियेगा । जब

मुझे गुस्सा आता है तो मैं अंग्रेजी में बोल देता हूं । श्रीमन्, मैं यहां पर एक संस्कृत का श्लोक पढ़ना चाहता हूं जो कि इस प्रकार से है :-

यौवनं चानसम्पत्तिः प्रभुत्वं अविवेकिता ।

एकैकं आपि अनाथाय किमु मत्तं चतुष्टयम् ॥

श्री कमलापति त्रिपाठी जी इसका अर्थ समझते हैं । एक यौवन हो, वही अनर्थ कर सकता है, धन सम्पत्ति कर सकता है, प्रभुत्व करता है और अविवेक करता है । लेकिन यहां पर चारों का सम्मिश्रण हो गया है सरकारी पक्ष में, इसलिए अनर्थ तो होगा ही ।

श्री कामेश्वर सिंह : श्रीमान, मैं यह निवेदन करना चाहता हूं . . . (Interruption)

MR. DEPUTY CHAIRMAN: Mr. Kameshwar Singh, don't go on interrupting like that. We have no time.

श्री राजनारायण : श्रीमान, मैं बहुत सफाई से कहना चाहता हूं कि माननीय मंत्री जी इस बात का उत्तर दें कि हमने डिप्टी चेयरमैन साहब को भी लिखा है कि वे सरकार से कहे कि मेमोरेन्डम क्या था और किस मेमोरेन्डम पर हस्ताक्षर सदस्यों के हुए ? यह चीज हमें बता दी जाय । मैं बहुत अफसोस के साथ कहना चाहता हूं कि हमारे भाई हिम्मत सिंह जी ने जिनकी स्वतंत्रता संग्राम में कहीं भी चर्चा नहीं है, इस समय इस सदन में सम्मानित जयप्रकाश जी के बारे में कहा । जयप्रकाश जी के बारे में उनके मुह से कहना शोभा नहीं देता है ।

श्री हिम्मत सिंह : क्यों नहीं देता है ?

श्री राजनारायण : मैं इतना कहना चाहता हूं कि जरा इस बात को सदन के सम्मानित सदस्य समझें और देखें । यह कहा जाता है कि विरोधी पक्ष करेक्टर एस्सिनेशन कर रहा है, चरित्र हनन कर रहा है । क्या हम चरित्रहनन कर रहे हैं ? हम तो इतना ही कह रहे हैं कि 21 सदस्यों के दस्तखत है या नहीं ? अगर 21 सदस्यों के दस्तखत है तो यह उनका चरित्र हनन हुआ

या नहीं ? उनकी चरित्र और प्रतिष्ठा का हनन हुआ या नहीं ? अगर 21 कांग्रेस दल के लोकसभा के सदस्यों के हस्ताक्षर किये...

कई माननीय सदस्य : यह गलत है ।

श्री राजनारायण : श्रीमन्, मैं कानून का ग्रेजुएट हूँ और कानून को जानता हूँ । जब तक उनके सिगनेचर के बारे में जांच नहीं कर ली जाती है किसी एक्सपर्ट द्वारा तब तक हम बराबर यह कहते रहेंगे कि उन्होंने दस्तखत किये हैं ।

मैं, श्रीमन्, इसको मानने के लिए तैयार नहीं हूँ ।

श्री देवेन्द्र नाथ द्विवेदी : मान्यवर, माननीय राजनारायण सिंह ने कानून की बात की, प्रिजन्शन आफ इन्फोर्मेस की थयोरि की बात की लेकिन संसदीय परम्परा से उन्हें परिचित होना चाहिए कि अगर संसद में, लोकसभा या राज्यसभा में कोई सदस्य खड़ा होकर बयान देता है तो हमें उस बयान को सही मानना चाहिए । 20 सदस्यों ने खड़े होकर यह बयान दिया कि उन्होंने हस्ताक्षर नहीं किए । अगर आप उसको एक्सेप्ट नहीं करते हैं तो ही शॉज इग्नोरेंस आफ पार्लियामेंटरी प्रैक्टिस ।

श्री राजनारायण : मैं द्विवेदी जी से कहना चाहता हूँ कि राज्यसभा की परम्पराओं का सीखें । यह केस का मामला है, किसी स्टेटमेंट का मामला नहीं है कि किसी को कुछ बोल दिया । इस केस में जब तक इन दस्तखतों को हैडराइटिंग एक्सपर्ट गलत सिद्ध नहीं कर देता मैं इनका गलत या जाली मानने के लिए तैयार नहीं हूँ ।

श्रीमन्, हमारे बहुत से पोइंट्स की नीरेन घोष और दूसरे सम्मानित सदस्यों ने कह दिया है, इसलिए मैं उनके बारे में नहीं कहूंगा । ये जो 21 आदमियों ने हस्ताक्षर किए हैं मुझे यह बताया जाय कि ये हैं कौन । क्या ये श्री एल० एन० मिश्र के निकटतम दोस्त नहीं हैं ? सबके नाम के आगे सहरसा, सहरसा, पूर्णिया, पूर्णिया लिखा हुआ है । ये जितने हैं सब उनके जिले के हैं ।

ललित नारायण मिश्र के चुनाव में मैं जा चुका हूँ उनके घर भी जा चुका हूँ । एक बात मैं कह दूँ कि हमारा व्यक्तिगत रागद्वेष किसी से नहीं है । यहां जितने ट्रेजरी बैंचेज पर आज बठे हैं, उनमें से शायद ही एक दो निकले जो हमसे ज्यादा ललित नारायण मिश्र को जानते हों । ललित नारायण मिश्र जब बच्चे थे, पढ़ते थे तब से मैं उनको जानता हूँ । इसलिए ललित नारायण मिश्र को हम बहुत दुलार करते थे ।

श्री प्रकाशवीर शास्त्री : ये अब पुराने रहस्य का उद्घाटन कर रहे हैं ।

श्री राजनारायण : अब देखा जाय, दत्ता कमीशन आफ इन्क्वायरी का पूरा ब्यौरा है इसको आप कहें तो मैं टेबिल पर रख दूँ । इसके टर्म्स आफ रिफरेंस में...

श्री उपसभापति : इतना समय नहीं है ।

श्री राजनारायण : दत्ता कमीशन ने ललितनारायण मिश्र के ऊपर जो टर्म्स आफ रिफरेंस बनाया, जो उन्होंने इन्क्वायरी की मांग की सब इसमें लिखा हुआ है । इसके बाद जब शास्त्री जी चीफ मिनिस्टर हुए तो दत्ता कमीशन को खत्म करा दिया...

रेलमंत्री : (श्री ललित नारायण मिश्र) : जब आप लॉग हार गए, अविश्वास का प्रस्ताव पास हुआ... (Interruption)

श्री राजनारायण : मैं पूछना चाहता हूँ कि क्या दुनिया की तवारीख में कोई केन्द्र का मंत्री होगा जिसके विरुद्ध एक आयोग बैठ गया हो, उस आयोग के पास सारे कागजात चले गए हों, वाक्यादा टर्म्स आफ रिफरेंस के अन्दर उसने मेशन कर दिया हो, डेट दे दी हों कि फलां तारीख को 2 लाख 50 हजार, फलां तारीख को 50 हजार, फलां तारीख को 1 लाख, फलां तारीख को 3 लाख लखन चौधरी और एल० एन० मिश्र ने विदग्धा किए । उस कमीशन को इन्दिरा जी ने समाप्त कर दिया । फिर भी सरकारी पक्ष के

लोग यह कहने की हिम्मत करते हैं कि ये बड़े-साफ हैं, बड़े दूध के धोए हैं। क्या हमने नागरवाला कांड किया था ? क्या नागरवाला कांड की कोई जांच हुई ? जो डी० वाई० एस० पी० जांच कर रहा था उसका कत्ल करा दिया गया, नागरवाला को जेल से निकलवा कर हत्या करा दी गई ।

कुछ माननीय सदस्य : गलत ।

श्री राजनारायण : मैं यह पूछना चाहता हूं कि यह गलत दलील क्यों दी जा रही है ? मैं चाहता हूं कि संसदीय समिति सब चीजों से सम्बद्ध हो । वह जिस डिपार्टमेंट के मंत्री को चाहे बुला सकती है, जिस सैक्रेटरी को चाहे बुला सकती है, वह क्रिमिनल कोर्ट नहीं हो सकता । मैं अपनी जानकारी से बोल रहा है, बिल्कुल शपथ खा कर कहता हूं...

एक माननीय सदस्य : किसकी ?

श्री राजनारायण : अपनी और इस सदन की, सारे देश की, विश्व की, सभ्यता की, संस्कृति की, तमहुनि की.मैं इस सदन के साथ धोखा नहीं कर सकता और जानकारी को छिपा नहीं सकता—कि एक बच्चे हरिजन को दबाया जा रहा है । सारा कांड किया बबुआ ललित नारायण मिश्र ने, सारा काम किया बबुआ ललित नारायण मिश्र ने ।

वह चूक हरिजन है इसलिए आज उस तुलमोहन पर आपत्ति आ रही है । क्या यह बात सही नहीं है कि जब सी० बी० आई तुलमोहन के पास गयी और जब वह अस्पताल गया तो हमारे मित्र ललित नारायण मिश्र के एक स्पेशल असिस्टेंट दीक्षित जी है वह अस्पताल मे जा कर उस तुलमोहन से मिले । उन से पुछा जाय कि यह बात सही है या गलत और श्रीमन् क्या यह सही नहीं है कि योगेन्द्र धात्रे तुलमोहन का एक स्टैंटमेंट ले कर प्राईम मिनिस्टर के पास जा रहे थे और जब ललित नारायण बाबू को मालूम हुआ जिन का नाम आज नगद नारायण मिश्र चलता है तो

उन्होंने तुलमोहन को बुलवाया और जो ड्राफ्ट तैयार था प्रधान मंत्री जी के पास जाने के लिए और जिस में कहा गया था कि हम से यह सारा पाप करवाया है ललित नारायण मिश्र ने, उस से उस को ले लिया गया और दस हजार रूपया उन को दे दिया गया तो हम लोग गांधी वादी है । गांधी जी को एक लाख का हीरा दक्षिण अफ्रीका में मिला था और वह जब ट्रस्ट बनाने लगे तो कस्तूरबा ने कहा कि यह हीरा तो हमारी पतोह पहनेगी । गांधी जी ने कहा कि यह हमारे राष्ट्र में जायेगा । इस बात को लेकर वहां बोटिंग हुई और कस्तूरबा को विश्वास था कि शायद हमारे लड़के हमारे पक्ष में वोट देगे । लेकिन गांधी जी के तमाम लड़कों ने गांधी जी के पक्ष में वोट कर दिया और वह हीरा और वह एक लाख का जमा हो गया ट्रस्ट में । मैं पूछना चाहता हूं कि आज सरकार के पक्ष में जो मंत्री और उपमंत्री बैठे हैं क्या उन का चरित्र है । समय नहीं है मगर जितनी शक्लें हमारे सामने हैं मैं आप को बता सकता हूं कि एक एक के क्या कुकर्म हैं । मैं चाहता हूं कि संसदीय समिति इस की जांच करे और भाई ललित नारायण मिश्र जी से व्यक्तिगत मेरा कोई झगड़ा नहीं है, व्यक्तिगत मेरा और इन्दिरा जी का कोई झगड़ा नहीं है, लेकिन मैं उन के भ्रष्टाचार से घृणा करता हूं । मैं पापी से घृणा नहीं करता, पाप से घृणा करता हूं । इसलिए मैं चाहता हू कि संसद् की समिति बैठे । मैं भूपेश जी को सचेत करना चाहता हूं । उन को पहले बोलना चाहिए था । यह ललित नारायण जी के साथ जो उन्होंने दोस्ती निभायी है यह ठीक नहीं है ।

श्री मुहम्मद यूनस सलीम : (आंध्र प्रदेश) जनाब डिप्टी चेयरमैन साहब, मैं बहुत गौर से सुबह से तमाम तकरीरों को सुन रहा हूं और अभी मेरे दोस्त राजनारायण साहब ने यह दावा भी किया था कि वह बहुत कुछ कानून भी जानते हैं । मगर मुझे अफसोस है और ताज्जुब है कि अपोजिशन की तरफ से जिन लोगों ने इस मसले पर अपने खयालात का इजहार किया उन में से

एक साहब ने भी यह खयाल करने की जहमत भी गवारा नहीं की कि यह जो मसला इस वक्त हाउस के सामने है उस में क्या क्या कानूनी मसले दरपेश है। कहा यह जाता है कि एक पार्लियामेंटरी कमेटी मुर्करर की जाय जो इन तमाम उमूर की जांच करे जो 27 अगस्त के सवाल के जवाब में कार्मस मिनिस्टर ने सप्लीमेंटरीज के सवाल के जवाब में वाक्यात व्यान किये हैं। लेकिन इस पर किसी ने नजर नहीं की कि जब कोई जुर्म सज्द होता है, जब कोई आफेंस पाया जाता है तो उसके तीन मरहले होते हैं। एक इन्वेस्टीगेशन, एक इन्क्वायरी और एक ट्रायल इन्वेस्टीगेशन का आगाज, इन्तदा, शुरूआत उस वक्त से होती है जब से कि एफ आई आर यानी पहला पर्चा इतला वारदात चाक किया जाता है। और मैजिस्ट्रेट के पास भेज दिया जाता है।

उसके बाद फिर नौबत आती है चालान की। जब चार्जशीट फाईल की जाती है, चालान पेस किया जाता, उस वक्त से कोर्ट में इन्क्वायरी होती है। उसके बाद जब मैजिस्ट्रेट फर्दे जुर्म लगा देता है, चार्जशीट फ्रेम कर देता है तब ट्रायल शुरू होता है। मैं यह जानना चाहता हूं कि आपोजिशन के कानूनवां लोग जिन्होंने पार्लियामेंटी कमेटी के मुर्करर किये जाने की माग की है क्या वह पुलिस के अख्तियारात इस्तेमाल करना चाहते हैं या मैजिस्ट्रेट के अख्तियारात? यह बहुत अहम गम्भीर सूरतीहाल है। कोई भी अदालत चाहे वह मैजिस्ट्रेट की अदालत हो, चाहे सेशन जज की अदालत हो और चाहे वह पार्लियामेंट की अदालत हो, पार्लियामेंट को वह अख्तियार हासिल है कि वह अदालती अख्तियारात वासूरतों में इस्तेमाल करे बशर्ते कि कोई ऐसा जुर्म बयान किया जाए जिसका इंतखाव हाउस की कार्यवाही में हो, हाउस की कार्यवाही में किया गया था, हाउस के किसी सदस्य ने किसी रूकन की ऐसी कार्यवाही के लिए किया हो जो हाउस में की जाए। यहां, डिप्टी चेयरमैन साहब, सूरतहाल क्या है। व्यान किया जाता है कि एक मैमोरेण्डम दाखिल किया गया कार्मस मिनिस्ट्री में। उस पर 21

आदमियों के दस्तखत थे और उसमें से 20 आदमियों ने अपने दस्तखत से इंकार कर दिया एक साहब ने दस्तखत होने का इकरार किया।

जहां तक कि इस मामले के वाक्यात इस ऐवान के सामने या दूसरे हाउस में आये हैं, वहाँ तक यह पता नहीं चलता है कि लाइसेंस के दिये जाने में किसी कायदे कानून या किसी नोटिफिकेशन के खिलाफ कार्यवाही की गई। जो चीज भी सामने आई है वह यह है कि दस्तखत ही जाली बनाये गये और धोखा देकर यह बयान करके कि इस पर पार्लियामेंटरी के मैम्बरों के दस्तखत है, लाइसेंस हासिल करने की कोशिश की गई। जनाब इस पर गौर फरमावें कि इसमें जाली कितने है। हो सकना है कि इन्क्वायरी के बाद यह मालूम हो कि इस पर पार्लियामेंटरी का रूकन कर्त्तई इन्वाल्ब है ही नहीं। जिस तरह से आज के अखबार में इफ० आई० आर० के मुताल्लिक खबर शाया हुई है, उससे पता चलता है कि एक साहब तुल-मोहन राम के पाम गये और एक कागज पर उनके दस्तखत किये और यह तफतीश के बाद मालूम होगा कि बाकी मैम्बरों के दस्तखत किस मौके पर बनाये गये। मैं यह इसलिए कह रहा हूं कि अगर तफतीश के बाद यह मालूम हो कि ये दस्तखत लाइसेंस लेने वाले ने खुद बना लिये थे और जाली दस्तखत बनाकर यह यकीन कराया कि यह पार्लियामेंट के मैम्बरों के दस्तखत है तो इसमें कहां पार्लियामेंट इन्वाल्ब होती है, कहां पार्लियामेंट के मैम्बर इन्वाल्ब होती है? मिनिस्टर के पास खत लिखना दरखवास्त देना, रिप्रजेंटेशन करना हर गहरी का हक है और हर पार्लियामेंट के रूकन को यह हक हासिल है कि वह किसी केम को रिप्रजेंट करें। इसका हाउस से कोई ताल्लुक नहीं है। हाउस का कोई काम ऐसा नहीं है। कि जिसमें पार्लियामेंटी कमेटी के प्रौब करने की जरूरत पैदा हो। अगर सूरतहाल यह होता कि हाउस में किसी पर क्वेश्चन पर, किसी विल पर बहस करने के सिलसिले में, या ऐसी कार्यवाही करने में जिससे हाउस में रिश्तदानी या नाजायज इन्फ्लुयेंस की बयानी

की जाती है तो यह कहा जाता कि पार्लियामेंट भ्रष्टाचार में इवाल्व है, इसलिए पार्लियामेंट की कमेटी मुकर्र होनी चाहिये जो इस सम्बन्ध में तहकीकात करें। मेरी गुजारिश यह कि जितनी तकरीरें की गई हैं उनमें हर एक ग़ल्ल ने वही बात दोहराई है — मैं उनका जवाब देने में एवान का ज्यादा समय नहीं लूंगा—वह यह है कि हमको सी० बी० आई० पर भरोसा नहीं है। हम कहते हैं कि हमको भी भरोसा नहीं है तो मसला हल नहीं होगा।

यह मसला बहुत नाजुक है। हम जो इस कांग्रेस बैच पर बैठने वाले लोग हैं इन्हीं की तहरीक पर यह सवाल एवान में आया है। अगर ये कांग्रेस के लोग कार्मस मिनिस्टरी से ये बातें न कहते तो अपोजिशन के मैम्बरों को ये बड़ी-बड़ी बातें कहने का मौका नहीं मिलता। हमें खुद इस बात का फिक्र है दरअसल है, कि इस मसले में सच्चाई सामने आए लेकिन उसके लिए हमको दिल से ज्यादा दिमाग को इस्तेमाल करने की जरूरत है जब एक मसला सी० बी० आई० के सामने है और हम को यह मालूम है कि एफ० आई० आर० चाक हो चुका है तो यह कहना, एवान के सामने यह तकरीरे करना कि मुल्क की एक्जीक्यूटिव पर, उसके जूडिशियरी पर भरोसा नहीं है, और न मुल्क की पार्लियामेंट पर भरोसा है यह बात कम्प्लिकेटेड सूरतें हाल हैं इसकी ओर उसे तवज्जाहा दिलाना चाहता हूं। मेरे लायक दोस्तों ने अपोजिशन से तकरीरें की हैं उनको यह मालूम नहीं है कि जब एफ० आई० आर० चाक होता है तो जितना इन्वैस्टीगेशन होता है वह सारा अदालत की निगरानी में होता है, मजिस्ट्रेट की निगरानी में होता है। अगर मजिस्ट्रेट उसके मुतमईन न हो तो मजिस्ट्रेट उसको दुबारा इन्वैस्टीगेशन के लिए किसी दूसरे ओहतेदार को मुकर्र कर सकता है, या तफतीश के लिए अपने हाथ में ले सकता है। इसके मायने यह है हम अदालत पर भरोसा नहीं करना चाहते। मैं आपके सामने सुप्रीम कोर्ट का फैसला चन्तद फिकरों में सुनाना चाहता हूं जो अभिनन्दन झा वर्सिम दिनेश मिश्र का है। इसका पैराग्राफ 15 पढ़ कर सुना रहा हूँ।

Then the question is what is the position when the magistrate is dealing with a report submitted by the police under section 173 that no case is made out for sending an accused for trial which report, as we have already indicated, is called in the area of question as a final report? Even in those cases if the magistrate agrees with the said report, he may accept the final report and close the proceedings. But there may be instances when the magistrate may take the view on a consideration of the final report that the opinion formed by the police is not based on a full and complete investigation in which case, in our opinion, the magistrate will have ample jurisdiction to give directions to the police under section 156 to make a further investigation, that is, if the magistrate feels after the consideration of the final report that the investigation is unsatisfactory or incomplete or that there is scope for further investigation, it will be open to the magistrate to decline to accept the final report and direct the police to make further investigation under section 156. The police after such further investigation may submit a charge-sheet or again submit a final report depending upon the further investigation made by him. If ultimately the magistrate forms the opinion that the facts set out in the final report constitute an offence, he can take cognizance of the offence under section 191(b) notwithstanding the contrary opinion of the police expressed in the final report."

आपने मूलाहजा फंमाया। यह सुप्रीम कोर्ट की आब्जरवेशन है कि अगर अदालत सी० बी० आई० की रिपोर्ट से या पुलिस की रिपोर्ट से मुतमईन नहीं है तो उसको यह अख्तियार है कि तफतीश की अपने हाथ में ले ले। मैं नहीं समझता कि इसमें किसी को गुरेज होगा। अगर किसी का अदालतों पर भी भरोसा नहीं होगा, जमहूरीयत पर भरोसा नहीं होगा तो मैं समझता हूँ किसी मुल्क की जमहूरीयत पनप नहीं सकती है। आखिर हमें अदालतों पर तो भरोसा करना ही पड़ेगा वरना इस मुल्क में इन्साफ नहीं मिल सकेगा। मेरे दोस्त राजनारायण जी चलें गए हैं। उनको इलैक्शन पैटिशन कोर्ट में जेरेगौर है।

जनाब, मैं आखिर बात कहकर खत्म करता हूँ। जब आप यह बात मान गये कि एक पीनल ऑफ़िस हुआ है, ताजीरी जुर्म हुआ है तो उसके लिए कानूने मुल्क की रूह से एक फारम प्रोवाइड किया गया है और वह यह है कि उसकी इन्वेस्टीगेशन क्रिमिनल कोर्ट की दफा 8 की रीशनी में की जाय और उसमें मजिस्ट्रेट की निगरानी हो और मजिस्ट्रेट की निगरानी के बाद उसका चालान हो और चालान पेश होने के बाद उसका फैसला हो। एक बात मैं यह भी अर्ज कर दू कि आज से हमेशा के लिए यह तफसरा नहीं कर दिया गया है कि ऐसे मामलों में पार्लियामेंटरी कमेटी के किसी ग्रुप की जरूरत नहीं है। यह अख्तियार तो अदालत का फैसला होने के बाद भी और सुप्रीम कोर्ट के वराडिक्ट के बाद भी पार्लियामेंट से छिन नहीं जाता है। वह यह कह सकती है कि वह इस इन्वेस्टीगेशन से मुतमईन नहीं है और चूंकि इसमें सुप्रीम कोर्ट का फैसला नहीं है, इसलिए हाउस की डीगनिटी को बरकरार रखने के लिए एक कमेटी बननी चाहिए। मैं समझता हूँ कि उस हालत में भी पार्लियामेंट को इस बात का अख्तियार रहेगा कि वह अपनी कमेटी पूर्व के लिए बनाये। लेकिन सवाल इस बात का है कि अगर उसने तहकीकत शुरू कर दी तो वह कमेटी किस तरह से वैंकों में जायेगी, किस तरह से खातों की जाच करेगी और किस तरह से सारे हिसाब किताब को देखेगी और इसके साथ ही यह भी देखना होगा कि पार्लियामेंट को लोगों के बयानात लेने पड़ेंगे। ऐसी हालत में यह सवाल हमारे सामने है कि पार्लियामेंट इसको किस तरह से अन्जाम दे सकेगी।

एक आखिरी बात कह कर मैं बैठ जाऊंगा। इस मोशन में कहा गया है कि दोनों हाउसेज की एक मुसतरफा कमेटी मुर्करर की जाय। आज यह इस हाउस की आखिरी सिटिंग है। फंज कीजिए आज यह मोशन मंजूर हो जाय तो इसके मायने यह है कि अगले सेशन में यह लोक सभा में जाएगा कि आप इसकी मंजूर दीजिए और तब तक यह मामला आपको मुलतवी करना पड़ेगा। लेकिन मैं कहना चाहता हूँ कि किसी भी मिनिस्टर को

यह अख्तियार हासिल नहीं है कि एक बार किसी मामले का एफ० आई० आर० दर्ज हो जाय तो वह उसके इन्वेस्टीगेशन को बन्द करने का हुकम दे दे, सिवाय मजिस्ट्रेट के यह अख्तियार किसी को हासिल नहीं है। आखिर बात मैं यह कहना चाहता हूँ कि आज की मूर्ते हाल को अगर आप मुलाहिजा फरमाये तो रूलस आफ प्रौसीजर के रूल 169 को देखिए। इसमें कहा गया कि:—

Rule 169, clause (viii) says:—

In order that a motion may be admissible, it shall satisfy the following conditions, namely:—

It shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India.

आज जब मैं इस बारे में पाइन्ट आफ आर्डर रीज कर रहा था तो आपने उसकी इजाजत नहीं दी। चूंकि आपके जहन में यह बात थी कि इस मामले में एफ० आई० आर० की नौबत है, इसलिए यह मामला सबजूडिस नहीं है। लेकिन जब चालान पेश हो जाय और उसके बाद जब हमारा यह मोशन सामने आ जाय तो उम वक्त क्या हालत होगी और इस मोशन का क्या असर होगा, इस पर हमें गौर करना है। किस तरह से उस हालत में पार्लियामेंटरी कमेटी तहकीकत कर सकेगी, यह सवाल भी हमारे सामने है :—

जनाब राजनारायण साहब ने अपनी कानुनगी का मुजहारा करते हुए यह कहने की कोशिश की कि उस मेमोरेन्डम में जिन मेम्बरों के दस्तखत हैं, बावजूद उनके इन्कार करने के भी, यह प्रज्यूम किया गया कि दस्तखत उनके हैं। मैं समझता हूँ कि शायद उन्होंने कानून को समझने की कोशिश नहीं की है इसलिए सिलसिले में कानून बिल्कुल साफ है।

Section 67 of the Evidence Act says:—

If a document is alleged to be signed or to have been written wholly or in part by any person the signature or the handwriting of so much of the document as is

alleged to be in that person's hand-writing must be proved to be in his hand-writing.

वरडन आफू पूव इस बात में नहीं है कि उन्होंने सिगनेचर होने से इन्कार कर दिया है ।

There is no such presumption under the Evidence Act.

इसलिए मैं कहना चाहता हूँ कि जो बात कही गई है, वह गलत है और महज कांग्रेस पार्टी को बदनाम करने के लिये और कांग्रेस पार्टी पर कीचड़ उछालने के लिए यह मोशन लाया गया है ताकि मुल्क में इस बात का असर पैदा हो कि कांग्रेस पार्टी लोगों के करप्शन की हिम्मतअफजाई करती है और उस पर पर्दा डालना चाहती है । महज प्रोपेगण्डा करने के लिये और मुल्क में गलत असर डालने के लिए यह मोशन लाया गया है । इसलिए मैं इसकी शिद्दत से मुखालफत करता हूँ ।

MR. DEPUTY CHAIRMAN: I will call some more Members. But they will have to confine themselves to ten minutes. Yes, Mr. Chinai.

SHRI BABUBHAI M. CHINAI (Maharashtra): Mr. Deputy Chairman, Sir, I am happy that my amendment to the Motion under the consideration of this House has been admitted. Hon'ble Members must be having in their hands a copy of my amendment. As would be seen, the amendment is simple; and it seeks the appointment of a Commission to consider and recommend in what manner the present system of import licensing, which is prone to external pressures, can be replaced by an appropriate adjustment in tariffs and/or otherwise and thereby reduce import licensing to the minimum. Permit me, Sir, to explain the rationale of this amendment. Before doing so, I feel compelled to recall my long association with this august House.

My membership is running its seventeenth year, and during this period, Sir, I have heard debates, good, bad and indifferent and I have personal knowledge of the

heights as well as the depths to which the Members of the Treasury Benches as much as Members belonging to the different political parties can rise or sink. There have been many elevating as also depressing moments. I submit that the debate today should go down in historical records as one of the bench marks in our political evolution, and that we have the requisite maturity and skill to discriminate between personal interests and public good, between the substance and the periphery.

The Members who put their questions on the 27th August—I believe all of them belong to the ruling party—drew their inspiration from a Bombay Weekly even though this Weekly is known more for sensationalism than for sober journalism. The significant point, however, is that the young Minister of Commerce, Prof. Chattopadhyaya, in reply to this question, did not hesitate to mention the names of the Members of Parliament who were purportedly and allegedly interested in the issuance of import licences to some unknown parties in Yanam. Here again, in term prespective, the concerned file was inherited by Prof. Chattopadhyaya.

Such a question as well as such an answer could not have been asked or forthcoming in the political system to which the hon. Shri Bhupesh Gupta, who is spearheading the Motion today, is an ardent votary. My simple point is that our country is safe so long as our democratic political institutions are healthy and are worked on the basis of free and frank discussions. Democracy has taken deep roots in the Indian soil notwithstanding the prophets of gloom in India and abroad who predict from time to time that the Indian soil is not congenial to democracy.

I beg to submit that the issues arising out of the import licences under reference must be considered in this wider perspective, and in the context of the need to make improvement in the licensing procedures. If, at this time, after bringing up the matter in a democratic way, we ignore some basic considerations, then we will be doing an injustice to ourselves as well as to parliamentary traditions. Witch-hunting goes ill with democracy, so also arrogance of

power, whether manifested by the Government or the Opposition. All of us are committed to achieving nobler tasks, that is, to strengthening our economic and political institutions and to improving the Government policies and procedures so that they serve the objectives for which they are intended. It goes without saying then that any policy or procedure which is prone to benefit a few or which can be easily exposed to external pressures should be scrapped and eliminated root, branch and trunk.

Sir, our end is to bring about a better organisation and not the mere blaming of this man or that. I am sure that this House will, as a whole, rise to a man to defend the privileges of Parliament and, at the same time, to frown upon anyone, whether in this House or outside, whether high or low, who wants to exercise autocratic powers.

After all, there has to be one law and one court for a public functionary and the citizen, whether the citizen is a Member of Parliament or not. No one, whether private citizen or from the Prime Minister to a ticket collector, can act without legal justification, and transgression must be punishable by the court of the land. There cannot be privileged persons, and, conversely, there cannot be privileged courts.

It is extraordinary to suggest that because the names of some Members of Parliament are involved in some issue, that issue should be remitted to a joint Committee of both Houses of Parliament. Are we as the custodians of the liberty and rights of the Indian people to abrogate to ourselves special treatment? Are we above the normal laws of the land? The very thought is repugnant and goes counter to all that is best in our country.

At least one lesson has been thrown up out of all this, and it is a lesson which we as Members of Parliament have to learn. Some of us, most unfortunately, have not exercised enough self-restraint and bandied about names of private citizens and officials to illustrate a point or to run them down for unproved acts of omission and commission. Is it not time to realise how hurtful it must be for those people whose names are heedlessly mentioned and who cannot defend for themselves? Are we not worried

because some of our colleagues in Parliament have been named without justification? What is sauce of the goose is also sauce for the gander.

Let us pause for a moment and calmly consider the whole system of import licensing, for the aberrations thereto cannot be otherwise understood, much less accurately assessed. The origin of import trade control was introduced in India as a wartime measure in the early stages of the Second World War. A Notification to this effect was issued on May 20, 1940, and to begin with the import of only 68 commodities, mainly consumer goods, was subject to control. Over the years, the import control system and the import licensing procedures have been subject to many changes. In fine, today, except a few negligible items, which can be counted on our finger-tips that are included in the Open General Licence, every other item of import is subject to control. Every year about two lakhs or more licences are issued.

Nowhere in the world is the issuance of an import licence an open book as in our country. The Government puts down in two publications—one called the Handbook of Import Trade Control, which broadly outlines the import policies, and another publication which has popularly come to be known as the Red Book which deals with the detailed procedures. Indeed, we have evolved an extraordinarily good system which makes it widely known not only to importers in India, but also to the Foreigners who export goods to India, the considerations behind the import policy for the year, as well as how much of each item can be imported, to whom licences will be issued, actual users, established importers, registered exporters and the like.

Having pointed out the open-handed way in which we are operating the import trade control in our country, I must confess that I am not entirely happy or satisfied. It is because the system, despite its points of strength is wasteful and extravagant, apart from capable of being misused in situations of scarcities. Not for a moment should we forget that all institutions are established and operated by men; they do not grow and perform their functions like

tees. In every stage of the existence of man-made institutions they are what they are as made by man. Consequently, their success depends mainly upon the capacity and interest of those who have established or operated these institutions. It is beyond human nature not to commit errors, whether wilfully or unwittingly. Our import licensing procedure system, I am afraid, does not exclude this human element.

A moment ago, I said, the import control system is one of waste and extravagance. For the life of me, I cannot understand, as to why at all we should have import licensing when imports can be regulated by tariffs. Our import tariffs are high and if they are not sufficiently high, they can be hiked up further. We can easily get on to a system-mix, whereby the import of certain commodities can be totally banned and the imports which can be permitted are regulated through the tariff mechanism or in some other fashion. Whosoever wants to import the permissible commodities can take his or her chance. Let the importer exercise his market judgment, whether after paying very heavy duties it will be worth while for him to do so. There is a price beyond which any commodity, whether indigenously produced or imported, can be marketed. Moreover, in the kind of system I am recommending the Exchequer will gain through higher yields in customs duties. Above all, the present suspicions about the way in which totally banned and the imports which can be removed. Society as a whole will be better for it, for the environment of corruption and suspicion will be removed. To sum up, the present system of import licensing along with fairly high tariffs is as illogical and wasteful as having automatic traffic lights and also posting a policeman to regulate traffic.

My submission then is that there is need for a scientific and impartial assessment of the licensing system to consider whether the present procedures have responded to the purposes for which they were originally designed and to recommend an alternative to the present system. This is the course, I submit to the hon. Members, we must follow. We must disengage personal and accidental causes to general causes,

There may be some corruption here or some favouritism there. These are personal and accidental causes. The general cause lies in the system itself and the system required to be reformed.

With these words, I move my amendment.

SHRI NIREN GHOSH: I want to speak on the amendment.

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): There is no question of speaking on the amendment.

SHRI D. P. SINGH (Bihar): Sir, after listening to the debates and the speeches of the hon. Members of the Opposition, one is left bewildered. After all, what is the purpose and what is the aim. It is obviously something more than meets the eye because if the idea was to bring the culprits to book, then no person in his senses could oppose the appointment of the CBI to investigate. Mr. Rajnarain need not look surprised. He has been taking law from me all the time.

श्री राजनारायण : और उसी से बढ़ कर कांग्रेस में चले गये । अगर हमने अपने केस में डी० पी० सिंह की नहीं रखा होता तो इन्दिरा जी के पास डी० पी० सिंह गए न होते । कुछ लोग हमारी वजह से ख्याति पा रहे हैं ।

श्री रणबीर सिंह : तुम तो बी एल डी के दल-दल में फंस गए ।

श्री राजनारायण : बी एल डी तो कांग्रेस को मारने वाली है ।

श्री ओम् मेहता : बिजू पटनायक को गले में लटका कर ।

श्री राजनारायण : ओम् मेहता, तुमको तो हम दुलार करते हैं, तुम क्यों बोलते हो ?

SHRI D. P. SINGH: Sir, I submit that the most striking fact in this is the opposition to the investigation by the CBI which is the most competent body and which has been able to live up to our expectation. Whenever it has been called upon to do so, it has been able to discharge its duty

efficiently and properly. The charge that the CBI is an organ or an agency of the Government is really surprising because there is no agency which does not belong to the Government and which does not owe its appointment to the Government and does not come under the Government. Sir, our insistence on the investigation by the CBI in this matter ought to have been welcomed by the Opposition, who, day in and day out, have been clamouring and asking for the investigation by the CBI in any matter of complication.

Sir, in this matter, the questions that have to be investigated have to be borne in mind. The charges that have already been levelled in the First Information Report consist of conspiracy under Section 120(b) of the Indian Penal Code. Now, Sir, conspiracy is conceived in the dark recesses of one's heart and is executed beyond the eyes of the people.

Therefore, when such a matter comes and suppose it were to be examined by this august body of Parliament, then there are so many matters . . .

SHRI NIREN GHOSH: What will happen to this? He wrang up the officer to issue the licences. And the licences were forged and irregular. . . (Interruptions).

MR. DEPUTY CHAIRMAN: Mr. Niren Ghosh, let him continue with his speech.

SHRI NIREN GHOSH: Mr. Tulmohan Ram, under his instructions, went to Madras after he was interrogated by the CBI. . . (Interruptions).

SHRI D. P. SINGH: When it comes for investigation, the investigating agency will go into the matter as to wherefrom this offence flows, who is the person that inspired it, who is the person behind it, how was it presented and where was it conceived, whether in Madras or Bombay or Calcutta or Delhi. And when you take up a matter for investigation, please do not forget that under the Constitution, there is a safeguard of testimonial compulsion. Suppose a person comes to you and says that he has not done it. Then the whole matter comes to an end. When the CBI is investigating it, it does not come to an end, it is

the beginning of the investigation. Then the officer goes into the circumstantial evidence, as to whom they went, what they talked and what they discussed, what the circumstances were and so on and so forth. Not only the charge of conspiracy but the charge of forgery is also there. In the course of the investigation, there are only three offences that were committed. But I have no doubt that Section 471 of the Indian Penal Code is automatically attracted Using in the circumstances of the case, no one can deny that at some stage, if there is forgery in the document and that document has been used for obtaining advantages, then a forged document has been used and Section 471 of the IPC will at once be attracted. And, therefore, the net is cast wide—cheating, forgery, using of forged document and conspiracy.

Sir, it is under such circumstances that the courts have examined the matter and they have declined to exercise their jurisdiction in favour of a most competent body which can go into this matter, and who can inspite of the denial carefully try to sort out the evidence and establish the guilty or otherwise of an accused person or a set of accused persons. Therefore, basically this proceeding here, I submit, Sir, is wholly inappropriate. I have heard the debate and it seems the discussion has gone on the basis as though it is an open took and whatever people might like to say, they say about it.

Sir, the Supreme Court lays down the law under Article 141 of the Constitution. The law laid down by the Supreme Court shall be the law of the land and every agency in the country shall run in aid of the decision of the Supreme Court. Sir, the Supreme Court, in the famous case of Mr. Anandan Nambiar, a Member of Parliament, in outright and categorical terms said that wherever criminal cases are pending either in the course of investigation or in the course of a trial before the court, then no privilege extends to the matters in which a case is lodged. Automatically, the jurisdiction of every other body is ousted. The Supreme Court has said so categorically and the decision is reported in 1966 in two Supreme Court Reports in the case of Mr. Anandan Nambiar dealing with the privileges. They

said that no privilege extends in a matter in which a case is lodged and a case is being investigated.

So, Sir, automatically in the circumstances of the case, that proceeding has to go on, that investigation by that agency has got to continue until the body is able to come to a conclusion. Now, what will they do?

श्री राजनारायण : हम लोग जानते हैं, यह बताने की क्या जरूरत है ?

श्री डी० पी० सिंह : जानते हैं लेकिन, जरा और सीखिये । इसमें आपको और जानने की जरूरत है ।

श्री राजनारायण : इसलिए मैंने अपना केस इनको नहीं दिया । (व्यवधान)

श्री डी० पी० सिंह : इसलिए आप सज़ा पा गये । हिदायत-उल्ला ने कोर्ट में कहा था कि ऐसा बेवकूफ आदमी..... (व्यवधान)

श्री राजनारायण : नहीं हिदायत-उल्ला साहब 'कहे होते बेवकूफ । नहीं हिदायत-उल्ला साहब इतने बड़े थे कि वह डी० पी० सिंह को बेवकूफ कहते (व्यवधान)

श्री डी० पी० सिंह : आपकी हक़रत से एक पार्टी को मौका मिला हिन्दी में बहस करने का, आपने बक बक करके सारा समय बरबाद कर दिया । हिन्दी भाषी लोगों के लिए रास्ता बन्द कर दिया ।..... (व्यवधान)

श्री राजनारायण : मैं बताना चाहता हूँ कि 7 आदमियों की बेंच ने पहली बार इतिहास में हमको मातृभाषा में बहस करने की इजाज़त दी : मगर दो दिन बहस करने के बाद हिदायत-उल्ला ने कहा कि राजनारायण जी, वहाँ पर गर्वनमेंट के ऐडवोकेट चले गये हैं, मैं राजनारायण जी की हिन्दी नहीं समझता, तब मैं बोलने दूंगा जब अग्रेजी में आप बोलें । मैंने कहा कि मैं राष्ट्रपिता की आत्मा को तकलीफ नहीं दे सकता हूँ । मैं अपनी मातृभाषा का अनादर नहीं कर

सकता हूँ । मैं अपनी मातृभाषा में बोलूंगा ।

..... (व्यवधान)

श्री डी० पी० सिंह : इसीलिए वह आर्डर कैसिल हो गया । आपने कैसिल करा के कितना बड़ा देश का नुकसान किया ।

श्री राजनारायण : केस के बारे में बोलो ।

SHRI D. P. SINGH: Therefore, Sir, I was only submitting that after all the CBI will only be collecting evidence to enable any body, superior body including the Parliament or courts, or wherever this matter goes, to come to a conclusion to determine the guilt or otherwise of the accused persons or persons likely to be implicated in this matter.

Sir, finally, I submit that the motion before us is not in order. The motion says that this House resolves that a Joint Committee of both Houses of Parliament consisting of 10 members of Rajya Sabha to be nominated by the Chairman and 20 members of Lok Sabha to be nominated by the Speaker be constituted to investigate all matters. Sir, I submit that in view of the fact that Lok Sabha has categorically rejected a similar motion, by implication they have categorically said that they refuse to nominate 20 or any number of members with this Joint Committee. Since that matter cannot be gone into now it has given a final seal to it. Therefore, this motion is wholly inappropriate and nobody can be appointed.

श्री राजनारायण : अगर लोकसभा के लोग राज्य सभा में सेंब्रों के साथ बैठकर गौर करें तो अपनी प्रतिष्ठा बढ़ायेंगे । मेरा कहना यह कि यह ठीक पाइंट है ।

MR. DEPUTY CHAIRMAN: The objection that he has raised is very valid. We will not go into it now.

श्री राजनारायण : श्रीमन्, आप आपने मुखारविन्द से तो ऐसा मत कहिये । डी० पी० सिंह का यह कहना है कि किसी बिल को लोक सभा पास कर देती है तो हम उस बिल को प्रवर

समिति में, ज्वॉइंट प्रवर समिति में भेजते हैं कि नहीं ? भेजते हैं । हमको पूरा अधिकार है कि हम लोक सभा से कहें, रिकवैस्ट करें कि आप अपने आदमियों को भी इस समिति में भेजें । वह नहीं करेंगे तो (व्यवधान)

SHRI D. P. SINGH: The Lok Sabha has categorically rejected this matter. Therefore, Sir, my submission is that this motion is not in order. Thank you.

MR. DEPUTY CHAIRMAN: Mr. Umashankar Joshi; just five minutes.

SHRI UMASHANKAR JOSHI (Nominated): Mr. Deputy Chairman, Sir, I am never longwinded but today I may crave your indulgence.

MR. DEPUTY CHAIRMAN: I have already told you I will give you only five minutes.

SHRI UMASHANKAR JOSHI: I was wondering whether a non-party man could contribute to this debate without making confusion worse confounded. It is a matter in which if one searches one's heart one would be at a loss to know whether he could throw the first stone. It is also a matter on which while speaking one does not want to sound sanctimonious.

This is not certainly not a matter for legal quibbling. This is a matter of polity, polity that sustains a nation. Perhaps there is a lurking doubt in the mind of the people. I am no politician but I have other ways of qualifying myself for knowing what happens in the minds of the people. Deep down in the minds of the people there is a lurking doubt that corruption is being under-played.

An hon. Member referred to what happened in Gujarat. He said that people were asked to produce evidences so that the ex-Chief Minister could be taken to task. But what intrigues the man in the street is where was the need for the Governor of Gujarat to come out with a statement in Delhi that he had found nothing against the ex-Chief Minister. He repeated that thing in Ahmedabad and was going on

repeating it. Is it intended that the expelled ex-Chief Minister has to be canonised as a saint? He does behave like that; he goes around and wants the people to believe that he has been exonerated

We are in a sort of moral soup if I may say so.

Today there has been a discussion on this particular matter of licences and I would agree that once hon. Members, twenty Members, have said that their signatures are forged we must believe them unless it is proved otherwise. But one man has confessed that the signatures is his. The case of that one man, if examined, would throw light on so many things especially the circumstances which led to such an ugly episode in our national life, and surely the Parliament is justified in setting such a matter right.

Larger questions are thrown up by such matters. For example, the question of licences, I am happy, it was referred to today. It is time we had a second look at the licensing policy. Then there are still greater and more grave questions of polity, those of the constraints to which the ruling party would always be put, especially if it is a big party enjoying power for a long time, the constraints to which democratic institutions are being put in our days all over the world. At such a moment I think the matter under discussion is not a matter for party wrangles. I was impressed, if I may say so, to find an undercurrent in all the speeches here today of some common agony which was shared by Members in every part of this House.

With some hesitation may I say how disconcerting it was, how deeply painful it was to learn from the papers that the Prime Minister of our country bracketed her great name with the names of two other politicians against whom unfortunately memoranda about their shady dealings had been submitted? May they grow into politicians whose names can be bracketed with those of the great. As for the Prime Minister's name, it is bracketed by history, with those of the first two Prime Ministers, Jawaharlal Nehru and Lal Bahadur Shastri, to say the least.

I need not refer to the obvious. She has touched peaks of excellence already as a national leader. We can tide over the economic crisis, however deepening it may be. We can overcome it. Even if there is a political crisis, we can overcome it, but if the fair name of India is dragged into mud, it would be an irreparable damage for all time.

May I make a plea to the Prime Minister, in particular, and the leadership in the ruling party, to lift this question above party wrangle and do something? (Time Bell). I will not take long.

You have to win the confidence of the people. The hon. Member, Mr. Dwivedi, said that democratic legislatures do not go into a probe in such matters. In that case some other method may be followed. An enquiry has been suggested. What is imperative is to reinstate the faith of the people. The Members of the Lok Sabha have already returned or are about to return to their constituencies. The Members of this august House will be returning to their constituencies. Famine is staring in our eyes and we have fallen in the eyes of the people.

This is a problem of Indian polity and as such it should be viewed by those who are concerned with the long-range welfare of this great nation. I appeal again to the Prime Minister to do something to win over the confidence of the people, last we should no more have to fear character assassination as there would be no character left to be assassinated.

MR. DEPUTY CHAIRMAN: Mr. Umashankar Dikshit.

गृह मंत्री (श्री उमाशंकर दीक्षित) :

Mr. Deputy Chairman, Sir . . .

श्री राजनारायण : श्रीमन्, मेजों का थप थपाना भी क्या अनपार्लियामेन्ट्री नहीं है ?

श्री उमाशंकर दीक्षित : राजनारायण जी, आप क्यों घबराते हैं। आप तो हमारे शिष्य हैं। आप को तो प्रसन्न होना चाहिये।

श्री राजनारायण : मैं तो सही रूप में आपको गुरु मानता हूँ।

श्री उमाशंकर दीक्षित : अच्छा तो शिष्य महोदय, सुनिये।

Sir, I have heard carefully all that the other friends have stated before me and noted the manner in which all the issues have been thrashed out in such detail and depth. Most of the questions raised and doubts expressed have been answered so effectively by Member after Member from this side . . .

SHRI NIREN GHOSH : No.

SHRI UMASHANKAR DIKSHIT : ... that my work has been very greatly lightened. Two of our hon. Members, particularly Mr. Niren Ghosh and my friend Rajnarainji, have certain views on the working of the Government and political ideology . . .

SHRI NIREN GHOSH : No, no.

SHRI UMASHANKAR DIKSHIT: The opinions, which they expressed on any matter or occasion, are irrespective of the Resolution or the Bill or the Calling Attention Motion before the House. ...

SHRI NIREN GHOSH: It is not so . . .

SHRI UMASHANKAR DIKSHIT : I have not yet said anything in particular and he has already started objecting to my statement. This is the manner in which he denounces. Now, I know enough about it. These two gentlemen, in their very great wisdom, are expressing their views irrespective of occasion or suitability. That is why nobody believes them either inside the House or outside. How can anybody take such people seriously unless point by point questions are raised and answered? They will pardon me if I proceed with the main issues.

Sir, the main point which has already been emphasised very ably by Shri Mohammad Yunus Saleem and Mr. D. P. Singh is

the form in which my friend, Mr. Bhupesh Gupta, has framed his resolution. Sir, personally, I can understand his problem and also, as a leading member of the party, his following the political line carried and accepted by them in the other House. Possibly he has gone into its merit and he has done so in the larger national interest or possibly, in order to follow up the party policy.

Sir, he has stuck to the original proposition that was started in the other house, namely that the case should be referred to the Parliamentary Committee. But, Sir, this resolution as has been pointed out—I do not want to repeat any point unnecessarily on this occasion—is a contradiction in terms. Sir, the Resolution says that this Committee should complete its investigation and submit its report within a period of two months. Now, the Lok Sabha will meet after two months and yet he wants Members of the Lok Sabha to be Members of this Committee that he has suggested to be constituted.

SHRI BHUPESH GUPTA: You can advise the President to summon the Lok Sabha.

SHRI UMASHANKAR DIKSHIT: I cannot agree to that. I have much respect for him but I cannot agree to his proposition. And even if I agreed he will not be happy.

Sir, he has raised certain issues. He says that this resolution concerns matters arising out of the answers and supplementary replies given by the hon'ble Commerce Minister to the questions raised earlier, about the report in the particular Weekly and, subsequently, with what action has been taken on it. Therefore, on that question I shall mainly deal with one point which has been raised by almost every Member in the Opposition and it appears to be valid also. I personally concede that clarification is necessary if misgivings are to be removed.

A question has been asked: "Why is it that the CBI has taken all this time when the reference was made on March 10 or so. The report is only a verification report and the filing of the F.I.R. came at the end of August." I think it but fair that I

should explain how it happened that so much time was taken. Of course, normally also in any complicated case time is consumed. But in this case there is a very definite, valid reason. I shall very briefly refer to all the various stages.

The first verification was about whether the Members had signed the application or not. When the question came up before the House, the hon'ble Minister, Prof. D. P. Chattopadhyaya, was asked personally to contact the Members of Parliament who were purported to have signed the representation and then tell the House the information that he got from them. He faithfully carried out that direction. By that time he had asked everybody except two or three whom he had been unable to contact. Initially the news report was sent by an hon. Member of that House to the Speaker and, through the Speaker, to the Commerce Minister. He immediately sent it to the Personnel Department suggesting that appropriate action should be taken through the CBI.

Now, Sir, let us remember what was the reference communicated to the Ministry of Commerce. The reference was—these were more or less the exact words—"Recently nearly 24 Members of Parliament submitted a representation for allotment of quotas or licences. These were granted. And some of the Members, a large number of those Members, have denied their signatures. And when a particular Member was contacted, he broke down and admitted that he had signed it." Sir, it is still a mystery to me and I think it is one of the mysteries which have to be solved. The weekly in question seems to have had a prophetic vision because the verification took place later, the enquiry took place later and the gentleman also made the admission later. But, Sir, either we must pay a tribute to the skill with which that despatch was framed, or what else was there behind it, goodness alone knows. But the report that was sent to the CBI was so vague. It said "... a representation was recently made ...". The representation had been made several months ago. But, at the end of March or beginning of April if you say 'recently' it may mean two or three or four weeks earlier from that date. But this

happened several months ago. Therefore, the CBI went on asking for more information. The Ministry sent two representations. In one representation the matters related to an entirely different subject. It was a simple matter. Therefore, they went into the other case when the real character of the matter was discovered, it became compulsory, obligatory on the part of the CBI to approach the Members personally. Therefore, an intimation was sent, no request for permission was addressed to the Speaker, but to the Lok Sabha Secretariat, an intimation was sent that they wanted to contact the concerned Members of Parliament for enquiry, the idea being to find out if there any objection. No objection was raised. This matter was not even submitted to the Speaker. Sir, the CBI and all officers of the Government of India know how jealous the Members of Parliament in this House and in the other House are about their reputation, about the standards to be followed, how even if one breathes an adverse word about a Member of Parliament, present or absent, it creates a row here. Therefore, they wanted to make sure whether even asking this question of each of these Members should be done or not. But the matter had been referred and they had to make an investigation. Therefore, this preliminary question they had to ask. Now, Sir, by the 30th May this part of the verification was virtually completed. I would like that those hon. Members who had any doubt on this point should listen to me. They may not accept all the arguments that I may place before them, although there is hardly any argument left to reply. Sir, on the 10th May this job was given and by the 30th May they had done the verification from the 20 Members of Parliament. So far as the 21st Member, or as somebody corrected in the other House, the first Member was concerned, he was not available. But before that, at the first meeting, this gentleman mentioned one Pillai; he did not give his full name, or nature of his business, or his place of residence. Sir, will you kindly ask Mr. Bhupesh Gupta to listen? I am on a very sensitive part of subject, and the information I am giving will serve the purpose of removing the uncertainty which has been worrying him. Sir, the 21st Member was

approached, he replied, "I do not know much about it. One Mr. Pillai came. He gave me an account of the circumstances of the case which struck me as very reasonable and the case appeared very deserving. So I gave a piece of paper, my letter-head, and I said 'You write whatever in your representation you want to write; I will sign and I will give it.'" Now that gentleman says he did not even draft that application. In any case he went back to Mr. Tul Mohan Ram, who either drafted by himself or by somebody else or by Mr. Pillai, is said to have admitted that he signed it.

As Shri Tulmohan Ram claimed to have returned the representation to Shri Pillai after signing it but denied any knowledge about where he lived and what he did. A new inquiry was started to find Shri Pillai who was accosted in Madras on the 22nd July 1974. He contradicted part of the statement made by Shri Tulmohan Ram and said things which were different. (Interruption). Therefore CBI found it necessary to contact Tulmohan before submitting his report to the Commerce Ministry or to anybody, to the Department of Personnel through whom the report had to be submitted. They wanted to make sure about what the facts were. Therefore, this gentleman was met a second time on the 21st August, 1974. This gentleman also was not available easily. Some friends were so unkind as to suggest—I do not know how it came to their mind—that we have made him absent.

किसी ने कहा गायब कर दिया। कहाँ गायब कर दिया? क्या वे जेब में रखे जा सकते हैं? जो इतनी तरकीब से काम करते हैं क्या वे कोई हमारे हाथ में आने वाले हैं?

Why do you give us so much credit?

SHRI NIREN GHOSH: But you have decided to give protection to him. You are always protecting this gentleman.

SHRI UMASHANKAR DIKSHIT: You can add all these adjectives at the end of this record.

By the 22nd August, 1974, the CBI completed its verification report and submitted it on the 30th or the 31st. Mr. Chattopadhyaya was perfectly correct on the 27th

when he claimed that he did not have this report. And then immediately the FIR was drafted and consultation was held with the legal advisers and a case was registered under five or six sections which, as I said in the other House, are very wide—covering conspiracy, forgery, using forged documents, cheating, and so on. Another question has been asked: Why did the CBI not do this even before? So many months have passed after the applications had been made; the CBI should themselves have seen to it. What kind of an agency is this?

Perhaps you are not aware of it, how the CBI functions. It does not take over cases suo motu. Cases are referred to them. Actually they are so heavily loaded with the work today that even when requested by Chief Ministers, by other Departments, they usually are most reluctant to accept any new case because they already have got so much of work on hand that if they accept more, their very reputation would be at stake. If they were to undertake investigations suo motu of whatever appears in a newspaper or undertake investigation into whatever happens anywhere, then their life would be miserable and their work will be self-defeating, I can assure you.

श्री राजनारायण : कहाँ, रजिस्टर हुआ, दीक्षित जी ?

श्री उमाशंकर दीक्षित : देखिए, आप अभी सीखे नहीं हैं प्रश्न करने का तरीका ?

श्री राजनारायण : हम क्या जाने तिकड़म ! हम सीधे आदमी है, सीधी राह पर चलते हैं ।

श्री गुणानन्द ठाकुर : (विहार) पहले उन्हें समाप्त कर लेने दीजिए, तब प्रश्न पूछिए ।

श्री राजनारायण : तुम भी लगे चापलूसी करने ।

SHRI UMASHANKAR DIKSHIT: I would like to submit that once a matter is referred to the CBI, there is no restriction placed on its powers. It can investigate any matter relating to anybody, occupying any position imaginable.

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Let us understand this position. Perhaps hon. Members have not fully grasped how the CBI functions. It is under the Delhi Special Police Establishment Act. A question was asked of the Director of CBI recently in a meeting held in July or so where he appeared as a witness. He is reported to have said that he cannot investigate any cases against a Minister. And he was perfectly correct there. But during the course of investigation, no matter who is the person concerned, the investigation is not interrupted. That is the position. Some criticisms were made without knowing the correct position. It was rather unfortunate.

श्री राजनारायण : जो स्माल है उसको बड़ा मत बनाइये ।

श्री उमाशंकर दीक्षित : जो स्माल है उस को ही बड़ा करके निवेदन कर रहा हूँ । हमारे कुछ साथियों ने कहा कि दरबारी पहले डाइरेक्टर थे । दरबारी वहाँ डाइरेक्टर नहीं थे । यही डाइरेक्टर पहले से है और काफी दिनों से है उन पर हमारे मंत्रालय का संपूर्ण विश्वास है । विरोधी दल के लोगों का भी उन पर विश्वास है । अभी कल की सूचना हमारे पास है हमारे जनसंघ की ओर से प्रकाशवीर जी तो जनसंघ को सुशोभित कर रहे हैं, मदरलैंड में छपा है कि बाजपेयी जी ने उस के तीसरे पेज पर कहा है कि :

Khurana under CBI probe for allotment of auto-rickshaws. We did not prompt him or request him to put confidence in any agency.

जो सरकारी एजेंसी है उसके बारे में उनकी यह राय है । जनसंघ कोई कांग्रेस के साथ नहीं है ।

श्री राजनारायण : कभी कभी साथ रहे हैं ।

श्री उमाशंकर दीक्षित : कभी कभी साथ रहे हों तो मालूम नहीं, यह उनको मालूम होगा लेकिन आप उन पर यह अपराध नहीं लगा सकते कि वह हमारे साथ हैं इतना निश्चयपूर्वक कहा जा सकता है । खुराना साहब जनसंघ दल के चीफ व्हिप हैं और रायटिंग और डकैती जो हुई मुजफ्फरपुर में जो डकैती हुई उस के बारे में

वाजपेयी जी ने खुद कहा है कि जांच सी बी आई करे। यदि वह विभाग ऐसा निष्काम काम करता होता और सरकार के हुक्म पर चलने वाला होता; तो श्रीमन् इतना मैं विश्वास पूर्वक कह सकता हूँ कि वाजपेयी जी उस के बारे में कभी ऐसा न कहते। मैंने उस सदन में कहा था, कि पब्लिक एकाउन्ट्स कमेटी के चेयरमन श्री ज्योतिरमय बसु हैं। बसु साहब को आज तक शासक दल की कोई अच्छी बात दिखायी नहीं पड़ी लेकिन जितने ऐसे मामले कमेटी के सामने आये उनकी जांच पड़ताल के लिये उन्होंने यही आज्ञा दी कि वह सब सी बी आई के सुपुर्द कर दिये जायें। मैंने यह बात दो दफा सदन में दोहरायी है पर बसु साहब ने उससे इन्कार नहीं किया। न तो कहा कि यह गलत बात है। सदन में यह कहा गया है कि इस विषय को राजनीतिक स्वरूप न दिया जाय और हम इस को राजनीतिक स्वरूप नहीं देना चाहते हैं। टी० एन० सिंह जी ने यही निवेदन किया और हमारे प्रकाशवीर शास्त्री जी ने भी कहा और मैं दोनों सज्जनों का आदर करता हूँ। वह जब कोई बात कहते ह तो मैं उस को महत्व देता हूँ और मैं यह विश्वास दिलाता हूँ कि यदि प्रश्न किया है तो हमारा जो उत्तर है उस पर भी उन को विश्वास करना चाहिए। यहां पर कई उदाहरण दिये गये। टी० एन० सिंह जी ने दिये और प्रकाशवीर शास्त्री जी ने चार, पांच उदाहरण विदेशों के दिये। मैं सदन का ज्यादा समय नहीं लना चाहता लेकिन वहां पर बता चुका हूँ कि जिन विदेशों के उदाहरणों की चर्चा की गयी है, जो आज प्रश्न है हमारे सामने उस से उन का कोई संबंध नहीं है। विलो ब्रांड, प्रोफूमों और माडलिन के मामलों का काइम या अपराध से सम्बन्ध बिल्कुल नहीं था। धोखा दिया हो, रुपया ले लिया हो, दूसरों को गिरा कर अपना व्यय या सरकार का नुकसान किया हो, इस तरह के वे मामले नहीं थे। हमारे देश के प्रन्दर के मुद्गल के मामले में क्या हुआ? कहा जाता है कि संसदीय समिति ने बहुत जांच-

पड़ताल की। आप ने बम्बई बुलियन एसोसिएशन का नाम सुना होगा। उसमें बम्बई सरकार अपना प्रतिनिधि रखती है और एक ज्वाइंट मैनेजरी उसका मेम्बर रहता है

That representation reported to his Government that at a meeting held in the Bullion Association Hall a resolution was passed that so much payment should be made to Mudgal so that he could plead the case of the bullion traders and the forward trading men, etc. I imagine that that must be the purpose because he was a very able advocate and he could influence the central Ministry concerned. The Government of Bombay conveyed it to the then Prime Minister, Shri Jawaharlal Nehru. When Mr. Nehru asked Shri Mudgal, the facts came out and when the matter was referred to the Parliamentary Committee, there was nothing left about it. It was not for making inquiries, but for sharing the responsibilities in a case where the Members had not really been accused. Now, even on the point of propriety, you see, there are cases even in other countries where a person accepts a payment—formerly it used to go to the concerned party and sometimes to the members themselves and they were small amounts—because he has to travel, he has to write memoranda etc, to meet many people and he should not be out of pocket and it is not to help him to build palaces for himself. No, Sir, nothing of the kind. In these cases, it was an open matter. Sir, if corruption is to be resorted to, will a body pass a resolution at its meeting authorising its Chairman to pay such and such amount? Sir, in Mudgal case it began with Rs. 15,000 and then it came down to Rs. 5,000 or some such amount.

Now, about Profuma, I had pointed out certain things the other day. It was not for any irregularities or improprieties that are committed in the permissive society in the West, things over which we get angry, the questions whether he accepted such and such payment and so on, were not there and they did not quarrel with him over such things. The whole thing arose because he was accused to have uttered a lie and mislead the Parliament there and, there-

fore, it became a matter of privilege; when the question was raised, he admitted that he had made the mistake. Now, similarly, ...

SHRI BHUPESH GUPTA: In that case, many of the seats will be vacant on either side of the House.

SHRI UMASHANKAR DIKSHIT: There is another matter. I think Shri Prakash Vir Shastriji said that being the followers of Mahatma Gandhi, we should act as Ram Chanderji in connection with Sitaji. But, in my view and I hope that the hon. Members here will also share it with me—that if, on an allegation made, the wife or husband of an hon. Member were to act on the analogy of Ram Chanderji and Sitaji, and I agree with Mr. Bhupesh Gupta, hardly any Member would be left here in this House. So far as the allegation goes, there is no limit. I can say from my personal experience of thirteen or fourteen years, there has been no limit to the allegations made in Parliament. Now, this was a reference by which he was trying to impress us as it relates to the great heritage which we have cherished from the times of Ram Chandraji and Sitaji who are worshipped as incarnations of God... (*Interruptions*)... Sir we want to keep up those standards as much as possible. And at least some are trying honestly to come up to the very very difficult standards.

And this code of conduct is not confined to Hindus or any particular community. Sir, I felt very hurt when Rajnarainji said that “हम सब अधम हैं।” मैं आप से कहना चाहता हूँ कि वह अपने को अधम नहीं कह रहे थे वह और सब को अधम करने के लिए अपने को अधम कह रहे थे।

सूरदास और तुलसी दास के बारे में तो आपको त्रिपाठी जी ज्यादा अच्छी तरह बतला सकते हैं। मैं आपको सूरदास का एक सुन्दर भजन सुनाना चाहता हूँ जिसका शीर्षक है “मौ सम कौन कुटिल खल कामी”

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Now, there the saint is trying to place certain high values of life and principles before the people through his bhajan. But we should not take him literally. The hon. Member says: बहुत से मेम्बरों का इससे सम्बन्ध है। Not only that, he has also used the expression हम सब अधम हैं।

This does not behove him. He has a very distorted view of our standard. I am also in fairly close touch with the hon. Members at least of this House. I can say without fear of contradiction—there is hardly any one. I do not know well enough,—that their standard is as high as can be in any part of the world... (*Interruptions*). I would ask any Opposition member to point out any one on this side or that side—I am not... (*Interruptions*). Their standard is as good as it can be. There are very few who can compare with Bhupeshji and some other friends, and Chandra Shekharji, who are really powerful against anything that lowers the standard or anything which is unrighteous.

SHRI NIREN GHOSH: Are you ready for a Parliamentary probe, which was unanimously...?

SHRI UMASHANKAR DIKSHIT: I am saying that the standard is not so bad at all as Rajnarainji has alleged or that the majority are adham... .

ऐसा कहने के लिए उनको अधिकार नहीं है।

श्री योगन्द्र शर्मा : उन्होंने अपने को आपका शिष्य माना है।

श्री उमाशंकर दीक्षित : उन्होंने माना है मैंने नहीं माना है।

Sir, I want to make one more point. Sir, ours is a Parliamentary democracy. I do not want to repeat what I have said in the other House. I would only say what is relevant to the present occasion. There is no question of agreeing or disagreeing with this. Parliament is supreme. It is sovereign. It is a law-making body. It can make any

law. It can make any law affecting Supreme Court. It can make laws affecting Ministers and others. But this supreme body is surely not the only part of Indian democracy, according to our Constitution. There is the Judiciary. There is the Executive. There is also the Public Service Commission. There is the Election Commission. There is the Comptroller and Auditor General. I am sorry to have to point out some of the things which are very obvious. If Parliament takes over into its hands any of these functions, will Parliament be able to function as a supreme body as Parliament should function? Parliament can either make laws or function as a watchdog on the working of the Executive. The CBI has gone up to a particular stage in the present case, Sir, I would like to say in parenthesis that what has appeared in the Press, in one newspaper, about the registration of the case, is substantially correct. Normally when a case is registered, anybody can get a copy; we do not place it on the table of the House. I have got this opportunity, and I would say frankly, without any reservations, that so far as the registration and the facts published to FIR are concerned, they are substantially correct.

I am using the word "substantially" because I have not compared the two. Four or five strong sections of the Indian Penal Code covering conspiracy, cheating, forging documents, etc. have been cited. A case has been registered and the inquiry is continuing. They have to find out not only what one Member of Parliament has done, but who has given, how much has been given and where it has been entered.

Sir, I wish to submit that what a parliamentary committee can do is either to warn or to reprimand or to suspend a Member or they can award a small period of imprisonment. The agency of the CBI is there. There is no other agency which can carry on this investigation and arrive at the truth. They have to meet all those people who made these representations, once, twice and thrice. The Assembly of Pondicherry passed unanimous resolution saying that the firms in question should be helped. You may not agree with Prof. D. P. Chattopadhyaya. He is well able to look after himself. At that time, for administrative reasons, pre-

sumably good reasons, they did not do that. But it is not for nothing that the Pondicherry Assembly passed unanimous resolutions say that this matter should be reconsidered. They also gave other reasons. The local authority also gave some similar reason. Therefore, in order to remove the discrepancy, they decided that somebody, should go and find out what the correct position is. That decision was taken by the Department. I wish to submit that you may not like what we are doing at present. But I think that you will feel thankful for the action we are taking. The reason is that along with the person who has signed the paper which has turned out to be wrong, and which has led to something wrong, there are about seven people who have got licences and there are at least two or three other people who are involved in it—they are not Members of Parliament. In order to get all these facts, to see the books, to see the records and to come to a conclusion, I submit with due respect and with responsibility and also with a certain measures of assertion, that there is no other agency for arriving at the truth. Therefore, I submit that it is not fair or proper to go on suspecting everybody. We have to live with our agencies. We have to live with you and you have to live with us. I can understand your feeling of anguish or your feeling of distress. We feel equally bad about it. I confess publicly here that I felt greatly distressed and thought that if 2) Members of Parliament could sign a document which really leads to something wrong, then we should be ashamed of it. Truth has come out now. Twenty hon. Members have definitely asserted that they have not done so. Now, Sir some friends like Rajnarain Ji tried to make a technical point which has been very effectively answered by Yunus Saleem Sahib. Mr. Rajnarain says that whether they are denying their signatures or not, you should consider them guilty. Until the signatures are compared, we should treat them as guilty or as undesirable people. No, Sir, I do not think so. As I have said in the other House and I repeat here, no hon. Member in his proper senses would deny his signature in a matter like this because if the error is found out, he can well imagine what the consequences will be. Sir, it is an insult to them to say that after knowing

all that, these Members deliberately denied after having signed the letter. Impossible things happen sometimes. Supposing somebody is found out or one of us has committed something wrong, then action certainly can be taken against him by all means. Merely because we have denied something, you should not consider us paragons of virtue.

Therefore, Sir, until the facts are found and they have been gone into in depth and detail and a final report is made, it will be of no use referring the matter to a Parliamentary Committee. I want to repeat briefly what I have said in the other House. Our position is not that we want to run away from the idea of a Parliamentary Committee. We meet in Parliamentary Committees so often. It is a partnership. The whole idea of our democracy differs from some of the democracies because ours is a regular partnership. We have no fear of sitting together. But please imagine the situation in which we would be facing. Appeal after appeal has been made that we should not politicalise it. At the same time, two hon. Members have said: "You will have a majority in the Committee. Why are you afraid?" Is it not politicalising the situation? Is it not that question matters are raised with the set political purpose of putting us in the wrong? I will not call it character assassination. Our character is not so weak that it can be assassinated like this. But it is certainly with a set purpose. . . (Interruptions).

SHRI NIREN GHOSH: He can hold the Government to ransom . . . (Interruption).

SHRI UMASHANKAR DIKSHIT: We are not aiming to raise our image in the eyes of Mr. Niren Ghosh. We know what he thinks of us and we know what the rest of the country thinks of him.

DR. K. MATHEW KURIAN: How can the character be assassinated when it is not there?

SHRI UMASHANKAR DIKSHIT: Quite right. You tell me the number of people in Bengal who believe the statement of you. . . . (Interruption). Anyway, I will

not quarrel with him. He is a learned person and I do not know why he lowers himself by this kind of interruption. Instead could have made a speech, and try to expose us. Anyway, that is his business.

I submit, as I said earlier, if you give it to the Parliamentary Committee, then you will be creating a precedent, a very bad precedent—as soon as a charge of crime is made, when this Parliamentary Committee is appointed, you will have to call the witnesses, you will have to have a lawyer to lead the examination and cross-examination, then there will be arguments. As regards seizing of documents. I ask: How will you seize the documents? How will you search places. You can pass a special law and so on. But today, under the existing Constitution, under the existing laws, it is not possible for the Committee to do so. If it were a simple matter, and suppose I had done something which does not befit the dignity, the decorum and the propriety of this House, then you could certainly call me and say, "For these reasons, you are warned or you should leave the House and so on and so forth", as you very often do. We have no difficulty about that. I have no quarrel about it.

And finally what I wish to submit is this. After this enquiry is started, I am afraid it is sure to take place, but we will convey the wish and the desire of the House, almost the unanimous desire of the House, that the work should not be delayed. No avoidable delay should be allowed. Really they should try and expedite the completion of enquiry as soon as possible, say before the coming Session of Parliament. This is our wish.

And, Sir, I do not know whether the matter may become complicated, whether there are more people, whether what Mr. Pillay said is not proved. Nobody can anticipate development. Then possibility, the other way would be that in case we find that our Member is not really guilty but there is some act of impropriety committed then we would come to the House and say, "The other investigation continues. But out of us, one or two have committee on

irregularity or impropriety, so in this situation let the House consider—this will probably have to go to the other House in the first instance—You decide what is to be done.” That would be the stage to consider all this. Some hon. Members like Mr. Umashankar Joshi have complained how the situation is bad in the country's economy, about the low standard of behaviour about corruption at various levels. We have no quarrel about that; we do not dispute the facts.

However we will not accept this proposition that is all due to us and that within the last few years the situation has suddenly deteriorated. That proposition we will not accept. But, I admit and I concede without any reservation that we do not dispute these facts. On that there is common ground with every Member of the opposition that that exists and for that every effort is being made and will be made and the process is being expedited and accelerated to bring it under control. Thousands of searches and thousands of arrests have been made. I wonder whether the hon. Members are aware that in one State alone—I mentioned it to the House—13,000 raids were made within a period of two months. It is not that every raid brings in results but some of them do bring. Therefore, we are going ahead with the programme.

So, Sir, I submit in the end that while we appreciate the sentiments which have prompted our common friend, Shri Bhupesh Gupta, to raise this issue and move this resolution, I think he will agree with us and the House also will agree that that resolution may be treated as considered or talked out so that we do not have to go into any further controversy over it. Thank you.

SHRI TRILOKI SINGH: Sir, in this case the reference to the CBI was made much earlier than the time when the question was raised in Parliament. I would like to know from the hon. Leader of the House if there is any rule or practice or law which empowers the Government to withdraw the matter referred to the CBI for

investigation before the investigation is completed.

SHRI UMASHANKAR DIKSHIT: Normally no. I do not know any case where this has been done unless the CBI reports that there is no evidence and that they have to close the case. I can say from my experience of a year and a half that in no case the CBI either agreed to withdrawal or suggested withdrawal.

SHRI BHUPESH GUPTA: Sir, the hon. Home Minister began his speech by the remark that speeches of his partymen opposite or friends there have made his task lighter. I must confess that the speech of hon. Home Minister has made my task a great deal heavier than otherwise because he has transported me from Udyog Bhavan to Ramavana and I propose to return to Udyog Bhavan and hang round that place in order to deal with my subject. All the same, it is good sometimes to remember Ramavana even if we forget either the Sita or the Ram.

Sir, at the very beginning I must express my disappointment on the ground that there is no indication in his speech as to why Mr. Tul Mohan Ram, a Member of the other House, did not come to the other House to say what he liked. I think it would have been very useful for the leader of Mr. Tul Mohan Ram's party to advise Mr. Tul Mohan Ram to do the courtesy of coming to the Lok Sabha and own up his own signature just as other had gone there to disown or to say that their signatures were forged, because sometimes these simple things are very important in a parliamentary system and democracy.

It appears that Shri Tulmohan Ram is talking to the CBI but he did not think it fit nor had he been advised that he should come to his own colleagues, at least to the other House, which should have a prior claim over him and tell what he thought fit and unburden himself. I do not know where this gentleman is. Some people say he is currently in Park Hotel in Calcutta but I am not suggesting that he is preparing another memorandum or in the hunt for another series of signatures but Park

Hotel is a costly place, you know. I would leave that.

Now on the 27th August our friend, Mr. D. P. Chatterjee, answered the question and he said there were 21 names of Members who are alleged to have signed but did not say that the matter was under CBI secret enquiry and under verification. Within a matter of hours due to the rumpus within his party—I can understand it—he came here to say that 18 out of the 21 names he had read out were not genuine. You will have noted that at 11 o'clock when he came here he did not wait for the CBI to tell him as to what he should say or not say even about the signatures not when he appeared in the afternoon to tell us that the signatures were not genuine did he wait for the CBI. Now you see here the matter was dealt with on the 27th August discounting the CBI. I am not blaming him for that but now the moment we propose that a parliamentary committee should be appointed we are doing something wrong; we have been told that we are counterpoising the parliamentary committee to the CBI and the CBI could be relied upon. If the CBI had to be so relied upon, why was it not relied upon on the 27th August? It was because he thought that here was an issue that involved Parliament, the prestige of the Members of Parliament and the prestige of Parliament itself. Then you thought that even by your personal verification you should be in a position to come and tell the House what the signatures meant, whether they were genuine or not. And rightly you did not wait for the CBI to come and brief you. Indeed you got the CBI report a few days later. I am not accusing him as some people have done. The question elicited the kind of answer he gave. He did not commit any felony by giving the answer for which I am told his head was demanded on a charger by some people. So all that I am trying to impress upon you in this connection is that the CBI was not the main consideration at that time when Parliament was exercised over the development, when the country's eyes were focussed at Parliament, it was necessary and rightly so to say what you said from your point of view but we have been asked to accept the denials, not transmitted to us

by the Members concerned—they never came to this House—but through you. We had not seen the signatures; they had not talked to us. We have not been in a position to ask them any questions as to how their names occurred there, whether they had any connection with Mr. Tulmohan Ram or somebody else, how some people had dared to forge their signatures in this manner. We have been denied that privilege: yet we are asked to keep quiet till the CBI report comes. This is our complaint. You will have noted over the past few days I have spoken again and again on this subject. I have not indulged in attacking any individual or doing what they sometimes call character assassination. I do not believe in political life in the game of character assassination but we must be concerned with the character of the Members of Parliament. Must we be a spectator of the assassination of the character of Parliament which needs to be strengthened, extended and developed especially at a time when the forces of counter-revolution and fascism are trying to assail and defame and then to destroy it. That is the motivation behind that and I thought that my motion meant that it should give a better expression of the vitality and dynamism of Parliament, that it would express to the country the deep sensitiveness on the part of Parliament and show that the Parliament is self-critical and would not spare any of its Members should they go wayward or allow their authority and prestige to be prostituted for export or import licences. What is wrong in it? And I for one would not like to prejudge the issue before I satisfy myself after a full inquiry. I am not here to pull out this or that letter because more basic issues are involved.

That is what I want to tell you and I do hope the Home Minister and the Prime Minister, who are present in this House, will kindly consider that there are people in this country, there are parties in this country who want to fight corruption as a national menace and for that they want a national approach. I am not one of those who would claim this side is the paragon of virtue and the vices are on that side. I know on their side there are many honest men and men of integrity and, if I may say so, women of integrity also. Otherwise,

I will be called an anti-feminist. I know on this side also there are such people. Therefore, it is not a party issue at all. I am not one of those who would like to malign any party over this matter, but must I not fulfil one task of summoning the patriotism of the people, calling upon all those who stand for probity in public life and standards of public life to stand up against corruption, that they should put their heads together, take counsel with each other, critically examine what is wrong attack the source of corruption and find out those who trade in corruption and then weed it out from our body politic and our public life? This is what I want. And for that reason I wanted to sit in a parliamentary committee—not for harassing anybody, not for finding a scapegoat, but to search out the truth. This is all. I know from my experience, when we sit in a committee, behind closed doors, without the press galleries full and indeed without any pressmen around us, we talk openly, we talk calmly. We take advice from others and give advice. In fact, we function on a different plane. I do not question the *bona fides* of Members of Parliament from that side or this side. I am not bothered with the majority or minority. If we sat together in the name of Parliament, as the custodians of the morals of Parliament, we would have certainly found a solution to the problem which has been created and which will haunt us now for some time to come, CBI or no CBI. That is why I gave my Resolution, but it has not been understood. Sir, here I would not like MPs to be subjugated to the CBI. The CBI is not a State within a State. How can they question MPs if they go wrong, if they misbehave? I am not talking about any ordinary offence and other things because signing a memorandum is not an offence at all in criminal law. Surely anybody can recommend anything to the Prime Minister, Home Minister or a Minister of any other Department, but there are issues of propriety, public politv. Therefore, I would not like CBI to come and question them before we have questioned them. I would not like them to talk to CBI before they talk to us. They are our colleagues, no matter where they sit. In the keeping of every Member, there is something collective and that is the collective prestige of Parliament, but I was

aghast when I was told that our colleagues are being questioned and interrogated by the CBI—not even by the leaders of the ruling party and much less by others. Why should it be so? Consider this thing. I would not like anyone of you to be haunted by the CBI for an offence of this kind, for indiscretion and so on. This is what we demand of you. Now, Sir, if we start this kind of thing, then there was the case where the Speaker the other day said that some MP was guilty of misconduct for years and he would take action against him. Must we call the CBI to enquire into the misconduct of a Member of the other House which attracted the remark from the Speaker that some action might be taken against him? No. We shall be dealing with it. You, Sir, shall deal with it. The House will deal with it. It is possible. Has our good sense so departed that we are not in a position, even in a matter of this kind, to come together and find accepted and agreed solutions?

Certainly we can, provided the leadership is there. I wanted to find out the truth, truth not only about the signature, important as they are, but also about the circumstances in which the memoranda was produced and the role the document played over the two years or so. It is all right that the CBI will find out but why do we expect that I would trust the CBI? I am not saying that I am not trusting him. But why should he necessarily trust the CBI when the matter involves Members of Parliament? Was it not necessary for him to take Members of Parliament into confidence over a document which defames Parliament, I am putting it mildly? Is it not our duty to have a look at this document? If something damages may collective prestige, have I not the right as a Member of Parliament to ask of you as Members of the Government to show me the document? What is wrong there? Do you think our *bona fides* are such that we cannot look at it? The CBI can look at it. Your Ministers can look at it. Your bureaucrats can look at it but not your colleagues either on that side or on this side. What sort of norms you are laying down? That is all I am asking.

Sir, we all know there is rampant corruption today in the country. I say rampant

corruption, and whatever we may feel, whatever we may make out in our speeches, or whatever assessment we might give, the fact remains that there is rampant corruption though there are millions and millions of people who support you and who support us. Is it not an objective fact to be taken seriously note of irrespective of how you feel and how I feel or some others feel? If that is so, how do we set about it? According to us lobbies of big business interest and black money operate not only in the Treasury Benches—do not think I am blaming you—but in all operational spheres. Not only they are operating in the Treasury Benches, they operate on this side of the House also. This is the technique of the reaction. Reaction breeds corruption and uses corruption for the destruction of a system which has come up in a number of developed countries after world war II. It is a historical fact. Therefore, I ask you, I urge upon you betimes you take note of corruption. Do not treat it as a question of morality and vices of individual Ministers or M.L.As or M.P.s whether of the Opposition or on the other side. You treat it as a dangerous, destructive, subversive phenomenon promoted and nursed by those who are interested in taking our country back-ward, in reversing the process which should take us forward and bring about a counter-revolutionary reversal in the country. That is why I say do not think that the political battle is only around the hustings, the political battle is around for the survival and strengthening of democracy, for the morality and standards of our public life have got to be fought also on the issue of "Corruption breeds corruption". That should be our motto and we should take collective steps in order to put an end to corruption.

Sir, there are, as I said men of integrity on either side of the House. There are parties of integrity. Why should they not co-operate instead of trying to go at each other's throat over a matter which requires a national approach? And that is why I suggested a Parliamentary Committee. I wanted representatives of the nation to sit together, to think what should be done not merely get pre-occupied with the question of a few signatures or seven or eight licences. I wanted them to go into this

question from the point of view of drawing certain lessons so that Ministers are above reproach and M.P.s are above reproach, so that we set an example and remove all that comes in our way to deal with corruption. That is what I wanted. Therefore, this does not permit any narrow partisan view. It has to be fought everywhere, whether on your side or on this side, whether in the ruling party or in the Opposition; whether it thrives under the flag of the Congress Party or under the colours of the Opposition parties, corruption is corruption. I know there are reports like the Mudaliar Committee Report, the Mudholkar Committee Report and the Sarjoo Prasad Committee Report. There are many other reports of the various States which also throw some light on corruption. Corruption is prevailing not only on that side but also on this side. Therefore, let us not talk as if some are corrupt and others are not. Let us find out who are corrupt and which is the source of corruption. I repeat that monopoly capital and black money in the country constitute the major source of corruption. Strike at it. Well, a few small men you have got. I know what publicity they have got. These Mahe and Yanam men have become international figures. But what about Birlas and others who are wholesalers in corruption? They are not retailers in corruption. When they take big licences, nobody knows because before they take the licence, they know how to gag the ruling party and also how to gag the Opposition parties. Therefore, when the poor Mahe and Yanam people take licence, there is noise and all these things. It is good. Have it. A pickpocket is also an offender. A highwayman is also an offender. Deal with all of them. I have no hesitation in saying that there are some serious drawbacks in our functioning in Parliament. But I would not go into these things here. I am a little surprised that Mr. Umashankar Dikshit has been very kind to me. He spoke partly like a journalist, partly like a lawyer and also to an extent, as Home Minister, not being very comfortable in that Ministry, I believe. Now, the Commerce Minister is here. Is it not a fact that some fund of Asia '72 was embezzled and a complaint was lodged by the Delhi Administration with the police and nothing was done in your Ministry which is now

called the Commerce Ministry? Is it not a fact that letters of Mahatma Gandhi, Pandit Jawaharlal Nehru and Rabindranath Tagore were taken for an exhibition and were then sold in Europe and America and the culprit, Deputy Secretary, Mr. K. S. Luthra, has not yet been suspended despite the fact that there was a report against him? Are you denying it? You gave the report. Files are being destroyed. Letters of Rabindranath Tagore, letters of Mahatma Gandhi and letters of Jawaharlal Nehru had been taken away in order to be shown in a foreign exhibition, but they were sold in the American market in order to make money. Where are these letters? They were taken from the Nehru Museum. Where are they now? Enquire into it. Who is responsible for it? (*Interruptions*).

SHRI RABI RAY: Who are the office-bearers of the museum? (*Interruptions*).

SHRI BHUPESH GUPTA: I have named him. Who are they? Find out. Therefore, I say, Mr. Dikshit, do not think that all of us are interested in politicking in everything. I want to preserve Nehru's letters. I want to preserve Tagore's letters. I want to preserve Mahatma Gandhi's letters.

SHRI LOKANATH MISRA: I had raised this matter in the House and the hon. Minister had assured me that he would look into it.

SHRI BHUPESH GUPTA: I must congratulate Mr. Lokanath Misra. At least once in life he raised a good thing in the House. Now, Sir, in to-day's papers you see that one Dr. Nataraj in Bangalore—he is supposed to be the son-in-law of the Chief Minister of Mysore—is organising an "Indira Brigade" to attack Congress students, to attack us and everybody. Hooligans are being mobilised by Dr. Nataraj in Bangalore and Mysore Universities to terrorise and intimidate students belonging to many parties, above all, belonging to the Congress Party. Who will control him? After all, he is a son-in-law of the Chief Minister. I have never been one, but I am told that such sons-in-law enjoy something like the favoured nations clause somewhere in the affairs of the State.

Not with regard to these signatures, why should you not show us these things? We

do not know how the file was processed, who wrote what in the memorandum. If the memorandum is such that there were no finger-prints, we trust it; but then there should be a comparison of the signatures on the memorandum with the signatures that are there on parliamentary papers of the MPs concerned. Have you verified them? Denial is all right. Normally I would like to accept the denial of my colleagues even at some risk. And I want you to accept my denial. But when the issue assumes such proportions, and given such dimension, it is necessary not merely to flaunt a denial *ex parte*, not merely to tell us indirectly, but make us also feel that the denials are also substantiated by what we see with our eyes. Nothing of the sort has been done. You can ask, Mr. Chatterjee that because we are all your friends we should accept what you tell us about the denial. All right (*Interruption*). Not one man has come to deny. But why do you draw so heavily upon our credulity? I cannot understand. You are trusting us too much. We are ready to give our affection, our confidence as person to person. But don't rub us too much on the wrong side. Well, what happened these two years? Why was there no investigation? The CBI took five months to verify the signatures! Why could it not have been done earlier? Only telephone calls are required. You did it in five hours for what the CBI took five months! What is the explanation? Just tell me why there was so much delay. All these things should be explained to us. There is no explanation. They remain a mystery. Take the case of the memorandum. Who gave the memorandum? Who received it? Where was it written? What kind of initials were there? Whose pad was used? And who passed on to whom? These are all very relevant things. We can also find out. Suppose I call Mr. L. N. Mishra or for that matter anyone; I am not blaming individuals here. For example, I call Mr. Nurul Hasan, to be on the safe side, or not being guilty of character assassination. Come and tell us whether and when you received this memorandum. What did you do with it? Does all this require a CIA agency to investigate? CIA agency is required for killings—American require it for killing Allende. But we don't. We don't want a CIA type of investigation. Members of Parliament can go and talk to other

colleagues and ask them, and I am sure they will be truthful. But we are not allowed. Therefore, why are you doing all this in this way? I cannot understand. That is also another matter.

Then about officers. My friend, Unashankarji, said—our friend is here, he is the Leader of the House and hence is supposed to be our friend—he asked, “How can you do that?”. And he was horrified that we made such a preposterous suggestion that there should be a parliamentary body. Is there no parliamentary body in England? Has not Parliament even tried persons there? I am not asking for a trial because the question of trial does not arise because we are only interested in finding out the truth and vindicating the honour of Parliament. So, Sir, such things happen. Go to British Parliament and see, whenever such things happen, they appoint a committee; the Americans do it; the French do it; the Italians do it. It is not something unheard of . . .

SHRI GUNANAND THAKUR: What about Russia?

SHRI BHUPESH GUPTA: Russia? By the law of the land corrupt people are shot dead. That is the law there. Lenin said one bullet is much cheaper for the working people to deal with enemies of the people than going in for a prolonged trial and spending lakhs and lakhs of rupees. Here after all you are non-violent. How can you do that? Only Jayaprakash Narayan now being a non-violent allows you to be slapped; I don't.

Sir, that is a different matter. Therefore, I say that the Parliamentary Committee has every right to use the services of any outfit of the Government including the CBI. We have power to summon people; even in Select Committees you can summon people; we have power to call for any document; we have power to administer oath; we have power for summoning witnesses; we have even power for condemning people for contempt of Parliament. All these powers we have. Then what are the difficulties? I am not saying that CBI has no role to play in this. I am saying that this

task should be performed by the highest authority in the country because its prestige is involved and that body should be a delegated authority of Parliament. That body could use all the agencies of Government including the CBI, hand-writing expert and all the rest of it. What is the difficulty? Why should we rely on officers? Files are not in your possession. Have there been no cases where files have disappeared in the past from the officers? When it is found inconvenient to maintain and keep files, files have disappeared. What is the guarantee that files will not disappear in this case? What is the guarantee that files will not be tampered with? Even if you are very perfect and honest in this matter and even if you are men with impeccable character, people may have doubts. Why do you leave these doubts? I cannot understand. There is a saying that in such public matters, you must not only be intrinsically right, but you must also appear to be right. This is very, very important. Public morality demands this so that public confidence is created. Well, I am in the dark. When I go to Calcutta, all that I can tell the people there is this: Mr. Unashankar Dikshit told me, I could wait for two months and the CBI and bureaucrats will settle this matter and after that we shall have a chance of looking at it. Is it not a distortion of democratic process? Is it doing great honour to the Parliamentary institutions? Is it what you as the ruling party and a mature party should do?

All I can say before I conclude is that this is a small episode to me. After all Rs. 15 lakhs. It is not a huge sum. I know of cases involving crores of rupees. I know the case of Kapadilas. I know many other cases. I know Mr. Birla through a telephone call from Calcutta got an officer who was examining his accounts transferred. All these things I know. This is a small amount. But I thought we could collectively discuss this matter in order to find out some remedy.

Here are the leaders of the Government sitting. Make it a convention that no Member of Parliament shall make recommendations for business interests. Should they make some recommendation, they should send a copy of it to the leaders of

the respective parties and also a copy to the Chairman of this House in the case of Rajya Sabha and to the Speaker in the case of the Lok Sabha so that if we recommend for anything, we should be in a position to own it up before the public. It should not be secret. Firstly that should be done.

Apart from that, all business connections of M.Ps and Ministers should be reduced. I am tired of hearing of this Coohe Mastan. I have not seen this man. In Calcutta we call Goonda Mastan. Here Coohe Mastan and other Mastans come and meet M.Ps, and they are treated well. Are we living in a Mastan democracy or are we living in a Parliamentary Democracy?

Therefore, Sir, I do not like the Mastans to come here nearer us or any respectable Mastan in the big money world and the financial world like the Birlas and the Tatas. Keep away from them. I tell you, keep away from them. I tell you, they are conspiring for and financing the destruction of the democratic movement in the country. The Bihar movement, which is for the destruction of the democratic movement, which is for the dissolution of the Assembly, is not financed by the small traders, but is financed by the big money people including Mr. Goenka and everybody knows this. On the one hand, they finance some people on your side, corrupt the Ministers, mislead them, pollute them and get things out of them and, on the other hand, they give money to certain elements on the Opposition side so that they can attack them and they choose their targets also. I have seen, Sir, even in this experience, how the target has been chosen. But I am sorry, I have noted a kind of factional approach to this matter which operates and I do not want to name the party concerned here. Why should there be a factional approach to this matter? I cannot understand this.

I know all of you have very good connections with the rightist elements and this everybody knows. Everybody knows that you are shifting to the rightist side in the economic policies and this is known to everybody and I know how this has come about and I know how this has been organised. It is not what all of you say which is important. It is not that. On the

27th August, I moved a resolution demanding a parliamentary committee, and there arose a spontaneous response from your benches and they said from your side, "Yes, a parliamentary committee should be appointed." But, later on, it melted away and only silence was there and only silence came and jockeying for positions from factional angles started and, as you know, whatever may be the will of the House, there are connections and divisions also. This operates there. Therefore, I would appeal to the Parliament, before I sit down, to you, Sir, and through you to the Government to take a serious note of corruption today. It eats into the vitals of our system. The big money, the monopoly capital, the vested interests with their Mastans and non-Mastans, all are out to destroy the parliamentary democracy, using double-edged weapons, one side to strike the ruling party and to put it in a particular position and the other to strike the others. Therefore, there should be two kinds of attempts: One from within your party and the other from this side of the House. The Prime Minister is there and she should know that from within your party this attempt must begin and also from this side of the House the attempt must be there to salvage the parliamentary democracy, political morality and the other institutions, and this is the biggest challenge before us today and this challenge can be met only, among other things, by resolutely fighting corruption, eliminating all those corrupt people in public life, no matter where they are situated, no matter how powerful they are, and they have no place in our public life because they threaten not merely our system of trade and commerce and such things, but they threaten the very fabric of our democratic existence. Therefore, Sir, I would appeal to the House to accept my resolution and I think it is a very reasonable resolution. You would have seen that in the whole course of my speech I have never brought in any extraneous issues and I have kept it only on the plane of principle. If the Parliament is involved, if the prestige of the Parliament is involved, if the Members of Parliament are involved, if the Ministers, who are also the Members of Parliament, are also involved and if the people begin to doubt the integrity and the pres-

tige of the Parliament, then it is a very critical position and it is the duty, the bounden duty, of all of us to rise to the occasion, seize of the matter ourselves and then take necessary steps through a committee of the kind I have suggested. May I ask, therefore, my friends here to accept this resolution? May I ask my good friend to accept this? Sir, many among them are good people and I know it and there are many good people here also. But I am in trouble that way. Anyway, I am glad that there are good people on either side of the House and on a matter like this they are linked up. Therefore, please accept this. Do not give the argument that the Lok Sabha has not done it. Sir, here sits a person who can get the Lok Sabha on the telephone.

Why do you give this argument? People will laugh. Then children. He will ask you, "Daddy, why did you give such a fantastic argument when the Prime Minister was sitting by your side? . . ." (Interruptions). "Don't give such argument. Don't give it. On principle, you reject it." But what I have said today is because I have lived with this Parliament, I have seen good traditions. I have seen Jawaharlal Nehru reacted and responded to it. Not always we were kind to him. But always, somehow or other, I noted a sensitiveness on his part. I would like that to be recovered. I know we had many differences with Pt. Jawaharlal Nehru at that time; we sat in the Opposition and he sat there. But some of the things again and again I remember and I wish these were reborn in the functioning of Parliament. I am not talking of South Block or North Block . . .

MR. DEPUTY CHAIRMAN: Please conclude now . . .

SHRI BHUPESH GUPTA: Finally, I once again appeal to you in the name of fighting corruption, which we must fight together, and as a non-party, national issue, even if you vote against it, during the recess do a little heart-searching and hard thinking to come to the right conclusion. Better late than never. You have always been late in doing good things . . . (Interruptions).

MR. DEPUTY CHAIRMAN: Mr. Chinai.

SHRI BABUBHAI M. CHINAI: Sir, the hon. Leader of the House and the Commerce Minister have made no reference in their reply to my amendment. But since, I think, the purpose of my amendment has been served, I wish to withdraw my amendment.

The amendment was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

That this House resolves that a Joint Committee of both Houses of Parliament consisting of 10 members of Rajya Sabha to be nominated by the Chairman and 20 members of Lok Sabha to be nominated by the Speaker be constituted to investigate all matters arising out of answers given to Starred Question No. 730 in Rajya Sabha on August 27, 1974, and supplementaries thereto as well as the statement of the Minister of Commerce in connection therewith in Rajya Sabha on the same day and that the Committee do submit its report to this House on the first day of the next session.

That this House recommends to Lok Sabha that Lok Sabha do concur in this motion and join the said Committee.

The House divided:

MR. DEPUTY CHAIRMAN: Nocs—104
Ayes—21.

AYES—21

Banarsi Das, Shri
Dhulap, Shri K. N.
Ganguli, Shri Salil Kumar
Ghosh, Shri Niren
Gupta, Shri Bhupesh
Kadershah, Shri M.
Kumaran, Shri S.
Lakshmanan, Shri G.
Mahapatro, Shri L.
Mandal, Shri B. N.

Mathew Kurian, Dr. K.
Menon, Shri Viswanatha
Misra, Shri Lokanath
Mullick Choudhury, Shri Suhrid
Raha, Shri Sanat Kumar
Ray, Shri Rabi
Roy, Shri Kalyan
Roy, Shri Monoranjan
Sharma, Shri Yogendra
Shastri, Shri Prakash Vir
Tyagi, Shri Mahavir
Yadav, Shri Shyam Lal

NOES—104

Abid, Shri Qasim Ali
Adivarerkar, Shrimati Sushila Shankar
Alva, Shrimati Margaret
Arif, Shri Mohammed Usman
Avergoankar, Shri R. D. J.
Bhagwati, Shri B. C.
Bhardwaj, Shri Jagan Nath
Bhatt, Shri Nand Kishore
Bisi, Shri P. N.
Borooah, Shri D. K.
Buragohain, Shri Nabin Chandra
Chandra Shekhar, Shri
Chandra Shekhar Shrimati Maragatham
Chattopadhyaya, Prof. D. P.
Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N. P.
Chaurasia, Shri S. D. S.
Chettri, Shri K. B.
Chinai, Shri Babubhai M.
Choudhury, Shri N. R.
Chowdhary, Shri C. L.
Das, Shri Balram
Das, Shri Bipinpal
Dhar, Shri D. P.
Dikshit, Shri Umashankar
Dwivedi, Shri D. N.
Gadgil, Shri Vithal
Goswami, Shri S. P.
Gujral, Shri I. K.
Hashmi, Shri S. A.

Himmat Singh, Shri
Jain, Shri Dharamchand
Jairamdas Daulatram, Shri
Jha, Shri Kamalnath
Joshi, Shri Jagdish
Kalaniya, Shri Ibrahim
Kalp Nath, Shri
Kamble, Prof. N. M.
Kapur, Shri Yashpal
Kesri, Shri Sitaram
Khan, Shri Khurshed Alam
Kripalani, Shri Krishna
Krishan Kant, Shri
Kulkarni, Shrimati Sumitra G.
Kutiel Ulf. Talib, Shri P. L.
Lokesh Chandra, Dr.
Mahanti, Shri B. K.
Majhi, Shri C. P.
Makwana, Shri Yogendra
Malaviya, Shri Harsh Deo
Mali, Shri Ganesh Lal
Mehta, Shri Om
Menon, Shrimati Leela Damodara
Mishra, Shri R. K.
Mukherjee, Shri Pranab
Mukhopadhyay, Shrimati Purabi
Mulla, Shri A. N.
Murthy, Shri B. P. Nagaraja
Musafir, Shri Gurmukh Singh
Narasiah, Shri H. S.
Nawal Kishore, Shri
Nizam-ud-Din, Shri Syed
Nurul Hasan, Prof. S.
Panda, Shri Brahmananda
Prasad, Shri K. L. N.
Punnaiah, Shri Kota
Rachaiiah, Shri B.
Rao, Shrimati Rathnabai Sreenivasa
Rao, Shri V. C. Kesava
Reddy, Shri Janardhana
Reddy, Shri K. V. Raghunatha
Reddy, Shri Mulka Govinda
Reddy, Shri R. N.

Saleem, Shri Mohammad Yunus
 Sardar Amjad Ali, Shri
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Sharma, Shri K. L.
 Shastri, Shri Bhola Paswan
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Singh, Shri I. T.
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mohan
 Singh, Shri Nathi
 Singh, Shri Niranjana
 Singh, Shri Prabhu
 Singh, Shrimati Prtibha
 Singh, Shri Ranbir
 Singh, Shri Sultan
 Singh, Shri Triloki

Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Thakur, Shri Gunanand
 Totu, Shri G. C.
 Tripathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Varma, Shrimati Narayani Devi Manaklal
 Venigalla, Satyanarayana, Shri
 Wajid, Shri Sikander Ali

The motion was negatived.

MR. DEPUTY CHAIRMAN: The House stands adjourned *sine die*.

The House then adjourned *sine die* at Six minutes Past eight of the clock.